

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **26 APRIL, 2018**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

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

(a) Building Regulation Applications - Pass

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

2016/0505/BN	A	24, South Road, Sully	Replace roof slates, batons and felt, Upgrade insulation
2017/0995/BN	A	35, Trebeferad, Boverton	First floor extension and associated alterations
2018/0102/BN	A	Coopersale House, Piccadilly, Llanblethian	Single Storey extension to side elevation for new utility room
2018/0117/BR	AC	16, Lake Hill Drive, Cowbridge	Extension to existing dwelling
2018/0122/BR	AC	20, Taf Close, Barry	Rear single storey extension under permitted development planning regulations and conversion of the existing garage to a habitable space under planning permitted development.
2018/0129/BN	A	Middle Lodge, Clemenston	Single storey garden room extension
2018/0169/BN	A	48, West Farm Road, Ogmore By Sea	Combine two rooms at ground floor level into one.
2018/0174/BR	AC	14, Greenacres, Barry	Single storey extension incorporating dining room
2018/0175/BN	A	Stepping Stones, Craig Penllyn, Cowbridge	Structural alterations replacing flat roof with pitched new bathrooms

2018/0176/BR	AC	39, Westbourne Road, Penarth	Single storey rear extension
2018/0179/BR	AC	6, Berkley Drive, Penarth	Two storey extension and alterations
2018/0181/BN	A	34, Nightingale Place, Dinas Powys	Single storey small rear extension, to provide conservatory for a dining room and a part kitchen(using adjacent outhouse store room). Extension to have direct access to the rear garden
2018/0183/BR	AC	65, Woodham Park, Barry	Two storey side extension
2018/0185/BR	AC	Cross Trees, 1, Cefn Mount, Dinas Powys	Roof attic conversion and rear dormer extension
2018/0187/BN	A	12, Wordsworth Close, Llantwit Major	Single storey extension to rear of property. Rooflight,
2018/0188/BN	A	11, Plover Way, Sully	Single storey rear extension to rear of house to enlarge kitchen
2018/0190/BN	A	Whitethorns, Marine Parade, Penarth	Small extension and minor internal works
2018/0191/BN	A	Twyn Bach, St. Nicholas	New enclosed front porch, single storey garage to side, replacement windows and doors and renew front main roof.
2018/0194/BN	A	6, Salmons Wood, Graig Penllyn	Single storey extension
2018/0197/BN	A	3, Rookery Close, Sully	Two rooms into one
2018/0199/BN	A	Oakdale, Sully Road, Sully	Convert/Upgrade existing attic loft - to include new bathroom
2018/0202/BN	A	Ridgeway, Colwinston, Cowbridge	Main roof to be re-tiled, including strip back to rafters, repair of any damaged battons and fitting new felt and tiles

2018/0206/BN	A	50, Redlands Avenue, Penarth	Two storey extension
2018/0207/BN	A	17, Norris Close, Penarth	Two storey/single storey extension
2018/0208/BN	A	49, Lewis Road, Llandough	First floor extension and loft conversion
2018/0210/BN	A	103, Redlands Road, Penarth	Removal of chimney and installation of steel beam
2018/0212/BN	A	48, Bryn y Gloyn, Rhoose	Single storey orangery with glazed roof
2018/0217/BN	A	8, St. Davids Crescent, Beggars Pound, St. Athan	External door in kitchen
2018/0219/BN	A	8, Guys Road, Barry	Refurbishment of end terrace house, creating a 4 bedroom property. Additional ground floor shower. RSJ to be installed between kitchen and lounge. Thermal insulation to all exterior walls. Replacement access windows to new bedrooms
2018/0220/BN	A	32, Tathan Crescent, St. Athan	Open the existing roof of chalet style bungalow to enable the moving of ground floor bathroom to first floor
2018/0222/BN	A	Green Oak Cottage, Craig Penllyn	Construction of double garage with room above
2018/0224/BN	A	24, Archer Road, Penarth	Single storey kitchen extension. Two storey garage/coach house (non habitable) at rear of garden
2018/0225/BN	A	26, Hickman Road, Penarth	Single storey rear and side extension
2018/0226/BN	A	24, Slade Close, Sully	Loft conversion with dormer
2018/0227/BN	A	5, Talyfan Close, Cowbridge	Replacement of single storey flat roof with single storey tiled pitched roof

2018/0228/BN	A	1, Slade Wood, House, Ramsey Road, Barry	Fire door and frame renewal
2018/0229/BN	A	3, Church View, Marcross	Full re-wire
2018/0230/BN	A	6, Williams Crescent, Barry	FD30 door and frame to kitchen and Re-wire of property
2018/0231/BN	A	9, Caradoc Avenue, Barry	WHQS Kitchen
2018/0232/BN	A	12, Stradling Place, Llantwit Major	WHQS Wet room and partial rewire to outbuildings
2018/0233/BN	A	17, Chesterfield Street, Barry	WHQS Kitchen and bathroom
2018/0234/BN	A	21, Langland Road, Barry	WHQS Kitchen and bathroom
2018/0236/BN	A	25, Castleland Street, Barry	WHQS Kitchen and re-wire
2018/0237/BN	A	25, Fair Oaks, Dinas Powys	WHQS Bathroom and kitchen and Re-wire
2018/0238/BN	A	28, Parkland Walk, Barry	WHQS Kitchen and fitting of FD30 door and frame to kitchen. Re-wire
2018/0239/BN	A	41, Pontalun Close, Barry,	New Fire door and frame
2018/0240/BN	A	49a, Main Street, Barry	FD30 Door and frame to kitchen
2018/0241/BN	A	52, Dylan Crescent, Barry	Fire door and frame
2018/0242/BN	A	70, Norwood Crescent, Barry	WHQS Kitchen and bathroom
2018/0243/BN	A	2, Southey Street, Barry	Removal of load bearing wall and placement of steel beams between kitchen and dining room
2018/0244/BN	A	73, Buttrills Walk, Barry	WHQS Kitchen, Bathroom ,FD30 Fire door and frame and re-wire
2018/0245/BN	A	121, Court Road, Barry	Fire door and frame

2018/0247/BN	A	1, St. Augustines Crescent, Penarth	WHQS kitchen and bathroom
2018/0248/BN	A	24, Baruc Way, Barry	Garage conversion
2018/0250/BN	A	91, Eagleswell Road, Llantwit Major	Roof covering and roof line replacement works
2018/0251/BN	A	2, Channel View, Marcross	Roof covering and roof line replacement
2018/0252/BN	A	4, Channel View, Marcross	Roof covering and roof line replacement works
2018/0253/BN	A	9, Channel View, Marcross	Roof covering and roof line replacement works
2018/0254/BN	A	Tudor Cottage, 19, Pencoedtre Road, Barry	Removal of approx. 5m load bearing wall between the kitchen and the dining room
2018/0256/BN	A	Glebe Cottage, Mount Road, The Common, Dinas Powys	Conservatory with underfloor heating and install log burner via Hetas installer. New porch
2018/0258/BN	A	Ty Waun, Southerndown Road, St. Brides Major	Knock down internal walls to combine 3 rooms into one larger kitchen-diner space and widen existing window opening
2018/0259/BN	A	Glenn Cottage, 3, College Street, Llantwit Major	Replacement pitched roof. Slate front, non-slate rear
2018/0264/BN	A	19, Merthyr Dyfan Road, Barry	Installation of a vertical through floor lift for disabled access to first floor
2018/0265/BN	A	105 and 107, Barry Road, Barry	Demolish front face of both properties and re-build as before
2018/0267/BN	A	22, Beechwood Drive, Penarth	Dormer loft conversion
2018/0268/BN	A	Sutton Farm, Fort Road, Lavernock	Extension to existing dwelling to provide ancillary full-time carers accommodation

2018/0272/BN	A	19a, Millbrook Road, Dinas Powys	Minor structural alterations to ground floor flat including relocation of living room door, raising of brick work arch in existing chimney breast and blocking up of existing window
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(b) Building Regulation Applications - Reject

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

2017/0993/BR	R	Plot 3B, Atlantic Point, Atlantic Trading Estate, Hayes Road, Sully	Construction of portal frame light industrial building split into 4 No. separate units
2018/0189/BN	R	5, Corn Glas, Barry	Single storey rear kitchen extension
2018/0203/BN	R	Brecon House, 7, Highwalls Road, Dinas Powys	Single storey extension to provide downstairs toilet
2018/0209/BN	R	First Floor, 114, Redlands Road, Penarth	Loft conversion and internal alterations

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

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

2018/0039/AI	A	Brynteg, Treoes	Installation of Velux windows and insulate existing sloping roof (works to include material alterations to structure, controlled services, fittings and thermal elements)
2018/0040/AI	A	2, The Meadows, Penllyn	Garage conversion and associated works
2018/0041/AI	R	8, Guys Road, Barry	Conversion of existing to two flats, staircase to first floor and associated works

2018/0042/AI	A	The Nest, Church Close, Ogmore By Sea	Proposed replacement of existing flat roof of extension to lantern style roof and renovation of extension, works to include material alterations to structure, controlled services, fittings and thermal elements
2018/0043/AI	A	Ty Gwyn, Newton, Cowbridge	Construction of a ground floor utility room and first floor bedroom extension
2018/0044/AI	A	White Lodge, Maendy, Cowbridge	Proposed construction of a two storey side extension and rear conservatory, works to include material alterations to structure, controlled services, fittings and thermal elements
2018/0045/AI	A	14, Cledwen Close, Barry	Single storey rear extension
2018/0046/AI	A	(Land to rear), Westgate Cowbridge	37 residential unit(s)
2018/0047/AI	A	14, Buckingham Place, Barry	Single storey rear extension and associated works
2018/0048/AI	A	Cae Glas, Blackhall Road, St. Brides Major	Proposed two storey extension to rear and single storey front extension
2018/0049/AI	A	Wellwood Dentistry, 5, Cornerswell Road, Penarth	Proposed material alterations to existing ground floor to create ground floor dental facility and material alteration to access to 1st and 2nd floor habitable accommodation
2018/0050/AI	A	Ashcroft, Cowbridge	Loft conversion and associated works
2018/0051/AI	A	29, Wenvoe Terrace, Barry	Loft conversion and associated works

2018/0052/AI	A	2, John Street, Penarth	Single storey rear extension, alterations and associated works
2018/0053/AI	A	46, Westbourne Road, Penarth	Single storey rear extension, works to include material alterations to structure, controlled services, fittings and thermal elements
2018/0054/AI	A	10, Vale Court, Cowbridge	Single storey rear extension
2018/0055/AI	A	8, Stradling Close, Cowbridge	Single storey side and rear extension, front porch, internal alterations and associated works
2018/0056/AI	A	Cats Protection, 87, Eastgate, Cowbridge	Fit-out
2018/0057/AI	A	3, Druids Green, Cowbridge	Single storey extension and associated works

(d) Section 32 Building Act, 1984

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

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

2014/0772/BR  
2014/0789/BN  
2015/0031/BR  
2015/0071/BR  
2015/0076/BR  
2015/0089/BN  
2015/0123/BN



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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

2013/00018/1/C D	A	Jeff White Motors Ltd., Gileston Road, St. Athan	Discharge of Condition 6 - Environmental Management Plan. Planning permission ref. 2013/00018/FUL : Change of use to class A1 retail
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2013/00036/3/N MA	A	10, Park Road, Penarth	Non- Material Amendment - Variation of Conditions 6 - Details (Levels-Sections), 18 - Foundations and 24 - Boundary wall, to allow retrospective approval of details reserved by condition. Planning Permission 2013/00036/FUL: New three storey dwelling built over existing pool with access formed off Park Road
2014/00242/1/N MA	A	Land to the rear of St David's Primary School, Colwinston	Non Material Amendment application in relation to proposed additional boundary enclosures to plots 21, 37, 41 and 42 -- Development of 64 residential dwellings, open space, sustainable urban drainage, vehicular and pedestrian accesses, landscaping and related infrastructure and engineering works (NMA)
2014/00242/7/N MA	A	Land to the rear of St David's Primary School, Colwinston	Non-Material Amendment - Alteration to Plot 1 (Inclusion of a Conservatory). Planning Permission ref. 2014/00242/7/NMA : Development of 64 residential dwellings, open space, sustainable urban drainage, vehicular and pedestrian accesses, landscaping and related infrastructure and engineering works
2014/00282/2/C D	A	Land at Caerleon Road, Dinas Powys	Discharge of Condition 12 - Drainage details for residential development of 70 dwellings and associated works

2014/00452/3/N MA	A	Plot 4, The Grange, Wenvoe	Retention of a conservatory to the rear of plot 4
2014/00460/6/N MA	A	Plot 26, Manor Park, Sully Road, Penarth	Non-Material Amendment - Proposed alteration of approved dwelling to include rear conservatory extension. Planning permission reference 2014/00460/FUL - Change of use of agricultural land to residential development (C3) consisting of the demolition of two disused agricultural buildings and the development of residential dwellings, public open space, landscaping, highway improvements and associated engineering works
2014/00791/1/N MA	A	Brynheulog, St Andrews Road, Wenvoe	Non-Material Amendment - Changes to approved materials to include rendered blockwork walls, slate roof and roller shutter doorway. Planning Permission ref. 2014/00791/FUL : Proposed stables

2014/00995/1/N MA	A	Land adjacent to Llantwit Major bypass, B4265, Boverton	Non-Material Amendment : Amendment to delete Condition 16 requiring submission of a licence persuant to the Conservation of Habitats and Species Regulations 2010 - Planning Permission ref: 2014/00995/FUL : Change of use of agricultural land to residential development (C3) including demolition of a disused building and the development of 65 residential dwellings, public open space, landscaping, highway improvements and associated engineering works
2014/01483/4/N MA	A	Badgers Brook Rise, Ystradowen	Amendments to the attenuation pond designs and inclusion of toddler proof fencing and access gates to the perimeter of these ponds
2015/00016/4/N MA	A	Land South of Craig Yr Eos Avenue, Ogmored by Sea	Non-Material Amendment - Amendment to Condition 2 of 2015/00016/FUL to amend approved house types (see Description of Proposal document) - Residential development for 20 dwellings
2015/00016/5/N MA	A	Land to the South of Craig Yr Eos Avenue, Ogmored by Sea	Non-Material Amendment - Amendment to Condition 21 for public art to be provided off the site rather than on the site - Planning Permission ref: 2015/00016/FUL : Residential development for 20 dwellings

2015/00392/3/C D	A	Land at Cardiff Road/Cross Common Road, Dinas Powys	Discharge of Condition 10 - Landscaping and Tree Protection. Planning Permission ref. 2015/00392/OUT: Outline application for residential development for up to 50 dwellings, together with alignment of initial section of highway linking Cardiff Road and Cross Common Road at Land at Cardiff Road/Cross Common Road, Dinas Powys
2015/00527/1/N MA	A	Lyndon Scaffolding Plc, Unit 9, Atlantic Trading Estate, Barry	Non-Material Amendment - Vary the terms of Conditions 4, 6 and 9 by changing the wording of the conditions to read 'the details required by the condition are to be completed by the end of April 2018' rather than the current description which states 'prior to beneficial use or occupation' Planning Permission ref. 2015/00527/FUL : Industrial development for B1, B8 and part A3 use with car parking, service yard and new access from Bendrick Road
2015/00570/3/N MA	A	Site on Woodlands Road junction with Tynewydd Road, Barry	Non Material Amendment - Amendments to approved plans to include the following alterations: Relocated sub-station and enlarged bicycle store. Planning permission 2015/00570/FUL: New Proposed development of 27 new apartments in a 1 bed and 2 bed mix at the vacant site on Woodlands Road junction with Tynewydd Road

2015/00647/5/N MA	R	2, Stanwell Road, Penarth	Non-Material Amendment - To alter the car parking, refuse store and site frontage tree planting arrangement. Planning Permission ref. 2015/00647/FUL : Extension and alteration of existing property to form seven self-contained residential apartments and one town house with on- site car parking, cycle and bin store facilities (resubmission of application ref: 2014/1392FUL)
2015/00707/2/N MA	A	Rosedew Farm, Beach Road. Llantwit Major	Non Material Amendment - Seeking to amend the wording of conditions 16 and 18 of planning permission 2015/00707/FUL
2016/00364/RES	A	Barry Waterfront South Quay, Barry	Landscaping within the Parkside Phase - namely the areas known as Linear Park and Waterside Gardens
2016/00723/1/C D	A	University Hospital Llandough, Penlan Road, Llandough, Penarth	Discharge of condition 3 - Extensions to existing building for use by Specialist Rehabilitation Services, plus observation building, and highway improvements, and landscape works
2016/00778/1/C D	A	The Chapel, Chapel Terrace, Twyn Yr Odyn	Discharge of Condition 13- Site clearance scheme for ecology - Residential redevelopment of 15 affordable homes with associated works

2017/00188/1/C D	A	Land within the curtilage of Kingfisher Hall, St. Nicholas	Discharge of Conditions 3 - Schedule of construction materials including samples, 4 - Archaeological Watching Brief, 5 - Levels, 6 - Parking layout, 7 - Landscaping scheme, 10 - Acoustic fence and 11 - Tree Protection Scheme. Planning Permission 2017/00188/FUL : Erection of new dwellinghouse, with associated works and access arrangements
2017/00421/1/N MA	A	Westbury, 24, Friars Road, Barry	Non-Material Amendment - Adjust size of garage, remove glazed feature doors and introduce new window to front (garden) elevation. Planning Permission ref: 2017/00421/FUL : 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
2017/00476/RES	A	Dockside Quay, Barry Waterfront.	Development of the site known as Dockside Quay for residential development, A3 units and associated infrastructure works, parking, and landscaping

2017/00541/5/C D	A	Northcliffe Lodge, Northcliffe Drive, Penarth	Discharge of Condition 4 - Engineering details for means of access - Demolition of existing and erection of 30 apartments and associated works
2017/00661/FUL	A	Land off Chapel Terrace, Twyn Yr Odyn	Construction of new barn to be used for stabling and animal shelter with areas for feed/hay storage and maintenance of plant and machinery in connection with the land
2017/00724/1/N MA	A	Land at Caerleon Road, Dinas Powys	Non-Material Amendment - Replace approved bricks and grey window detail for 2017/00724/RES - residential development
2017/00738/3/C D	A	Southcot, 27, Cog Road, Sully	Discharge of Condition 3 - Materials Details (revised). Planning Permission ref. 2017/00738/FUL : Replacement of a dwelling (formerly semi detached) with new semi- detached dwellings
2017/00880/FUL	A	Land adjacent to The Stables, Corntown Road, Corntown	Proposed perimeter fencing and change of use land from agricultural to residential
2017/00988/FUL	A	Ty Mynydd Barn, Ty Mynydd, Welsh St. Donats	Proposed change of use of existing barn into quality tourist self catering accommodation
2017/01068/FUL	A	13, Harlech Drive, Dinas Powys	Two storey side extension
2017/01156/ADV	A	2-3, Station Approach, Penarth	High level projecting sign



2017/01173/FUL	A	19 & 21, Church Terrace, St Mary Church	Proposed two storey rear extension and proposed new bay window to front elevation
2017/01181/1/N MA	A	Doprey Cottage, Tre Aubrey Lane, Llantrithyd	Non-Material Amendment - Alteration of fenestration to south elevation on first floor. Planning Permission ref. 2017/01181/FUL : Extension to existing dwelling
2017/01302/FUL	A	17, Norris Close, Penarth	Two storey/single storey extension
2017/01314/FUL	A	28, Fonmon Road, Rhoose	Ground floor rear extension, rear dormer and replacement detached garage with first floor store
2017/01315/FUL	A	19, Whitcliffe Drive, Penarth	Ground floor front extension wth balcony and introduction of French doors
2017/01316/LAW	A	28, Fonmon Road, Rhoose	Erection of rear dormer and installation of Velux rooflights
2017/01317/FUL	A	Garden Flat, 41, Westbourne Road, Penarth	Demolish existing rear extension and replace existing plus 15 sq. m. new single storey extension, ancillary garden works and new access via remote control sliding gate from rear lane
2017/01318/FUL	A	Tolzey Cottage, Tredogan Road, Penmark	Demolish existing timber garage and rebuild

2017/01330/FUL	A	Llantwit Major Bowling Club, Boverton Road, Llantwit Major	Demolition and removal of single storey wooden changing rooms and erection of single storey brick built replacement changing room and toilets. Including disabled access and separate toilet. also to include storage room, a meeting room and office with flat roof
2017/01335/LBC	A	Penarth Yacht Club, Esplanade. Penarth	Installation of through floor lift to benefit disabled person
2017/01344/FUL	A	Cae Glas, Blackhall Road, St. Brides Major	Single storey extension to the front of the existing property and two storey extension with Juliet balconies to the rear.
2018/00001/FUL	A	60, Romilly Park Road, Barry	Proposed roof replacement to include flat roof within new pitched roof and balconies
2018/00004/FUL	A	1a & 1b, Park Avenue, Barry	Conversion of two apartments to one dwelling with extensions, balcony, new windows and alterations to existing windows.
2018/00014/FUL	A	Primrose Cottage, Llancarfan	Proposed partial conversion (first floor hobby room of existing garage to form self contained guest accommodation including alterations to roof to incorporate flat roof dormer to rear and 2 no. conservation roof lights to road elevation
2018/00015/FUL	A	26, Tyle House Close, Llanmaes	Ground floor front extension

2018/00020/FUL	A	7, Ham Lane South, Llantwit Major	Demolition of existing garage attached to side of house. Replacement with bedroom to building regulations on same footprint
2018/00022/LAW	A	141, Plassey Street, Penarth	The proposal involves a dormer roof extension to the rear
2018/00030/FUL	A	43, The Verlands, Cowbridge	Two storey extension incorporating master bedroom and en-suite
2018/00034/FUL	A	52, Porthkerry Road, Barry	Loft conversion with rear dormer and porch to front elevation
2018/00037/FUL	A	6, Whitcliffe Drive, Penarth	Single/two storey rear extension. Alterations to front to include new first floor balcony complete with doors in place of windows. Porch extended and new widened vehicular access
2018/00043/FUL	A	Homri Farm, Well Lane, St. Nicholas	Demolition of existing dilapidated extensions to the rear of original farmhouse. Building of replacement extensions to the rear of the building, new double garage to the side of the house and new porch to the front of the house.
2018/00045/FUL	A	34, Nightingale Place, Dinas Powys	Provision of new conservatory/dining room and part relocation of kitchen on rear extension to the house at ground floor

2018/00046/LAW	A	8, Salisbury Avenue, Penarth	<p>On the roof above the rear elevation of the property, we will replace one damaged rooflight with two new rooflights.</p> <p>Additionally, on the roof above side elevation, we will add two new rooflights. The new rooflights will be manufactured by Velux and measurements will be as follows:</p> <p>Rear elevation roof (Rooflights 3 &amp; 4): 2 x 118cm high and 78cm wide</p> <p>Side elevation roof (Rooflights 1 &amp; 2): 70cm high x 114cm wide - These will be placed above the existing purlin which is 190cm from the floor so these windows will only offer a view of the sky in normal use - they are being added to bring in light.</p>
2018/00049/FUL	A	Llancarreg, Beach Road, Southerndown	Provision of a replacement dwelling
2018/00051/RG3	A	Ysgol y Deri, Sully Road, Penarth	Works at Ysgol Y Deri Respite Centre to include the construction of a single storey enclosed corridor as an extension to the existing building providing a new method of access to three proposed classrooms following internal alterations of the existing building
2018/00052/LAW	A	67, Monmouth Way, Boverton, Llantwit Major	Single storey rear extension and enlargement of hardstanding area to front

2018/00054/FUL	A	Residential Accommodation above 4, Royal Buildings, Stanwell Road, Penarth	Change of use from 1 no. 3 bed maisonette apartment to 2 no. apartments - 1 no. 2 bed at second floor and 1 no. 1 bed at third floor (attic). NOTE: Internal reconfiguration only of existing 2 bed first floor apartment and not part of change of use application but supplied for information to describe access from lower floors
2018/00055/FUL	A	Side garden of Glen View, 99, Penlan Road, Llandough	Variation of Condition 2 - Planning Ref. 2015/00355/FUL (Construction of new detached house in garden of residential property) to change external alterations to the proposed dwelling as per revised submitted plans.
2018/00057/FUL	A	40, High Street, Cowbridge	Removal of Condition 2- amended site plan, and variation of Condition 3- parking on planning permission 2011/00086/FUL for conversion to two apartments
2018/00066/FUL	A	12, Downs View, Aberthin	Retention of extension approved under 2017/01023/FUL with the addition of two rooflights
2018/00069/LAW	A	14A, Walston Road, Wenvoe	Construction of a dormer extension to the rear, rooflights and replacement of the garage doors with French doors.

2018/00076/FUL	A	229, Barry Road, Barry	Demolition of existing rear conservatory, WC and garden shed and construction of single storey kitchen extension with Orangery type roof
2018/00077/FUL	A	21, Wick Road, Ewenny	Rear single storey extension
2018/00080/FUL	A	The Captains Wife, Vintage Inn, Beach Road, Swanbridge	Alteration and fit out works to outbuilding to form external Bar
2018/00081/FUL	A	3, St. Augustines Road, Penarth	Loft conversion to include new flat roof dormer, plus associated works
2018/00083/FUL	A	26, St. Pauls Avenue, Barry	Construction of a detached garage in the back garden, accessed from the back lane
2018/00085/FUL	A	1, Church Terrace, St. Mary Church	Two storey and single story rear extension with Juliette balcony, single storey side extension and front porch
2018/00087/FUL	A	123, Wordsworth Avenue, Penarth	Proposed 2 storey extension to side and rear elevations with Juliet balcony, plus internal structural alterations and remodelling of the dwelling
2018/00088/FUL	A	35, Peterswell Road, Barry	Refurbishment of existing property, with new build side, and rear extension
2018/00090/FUL	A	3, Holms Court, Minehead Avenue, Sully	Take out front (reduce brickwork under), replace with white UPVC sliding doors. New wooden deck with handrails
2018/00094/FUL	A	16, New Barn, St. Athan Road, Flemingston	Proposed stable block

2018/00098/FUL	A	Wayside, 49, Lavernock Road, Penarth	Detached garage to rear and reconstruction of single storey side store and pantry
2018/00099/FUL	A	43, Montgomery Road, Barry	Front and side ground floor extension with terrace to rear
2018/00103/FUL	A	Brookside, 17, Tyle House Close, Llanmaes	New hipped roof over garage/car port and front porch
2018/00105/OUT	R	20, Longmeadow Drive, Dinas Powys	New detached bungalow at the side of property
2018/00106/FUL	A	24, Smithies Avenue, Sully	Single storey rear extension, conversion of garage and internal renovation
2018/00107/FUL	A	185, Cardiff Road, Dinas Powys	Single storey rear extension
2018/00108/FUL	A	126, Cedar Way, Penarth	Single storey rear extension and part conversion of garage. New entrance porch
2018/00111/LAW	A	18, Mountjoy Place, Penarth	Proposed loft conversion including hip to gable and dormer to rear elevation
2018/00113/FUL	A	Samreboi, 30, Cog Road, Sully	New porch, replacement garage to side of property and a rear single storey extension
2018/00123/FUL	A	2, Waycock Road, Barry	Repositioning and resizing of detached garage as approved 2011/00972/FUL
2018/00124/FUL	A	21, Cledwen Close, Barry	Convert existing adjoining garage to an additional living space incorporating bay front window. Replace existing UPVC porch with masonry walls and render

2018/00131/ADV	A	Nationwide Building Society, 21, Windsor Road, Penarth	Illuminated logo and letters. Aluminium fascia panel. Internally illuminated projection sign. Internally illuminated ATM surround. Statutory sign. Switch vinyl. Manifestation dots
2018/00134/LAW	A	Ystrad Court, Treerhyngyll,	Residential dwelling
2018/00147/FUL	A	2, Kymin Terrace, Penarth	Single storey rear extension
2018/00157/FUL	A	40, Victoria Road, Penarth	Proposed detached double garage
2018/00160/FUL	A	4, Westgate, Cowbridge	External: Remove existing Nat West brand signage and ATM. Internal: Through-out the building, carefully remove non-original fixtures, fittings, furniture and equipment relating to the operation of the Nat West branch
2018/00161/FUL	A	33, Cardiff Road, Dinas Powys	The demolition and reconstruction of an existing garage at the rear of the property
2018/00172/FUL	A	8, Anchor Road, Penarth	Erection of balcony at rear of 8, Anchor Road and create access to balcony from kitchen on first floor
2018/00181/LAW	A	Greenmantle, 8, Stradling Close, Cowbridge	Demolition of existing garage, side porch and rear terrace deck. Construction of new single storey extensions to side and rear elevations



2018/00192/FUL	A	1, St. Martins Close, Penarth	Single storey side extension, replacing conservatory. Alterations to roof layout of ground floor extension on front elevation
2018/00218/LAW	A	24, Slade Close, Sully	Proposed loft conversion and rear dormer

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REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

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

L.P.A. Reference No: 2017/01099/FUL  
Appeal Method: Written Representations  
Appeal Reference No: D/18/3195748  
Appellant: Mrs Helen Davies  
**Location: The Coach House, 6 Beach Lane, Penarth, CF64 1AN**  
Proposal: To clad all sides of the house from first floor up, (excluding areas of stone wall). To change windows to front of house from existing pvc-u to sash windows. To have flue for log burning stove rising from flat roof. Replacement of existing balustrade.  
Start Date: 13 March 2018

L.P.A. Reference No: 2017/00998/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 18/3197805  
Appellant: Brittons Holdings  
**Location: Little West Apartments, Main Road, Southerndown**  
Proposal: The construction of a building to house 4 two-bedroom apartments  
Start Date: 19 March 2018

L.P.A. Reference No: 2017/00640/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 18/3198004  
Appellant: CTIL & Vodafone Limited  
**Location: Streetworks on the footpath of Bron Y Mor at the junction with Lakeside, Barry**  
Proposal: Installation of a 12.5m mock telegraph pole, supporting shrouded antennas, 2 no. transmission dishes, 2 no. equipment cabinets and ancillary development thereto.  
Start Date: 21 March 2018

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

None

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(c) Planning Appeal Decisions

None

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(d) Enforcement Appeal Decisions

None

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(e) April 2017 – March 2018 Appeal Statistics – Year End

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
<b>Planning Appeals</b> <small>(inc. tree appeals and appeals for conservation area consent)</small>	<b>W</b>	10	4	14	-
	<b>H</b>	1	-	1	-
	<b>PI</b>	-	2	2	-
<b>Planning Total</b>		11 (65%)	6 (35%)	17	-
<b>Enforcement Appeals</b>	<b>W</b>	2	1	3	1
	<b>H</b>	-	-	-	3
	<b>PI</b>	-	1	1	-
<b>Enforcement Total</b>		2 (50%)	2 (50%)	4	4
<b>All Appeals</b>	<b>W</b>	12	5	17	-
	<b>H</b>	1	-	1	-
	<b>PI</b>	-	3	3	-
<b>Combined Total</b>		13 (62%)	8 (38%)	21	-

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(f) April 2018 - March 2019 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
<b>Planning Appeals</b> (inc. tree appeals and appeals for conservation area consent)	<b>W</b>	-	-	-	-
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Planning Total</b>		-	-	-	-
<b>Enforcement Appeals</b>	<b>W</b>	-	-	-	-
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Enforcement Total</b>		-	-	-	-
<b>All Appeals</b>	<b>W</b>	-	-	-	-
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Combined Total</b>		-	-	-	-

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

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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

2018/00082/TPO	A	The Old Vicarage, Hillhead, Llantwit Major	Work to Trees - TPO No. 03 1977
2018/00125/TPO	A	Brooklands, 3, Mill Park, Cowbridge	Reduction to Ash Tree in Tree Preservation Order reference No. 13 2004
2018/00142/TCA	A	Whitethorns, Marine Parade, Penarth	Work to trees within the Penarth Conservation area - Fell Cypress and Pine; Pollard Lime
2018/00143/TPO	A	St. Annes, Old Port Road, Wenvoe	Work to trees - Covered by TPO no. 4 1951 G04
2018/00144/TCA	A	Aberthin House, Llanquian Road, Aberthin, Cowbridge	Work to trees - Within the Aberthin conservation area
2018/00166/TCA	A	3, Marine Parade, Penarth	Works to trees in the Penarth Conservation Area - 30% reduction of Walnut (front) and 10 to 15% Reduction of 2 Bay Trees (side)
2018/00175/TCA	A	3, Portland Close, Penarth	Work to trees in the Penarth Conservation Area

2018/00177/TCA	A	8, Church Place South, Penarth	Work to trees in the Penarth Conservation Area - Remove 2 conifers
2018/00195/TPO	A	Rear of 11 and 12, Shackleton Close, St. Athan	Work to trees covered by TPO No. 12 2003 Gp 2 - Crown reduction of 0% to 40%, to 2 Ash Trees

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7. ENFORCEMENT INVESTIGATION UPDATE

LAND AND BUILDINGS AT SITESERV RECYCLING (HANGAR A), LLANDOW TRADING ESTATE, LLANDOW

Background

1. Members will recall the Planning committee on 1<sup>st</sup> November, 2017, where planning application reference 2017/00329/FUL was reported with a recommendation for approval. The application proposed the retention of the change of use of the building referred to as Hangar A from a storage and distribution use (use class B8) to a materials recovery facility and ancillary offices (use class B2), with the retention of a weighbridge and weighbridge office.
2. Members were concerned with regard to the operation of the site, particularly in view of the recent fire at the site that had destroyed the building referred to as Hangar B. Members resolved to grant permission subject to a number of conditions, but requested an update from the Enforcement Officer with regard to compliance with the requirements of these conditions. This update is provided as follows.

Update of Enforcement Investigation

3. The 2017 planning permission was granted with 18 conditions, the majority of which sought to control the use of the site in order to mitigate its impact on the surrounding area. Four of the conditions require the submission of information for approval by the council. These required as follows:
  9. *Notwithstanding the submitted plans and documents, within one month of the date of this consent a **Fire Prevention and Mitigation Strategy** (to include a revised Fire Prevention and Mitigation Plan and details of monitoring and review of the Plan) shall be submitted to and approved in writing by the Local Planning Authority. Once the Fire Prevention and Mitigation Strategy has been approved in writing, the use of the site for a mixed use as a facility for the receipt, sorting, storage and export of non-hazardous waste, together with an ancillary office; for the storage of skips; and for the storage of commercial vehicles shall be carried out at all times in accordance with the approved Fire Prevention and Mitigation Strategy.*

14. *Notwithstanding the submitted plans, within one month of the date of this decision details of **a fire resistant acoustic fence** to be erected along the westernmost boundary of the site at a minimum height of 3 metres shall be submitted to and approved in writing by the Local Planning Authority. The fire resistant acoustic fence shall be completed in accordance with the approved details within three months of the date of their approval and shall thereafter be so retained.*
15. *Within one month of the date of this permission **details of all external lighting**, to include specification, means of operation (whether permanent or sensor/security lights, and hours of operation), and lux plots to prevent / minimise light spillage outside of the site (including atmospheric light pollution) shall be submitted to and approved in writing by the Local Planning Authority. All lighting on site shall be provided in accordance with the approved scheme.*
16. *Notwithstanding the submitted plans, within one month of the date of this decision details of the extent and type of **surfacing of the haul road and vehicle parking / skip storage area** indicated on plan number 002/B - Site Layout Plan shall be submitted to and approved in writing by the Local Planning Authority. The details shall propose a bound surface and, for the vehicle parking / skip storage area, the installation of an oil, diesel and petrol interceptor. The bound surface and oil, diesel and petrol interceptor shall be completed in accordance with the approved details within three months of the date of their approval and shall thereafter be so retained.*
4. The Enforcement Officer has recently inspected the site with the Council's Environmental Health Officer. At the site visit the Council's officers met with the operator and his agent. Councillors Cave and Parker were also in attendance. The operations on the site and the above conditions were discussed at the meeting.
5. With regard to condition 9 and the requirement for a Fire Prevention Mitigation Strategy, a Fire Prevention and Mitigation Plan (FPMP) is a requirement of the Natural Resources Wales (NRW) Permit that has been granted for the site. The FPMP has been prepared and is currently being considered by NRW. NRW have indicated that the Plan is close to being approved by them, subject to some minor changes. During the recent site visit it was noted that there was a significant stockpile of wood being stored between hangar A and the boundary of the site with the caravan site (to the east). This was raised as a fire safety concern during the site visit and is a matter that has been raised with NRW. NRW have, therefore, requested that the FPMP be amended to include a plan indicating the more appropriate location of a storage area for the wood intended to fuel the biomass burner on site.
6. Condition 9 requires the submission of the FPMP to the Council for its approval along with details of the monitoring and review of the plan. It is, of course, essential that the FPMP approved by NRW is that also approved in virtue of condition 9. To this end, the operator has submitted a Non Material Amendment (NMA) application (ref: 2017/00329/1/NMA) in order to vary the



terms of condition 9 so as to change the date for the submission of the FPMP for approval by the Council so that the FPMP approved by NRW can be submitted in compliance with condition 9. This NMA is outstanding pending acceptable details being submitted to discharge the condition.

7. With regard to condition 14 and the requirement for a fire resistant acoustic fence along the boundary of the site with the caravan park, the operator's agent has advised of their trouble in sourcing a fire resistant fence that is economically viable and would have the acoustic properties required to mitigate the noise from vehicles travelling along the haul road to the east of Hangar A. The original purpose of the condition was to require a fence that would mitigate to a sufficient degree the noise of the vehicles driving along the haul road adjacent to the fence. After the 'fire resistant' requirement was placed on the condition at Committee, the Enforcement Officer has looked into the likely benefit of this requirement, given the distance between the building and the fence. Consideration was given to whether the distance between the two is a sufficient fire break in the event of a fire. The building is a minimum of 29 metres from the fence (site boundary). In addition, it was noted during the site visit that the trees and landscaping along this eastern boundary overhangs the boundary and would overhang the new fence, potentially negating any fire resistance properties of a new fence.
8. To this end the Enforcement Officer has consulted with colleagues in Building Control and asked them to consider the required distance for the purposes of the Building Regulation approval (not that any such approval is required as the building is existing). They considered the construction of the Hangar (i.e. its fire resistant properties), its size and its distance from the fence. It has been concluded that gap between the fence and the Hanger is a more than sufficient fire break for the purposes of Building Regulations, the location of the fence being more than 20 metres over the required distance.
9. Having considered this, and providing all wood waste is removed from the land between the Hangar and the fence, the Enforcement Officer is of the view that the requirement for the acoustic fence to also be fire resistant is overly onerous. Notwithstanding this, the fence should still have some fire resistant properties, even if that is to provide a fire resistant coating.
10. The operator has been advised of the above and details of the fencing are still awaited at which time, the requirements of the condition will need to be amended.
11. Turning to condition 15 and the requirement for the details of external lighting, this matter is the subject of the NMA application, referred to above. The applicant has asked that the determination of the application be delayed pending the submission of the approved FPMP and details of its review, as well as the acoustic fence. In order to allow for the formal approval of all details, the applicant has been advised that a Condition Discharge Application must also be submitted.
12. Finally, with regard to condition 16 and the required additional bound surfacing of the site, this is a matter that was discussed on site with the Operator and their Agent. The Operator has advised that the cost of resurfacing in a bound

material all of the remaining unbound surfaces is prohibitive. Having regard to the ground conditions on site, it was suggested that a rationalised area of bound surfacing is considered, focusing on the areas where there is a concentration of vehicle movements. Your officers await the operator's revised scheme.

#### Additional Planning Matters on Site

13. Notwithstanding the above outstanding conditions, the Council has received an informal request (i.e. no formal application has been received to date) from the operator to amend the hours of operation specified by condition 3 of the 2017/00329/FUL permission. The condition states as follows:
  3. *All activity and operations (including the movement of commercial vehicles, movement of skips, operations within Hangar A, deliveries to the site, export of material and the operation of any plant or equipment) relating to the use of the site hereby approved and set out in condition 2 as a facility for the receipt, sorting, storage and export of non-hazardous waste, together with an ancillary office; the use of the site for the storage of skips; and the use of the site for the storage of commercial vehicles shall not be carried out outside of the following specified hours:*
    - Monday to Friday 07:00 to 18:00;
    - Saturday 07:00 to 16:00; and
    - at no time on Sundays or Public Holidays.
14. The change requested is to allow a 06:30 am start for vehicles leaving the site to take empty skips to their customers. There would be no change to the hours of operation of the waste transfer station. Until an application is made no formal consideration will be given to this matter.
15. Finally, there has been some recent activity on the site of the former Hangar B. NRW require the removal from the site of the material that remains on the site of the former Hangar B, which is the waste material that was being stored in the building at the time of the fire. NRW have advised that the site operator is proposing to trommel (mechanically sort through) the material in order to remove any recyclable material before what is left is sent to land fill. It has been suggested that such a process may well result in the material being removed from the site more swiftly. NRW have advised that such work would be a breach of their Permit for the site as the Permit does not allow the sorting of material unless within a building. However, NRW agreed to a short trial in order to establish the effects of the trommelling and to establish if it would be appropriate to allow any further on site sorting to take place.
16. Notwithstanding the above, whilst there is no planning permission in place for the sorting of material on the site of the former Hangar B, such a use would benefit from temporary permitted development rights granted under The Town and Country Planning (General Permitted Development) Order 1995 (as amended) for a 28 day period. The Enforcement Officer has advised the operator that, should such a use of the site extend beyond the 28 days, planning permission will be required.

## RECOMMENDATION

- (1) That Members note the above update with regard to the current enforcement investigation relating to the Siteserv Site, Llandow.

### Background Papers

Enforcement File Ref: ENF/2018/0016/CLL

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

### Officers Consulted:

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

MARCUS GOLDSWORTHY  
HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **26 APRIL, 2018**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

8. GENERAL PLANNING MATTERS

Discharge of Condition 26 (Drainage Scheme) of Planning Permission  
2014/01505/OUT – Land at North West Cowbridge

REASON FOR COMMITTEE DETERMINATION

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

- In determination of application 2014/01505/OUT at the Committee Meeting of 14 January 2016, Members requested that drainage details (Condition 26) and all reserved matters applications be reported to a future meeting of the Planning Committee for approval.

PURPOSE OF THIS REPORT

This report seeks Planning Committee's approval for the reinstatement of officer delegation to determine the technical drainage details in discharge of condition 26 (Drainage) to enable these details to be agreed when the Council's drainage engineer is satisfied with the technical details and to ensure the commencement of the development on site is not unreasonably withheld for Planning Committee to consider technical drainage details.

SITE AND CONTEXT

The site comprises part of the site at North West Cowbridge previously granted planning permission for up to 475 houses and a link road between the A48 and Llantwit Major Road to the south (2014/01505/OUT). The site is allocated for residential development in the adopted Vale of Glamorgan Local Development Plan and lies within the settlement boundary for Cowbridge.

DESCRIPTION

In determination of application 2014/01505/OUT at the Committee Meeting of 14<sup>th</sup> January 2016, Members requested that drainage details (Condition 26) be reported to a future meeting of the Planning Committee for approval. Condition 26 states:

*No development shall commence until a scheme for the comprehensive drainage of the development hereby approved, designed to take into account the submitted North West Cowbridge Service Supply Statement outcomes and showing how foul water, road, roof / yard water and land drainage will be dealt with, and including full details of all existing drains / connections running through the site and details of any culvert or bridge and a phasing programme for such works shall be submitted to and approved in writing by the local planning authority. The drainage scheme for the site shall be designed to ensure that all foul and surface water discharges separately from the site and land drainage and surface water run-off shall not discharge nor connect either directly or indirectly into the public sewerage system. The approved scheme of drainage shall be implemented and completed in full accordance with the agreed details, specifications and phasing programme (identified in condition 19 above), prior to the first beneficial occupation of the development or associated approved phase of development it serves, whichever is the sooner.*

*Reason:*

*To ensure the effective drainage of the site and to ensure that development does not cause or exacerbate any adverse conditions on the development site, adjoining properties and environment, with respect to flood risk and to protect the integrity and prevent hydraulic overloading of the Public Sewerage System and to ensure compliance with the terms of Policies ENV27 and ENV29 of the Unitary Development Plan.*

Application 2014/01505/2/CD which includes the details submitted to discharge this condition has been under consideration by the Council since 8<sup>th</sup> June 2017, with negotiations ongoing with the applicant.

#### RELEVANT PLANNING HISTORY

2018/00240/RES, Address: Land at North West Cowbridge, Proposal: Phase 2 of the development consisting of 306 new homes, new public open space, landscaping and highways infrastructure. Decision: Pending consideration

2017/00841/RES, Address: Land at North West Cowbridge, Proposal: Phase 1 of the development consisting of 169 dwellings with associated access, roads and footpaths, landscaping, public open space and other ancillary works. Decision: Committee resolution to approve subject to S106 agreement

2017/00829/ADV, Address: Land at North West Cowbridge, Cowbridge, Proposal: 3 no. flag and pole to existing A48 Signage, 3 no. flag and pole to existing Llantwit Major road signage, Decision: Approved

2017/00520/FUL: 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 4<sup>th</sup> arm for access to land to the north of the A48 - Approved

2017/00256/ADV, Address: Land at North West Cowbridge, Proposal: Chevron sign is used to create maximum visibility where visitors approach from both directions. In this case, the chevron sign is a two main/front facing sign panels. Decision: Approved

2014/01505/2/NMA - Address: Land at North West Cowbridge. Non material amendment to permission 2014/01505/OUT to vary condition 18 of permission to make an amendment to the scale parameters approved. Decision: Approved

2014/01505/5/CD Address: Land at North West Cowbridge; Discharge of Condition 33 - Fencing of trees and hedgerows. Planning permission ref. 2014/01505/OUT. Decision: Pending

2014/01505/4/CD Address: Land at North West Cowbridge; Discharge of Conditions 9 - Public Open Space, 23 - Construction Environmental Management Plan, 25 - Construction Traffic Management Plan, 27 - Proposed Perpetual Management and Maintenance and 32 - Disposal of Excavated Material. Planning permission ref. 2014/01505/OUT. Decision: Pending

2014/01505/3/CD Discharge of conditions 17 (Landscaping for link road), 24 (Landscape and Ecology Environmental Management Plan), 35 (Landscaping) and 38 (mitigation for skylark and lapwing) of 2014/01505/OUT Decision: Pending

2014/01505/2/CD. Discharge of conditions 12 (full engineering details – link road), 16 (full engineering details of the proposed Puffin Crossing on Llantwit Major Road), 22 (levels), 26 (drainage), 28 (lighting), 29 (engineering details of the junctions) and 36 (footway) of 2014/01505/OUT . Decision: Pending

2014/01505/1/CD Discharge of conditions 13 (Relaxation Document), 19 (Phasing Plan), 21 (Scheme of Archaeological Investigation)of 2014/01505/OUT Decision: Conditions Partially Determined (Approved only)

2014/01505/1/NMA Amend the trigger points to conditions 17, 23, 24, 25, 26, 32, 33, 35 and 38 of permission 2014/01505/OUT – Decision: Approved

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, Decision: Approved

## CONSULTATIONS

The Council's Highway and Engineering (Drainage) Team were consulted and indicate that 'the strategy being developed is still following the principles of the outline surface water strategy, albeit with some technical details yet to be satisfied for discharge of condition. Outside of the planning process a Water Framework Directive has been undertaken for some of the structures of to reduce and mitigate any detrimental impact on the quality of the watercourse. The developer has submitted additional information in support of the overall surface water drainage strategy which is currently under review.'

The Council's Environmental Health Officer was consulted regarding the location of the waste water pumping station who refer to the DEFRA Code of Practice on Odour Nuisance from Sewage Treatment Works in relation to the position of such facilities and need to avoid a statutory nuisance. In conclusion they state '*hence we support and endorse guidance issued by Welsh Water that states a 'cordon sanitaire' of 15 metres for the pumping station in relation to residential development should be in place*'.

## REPRESENTATIONS

None received for this application, albeit comments have been made to application 2018/00240/RES raising concerns about the location of the pumping station.

## REPORT

### Planning Policies and Guidance

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

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

#### **Strategic Policies:**

POLICY SP1 – Delivering the Strategy  
POLICY SP3 – Residential Requirement  
POLICY SP10 – Built and Natural Environment

#### **Managing Growth Policies:**

POLICY MG1 – Housing Supply in the Vale of Glamorgan  
POLICY MG2 – Housing Allocations

#### **Managing Development Policies:**

POLICY MD2 - Design of New Development  
POLICY MD5 - Development within Settlement Boundaries  
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.

### **Technical Advice Notes:**

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

- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development and Flood Risk (2004)

### **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

When resolving to grant planning permission for the original outline planning permission, Members requested that details relating to drainage (condition 26) be reported back to Committee for consideration by members.

Members may be aware that the application for the discharge of condition 26 is currently under consideration by the Planning Department, in consultation with relevant consultees including the the Council's Operational Manager Highways and Engineering (Drainage) and Dwr Cymru Welsh Water.

### Foul Drainage

In terms of foul flows arising from the site, the applicant is seeking to install a pumping station within the site (indicated within the approved masterplan) and the provision of a rising water main that will connect the foul sewerage system from the site with existing apparatus at a point of connection (SS98735903) south of the application site on Church Road, Llanblethian, that will in turn connect with the existing Llanblethian sewerage treatment works. Following consultation with Dwr Cymru Welsh Water they confirm these details are acceptable in principle for the disposal of foul water flows, subject to the applicant entering into an agreement under Section 104 of the Water Industry Act 1991.



It is noted that concern has been raised in response to reserved matters submission 2018/00240/RES with regard to the potential impact of the proposed pumping station on the amenity of neighbouring properties by virtue of noise and odour impacts. Following consultation with the Council's Shared Regulatory Services (Environmental Health) they confirm that they support the guidance issued by Welsh Water that states a 'cordon sanitaire' of 15 metres for the pumping station in relation to residential development should be in place. The details provided indicate that a separation of in excess of 15 metres will be provided to existing dwellings and would appear therefore to be acceptable in principle. Officers have sought further clarification from the developer in this regard and will liaise further with Dwr Cymru Welsh Water and the Council's Shared Regulatory Services to ensure that a statutory nuisance from either odour or noise will not result, prior to the discharge of the condition.

### Surface Water

In terms of surface water drainage, the condition discharge application is accompanied by technical details relating to the proposed link road and Phase 1 of the residential development (approved under permission 2017/00841/RES). The submitted details include a number of sustainable drainage features including attenuation/infiltration basins in land to the east and west of the link road, provision of a swale on the route of the existing Llantwit Major road (to be realigned as part of these works) in addition to infiltration basins and check dams within Phase 1 of the development.

Following discussion with the Council's Highways and Engineering (Drainage) section, the general strategy for the drainage of the site would appear to be acceptable in principle. The submissions relating to the drainage of the site include a significant level of information that is largely technical in nature and ongoing discussion between the Council's Drainage Engineer and the developer reflect this.

Given that the principles of the drainage strategy is considered to be appropriate subject to further technical details, it is requested that Members reinstate officer delegation to approve these details under delegated powers. This, of course, would be subject to formal approval from The Council's Operational Manager Highways and Engineering (Drainage), Shared Regulatory Services and Dwr Cymru Welsh Water that they are fully satisfied with the details of the comprehensive drainage of the site, following the submission of the appropriate technical details following discussion with the applicant.

### RECOMMENDATION

Subject to confirmation of technical approval from the Council's Operational Manager Highways and Engineering (Drainage), that the determination of condition 26 (Drainage) can be approved under delegated powers, without further reporting to planning committee.

## Reason

In view of the fact that the Council's drainage engineer is satisfied with the principles of the drainage strategy and to ensure the commencement of the development on site is not unreasonably withheld for Planning Committee to consider technical drainage details.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE :

REPORT OF THE HEAD OF REGENERATION AND PLANNING

9. PLANNING APPLICATIONS

Background Papers

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

**2017/01337/FUL** Received on 22 December 2017

Newydd Housing Association, C/o Agent  
WYG Planning and Environment, Mr. Jon Hurley, 5th Floor, Longcross Court, 47, Newport Road, Cardiff. CF24 0AD

### **St. Pauls Church Hall, Arcot Street, Penarth**

Redevelopment of the former St Pauls Church site (including demolition of existing building with retention of front church elevation) to create 14 one and two-bedroom affordable housing units; multi-purpose community hall (368 sq. m.); landscaping; car/cycle parking; access; and associated works

### **REASON FOR COMMITTEE DETERMINATION**

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

### **EXECUTIVE SUMMARY**

The application site relates to St Paul's Church located at Arcot Street, Penarth, and most recently used as a gymnasium, but has been vacant since early 2011.

This is a full application, made on behalf of Newydd Housing Association for the demolition of existing church (with retention of front façade) and construction of a mixed use development, to comprise 11 one bedroom flats, 3 two bedroom flats and 368 sq. m. multi purpose community hall (Class D1).

The flats will be served by five parking spaces accessed off the rear lane, which will be gated and enclosed by railings. Additional works relate to the widening of Chapel Lane and the removal of footpath along Chapel Lane, street lighting and resurfacing.

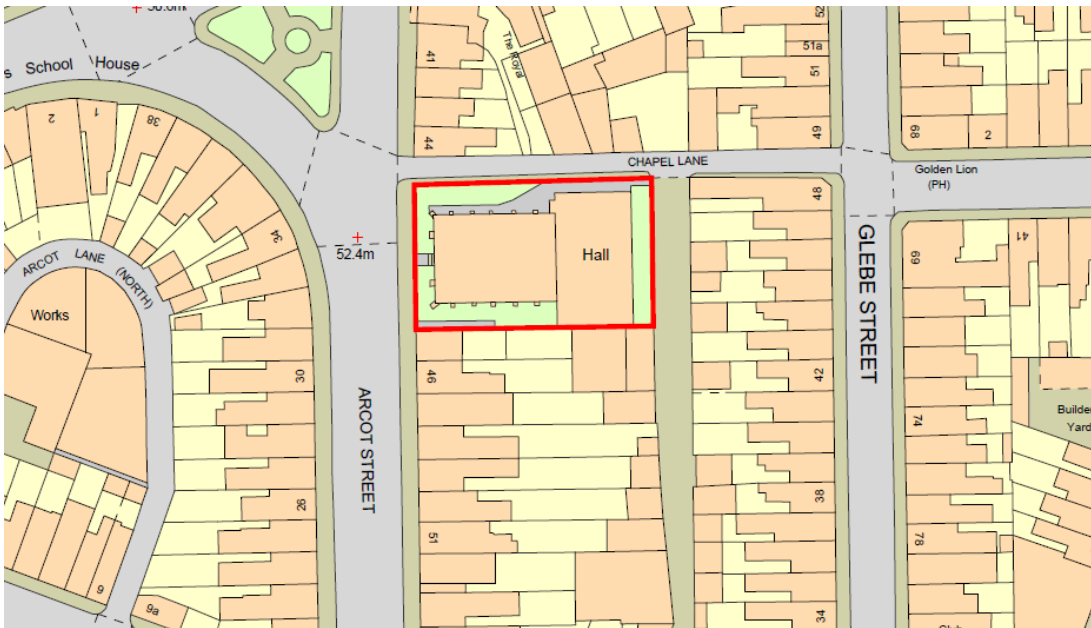
To date, a total of 63 letters have been received including comments from Councillor Ruba Sivagnanam, which raise a number of concerns, particularly in respect of the balance of community use, deficiency of on-site parking and density of development, removal of the footway on Chapel Lane and pedestrian safety.

Having regard to the siting, scale, and design of the replacement building, access and provision of parking and impact on the amenities of nearby residential occupiers and ecology, the application is recommended for APPROVAL with conditions.

### **SITE AND CONTEXT**

The application relates to the site known as St Paul's Church located at Arcot Street, Penarth.

The main frontage of the church faces westwards onto Arcot Street. The rear of the site is accessed via Chapel Lane which runs parallel to the site's northern boundary, being an adopted narrow access lane, and along its rear and eastern boundary by a further wider adopted lane.



The church is constructed of blue Lias stone with bath stone surrounds and quoins housing a tall, single storey space (the main church hall) with some single storey ancillary spaces and a single and two storey annex at the rear, of a slightly later date.

The church building and hall have been in a variety of uses, including an arts centre. The building has most recently been used for the purposes of a gymnasium, but has been vacant since early 2011.

In terms of its wider context, the site is located to the north of Penarth Town Centre, within a residential area characterised by traditional terraced streets. The site is also located in close proximity to the recent Penarth Heights development.

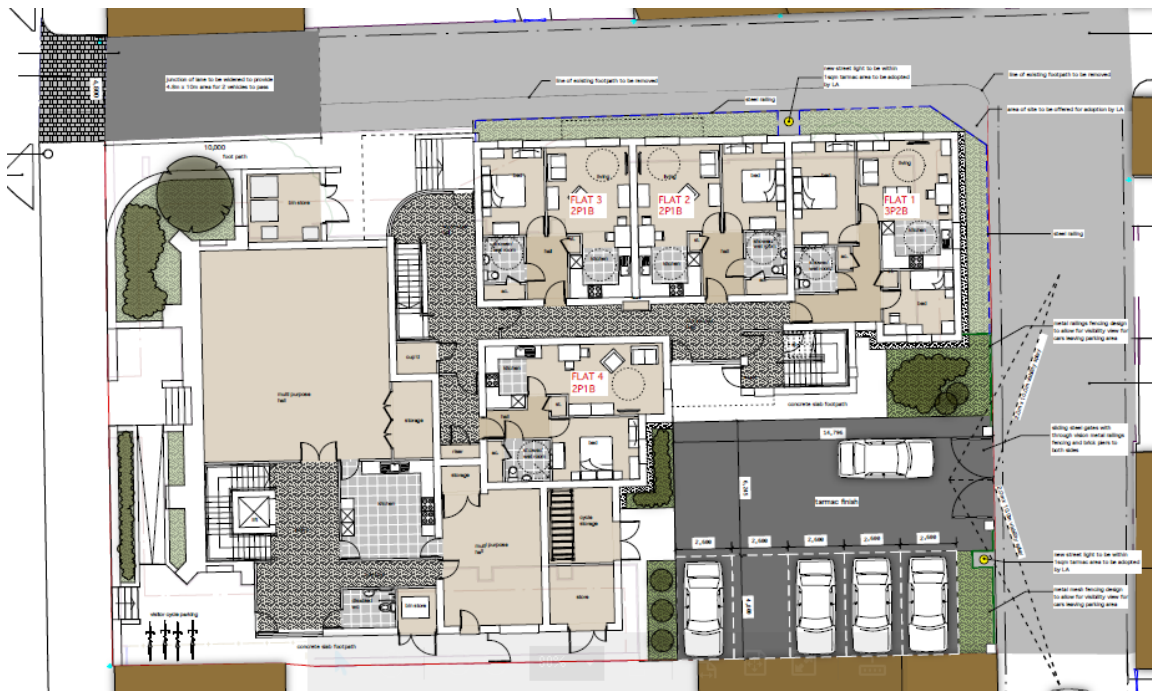
The existing building is not a Listed Building nor is it locally listed (County treasure). It is also located outside the boundary of the Penarth Conservation area.

## DESCRIPTION OF DEVELOPMENT

This is a full application, as amended, on behalf of Newydd Housing Association for the redevelopment of the former St Paul's Church site, Arcot Street, Penarth.

The proposals relate to the demolition of existing church (with retention of front façade) and construction of a mixed use development, to comprise of the following:

- 11 no two person one bedroom flats
- 3 no three person two bedroom flats
- 368 sq. m. multi purpose community hall (Class D1)



*Proposed Site Plan*

The new building has a broad “L” shaped footprint and measures some 36 metres in depth along the Chapel Lane frontage, and has a maximum width of 22.5 metres stepping down to a width of 9.5 metres to the rear. The building provides accommodation over three levels, with shallow monopitch roofs with an eaves height of 7.8m and ridge height of 10m (when measured within the site)



Materials and finishes will comprise of a mix of buff and brown coloured clay facing brick, through coloured decorative facade renders (natural white, light ochre and pewter) at high level roofing areas. Windows, fascias and soffits will be in grey and rainwater goods in upvc black. The roof will be finished in blue black fibre cement slates. Sections around windows will be finished in Marley cladding (natura – nimbus).

### Community Use

The front part of this mixed use building, will contain the community uses (to the rear of the retained façade) comprising of some 368 sq. m. of floorspace. The community use will have a dedicated access to the side from Arcot Street (at the south-west corner of the site) leading to a lobby area leading to a large multi purpose hall and a smaller multi purpose hall, kitchen and WC at ground floor level. At first floor level a further multi use hall is proposed, with toilets, office and meeting room. The community use will be served by dedicated external cycle parking and an integral bin store. No specific users or operators of the community space have been identified at this stage.

### Residential Use

The residential element will have an 11 one bedroom flats and 3 two bedroom flats. Accommodation will be provided over three floors and will be accessed by a dedicated entrance feature (at the north-west corner of the site) over the three floors.

The flats will be served by five parking spaces accessed off the rear lane, which will be gated and enclosed by railings, with associated landscaping, footways and provision of access to integral cycle parking within the building and a bin store.

### Other Works

Additional works relate to the widening of the first 10m of Chapel Lane from Arcot Street, to 4.8m to allow two vehicles to pass and the removal of footpath along Chapel Lane adjacent to the site. Two new streetlights are proposed on land within the site (which will be offered up for adoption), along with the north eastern corner of the site by Chapel Lane and the rear lane. The remainder of the footpath along Chapel Lane is to be removed and resurfaced, including a section along the rear lane which borders the rear eastern boundary of the application site.

### PLANNING HISTORY

1986/00143/S53: St. Paul's Church, Arcot Street, Penarth. Proposal: Change from use for residential purposes to use as a young people's Arts and Leisure Centre. Approved.

1986/01101/FUL: St. Paul's Church, Arcot Street, Penarth, Proposal: Change of use of top floor flat to Arts and Leisure Centre. Approved.

1987/00946/FUL: St. Paul's Church, Arcot Street, Penarth - Flat attached to, Proposal: Emergency fire escape stairs at St. Paul's Arts and Leisure Centre, Decision: Approved.

### CONSULTATIONS

**Penarth Town Council** were consulted on the original scheme and are fully supportive of the provision of the proposal by Newydd Housing Association for a development of wholly

affordable residential units, however they have some concerns that the status of the front facade is still to be decided, based on structural surveys and would request a further period of public consultation to allow the community to contribute their views regarding the retention, or otherwise, of the facade.

Following re-consultation in respect of the amended plans, Penarth Town Councils have stated that the amendments do not address their previous comments.

**Council's Highway Development Team** were consulted and in summary have stated that a Parking Appraisal has been submitted in support of the development, which has undertaken a comparative assessment of the existing and proposed parking requirements associated with the site. The appraisal has demonstrated that based on the Councils adopted parking standards, the development would not materially increase the requirement for additional car parking above that of the existing use (or alternative uses under the same use class) at the site. Additionally, a parking survey has been undertaken along the highway network adjacent to the site, which has identified available kerbside parking during the evening time of around 22 parking spaces. However, the parking survey is limited and the data is not considered representative in this instance. Furthermore, the applicant has reviewed the likely level of vehicle ownership associated with the proposals based local Census data and surveys undertaken at other similar sites, which has indicated lower than usual levels of ownership associated with developments of this nature.

When considering the highway works to be undertaken along Chapel Lane, this will result in the provision of a shared surface area for both pedestrians and vehicles by increasing the existing carriageway width and removing the existing substandard (1.0m wide) footway/margin strip, which is considered acceptable, based on low vehicular and pedestrian use/flows through the lane.

Therefore, notwithstanding the results of the parking survey or the likely level of vehicle ownership, when taking account of the existing use and location (adjacent to and within walking distance of all public amenities), an objection to the development cannot be sustained.

No objection is raised subject to conditions in relation to a travel plan; full details of 18 No. cycle parking spaces; full engineering details of all traffic arrangements including the widening of Chapel Lane, removal of the existing margin strip, resurfacing of Chapel Lane and the rear lane immediately adjacent to site, street lighting facilities and means of access, details of means of enclosure to the site (suitable guardrail/fencing to provide visibility splays of 2.0m x 10.0m) and the provision of Traffic Regulation Orders to prevent parking along Chapel Lane and the rear lane and a Construction Traffic Management Plan (CTMP).

**Council's Highways and Engineering (Drainage) Team** were consulted and have stated that the site is not located in DAM zones at risk of tidal or fluvial flooding and NRW maps indicate there is a very low to low risk of surface water flooding to the site and adjacent highway.

It is requested that prior to work commencing on site, a full drainage plan demonstrating how roof and yard water will be disposed of shall be submitted to and approved by the LPA. Should infiltration techniques be used, evidence of on-site porosity testing shall also



be provided. In addition a management plan which includes details on future management responsibilities for the site and its drainage assets should also be submitted

**Council's Shared Regulatory Services** were consulted as follows:

Environmental Health Officer - prior to commencement of any works, a Demolition, Construction and Environmental Management Plan shall be provided to and approved by the local planning authority.

Neighbourhood Services Officer - made comments in respect of the minimum room size requirements for flatted developments and the need to comply with Building Regulations in respect of fire detection systems, emergency lights and escape routes.

Specialist Services Officer, Environment has requested conditions relating to: investigation and monitoring of the site for the presence of gases; contaminated land measures (unforeseen contamination); importation of soils and aggregates; use of site won materials. In addition an informative is also requested in relation to contamination and unstable land advisory notice

**Council's Ecology Officer** was consulted and confirms that the building was found to be used by a single bat during the survey. As it is not a maternity site, and of a common species, this is not a high risk NRW case and mitigation will be straightforward and no need for detailed discussion regarding mitigation. The details can be provided to NRW at licensing stage, whereby the mitigation can be agreed directly with the licensing body. The development is not likely to pose an unacceptable impact to the populations of bats and recommends that the "3 tests" are undertaken and a condition requiring a copy of the licence prior to commencement of development / works on site.

**Council's Housing Strategy Team** were consulted and in summary have stated that there is an evidenced need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2015 Local Housing Market Assessment (LHMA) which determined that 559 additional affordable housing units were required each year to meet housing need in the area. The need is further evidenced by the following figures from the Council's Homes4U waiting list in the area.

ALL PENARTH	
1 bed	202
2 bed	134
3 bed	45
4 bed	10
	391

The area has extremely high market rents as evidenced in the LHMA and thus there is a high demand for affordable rented accommodation. For this reason the Housing Department strongly supports this application and has prioritised the site to receive Social Housing Grant from Welsh Government to finance the development.

**Dwr Cymru Welsh Water** were consulted and have stated that there is no objection to communication of foul flows, however there is no agreement to the principle of communicating surface water flows to discharge surface water to the public sewer, where no evidence has been provided to demonstrate that all other options for surface water drainage have been explored and exhausted. They have therefore requested a drainage

scheme for the disposal of foul, surface and land water, to include an assessment of the potential to dispose of surface and land water by sustainable means.

**Crime Prevention Design Advisor** was consulted and in summary, states that pre application discussions took place where a number of concerns were raised regarding the design of the proposed development which may have a negative effect on crime and anti-social behaviour in and adjacent to the development.

Since the discussions the layout has been amended the layout so that unauthorised access to the rear of the development will be denied by the installation of a boundary fence with an access controlled vehicle gate along with a pedestrian gate. The side access has been removed and a defensible space has been added between the ground floor windows and the public areas along the boundary between the building and lane.

It was agreed that the development would be built to a standard to achieve a Secured by Design award. At time of writing the applicant has not yet submitted a Secured by Design application. In view of this I will make further contact with the architects in an attempt to register the development with Secured by Design.

**Natural Resources Wales** were consulted and note that the bat report submitted in support of the above application ('Survey for Bats and Nesting Birds' David Clements Ecology dated September 2016) has identified that bats are present at the application site.

On the basis of the above report, NRW do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned, subject to a planning condition to prevent the commencement of development works until the applicant has provided the authority with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorizing the specified activity/development to go ahead.

NRW have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

**Fire and Rescue Authority** were consulted and wish the following comments to be brought to the attention of the committee/applicant as it is important that these matters are dealt with in the early stages of any proposed development.

The developer should consider the need for the provision of adequate water supplies on the site for firefighting purposes; and access for emergency firefighting appliances.

**Glamorgan Gwent Archaeological Trust** (GGAT) have stated that the proposal will require archaeological mitigation, and that no works shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

**St Augustines Ward Members** were consulted the following comments have been received.

**Cllr Ruba Sivagnanam** has commented and would like to see Newydd consult with the St Paul's community specifically on the use of the church facade before taking the application to the Planning Committee; which would not only reflect Newydd's own design strategy but may allow further improvements on their design. Such an approach would also save time and money should the facade consultation proposed by Newydd be fruitful in terms of design improvements. Whether the facade should stay or go has been an important point of discussion within the community and I welcome Newydd's commitment to consult them.

## REPRESENTATIONS

The neighbouring properties were consulted on 22 December 2017 and site notices were also posted on 4 January. The application was also advertised in the press on 4 January 2018.

In relation to the original consultation, some 30 letters of presentation have been received which raise a number of concerns in respect of the application, two of which are appended as **Appendix A**.

Whilst a number of the letters do support the principle of redevelopment and conversion of the derelict church into a useable space for the community, the main concerns raised are summarised below :

- The roads and lanes around St Pauls are already congested
- Emergency services need access along the roads and lanes
- Additional parking generated from this development potentially could be problematic as existing streets are at capacity
- The snapshot parking survey undertaken by ACSTRO would question their conclusions.
- Density of flats is excessive
- No parking space for users of the community centre
- Only 5 parking spaces for the occupants of the 14 residential properties.
- Proposal would result in overlooking of gardens and would be overbearing
- Newydd and the Council have not decided what the community centre will be used for yet.
- The proposal goes against the Vale of Glamorgan's own public consultation, which concluded that St Paul's should be reinstated as a community facility
- The development faces the wrong way and passes up the opportunity to bring light into the proposed homes.
- The amount of utility and amenity space to serve the flats is negligible

- The lane and Church is often used for fly tipping
- The rear access to the development is dark and dingy
- Insufficient room for pedestrian and vehicle access around the side and the rear of the building.
- There is bat activity around that building and the surrounding buildings,

Following re-consultation on amendments made to the scheme (14 February 2018) a further 25 letters of objection have been received to date, all of which continue to raise similar concerns as set out above.

Further re-consultation was undertaken following further amendments (19 March 2018) and a further 8 letters of objection have been received to date, all of which continue to raise similar concerns, in addition to the following:

- Concerns that footway is being removed comprising pedestrian safety
- Objection to the road widening proposals being introduced into Chapel Lane
- Safety concerns to introducing two-way width traffic in Chapel Lane
- Widened lane will encourage parking within the lane
- Scheme fails to satisfy requirements for a derogation from the Bat Habitats protection
- Concerns with the relocation of the bin store

## REPORT

### Planning Policies and Guidance

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

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

#### **Strategic Policies:**

POLICY SP1 – Delivering the Strategy  
 POLICY SP3 – Residential Requirement  
 POLICY SP4 – Affordable Housing Provision  
 POLICY SP10 – Built and Natural Environment

**Managing Growth Policies:**

POLICY MG1 – Housing Supply in the Vale of Glamorgan

POLICY MG4 – Affordable Housing

POLICY MG7 – Provision of Community Facilities

**Managing Development Policies:**

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD3 - Provision for Open Space

POLICY MD5 - Development within Settlement Boundaries

POLICY MD6 - Housing Densities

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.

Sustainable development forms a key consideration central to all policies contained within PPW. Paragraph 4.2.2 indicates; *“the planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated...”*.

Paragraph 4.4.3 of PPW sets out a series of objectives which development proposals should seek to achieve in terms of promoting sustainable development (and contributing to the goals of the ‘Well-being of Future Generations Act 2015’ accordingly).

In addition, Paragraph 4.9.1 sets out that *“Previously developed (or brownfield) land should, wherever possible, be used in preference to greenfield sites”*. Paragraph 4.9.2 goes on to state that any previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives. This includes sites: *“in and around existing settlements where there is vacant or under-used land, commercial property or housing”*.

Paragraph 9.2.6 indicates that *“Local planning authorities should address the scope and potential for rehabilitation, conversion, clearance and redevelopment when considering suitable sites for housing development. Maximising the use of suitable previously developed land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites”*. PPW continues to note *“In particular, local authorities should consider the contribution to the overall provision of land for housing that can be made by reclaimable or reclaimed urban land and by disused or underused buildings”*.

Paragraph 4.11.2 relates to benefits of good design and stipulates *“Good design can protect and enhance environmental quality, consider the impact of climate change on generations to come, help to attract business and investment, promote social inclusion and improve the quality of life. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals,*

*at all scales, from the construction or alteration of individual buildings to larger development proposals”.*

PPW advises at Paragraph 4.11.9 that *“the visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations”*. PPW goes on to advise that local planning authorities should reject poor design, however *“they should not attempt to impose a particular architectural taste or style arbitrarily”*.

### **Technical Advice Notes:**

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

- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 18 – Transport (2007)

### **Supplementary Planning Guidance:**

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

- Amenity Standards
- Affordable Housing
- Parking Standards (Interactive Parking Standards Zones Map)
- Sustainable Development - A Developer's Guide

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

- Welsh Office Circular 016/2014: The Use of Planning Conditions for Development Management
- A Fly-tipping Free Wales – Our strategy for tackling fly-tipping – Welsh Government

### **Well-being of Future Generations (Wales) Act 2015**

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council’s duty and the “sustainable development principle”, as set out in the 2015 Act. In reaching

the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

## Issues

### Principle of Development

The application site is located within the settlement boundary of Penarth, where the principle of development is permitted, subject to satisfying the criteria set out within Policy MD5. Moreover Policy MD1 supports new development on unallocated sites where amongst other things, it reinforces the role and function of the service settlement; supports the delivery of affordable housing and has access to or promote the use of sustainable made of transport.

The site comprises previously developed / brownfield land. The re-use of a previously developed site in a built-up area will promote key sustainability objectives, in accordance with Welsh Government policy.

Furthermore, the site is located within a highly sustainable location, within approximately 200m of the town centre of Penarth. The site is therefore located within easy and convenient walking distance of a wide variety of local services and facilities. The site is also highly accessible by public transport, being located within approximately 70m of a bus stop and 375m of a train station. In accordance with planning policy, the development will promote a resource efficient settlement pattern and reduce the demand for travel, especially by private car.

As previously stated, the site is located within a residential area, and therefore the residential element of the scheme would not be at odds with the established residential character of the surrounding area.

In addition, the community use element is supported under the terms of Policy MG7, which supports multi use community facilities in accessible locations and given the site's former use, the re-use of the site for a scheme comprising affordable residential and community uses will therefore be compatible with the historic use of the site, and the site's context.

### Housing Need

One of the key objectives of planning policy at national level is to ensure that all local communities have sufficient good quality housing for their needs, including affordable housing for local needs.

Planning policy at the national level advises that local authorities should consider potential for conversion / redevelopment when considering suitable sites for housing, and in particular the contribution that "disused or underused buildings" can make to the provision of housing. In accordance with planning policy, the application proposals will maximise the use of previously developed land for housing, assisting regeneration and at the same time relieving pressure for development on greenfield sites.

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

Policy SP4 of the LDP sets out that up to 3,252 affordable residential units are required over the plan period. In addition, the Affordable Housing SPG specifies that in terms of spatial distribution, there is a general need for affordable housing across the Vale of Glamorgan "with the highest areas of need identified as Barry, Penarth and Llandough". Therefore, it is clear that there is significant need for the provision of affordable housing within the vicinity of the application site specifically.

The need is further evidenced by the following figures from the Council's Homes4U waiting list in the area.

<b>ALL PENARTH</b>	
1 bed	202
2 bed	134
3 bed	45
4 bed	10
	391

Notably, the area has extremely high market rents as evidenced in the LHMA and thus there is a high demand for affordable rented accommodation. For this reason the Housing Department strongly supports this application and has prioritised the site to receive Social Housing Grant from Welsh Government to finance the development.

#### Acceptability of Provision of Community Facility

The provision of a community facility is a central component of the site's redevelopment. As detailed above, the site has been used to provide a community facility in various formats over a significant period of time. The redevelopment of the site as proposed by the applicant will allow for a community use to be re-established at the site for the long-term benefit of the local community. LDP Policy MG 7 (Provision of Community Facilities) favours new or enhanced multi use community facilities in accessible locations.

The "Strategic Brief: A Guide for RSL's" prepared by the Council outlines the background to St Paul's Church and the opportunity to purchase the leasehold interest in the property, which amongst other things sets out the requirement for the delivery of a mixed use scheme comprising of :

- a) affordable residential dwellings (social rented, intermediate rent and/or low cost home ownership); and
- b) a community facility, which for the purpose of this bidding process is assumed to comprise as a guide approximately 300 sq. m gross floorspace

The scheme as submitted exceeds the 300 sq. m. gross floorspace specified in the brief. Some 332 sq. m. of D1 floorspace, is proposed incorporating a community hall and ancillary space, including kitchen, toilet facilities and storage space. The community facility



has been designed to be multi-use i.e. it will be available and appropriate for all members / groups within the local community to use.

### Visual Impact

The Design Statement submitted with the application states that the clients brief and vision for the redevelopment and regeneration of the site was to provide a bespoke high quality, sustainable secure residential and community facility, on the site of a dilapidated former church.

The building footprint is smaller than the existing church, with vehicular access provided for 5 car parking spaces located along the site's eastern boundary, accessed directly off the existing highway (from Chapel Lane).

The proposed layout is considered to make the most efficient use of the site. In terms of the site's relationship with Arcot Street, the Design and Access Statement states that the scheme has been designed so as to ensure an active frontage with the street, whilst ensuring that the proposed design remains in-keeping with the surrounding context, with the existing façade of the church being retained.

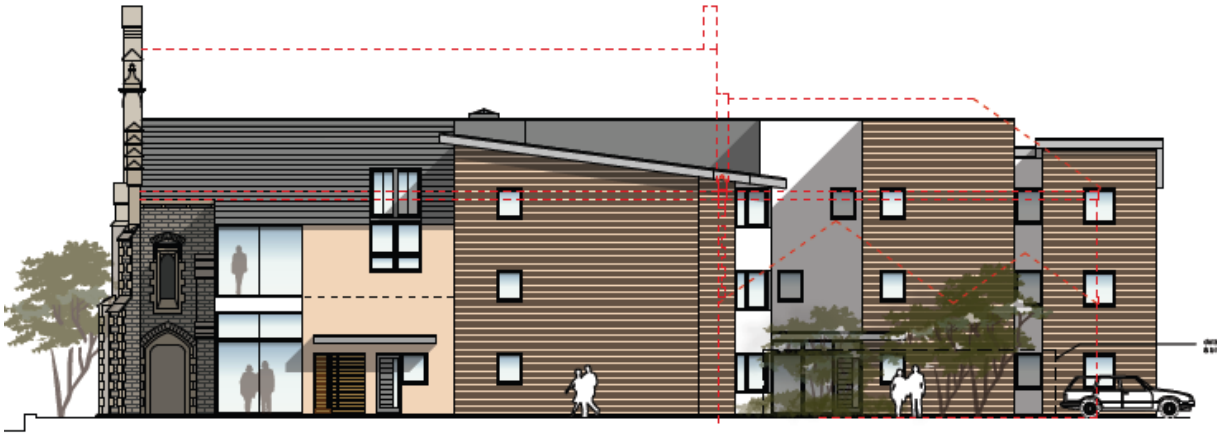
The proposed layout provides small landscaped areas, within the courtyard which can be utilised by all residents. An area of open, landscaped space is also provided within the north-western corner of the site. It is stated that the proposal has been designed to have regard to separation distances to ensure the privacy and amenity of the proposed, and existing, dwellings are protected, with appropriate separation distances between the proposed dwellings and those existing on Arcot Street and Glebe Street to the rear.

The community facilities of circa 368 sq. m. would be located behind the retained and repaired existing church facade. The scheme can accommodate flexible meeting and activity spaces which are independent of the residential development, which are accessed directly from Arcot Street. The communal facilities are arranged over two floors. It is stated that the community part of the building be as inclusive as possible, with facilities provided to be universally accessible, whilst specific fitments and facilities are bespoke to the end users.

The residential accommodation is arranged around a circulation area whose main pedestrian entrance is located in Chapel Lane close to the junction with Arcot Street. Vehicle access and parking is provided off the rear lane adjacent to an overlooked private landscaped amenity space for residents.

The proposed three storey building, will replace the existing church, which is taller. Moreover whilst the building is three storeys in height, the use of relatively shallow mono-pitched roofs minimises the impact of the building. The ridge of the new building will be some 2.6m lower than that of the church.

A comparison between the existing church and proposed building is illustrated below :



*Comparison side elevation showing outline of church in red*

When the site is viewed from Arcot Street, the bulk and massing of the building will largely be hidden by the retained façade of the former church. Whilst there are other views of the proposed building, these relate to glimpses such as those from Glebe Street through Chapel Lane. When viewed from the Arcot triangle (the junction with Queens Road and High Street), there are other three storey buildings which are in close proximity to the site, being the conversion at The Royal and three storey terraces on Queens Road.

In light of the above there are no objections to the principle of a three storey building, particularly given the scale and the massing of the building which it will replace, subject to consideration of the impact of such a building on the amenities of adjacent and nearby occupiers, considered further below.

The design is a contemporary one with mono pitched roof forms which assists in reducing the massing of the building. The materials proposed are to consist of a grey metal roof covering and slate tiling with a mixture of brick and render to the external walls. The elevational treatment is designed to provide a simple but effective appearance through the use of quality materials and proportions which are the vernacular and scale of much of the residential architecture of the area. The primary use of brick in the elevation is considered acceptable, subject to submission of samples for prior approval by Condition (**Condition 3**).

The scheme has been developed around the retention of the church façade fronting onto Arcot Street, with a new building attached to the rear. The retention of the façade will retain this prominent feature of the church within the Arcot Street scene and with the part proposed community use, continue its focus for the community.

In addition, Glamorgan Gwent Archaeological Trust (GGAT) have identified the church and its relationships with the surrounding housing and social organisation as remaining essentially the same in relation to the development of Penarth in the latter 19th century. In this regard whilst GGAT have requested a programme of historic building recording and analysis, it is clear that the retention of the façade would retain, in part, this historical asset.

Whilst the scheme retains the façade, the agent was requested to provide further clarification on how the facade would interact with the internal use of the building, in order that the façade had an operational rather than just a physical connection to the building to the rear, to provide an active frontage. The agent has advised that a structural survey is in

the process of being undertaken to the church. However it is advised that there will be opportunities for glazing within the existing openings, and this includes the current front door, along with sensitive lighting, to deliver an active frontage. It is considered that the detailing of the existing openings in the façade, in relating to glazing and lighting can be submitted for subsequent approval by planning condition **(Condition 20)**.

## Ecology

The applicant has submitted a survey for bats and nesting birds prepared by David Clements Ecology LTD.

In summary, the report states that a single common pipistrelle bat was observed emerging from underneath the fascia on the north east corner of the two storey building. However no further roosting activity was observed at the building during either activity survey. The numbers and bat activity observed indicate a small number of male and non-breeding females using the two storey building for roosting on a casual and or adventitious basis throughout the summer months. The report confirms that a derogation licence from Natural Resources Wales (NRW) will be required.

The Council's Ecologist considers that as a single bat was found during the survey of a common species and that it is not a maternity site, mitigation will be straightforward and details can be provided to NRW at licensing stage, whereby the mitigation can be agreed directly with the licensing body.

NRW were consulted and have stated that where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. In summary and based on the submitted survey they do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. Therefore, NRW do not object to the proposal, subject to the inclusion of a planning condition that prevents the commencement of development works until the applicant has provided the authority with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorizing the specified activity/development to go ahead.

Further to the above, the Welsh Government have revised procedures in relation to European Protected Species Licencing and have withdrawn with immediate effect, the requirement for a pre-commencement condition requiring the applicant to provide the LPA with a copy of their EPS Licence (once issued by NRW). This is now replaced by an appropriately worded informative.

In light of the above requirements, the three tests that need to be applied to this planning application are:

1. it is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
2. that there is no satisfactory alternative,
3. it will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range

In respect of test no 1, the proposal would have an overriding benefits in terms of providing much needed affordable housing in the wider public interest within the Vale of Glamorgan.

In order to satisfy test no 2, the failure to maintain the building would eventually result in the building being at risk of falling down, where the roost would be lost. Whilst the building could be brought back into beneficial use, the Council (as land owner) appointed an agent to market the property from the end of 2014 through to early 2015 for community / recreational uses or as a mixed use scheme including community/ recreational uses and other appropriate uses (subject to the relevant planning processes). As a result of the marketing exercise, a community group came forward with a proposal to convert the property into a mixed use community venue. However, by the Autumn of 2015 it was concluded that unfortunately the community group had not demonstrated to the satisfaction of the Council a viable business case. Therefore it is maintained that alternatives to retaining the building have been fully explored.

With regard to test no 3, the development will lead to the loss of a roosting opportunity for bats and the mitigation will be straightforward, the details of which can be provided to NRW at licensing stage.

On the basis of the above and the comments from NRW and the Councils Ecologist, it is considered, subject to the mitigation being provided to NRW at licensing stage, that the proposal would not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range.

#### Impact on neighbouring amenity

In assessing neighbouring amenity, regard should be given in respect of the impact of the existing church on the privacy and amenities of adjacent and nearby dwellings, having particular regard to the siting and the massing of the existing church.

The aerial photo below shows the existing church and relationship with nearby dwellings.



The only dwelling which adjoins the application is 45 Arcot Street, located to the south of the site. The scheme of redevelopment will reduce the scale of built form which currently extends along the whole of the neighbours rear garden. Whilst the replacement building is located some 2.1m closer than the main church building, the reduced depth of the replacement building will provide a more open aspect to the occupier's rear garden. In addition the reduced ridge height will also lessen the impact of the replacement building. Moreover it should be noted that the church is located due north and therefore the scheme would not impact on the existing levels of daylight. On balance it is considered that the siting and massing would not result in any additional impacts over and above the existing situation.

In respect of impact on privacy, the original plans did include windows in the side elevation which would have resulted in a loss of privacy to the adjoin occupiers rear garden. This has now been resolved in amended plans with windows being either removed or replaced by high level windows. The only full height windows facing the rear garden are the corner windows serving flats 4 (first floor) and flat 8 (second floor), however these are some 11 metres from the boundary, which is considered an acceptable distance between habitable windows and the boundary of neighbouring gardens.

To the north, the development sides onto the Chapel Lane, with the dwellings of Arcot Street and the residential units forming part of The Royal beyond. Whilst the replacement building will be site some 0.7-0.8m closer than the nearest part of the Church to Chapel Lane, the ridge will be 2.6m lower and therefore the overall impact in respect of massing is considered to be less than the existing building. Following revisions to this elevation, windows have been re-sited and /or specified as being obscure glazed to prevent any overlooking of nearby dwellings, as secured by **Condition 27**.

To the rear, the flats would face the rear of the properties on Glebe Street. The rear wing facing these dwellings is some 9.5m in width and would be some 8m from the rear boundaries of these dwellings, with the lane in between. The original plans showed windows located centrally in this rear elevation over three levels. In particular, the first and second floor windows would have afforded elevated viewed into the rear gardens of those dwellings in Glebe Street. The amended plans now show the first and second floor windows in this elevation (which serve the kitchen) to be high level windows. The distance of these dwellings in Glebe Street to the flatted block would not cause any overbearing impact on these occupiers, have regard to the existing massing and impact of the church.

For the avoidance of doubt **Condition 5** seeks to ensure that the high level windows that are shown, have a cill level no lower than 1.7m in height above the level of the floor in the room that it serves.

#### Parking and highway safety issues

The development would be served by five off street parking spaces, which would serve the residential element of the scheme. The community use would not be served by any dedicated off street parking.

Paragraph 8.1.5 of PPW indicates a key objective for Welsh Government in land use planning is "reducing the need to travel, especially by private car, by locating development where there is good access by walking, cycling and public transport".



With regards to car parking, Paragraph 8.4.2 of PPW states “*Car parking provision is a major influence on the choice of means of transport and the pattern of development. Local authorities should ensure that new developments provide lower levels of parking than have generally been achieved in the past. Minimum parking standards are no longer appropriate*”.

In addition Paragraph 8.7.3 of PPW relates to site accessibility and states “*the proposed access to a development will reflect the likely travel patterns involved. It should ensure that people can reach the development, as far as practicable, by walking, cycling and public transport, as well as by car*”.

The site is some 400m / 5 minutes’ walk from Penarth’s town centre (measured to the junction of Windsor Road and Glebe Street) where a wide selection of services and facilities can be accessed.

The application has been supported by a Local Facilities Plan as set out below. The shown the proximity of the site to Penarth Town Centre and the range of public transport, retail, recreation and health facilities, many of which are within a 5min (400 m) walk time.



The Parking Standards SPG sets out the Council’s parking requirements for new developments. Parking requirements differ according to the location and relative accessibility of the development with areas of the Council allocated to one of five zones (zones 2 to 6). The application site is within zone 3.

The SPG states that parking requirements may be reduced if the development scores a sufficient number of sustainability points. In this case the application site scores 7 points, as there is access to more than two local facilities within 400m = 4 points and access to bus stop within 300m = 3 points. The 7 sustainability points permits a reduction of 1 parking space per residential unit, and a 20% reduction in non-residential parking spaces.

There are various uses within the Parking Standards that might apply to the existing permitted use of the church and the proposed community space use of the development.

These fall within D1 land use classification (The Town and Country Planning (Use Classes) Order 1987), which allows for clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law court. Non -residential education and training centres.

In relation to the existing parking requirements of the former Church, the requirements for churches relate to the number of seats within. It is not known how many seats St Paul's Church previously accommodated and for this reason the Parking Appraisal assesses parking demand based on the building's use being as an assembly hall (as the requirement is simply related to floor area). A parking requirement of 1space per 10 sq m is set out by the Council's Parking Standards SPG and on this basis the existing 650 sq m of floor area would require 65 car parking spaces. However a 20% reduction in parking provision (permitted by the Parking Standards due to the site's sustainability) would result in a total requirement of 52 spaces. There is no off-street parking provided to serve the existing building and therefore the 52 car parking spaces would need to be accommodated on the surrounding streets.

In relation to the proposed use the Parking Standards SPG requirements for this development are as follows:

#### *Residential*

1 space per one-bed units = 11 Spaces

1 space per two-bed units\* = 3 spaces

\* Applying permitted reduction of 1 space per unit

1 visitor space per 5 units = 3 spaces

#### *Community Use*

1 Space per 10m<sup>2</sup> (Based on Assembly Hall) = 33 spaces

Applying Permitted 20% Reduction = 26 spaces

Total = 43 spaces

Five parking spaces are provided on-site and therefore the on-street parking demand of the development is 38 spaces. This is less than the 52-space parking requirement of the existing permitted use and the development will result in less pressure on on-street parking places, (when compared to the fall back position if the existing building were to be brought back into use). Considering the parking demand generated by the D1 community use, the floor area of the proposed community use is roughly half of the existing building and consequently the parking demand that will be generated by the community use of the building is halved from 52 spaces to 26 spaces.

The introduction of the 14 apartments will introduce more demand for residential parking. In applying the parking standards strictly, the requirement is for 14 spaces for residents and 3 visitor parking spaces. However, the Parking Standards allow for a more flexible approach where evidence can be supplied that the likely parking demand will be lower than usual. The Parking Appraisal includes evidence of lower than usual car parking demand has been gathered by reviewing Census data and by undertaking parking surveys of similar Newydd Housing Association developments, with four sites visited in the early hours of the 20th September 2017 and the number of occupied parking spaces counted, which shows an average requirement of 0.43 spaces per unit.

On the basis of the evidence submitted the Parking Appraisal states that the parking demand from the proposed 14 apartments is considered to be six spaces, of which five can be accommodated on site and therefore the residential element of the development will take up only 1 on-street parking spaces, which can be accommodated by the surrounding streets.

The Parking Appraisal includes a parking “stress” survey which was undertaken of the streets surrounding the site on Wednesday 20th September 2017. The survey method was based on the industry standard designed to record the maximum on-street parking demand of an area. The survey occurred at 1am, a time when most residents would be home, and covered the streets within some 200m / 2 minutes walk of the application site.

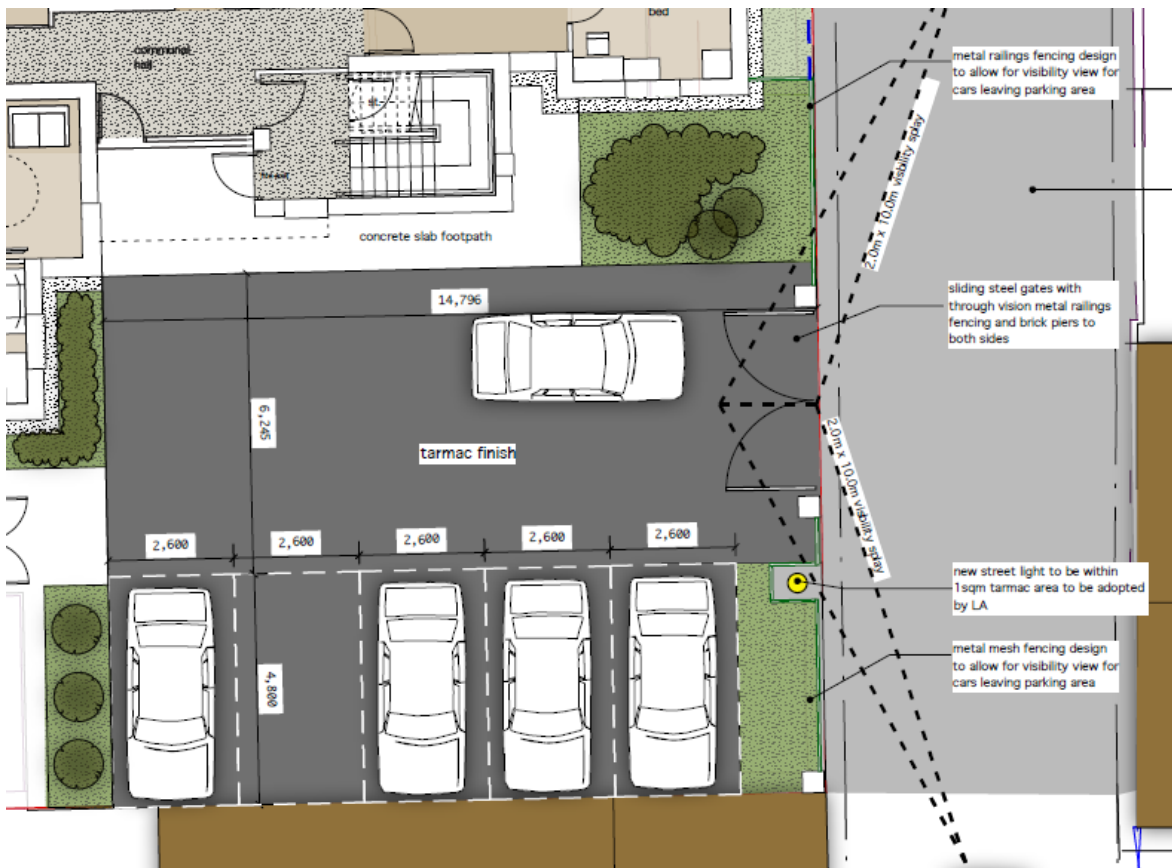
In summary, the results of the survey are that these sections of streets provide an estimated total of 213 on street parking spaces, of which 191 cars were recorded parked within the survey area. This indicates that there are 22 parking spaces still available.

The agent also makes reference to an appeal decision relating to the refusal of an application for 24 open market units at Windsor Road Church, Barry, which was allowed at appeal, for which no off street parking was proposed. In the Inspector’s report, specifically in terms of parking matters, they noted that the site was well located for a residential use as there is easy access to public transport, shops and a range of community services. Moreover, the Inspector considered the status and weight given to the Parking Standards SPG and the fall back position of the church. The conclusions of the Inspectors report is relevant which states:

*“On balance, the proposal would be an efficient and sustainable use of a building that would contribute to housing land supply, including affordable housing. It would safeguard a building of local importance and would be in accordance with the Welsh Government’s objectives for sustainable development. There would be some effects on parking conditions in the area but relative to the existing use, these would be minor and would not amount to any serious harm to highway safety interests.”*

The Council’s Highway Development Team have considered the above survey and information and consider that the appraisal has demonstrated that based on the Councils adopted parking standards, the development would not materially increase the requirement for additional car parking above that of the existing use (or alternative uses under the same use class) at the site. Whilst they note that the parking survey is limited, when taking account of the existing use at the site and its location (adjacent to and within walking distance of all public amenities), an objection to the development is not raised.





*Parking and access arrangements*

In respect of the access to the rear, the highway engineer has not raised an objection, but this is on the basis that improvements are made to Chapel Lane to widen the road to 4.8m for a distance of 10 metres (from its junction with Arcot Street) in order to allow a section of the lane to accommodate two way traffic. This widening will necessitate the removal of the existing substandard width footway. The scheme includes the resurfacing of rear lane (which abuts the site). The scheme includes street lighting with a column serving Chapel Lane and the rear lane. Whilst these are within the application site they will be dedicated as adopted highway.

A number of the objections raise concern with the removal of the footpath, and the impacts on pedestrian safety. However, it must be noted that 10m is being removed to provide adequate width for two way vehicle movements at its junction with Arcot Street. This would then leave some 30m of footpath, which would be an isolated section of footway of a substandard width.

Reference has also been made in representations, that the Highway Engineer in his original comments required the footway to be widened to 2.0m between the junction with Arcot Street and the pedestrian access serving the proposed. The widened footway was for the use of residents of the proposed development. A footway was provided in an amended layout, directly from Arcot Street within the confines of the site, to provide the necessary pedestrian access.

The Councils Highway Engineer does not object to the removal of the Chapel Lane footpath as this will result in the provision of a shared surface area for both pedestrians and vehicles by increasing the existing carriageway width and removing the existing

substandard (1.0m wide) footway/margin strip, based on low vehicular and pedestrian use/flows through the lane. In addition the resurfacing of Chapel Lane will improve the current position for pedestrians in addition to the provision of additional street lighting columns along Chapel Lane and to the rear of the site. This will significantly improve the lighting levels which will benefit both vehicles and pedestrians, but also the security and surveillance of the lanes for all residents.

Subject to conditions to secure the following, the access and parking arrangements are considered acceptable:

- The layout out of all on-site parking, turning, cycle storage and footways (**Condition 22**)
- Full engineering details of all traffic arrangements and resurfacing (**Condition 23**)
- Traffic Regulation Orders along Chapel Lane and the rear lane (**Condition 23**)
- Construction Traffic Management Plan (CTMP) (**Condition 24**)
- Further details of 18 No. cycle parking spaces (**Condition 25**)
- Details of the means of enclosure to the site to ensure suitable guardrail/fencing to provide visibility splays of 2.0m x 10.0m and that these splays are retained (**Condition 26**)

Whilst the highway engineer requested the submission of a Travel Plan, the development does not meet the threshold requirements for the submission of a Travel Plan.

### Amenity Space

In order to achieve the appropriate provision of amenity space in residential developments, the Council has adopted Supplementary Planning Guidance on Amenity Standards, within which Policy 2, in particular, states that “the Council will ensure that useable, adequate and appropriate private amenity space is provided as part of residential development”. The standards established for flatted developments stating that developers should aim to provide a minimum of 20 sq. m. private amenity space per person. Based on the number of flats and size of bedrooms, it is considered that the maximum number of people that could be accommodated would be 31, which would require 620 square metres of amenity space.

The actual level of amenity space provided is significantly less than required and relates to small grassed areas located to the rear of the parking area and the building. There are other landscaped areas to the side of the building but these would not be dedicated for use by future residents.

Whilst the site falls significantly short of amenity space, this was reduced following the re-orientation of the parking spaces. However, notwithstanding this significant shortfall, the scheme nevertheless includes the essential requirements to meet the needs of the future occupiers, and includes paved areas, bin stores and an integral cycle storage room. It is also a material consideration that the proposal seeks to redevelop a brownfield site which is constrained in terms of its size and the level of development necessary to make the scheme viable, particularly when balanced against other matters such as parking.

Moreover, it should be noted that the site is well located to existing areas of public open space to serve the extended amenity space needs of the future residents with Paget Road Play Area some 200 metres to the north, with Plassey Square Recreational Ground a similar distance to the west.

### Drainage

The Council's drainage team were consulted and have stated that the site is not located in DAM zones at risk of tidal or fluvial flooding and NRW maps indicate there is a very low to low risk of surface water flooding to the site and adjacent highway. However it is requested that a full drainage plan demonstrating how roof and yard water will be disposed of shall be submitted to and approved by the LPA. In addition a management plan which includes details on future management responsibilities for the site and its drainage assets should also be submitted.

Dwr Cymru Welsh Water have stated that there is no objection to communication of foul flows, however there is no agreement to the principle of communicating surface water flows to discharge surface water to the public sewer, where no evidence has been provided to demonstrate that all other options for surface water drainage have been explored and exhausted. They have therefore requested a drainage scheme for the disposal of foul, surface and land water, to include an assessment of the potential to dispose of surface and land water by sustainable means.

The above have been secured through conditions (**Conditions 8, 9 and 10**)

### Environmental Impacts

With regard to demolition and construction the Environmental Health Officer has requested a Demolition, Construction and Environmental Management Plan (CEMP) shall be provided to and approved by the local planning authority. Given the scale of the demolition works and the proximity of the site to dwellings, it is considered that CEMP is necessary and shall be secured by condition, to be submitted prior to the commencement of any works on site (including demolition) (**Condition 13**). A Construction Traffic Management Plan has also been secured (**Condition 24**).

The comments made by the Specialist Services Officer in respect of investigation and monitoring of the site for the presence of gases; contaminated land measures (unforeseen contamination); importation of soils and aggregates and use of site won materials, have been secured by condition (**Conditions 11, 12, 14 and 15**).

A number of objections have raised concerns in respect of existing problems of fly-tipping surrounding the site, in the side and rear lanes. The redevelopment of the site back into 24 hour use, with greater level of activity along the side and rear lanes, in addition to surveillance from the proposed flats and improved lighting to the lanes, would be likely to reduce opportunities for fly-tipping.

Moreover the scheme has been revised a number of times in respect of the location of the bin store to serve the proposed flats. The bin store, as amended, has been located to the side of the building near to the entrance of the flats, as a location adjacent to public highway is necessary for the Councils waste collection. Separate waste facilities are located on the other side of the building to serve the community use.

## Archaeology

Glamorgan Gwent Archaeological Trust (GGAT) have stated that the proposal will require archaeological mitigation, and that no works shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. This has been secured through **Condition 19**.

## Planning Obligations

Members will be aware that on the 5th September 2016, the Council's Cabinet agreed that 100% affordable housing developments of twenty-five residential units or less, delivered either by the Council or one of its four Housing Association Partners (Hafod Housing, Newydd Housing, United Welsh Housing and Wales & West Housing) will be exempt from paying financial planning obligations (Minute C3271).

Historically financial contributions have been sought for such developments in respect of sustainable transport, education, public open space, community facilities and public art, in order to mitigate impacts in accordance with the Council's Planning Obligations SPG and evidence contained with the LDP background papers. However, due to the relatively limited subsidy available for providing affordable housing and the overall cost of delivering it, such contributions can make developments unviable. Consequently, this approach seeks to maximise the use of Council funding and any subsidy available to RSLs, in order to maximise the delivery of affordable housing units.

In terms of the need for a legal agreement to secure the properties as affordable housing, the following advice in TAN 2 is noted:

"12.2 Development plans and/or Supplementary Planning Guidance (SPG) should set out the circumstances where local planning authorities will use planning conditions or planning obligations to ensure that the affordable housing provided is occupied in perpetuity by people falling within particular categories of need. Local planning authorities should not normally impose additional occupancy controls where a registered social landlord is to be responsible for the management of the affordable housing"

In this case the applicant (Newydd Housing Association), are one of the Council's partner RSLs and therefore, in line with the above advice, it is considered that a condition rather than a legal agreement is appropriate to secure the affordable housing tenure of the scheme (**Condition 21**).

## RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

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

Survey for Bats and Nesting Birds David Clements Ecology  
Design Statement  
Planning Design and Access Statement  
A101744 Rev A – Site Location Plan  
2024-002 K - Proposed Site Plan  
2024-003 E - Proposed Floor Plans  
2024-004 I - Proposed Elevations

Reason:

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

3. Notwithstanding the submitted details, a schedule of materials to be used in the construction of the development hereby approved (including samples) shall be submitted to and approved in writing by the Local Planning Authority, prior to their use on site. The development shall be completed in accordance with the approved details and thereafter retained and maintained.

Reason:

To safeguard local visual amenities, as required by Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

4. Notwithstanding the submitted plans and details, no works to the car park shall take place until details of the construction of the car park shown on drawing number 2024-002K including levels, turning areas, drainage and details of the finished surface have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to the occupation of any of the residential units hereby approved and the car parking spaces shall remain available to serve the residential element of the scheme for their designated use in perpetuity.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

5. Those windows shown within the development as being high level windows shall have a cill level no lower than 1.7m in height above the level of the floor in the room that it serves.

Reason:

For the avoidance of doubt and to ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

6. Prior to the first beneficial occupation of any dwelling and /or the community use, the bin stores and cycle parking provision shall be laid out on site and made available for that use and thereafter retained for their respective uses at all times.

Reason:

To that adequate waste provision and cycle parking is provided to serve the development and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

7. Notwithstanding the submitted plans, details of the location and specification of street lighting columns (one of which shall be placed within the site adjacent to Chapel Lane and the other with the site adjacent to the rear access lane and access) shall be submitted to and agreed in writing with the Local Planning Authority. Each lighting column shall be located within a 1 m sq area which shall be dedicated to the Highway Authority. The agreed scheme of street lighting shall be implemented in full accordance with the agreed location and specifications and operational prior to the first beneficial use of any of the residential units.

Reason:

In the interests of highway safety as required by Policies MD2 (Design of New Development) and SP1 (Delivering the Strategy) of the Local Development Plan.

8. The drainage scheme for the site shall ensure that all foul and surface water discharges separately from the site and that land drainage run-off shall not discharge, either directly or indirectly, into the public sewerage system.

Reason:

To prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policies SP1 (Delivering the Strategy) and MD1 (Location of New Development) of the Local Development Plan.

9. No development shall commence on site until details of a scheme of foul, land and surface water drainage (to include an assessment of the potential to dispose of surface and land water by sustainable means) which shall be submitted to and agreed in writing by the Local Planning Authority. The submitted scheme shall include a written declaration detailing responsibility for the adoption and maintenance of all elements of the drainage system prior to beneficial occupation and shall include a maintenance schedule for the surface water system. The

scheme shall be completed in accordance with the approved details prior to the first beneficial use of any part of the development and retained in perpetuity.

Reason:

To prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policies SP1 (Delivering the Strategy) and MD1 (Location of New Development) of the Local Development Plan.

10. If infiltration techniques are used in the scheme submitted in discharge of Condition 9, the plan shall include the details of field percolation tests. Any calculation for onsite attenuation or discharge should also be included. The approved scheme must be implemented prior to beneficial occupation and as built drawings should be submitted to the LPA for approval in writing.

Reason:

To enable a more sustainable form of drainage, and to prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policies SP1 (Delivering the Strategy) and MD1 (Location of New Development) of the Local Development Plan.

11. Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases\* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval.

Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. If no protection measures are required than no further actions will be required.

All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

\* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments,.

Reason:

To ensure that the safety of future occupiers is not prejudiced in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

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

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

13. No development shall commence, including any works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include the following details:
- i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v) wheel washing facilities;
  - vi) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
  - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
  - viii) hours of construction;
  - ix) lighting;
  - x) management, control and mitigation of noise and vibration;
  - xi) odour management and mitigation;
  - xii) diesel and oil tank storage areas and bunds;
  - xiii) how the developer proposes to accord with the Considerate Constructors Scheme ([www.considerateconstructorscheme.org.uk](http://www.considerateconstructorscheme.org.uk)) during the course of the construction of the development; and



xiii) a system for the management of complaints from local residents which will incorporate a reporting system.

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

Reason:

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

14. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

To ensure that the safety of future occupiers is not prejudiced in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

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

Reason:

To ensure that the safety of future occupiers is not prejudiced in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

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

Reason:

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

17. Notwithstanding the submitted plans, details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:
- i) earthworks showing existing and proposed finished levels or contours;
  - ii) means of enclosure and retaining structures;
  - iii) other vehicle and pedestrian access and circulation areas;
  - iv) hard surfacing materials;

Soft landscape works shall include planting plans; written specifications; schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant)].

Reason:

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

18. The landscaping works as approved under condition 17 which relate to soft landscaping, shall be carried out in accordance in accordance with the approved details during the first planting season immediately following completion and or occupation] of the development which ever is the sooner. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

Reason:

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

19. No development approved by this permission shall commence until an appropriate programme of historic building recording and analysis has been secured and completed in accordance with a written scheme of investigation which shall first have been submitted to and approved in writing by the Local Planning Authority. The final report on such recording shall be deposited with the Local Planning Authority prior to first beneficial use of the development hereby approved, in order that it may be forwarded to the Historic Environment Record, operated by the Glamorgan Gwent Archaeological Trust (Heathfield House, Heathfield, Swansea SA1 6EL Tel: 01792 655208).

Reason:

As the building is of architectural and cultural significance the specified records are required to mitigate impact and to ensure compliance with Policies SP1 (Delivering the Strategy) / SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

20. Prior to the commencement of construction, full details of how the existing openings (doors, windows and other apertures) in the retained facade will be treated in respect of glazing, internal lighting and their relationship with the internal layout of the new building (including sections as necessary) shall be submitted to and approved in writing by the Local Planning Authority. The treatment of the existing openings shall be completed in accordance with the approved details prior to the completion of the community space and shall thereafter be so retained.

Reason:

To safeguard the amenities of the area and to provide an active frontage to the building as required by Policies MD2 (Design of New Development), SP1 (Delivering the Strategy) and SP10 (Built and Natural Environment) of the Local Development Plan.

21. From first beneficial occupation and thereafter in perpetuity, the dwellings hereby approved shall all be affordable housing as defined in TAN 2, or any future guidance that replaces it.

Reason:

To ensure that the development is kept in perpetuity as an affordable housing scheme, and to ensure compliance with PPW and TAN 2.

22. The flats hereby approved shall not be occupied until the access, car parking, turning areas, footways, cycle parking and bin stores shown on drawing number 20124-002J, have been completed in full accordance with the approved details and shall remain available for their designated use in perpetuity.

Reason:

To ensure the provision on site of parking, turning facilities and facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

23. Before the commencement of the development, full engineering details of the widening of Chapel Lane (and the relocation of adjacent junction build-outs), adjacent retaining walls or structures, removal of the existing margin strip, resurfacing of Chapel Lane and the rear lane immediately adjacent to site, street lighting facilities and means of access shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall include details of Traffic Regulation Orders along Chapel Lane and the rear lane. The engineering details as

approved shall be fully completed before the first beneficial use of any of the flats hereby approved.

Reason:

To ensure the means of access to the site is provided in accordance with the Council's standard details for adoption and in the interests of highway safety and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

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

Reason:

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

25. The development shall not be occupied until full details of facilities for the secure storage of 18 No cycles has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and they shall be retained in perpetuity.

Reason:

To ensure that satisfactory parking for cycles is provided on site to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

26. Notwithstanding the submitted plans and prior to their erection, full details of the means of enclosure around the perimeter of the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate that the form and design of the railing enclosure/gates can provide "through visibility" to ensure that the required visibility splays of 2.0m x 10.0m can be achieved as set out on drawing 2024-002K - Proposed Site Plan. The agreed means of enclosure shall be completed in full accordance with the approved details and shall thereafter be so retained. No structures or enclosures over 0.6m in height shall thereafter be placed within the visibility splay.

Reason:

In the interests of highway safety and in the interests of visual amenities as required by Policies MD2 (Design of New Development) and SP1 (Delivering the Strategy) of the Local Development Plan.

27. Any part of the windows shown dotted on the proposed elevation drawings serving flats 6, 7, 11 and 12 shall below 1.7m in height above the level of the floor in the room, be obscurely glazed to a minimum of level 3 of the "Pilkington" scale of obscuration and fixed pane at the time of installation, and so retained at all times thereafter.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

28. The community space hereby approved and as shown on drawing ref. 2024-003E - Proposed Floor Plans shall only be used for Use Classes D1 and D2 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason:

To control the precise nature of the use of the site, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) 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.

Affordable Housing (2006), TAN Note 11 – Noise (1997), TAN 12 – Design (2016) and TAN 18 – Transport (2007), the proposed redevelopment of this brownfield site to provide affordable housing and community uses is considered acceptable in respect of the siting, scale, design of the building, its impact on the character of Arcot Street and the wider character of the area, access and provision of parking and impact on the amenities of nearby residential occupiers and ecology. Having regard to Policies SP1 – Delivering the Strategy, SP3 – Residential Requirement, SP4 – Affordable Housing Provision, SP10 – Built and Natural Environment, MG1 – Housing Supply in the Vale of Glamorgan, MG4 – Affordable Housing, MG7 – Provision of Community Facilities, MD1 - Location of New Development, MD2 - Design of New Development, MD3 - Provision for Open Space, MD5 - Development within Settlement Boundaries, MD6 - Housing Densities and MD7 -

Environmental Protection of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Supplementary Planning Guidance relating to Amenity Standards, Affordable Housing, Parking Standards and Sustainable Development - A Developer's Guide and Planning Policy Wales (Edition 9, 2016) and Technical Advices Note 2 – Planning and

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. The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for**

**(i) determining the extent and effects of such constraints;**  
**(ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;**

- **Unprocessed / unsorted demolition wastes.**
  - **Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.**  
**Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and**
- (iii) the safe development and secure occupancy of the site rests with the developer.**

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

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

**2. Warning: An European protected species (EPS) Licence is required for this development.**

**This planning permission does not provide consent to undertake works that require an EPS licence.**

**It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.**

**To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>**

**3. The applicant should note that Traffic Regulation Orders (TRO's) take a minimum of 12 weeks notice period (subject to the consultation period) in order to implement all temporary or permanent TRO's. All requests to process such orders must be submitted in writing to Operational Manager, Highways & Engineering, Alps Depot Wenvoe, Vale of Glamorgan, CF5 6AA.**

**4. The developer will be required to enter into a Section 38/278 Agreement with the Highway Authority before undertaking works along the adjacent highway.**

**5. A detailed report on the archaeological work, as required by the condition, shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the archaeological fieldwork**

**The archaeological work must be undertaken to the Chartered Institute for Archaeologists (CIfA) "Standard and Guidance for Building Recording" ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or an accredited Member.**

**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*

2017/01337/FUL

St Pauls Church, Arcot St, Penarth

Drawn By: SDB



Scale	1:1250
Time	12:26:42 PM
Date	13 Apr 2018



**OBJECTIONS / COMMENTS TO PLANNING****St Paul's – Arcot Street****2017/01337/FUL****Tim Land  
49 Arcot Street**

1. Objection - OVERLOOKING WINDOWS (Privacy)
2. Comment/ Objection - Chapel Lane infrastructure and traffic management

1. Objection - OVERLOOKING WINDOWS (Privacy)

**Location: South side of the building (specified as the 'Side Elevation' ) 1<sup>st</sup> and 2<sup>nd</sup> floor one bedroom apartments – Kitchen window.**

**I would request that these kitchen windows are removed / or placed above head height so as to not afford 'monitoring' views.**

Both these apartments feature a window at the kitchen sink. These will directly overlook the rear of at least 5 properties 45 – 50 Arcot Street and the 2<sup>nd</sup> floor window will extend many houses further up the row.

The position of the window is problematized by the nature of the window – Kitchen sink windows tend to afford extensive monitoring of the view. These windows will offer direct and commanding views over gardens and into the rear windows of the properties.

I can conclude from having previously lived in a converted church overlooking residential properties that the kitchen window view afforded extensive insight into the surrounding houses and gardens, observing people's properties and their daily routines. Just by the process of being at the kitchen sink and carrying out simple chores did I have insight into people's personal lives. The position encouraged observation but in fact was affording a view that was deeply invasive.

I would also add that the views I experienced extended well beyond 21 meters and were also aided by the lack of blinds / curtains / netting and other obscuring materials that tend to be minimised in rear windows in order to promote views into the properties own garden. Furthermore, 'watchtower' windows with sun reflections on the glass do not appear to be noticeable by those lower down. Again, I was very aware of how oblivious some residents were of the window and seemed to behave as though they were not observable.

Having looked at the VoG guidance on minimum distances, including angles of view, I would state that the kitchen windows on the 1<sup>st</sup> and 2<sup>nd</sup> floor flats (South side elevation)

contravene this guidance in regard to properties 45 – 46. I would also state in regard to these properties that they may not have the necessary information to place an objection (45 is a rental property and 46 is owned by a charity as supported living) The residents and any future residents will be comprised and the Planning department must take this issue into account rather than simply relying on the current properties owners to make objections. It is these situations that end up with planning errors because the system is reliant on an objection at one moment in time.

Houses 47 – 50 will also be compromised by what I know to be observable views, while these may be beyond the minimum distance (which is a guide rather than an absolute specification) given the elevation of the windows, they will afford unfettered views down into the properties - they will act as 'watchtower' positions. The views into the gardens offers an even more invasive aspect and could detract from the character and use of the gardens. The windows could also incur and encourage the building of excessively high fences which will cast shadows into the adjacent garden on the north side of any property doing so.

It should be noted that 9 of the apartments do not feature a kitchen window and are obviously suitable as properties utilising light from the central window. Whilst the designs are obviously trying to maximise every opportunity there is no principle that these kitchens must have a window. In this case the windows come at the expense of an invasion of privacy for the properties in Arcot street. There has never been a view from this part of the site and the surrounding properties with their historical development and use precedes the design proposal.

**I would request that kitchen windows in these properties are removed / or placed well above head height so as to not afford 'monitoring' views.**

## **2. Requirement - Chapel Lane infrastructure and traffic management**

It is welcomed that Highways have specified that Chapel lane is resurfaced and given suitable lighting. This is essential as the development will incur increased use of the lane from Glebe street, Salop street and Arcot street. As the entire design proposed at St Paul's is in essence a 'back lane' development the current status of Chapel Lane as 'back lane' needs to change. It needs the proper infrastructure and traffic management to make it safe.

As a resident with a rear garage I have a strong knowledge and understanding of the lanes currently and can reasonably project the problems and issues increased use will cause.

The planning department should recommend / specify the following:

### **1. One way system for Chapel Lane.**

The rear car parking will increase what is a quiet rear lane into a regularly used road. All access points are only one car wide so it will become very problematic and hazardous if a one-way system is not implemented.

## 2. Yellow lines at pinch points.

There are yellow lines on the East- West section of Chapel Lane but they will need to be further used on the North South section where the lane narrows to one car (rear of 51 southward)

## 3. Speed restrictions

There will need to be a 5-mile speed limit in the lane. It's narrow design and access to garages and other make shift residential dwelling needs to be considered. The design will also encourage pedestrian access from all access points but there is no pavement in the north south section.

## 4. New signage and monitoring for Fly Tipping.

Chapel lane is one of the worst areas for fly tipping in Penarth - it is regularly used to dump domestic and commercial waste. The suggestion from the design statement provided by WYG suggests all fly-tipping will disappear due to the natural surveillance of residents in St Pauls. This is a simplistic assumption and habits will not immediately change – the main focus for dumping will simply move further up the lane towards Salop Street. New and highly visible signage needs to be introduced along with CCTV monitoring. It is unacceptable to allow the health and safety risk that is Chapel Lane fly-tipping to continue and it has long been the message from VoG that St Paul's development will be the catalyst.

## 5. Lighting.

Sufficient lighting needs to be provided for Chapel Lane but it must not cause light pollution to the rear properties in Glebe / Arcot / Salop street. Low level lighting must be used, if it does not extend above height of rear walls / garages then it will not cause disturbance to rear properties.

## 6. Further residential development of Chapel Lane.

The development of St Pauls and Chapel lane will incur the application of residential developments to coach houses and garages. Developing these spaces as ancillary buildings is acceptable but planning should not allow self-contained flats to develop.

Note: I am aware of a resident who has openly said they will apply to build a flat in an existing coach house if St Pauls is developed. This will only introduce more traffic and density issues into the lane. It should be limited to ancillary use without full self-contained facilities. (I wish to develop my current garage back into a coach house for ancillary use to the main house)

Living in Royal Close, 100m from St Paul's Church, my main concern is car parking, but on the broader planning aspect, would this scheme not set a dangerous precedent for stand-alone back-lane developments?

On a subjective level, I feel that 14 flats is too many for the site and the design is overbearing for neighbours and uninspiring. In the most densely populated part of the town, we should be looking for something that lifts the area and the spirits, not something that looks cramped and adds stress to infrastructure.

The residential part of the development as proposed has no lift, so the 10 flats on the first and second floors would not be suitable for the elderly or disabled.

On parking, the appraisal by Acstro reads like a masterclass in whittling down the developer's liability to provide adequate parking rather than an impartial assessment of need.

Its key points are:

Tenants in the 14 flats will have below-average access to a car.  
The development would generate less demand for parking than the existing permitted use, ie. church. An overnight survey of parked vehicles on nearby streets showed 22 available spaces.

The assumption about car ownership is based on the 2011 census (Vale and St Augustine's ward) and recent surveys of four Newydd Housing Association sites 'in the Vale of Glamorgan'. The census on the 123 social-rented households in St Augustine's ward at that time showed 41% car/van ownership or access.

The number of social-rented houses in St Augustine's ward has increased dramatically since the census with the construction of Penarth Heights. A late-night walk-by of social rented houses in phase two of that development indicates much higher car ownership than the figures provided by Acstro.

The four Newydd sites 'in the Vale of Glamorgan' are in fact all in Barry, with all due respect, a town with a different demographic to Penarth. As Newydd now has 210 properties in Penarth, I have to ask why Barry was chosen for an assessment of car ownership per household?

The Acstro report contends that the St Paul's development would be an improvement on the existing situation in that its parking demand would be lower than for the permitted use (church). I took advice from a highways consultant, who disagreed (see note), saying that an argument could be made that the proposed development should have 10 (5 proposed and 5 shortfall) parking spaces.

I accept that it would be unreasonable to apply parking standards strictly (15 spaces for residents, 3 for visitors), but the case for 'a more flexible approach' is not as compelling as Acstro would have us believe. For instance, if a car ownership factor of only 0.5 is applied, the parking demand for 14 flats would be seven, not six, plus three for visitors, making 10. And it is inaccurate to say that parking demand attributable to community use is 'roughly half'. On information in the public domain, the community space is 368 sqm and the residential component is 683 sqm, total 1,051 sqm, so gauged by floor area, the community space accounts for about a third of parking demand rather than roughly half.

In the conclusion of the parking appraisal, there is no mention of the three visitor spaces. Have I missed something or is it proposed that visitors, social workers, health visitors, carers and the like will have to find parking spaces on the streets?

The assessment of on-street parking also leaves me puzzled. I walked the designated streets from 00.15 to 00.35 on Tuesday, January 16, and counted 45 parking spaces, which, of course, is more than double the Acstro benchmark of 22. By far the most, 13, were on Glebe Street between Chapel Lane and Salop Street. Perhaps it's no coincidence that there are two pubs there, so spaces occupied by people from out of the area during opening hours become vacant after closing time, which is not helpful for residents coming home from work in the early evening looking for parking spaces.

I repeated the exercise on Friday, January 19, this time counting cars so I could subtract that number from Acstro's estimate of 213 available spaces. I counted 291, so there is clearly a discrepancy that

merits further investigation. And perhaps the parking assessment should take account of local factors and usage at different times?

Two further points: the temporary bus stop in High Street is due to be marked out to highways standards, reducing parking spaces for at least part of the time, and the Vale council has started consultations on a parking strategy which is likely to bring tighter parking controls.

No right-thinking person would argue that the St Paul's site should not be redeveloped — it's an eyesore and a magnet for fly-tipping and other antisocial behaviour — but I do not believe that this proposal is the answer. Maybe I should be careful what I wish for, but if back-lane development is not an issue, perhaps the answer might be fewer flats, each with a parking space, and a bigger allocation of Section 106 money that was supposedly earmarked to replace the community facilities lost when the Billy Banks estate was demolished?

*NOTE: The parking standard for a church is based on the number of seats, but the number of seats in the church is not known so Acstro have used the parking standard for an assembly hall. In doing so, they have over-estimated the parking demand for the church, which boosts the case that parking demand for the development would be lower than for the existing development and, therefore, an improvement.*

*The parking standard for an assembly hall is one space per 10 sqm. The existing floor area for the church is 650 sqm, so Acstro have said the building would require  $650/10 = 65$  spaces. The parking standard for a church is one space per eight seats. So for it to require 65 parking spaces, it would have had to have  $8 \times 65 = 520$  seats, which seems unlikely.*

**2018/00240/RES** Received on 6 March 2018

Taylor Wimpey (South Wales) Plc C/o Agent  
Mr. Paul Williams Savills, 2, Kingsway, Cardiff. CF10 3FD

### **Land at North West Cowbridge**

Phase 2 of the development consisting of 306 new homes, new public open space, landscaping and highways infrastructure

### **REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because in determination of application 2014/01505/OUT at the Committee Meeting of 14 January 2016, Members all reserved matters applications be reported to a future meeting of the Planning Committee for approval.

### **EXECUTIVE SUMMARY**

The site comprises part of the site at North West Cowbridge previously granted planning permission for up to 475 houses and a link road between the A48 and Llantwit Major Road to the south (2014/01505/OUT). This reserved matters submission relates to the development of the northern part of the site (Phases 2 and 3 of the Outline Consent). The proposals seek to erect a total of 306 dwellings, including 134 affordable units, within this phase.

At the time of writing this report 7 letters of representation have been received raising the following issues: timing of submissions; location of foul water pumping station near to homes at Darren Close causing noise and disturbance; object to the removal of the hedge to the south of the school site due to provision of bus stops/alterations to Llantwit Major Road; drainage issues; concern regarding the use of brick; technical nature of drainage submissions.

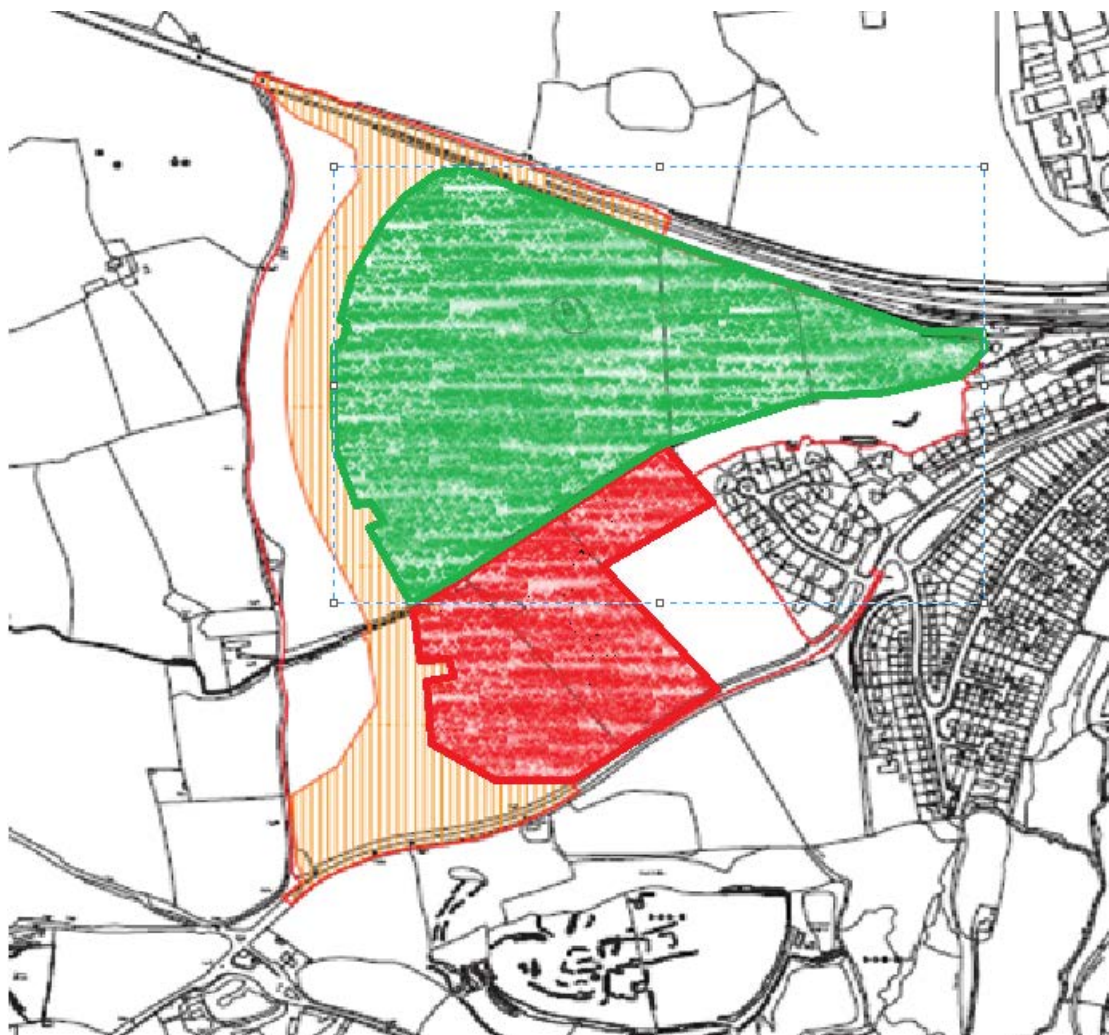
The principle of development of the site has already been established under the grant of the outline planning permission. As such it is essential to ensure the development proposed accords with the provisions of the outline consent in terms of scale and parameter plans, has an appropriate design and scale, no unacceptable impact upon neighbouring amenity, open space provision, highways implications, amenity space. These matters, along with ecology, archaeology, drainage, and landscaping will be considered in the following report.

Having considered the above, it is considered that the development of the site as proposed is acceptable and the application is recommended for APPROVAL.

### **SITE AND CONTEXT**

The site comprises part of the site at North West Cowbridge previously granted planning permission for up to 475 houses and a link road between the A48 and Llantwit Major Road to the south (2014/01505/OUT). The site is allocated for residential development in the adopted Vale of Glamorgan Local Development Plan and lies within the settlement boundary for Cowbridge.

This application relates to the northern part of the site, adjacent to the A48 to the north, the position of the proposed link road to the west and to the north of the hedgerow running east-west centrally through the site. A plan showing the extent of the residential development, subject of this application is shown below:



Plan showing position of the application site (shaded green), Phase 1 – granted under permission 2017/00841/RES (shaded red) in relation to the link road and realigned Llantwit Major Road (shaded orange).

### DESCRIPTION OF DEVELOPMENT

The application, as amended, comprises the reserved matters (appearance, landscaping, layout and scale) submission for residential development at Land at North West Cowbridge, relating to Phases 2 and 3 of the development site as indicated within the permission 2014/01505/OUT. The current application seeks to provide a total of 306 dwellings and associated infrastructure and public open space within the second phase of the residential development of the site. The proposed layout is shown below:





This part of the site would be served by 2 points of access from the link road approved under consent 2014/01505/OUT, with 2 primary routes running through the site and converging at a central 'square' area. A number of dwellings would front onto these primary routes with the remainder of the dwellings being accessed by secondary estate roads, shared surface areas and private drives.

The site includes the provision of green space corridors to the south and running centrally (north-south) through the site as envisaged by the illustrative masterplan documents. The layout incorporates a number of open space areas including a Neighbourhood Equipped Area of Play; a Local Equipped Area of Play and 3 no. Local Areas of Play.

Whilst none of the proposed dwellings are accessed directly from the main roads outside of the site (i.e. the link road and Llantwit Major Road), the proposed layout includes a number of dwellings facing outwards towards these routes accessed from private drives and shared surface areas.

The development comprises of a mix of two and three storey buildings which give accommodation in the form of 36 no. one bedroom apartments, 77 no. two bedroom dwellings, 42 no. three bedroom dwellings, 120 no. four bedroom dwellings and 33 no. five bedroom dwellings. Of the 306 dwellings proposed within this phase, 134 (44%) affordable dwellings are proposed and the remaining 172 dwellings are market housing.

As amended the dwellings are predominantly proposed in a mix of stone and render, although about one fifth of dwellings are proposed to be finished in brick. Example street



scene elevations are shown below:



Street scene elevations of plots 197 -205



Street scene elevations of plot 211 and 235-237

## PLANNING HISTORY

2017/00841/RES, Address: Land at North West Cowbridge, Proposal: Phase 1 of the development consisting of 169 dwellings with associated access, roads and footpaths, landscaping, public open space and other ancillary works. Decision: Committee resolution to approve subject to S106 agreement

2017/00829/ADV, Address: Land at North West Cowbridge, Cowbridge, Proposal: 3 no. flag and pole to existing A48 Signage, 3 no. flag and pole to existing Llantwit Major road signage, Decision: Approved

2017/00520/FUL: 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 4<sup>th</sup> arm for access to land to the north of the A48 - Approved

2017/00256/ADV, Address: Land at North West Cowbridge, Proposal: Chevron sign is used to create maximum visibility where visitors approach from both directions. In this case, the chevron sign is a two main/front facing sign panels. Decision: Approved

2014/01505/2/NMA - Address: Land at North West Cowbridge. Non material amendment to permission 2014/01505/OUT to vary condition 18 of permission to make an amendment to the scale parameters approved. Decision: Approved

2014/01505/5/CD Address: Land at North West Cowbridge; Discharge of Condition 33 - Fencing of trees and hedgerows. Planning permission ref. 2014/01505/OUT. Decision: Pending

2014/01505/4/CD Address: Land at North West Cowbridge; Discharge of Conditions 9 - Public Open Space, 23 - Construction Environmental Management Plan, 25 - Construction Traffic Management Plan, 27 - Proposed Perpetual Management and Maintenance and

32 - Disposal of Excavated Material. Planning permission ref. 2014/01505/OUT. Decision: Pending

2014/01505/3/CD Discharge of conditions 17(Landscaping for link road), 24 (Landscape and Ecology Environmental Management Plan), 35 (Landscaping) and 38 (mitigation for skylark and lapwing) of 2014/01505/OUT, Decision: Pending

2014/01505/2/CD. Discharge of conditions 12 (full engineering details – link road), 16 (full engineering details of the proposed Puffin Crossing on Llantwit Major Road), 22 (levels), 26 (drainage), 28 (lighting), 29 (engineering details of the junctions) and 36 (footway). Decision: Pending

2014/01505/1/CD Discharge of conditions 13 (Relaxation Document), 19 (Phasing Plan), 21 (Scheme of Archaeological Investigation) Decision: Conditions Partially Determined (Approved only)

2014/01505/1/NMA Amend the trigger points to conditions 17, 23, 24, 25, 26, 32, 33, 35 and 38 of permission 2014/01505/OUT – Decision: Approved

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, Decision: Approved

## CONSULTATIONS

**Cowbridge with Llanblethian Town Council** was consulted and raise a number of concerns with regard to the application as follows: the submission of phase 2 of the development is premature given construction of phase 1 has not yet commenced; concern over scope of application; pumping station location; water runoff affecting Westgate; excessive use of brick within the proposals and use of 1.8m high enclosures; concern if drainage system will be in place prior to the development of the site; the impact of the development raised in the Environmental Impact Statement have not all yet been considered; concern over use of 3 storey properties; query reason for Archaeological Exclusion Zone; demand on infrastructure of Cowbridge; careful consideration needs to be given to landscaping.

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

**The Council's Highway Development Team** was extensively involved in pre-application discussions informing the submitted layout. Further comments have been received raising some localised layout issues in terms of visibility splays, reconfiguration of shared surface/junction areas, position of dropped crossing facilities, surfacing issues and concern over the position of parking areas adjacent to the junction with plots 389 and 448. Discussions are ongoing to resolve these minor issues at the time of writing this report and an update will be provided at the Committee Meeting.

**The Council's Highways and Engineering (Drainage) Team** was consulted and confirm that they are satisfied that conditions 26 and 27 of the outline consent are sufficient with regard to managing the overall surface water strategy. Whilst further information will be required to allow the discharge of these condition, they note that the drainage strategy

submitted as part of this application broadly follows the principles proposed within the outline surface water drainage strategy, which in part is currently under review but that further details will be required to satisfy these conditions (this will be required under separate conditions discharge application 2014/01505/2/CD). They do however note that as per Phase 1, a condition should be attached to the reserved matters submission requiring a Construction Surface Water Management Plan to be submitted before works commence on site, to ensure that there is no detriment to flood risk either on or off-site during construction.

**Cadw (Ancient Monuments)** were consulted and note that in commenting in relation to the outline scheme they stated *“the proposed development will have no direct impact on any designated monument but will have an adverse impact on the setting of GM100 Caer Dynnaf hillfort”*. They go on to state that views *‘towards this phase of the development area are significantly screened by existing vegetation and the damage to the setting of the monument is considered to be slight but not significant.’*

**Cowbridge Ward members** were consulted with regard to the proposals although no comments had been received at the time of writing this report.

**Dwr Cymru Welsh Water** were consulted and comment that a hydraulic modelling assessment is required to establish a suitable point of connection, noting the developer is engaging with DCWW in this regard. They initially requested that a condition be attached to any consent granted requiring a foul water drainage scheme to be submitted and approved by the Local Planning Authority. Following further consultation DCWW confirmed that they were satisfied that the condition attached to the outline consent was adequate in consideration of foul flows arising from the site.

**The Council’s Ecology Officer** was consulted and recommend that 2 conditions be attached to any consent granted requiring a scheme for protection and enhancement of biodiversity on site in addition to a copy of a Ground Nesting Bird compensation strategy.

**South Wales Police Crime Prevention Design Advisor** provided comments indicating *‘South Wales Police welcome the acknowledgement to community safety in the design update statement and note emphasis placed on surveillance by the developers and distinction between public and private space. The design update in terms of general layout is to be welcomed as this provides the potential for good security on the estate through good surveillance of access roads from homes and good protection for rear gardens.’* As such they raise no objection but make a number of observations and recommendations with regard to appropriate levels of street lighting; secure enclosures to rear gardens and communal areas; overlooking of side parking areas and natural surveillance of parking spaces; PAS24 compliant doors to be fitted on properties; external service meters and that all buildings should be built to Secured by Design standards.

**The Council’s Housing Strategy section** was consulted and confirmed that they were satisfied with the affordable housing provision within the development.

**Natural Resources Wales** was consulted with regard to the application *‘have no adverse comments to make regarding the above reserved matters application. Our previous response and advice regarding the outline application (your reference 2014/01505/OUT) remains valid and we would wish to be consulted on all conditions within our remit.’*

## REPRESENTATIONS

The neighbouring properties were consulted on 9 March 2018, site notices were also displayed on 3 April 2018 and advertised in the press on 12 March 2018. At the time of writing this report 7 letters of representation have been received raising the following issues:

- timing of submissions;
- location of foul water pumping station near to homes at Darren Close causing noise and disturbance;
- object to the removal of the hedge to the south of the school site due to provision of bus stops/alterations to Llantwit Major Road;
- drainage issues including the technical nature of the details submitted
- concern regarding the use of brick

## REPORT

### Planning Policies and Guidance

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

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

#### **Strategic Policies:**

POLICY SP1 – Delivering the Strategy  
POLICY SP3 – Residential Requirement  
POLICY SP4 – Affordable Housing Provision  
POLICY SP7 – Transportation  
POLICY SP10 – Built and Natural Environment

#### **Managing Growth Policies:**

POLICY MG1 – Housing Supply in the Vale of Glamorgan  
POLICY MG2 – Housing Allocations  
POLICY MG4 – Affordable Housing  
POLICY MG6 – Provision of Educational Facilities  
POLICY MG16 – Transport Proposals  
POLICY MG17 – Special Landscape Areas  
POLICY MG20 – Nationally Protected Sites and Species

#### **Managing Development Policies:**

POLICY MD2 - Design of New Development  
POLICY MD3 - Provision for Open Space

POLICY MD4 - Community Infrastructure and Planning Obligations  
POLICY MD5 - Development within Settlement Boundaries  
POLICY MD6 - Housing Densities  
POLICY MD7 - Environmental Protection  
POLICY 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.

### **Technical Advice Notes:**

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

- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 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:

- Amenity Standards
- Affordable Housing
- Biodiversity and Development
- Design in the Landscape
- Model Design Guide for Wales
- Parking Standards (Interactive Parking Standards Zones Map)

- Planning Obligations
- Public Art
- Sustainable Development - A Developer's Guide
- Trees and Development

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

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Office Circular 016/2014: The Use of Planning Conditions for Development Management
- Site and Context Analysis Guide – Welsh Government March 2016
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

#### **Well-being of Future Generations (Wales) Act 2015**

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

#### Issues

Members will be aware that outline planning permission was approved for up to 475 dwellings under application 2014/01505/OUT, which included full approval of the link road.

Therefore the principle of residential development at the site and the access from Llantwit Major Road and the new link road has already been established. The matters for approval now being sought are access, appearance, landscaping, layout and scale. These matters will be considered under the following headings

- Compliance with the outline planning consent and legal agreement
- Density/number of units
- Storey height and levels
- House types and design
- Amenity space
- Open Space provision and landscaping
- Boundary treatments
- Highways issues, including parking
- Construction Impacts
- Public Rights of Way
- Impact on residential amenity
- Internal road layout, parking and cycling
- Landscaping and POS

- Impact upon Listed Buildings and Heritage Assets
- Drainage and Flood Risk
- Affordable Housing
- Archaeology
- Ecology

General compliance with the outline planning consent

Condition 5 of the outline consent requires that the reserved matters consent shall have full regard to the Manual for Streets and Secure by Design guidance and shall reflect the principles parameters and objectives of the illustrative masterplan PS31131-21 Rev F.' The illustrative masterplan (PS31131-21 Rev F) for this part of the site and the proposed site layout are shown below:



*Extract of illustrative masterplan PS31131-21 Rev F relating to northern part of the site (subject of this application)*





Submitted site layout drawing reference 1605 90 03 Rev A

As can be seen from the submitted layout, the broad principles of the masterplan, in terms of the position of major routes, residential development and areas of open space/landscaping are reflected within the submitted site layout. Manual for Streets encourages the provision of hierarchical layouts within residential developments to ensure more legible sense of place and encourage alternative forms of movement throughout a development other than by car. The application has been supported by a Design Update Document which demonstrates the street hierarchy proposed:

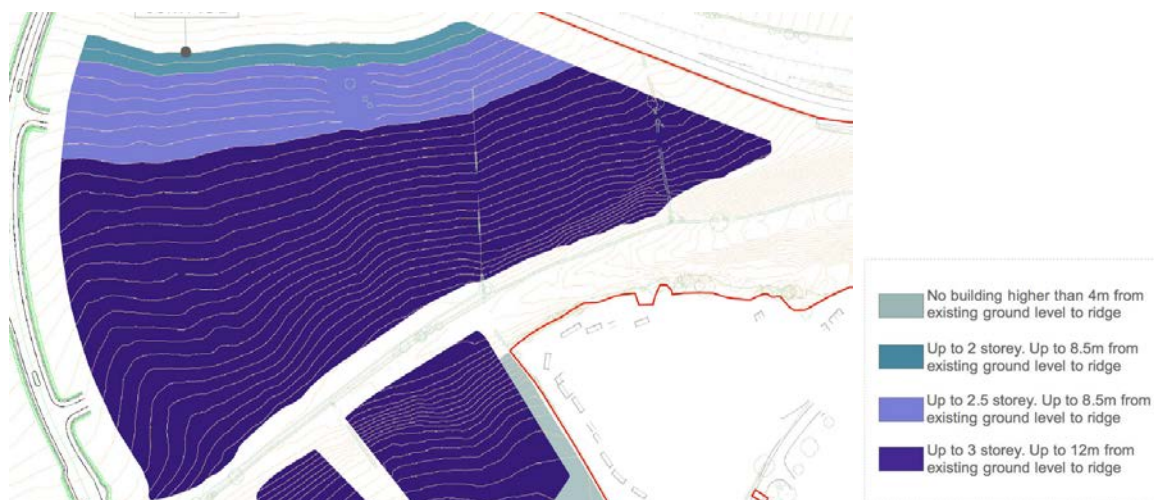




As with the previous application, the applicant has sought to provide varied road widths, finishes and highways landscaping, to provide a network of interconnected routes including large amounts of shared surface areas, that seek to prioritise pedestrian and cyclist movements through the scheme. It is considered that the use of alternative materials and finishes provides clear distinction between different parts of the site giving a sense of place to each part of the development. Overall it is considered that the proposals successfully achieve a legible hierarchy that will be readily walkable; a primary street that has a distinctive character including street trees and a series of secondary and tertiary linkages that have their own distinct character. Noting the above the layout is considered to accord with the principles of Manual for Streets.

Secured by Design seeks to 'design out crime' by incorporating good practice measures to discourage crime within new developments. In general terms the application incorporates a number of perimeter blocks providing clear delineation between public and private spaces. This ensures a high degree of active frontage and natural surveillance onto vehicular and pedestrian routes through the site, areas of public open space as well as providing an active/engaging frontage to the site's periphery. As such it is considered that the general layout has sufficient regard to Secured By Design to comply with the provisions of the outline consent.

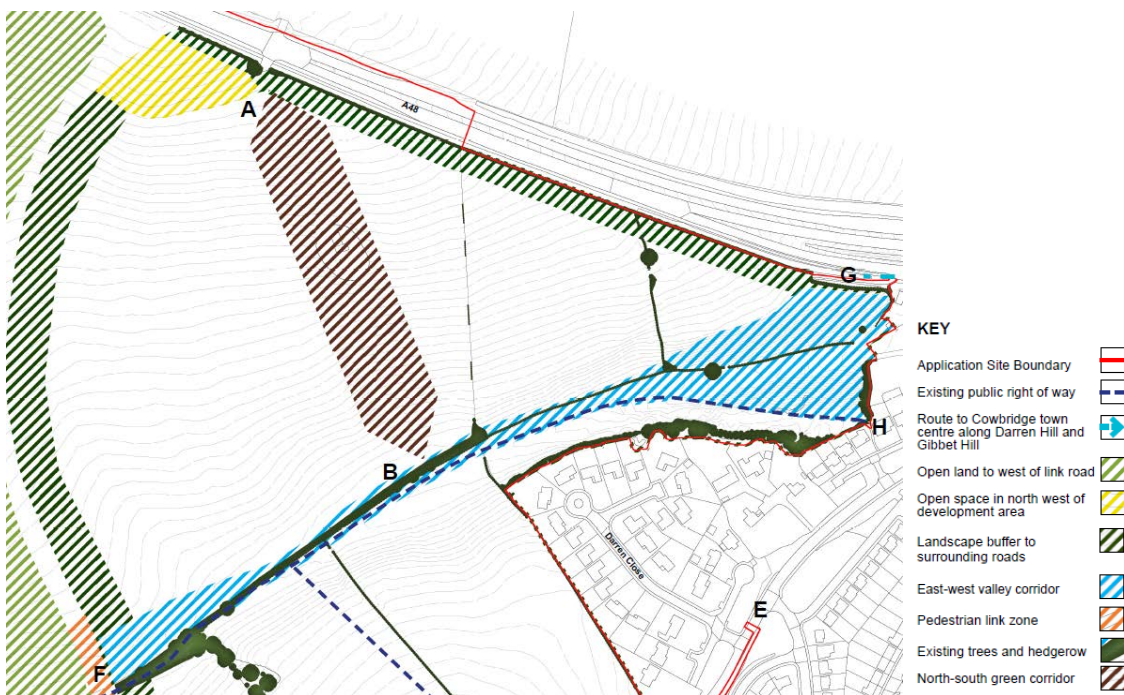
Further to this, condition 18 of the outline consent (as amended) requires that any reserved matters submission should have regard to a number of parameter plans. These relate to the extent of development; open space and accessibility and height of development and are shown below:



*Extract from plan reference 1605-DT-98-02 Rev B (height parameters as amended by NMA application 2014/01505/2/NMA) relating to Phase 2 of the site (subject of this application) to the north.*



*Extract from plan reference PS31131-12.1 Rev K 'Parameter Plan: 1. The Extent of Development and Land Use) relating to Phase 2 of the site (subject of this application)*



*Extract from plan reference PS31131-12.2 Rev K 'Parameter Plan: 2. Open Space and Accessibility) relating to Phase 2 of the site (subject of this application)*

Having assessed the submissions, it is evident that the location of and height of development, the position of strategic open space and access routes shown on the submitted layout, broadly accord with the plans shown above. As such the overall design and form remains in accordance with the parameter plans required by conditions attached to the outline consent. More specific analysis of the proposals is provided within the rest of the report below.

Condition 6 of the outline consent states 'design of the dwellings shall take into account the findings of the Environmental Statement December 0-214 Chapter K Noise including the recommendations of paragraph K6.7.' In the case of this part of the development the Chapter K of the Environmental Statement requires that the submitted layout retains a 15 metre separation between the A48 and the front elevations of the proposed dwellings, in

addition to reducing sight lines fronting the A48 and orientation of bedrooms and lounge areas fronting onto the A48 and use of double glazing and passive ventilation within these properties. It is considered that the layout in general accords with these requirements and the developer remains bound by the requirements of condition 6 in terms of provision of glazing and ventilation to properties fronting the A48.

### Compliance with legal agreement

There were a number of requirements of the legal agreement attached to the outline consent that are applicable to the determination of this application.

The legal agreement attached to the outline consent sought to limit the number of units on this part of the site (phases 2 and 3) to 215 and 120 dwellings respectively. The current application seeks to develop both phases 2 and 3. The number of units within each respective phase complies with these requirements 202 and 104 respectively (306 total) and results in a total of 475 dwellings across the whole of the site (including phase 1), in accordance with the maximum approved under the outline planning permission and legal agreement.

The S106 agreement of the outline consent also includes requirements in terms of the level and nature of both public open space and affordable housing and these are discussed later in this report. Members may recall that the legal agreement originally required that public art and public open space strategies needed to be submitted in support of the relevant reserved matters application. Members are advised that a deed of variation was required to amend this trigger and the applicant has now undertaken this legal agreement.

Noting the above it is considered that the proposals accord with the requirements of the outline consent.

### Density/number of units

The overall site area is approximately 16 hectares with 306 dwellings proposed. It is noted however that the outline consent requires the provision of landscape buffers to the south, west and east of residential development and the masterplan indicates the provision of a public open space corridor running centrally through the site. The provision of these areas reduces the developable area of the site to approximately 11 hectares, resulting in a density of approximately 27.8 dwellings per hectare.

It is noted that policy MD6 'Housing Densities' of the Local Development Plan require that proposals within the key, service centre and primary settlements will be permitted where the net residential density is a minimum of 30 dwellings per hectare, although the policy does allow reduced densities where circumstances including where prescribed densities would have an unacceptable impact of the surrounding area.

The density plan submitted as part of the outline submission states that '*informed by the context appraisal and need to achieve a variety of units, in terms of size and appearance, the density plan illustrates how development responds to the landscape context. Generally there is a graduation of density, reducing away from the centre (on lower land) to the edges (on higher ground) of the masterplan.*'

It is evident that the site is located at a sensitive interface between Cowbridge and the surrounding countryside and that the density of development should reflect this. The submitted layout proposes varied densities of development graduating outwards from lower parts of the site with lower densities evident to the fringes of the site as envisaged at outline stage. The lower density form of development to the fringes of the site will, to some degree, serve to soften the landscape impact of the proposals when viewed from the new link road and A48 to the north. Higher densities are shown within the centre of the site and this is reflected on the submitted layout including higher density terraced housing adjacent to the proposed square. Such an approach is considered to accord with the densities approved as part of the outline consent, and would ensure a sensitive transition with existing development.

Given the above it is considered that the submissions propose a suitable level of development on the site and accord with the densities granted within outline planning consent 2014/01505/OUT. As noted before, the development of this part of the site to provide 306 dwellings would when considered with that approved for Phase 1 (application 2017/00841/RES) result in the development of the site for 475 dwellings, the maximum allowed under the outline consent.

It is considered that the proposed density respects the general character, spacing and density of neighbouring residential developments within Cowbridge, and would provide a sufficiently sensitive transition between the countryside and the existing town. In this respect therefore, it is considered that the development would comply with the aims of national guidance to ensure efficient use of land, and the aims of Policies MG2 and MD6 of the LDP in terms of delivering the allocated number of dwellings and respecting the character of the existing area.

### Storey height and levels

The proposed houses include a mix of designs and house types, predominantly two storeys. 6 no. three storey dwellings are proposed to front onto the 'central square' to provide vertical emphasis and engender a sense of place in this position. Indeed the approved parameters plan allowed for three storey dwellings up to 12m in height across the majority of the site, although limited the height of proposed dwellings to the north of the site to 8.5 metres due to concerns with regard to landscape impact.

There was some initial concern with regard to the levels proposed at units 416-417 and 424-427 adjacent to the central valley running through the site. The submitted engineering drawings indicated a substantial degree of retaining works including retaining walls of 2.4m to 4m in height adjacent to the hedgerow shown to be retained. The dwelling at plot 416 was originally shown to have a slab level some 4.85m higher than existing levels at its highest point. Concern was raised with regard to the visual impact of this element of the works and the applicant was advised to amend this element of the scheme and soften the impact of associated retaining works. The site layout was amended in this position to remove this particular unit and adjust the road layout to remedy this issue.

The application is also supported by engineering drawings indicating the proposed slab levels of the dwellings and that of the proposed gardens. As with the first phase application it is noted that there are levels differences relating to this part of the site, and therefore it is accepted that there would be a degree of cut and fill to provide appropriate levels for the residential development of the site. Having assessed the submitted levels information, it is considered that the levels indicated are acceptable in principle and the



height of proposed dwellings would accord with the plans above. However, it is considered reasonable to require final details of levels having regard to drainage and highway details, to be provided prior to the commencement of development and a condition is recommended (condition 5 refers).

### House types and design

Outline Consent 2014/01505/OUT was supported by a 'Cowbridge Pattern Book' that was listed within the approved plans. This document, whilst not seeking to provide a prescriptive definition of house types for any reserved matters submission, provides a comprehensive analysis of the architectural features of Cowbridge, providing a few general findings:

- *That Cowbridge and Llanblethian and their surrounding rural villages have a rich tapestry of townscape which gives it a unique identity; from its varied housing types, to key landmark buildings terminating important routes, to a range of important architectural heritage;*
- *Having a wide range of house types from villas, to courtyards, to terraces, and detached houses ensures social and environmental sustainability and that Cowbridge is a community for all;*
- *That there is an important common language of materials that knit both the town and villages together in wholeness.*

Prior to the submission of reserved matters applications, significant pre-application discussions were held with the developer with regard to the layout, form and house types to be proposed. This discussion informed the submission of the previous reserved matters application and in the main the same housetypes are used within this part of the site, with the addition of the 'Ashton G' three storey dwellings within the central square area.



### 'Ashton G' house type (front and side elevation plan)

The proposed dwellings are standard pattern book house type designs that are fairly traditional in terms of their design. The majority of the proposed dwellings are detached, with some small terraces and pairs of semi-detached dwellings. Market housing types proposed are a mix of 3, 4 and 5 bedroom properties with the majority being 4 bedroom dwellings. As before, enhanced elevations and corner turning units have been utilised in prominent corner positions to add interest and maintain active frontage through the scheme. Some example house types are shown below:



SIDE ELEVATION

FRONT ELEVATION



FRONT ELEVATION

SIDE ELEVATION

The vast majority of dwellings are two storey in height with the exception of the 6 no. three storey units noted previously. This would result in a form of development, in terms of its height, that would result in a visual impact similar to that anticipated at outline stage. Overall, it is considered that the dwellings would appear as appropriately scaled when viewed in the context of Cowbridge as a whole and would not appear as oversized or alien to the existing scale and massing of buildings found elsewhere within the town when viewed from outside of the site.

The application proposes a mix of stone, render and brick dwellings, with approximately 20% of dwellings within the scheme being completely finished in brick. The submitted Design Update document seeks to justify the use of brick by identifying its use elsewhere within Cowbridge and states that *in 'central areas there has been identified opportunities to add more variety and interest to the external materials with the use of brickwork, creating subtle sub-character areas' and that 'a design rationale identifies areas where the architect considers an enhancement to the scheme will be made through sensitive use of brickwork to add interest to the predominant palette of render and stone.'*

Significant discussion and negotiation took place within pre-application discussions and in consideration of the first Reserved Matters application, and members will recall that the use of brick as a predominant material was negotiated out of the scheme for the reserved matters submission for phase 1 (2017/00841/RES). The use of brick was limited within phase 1 to a tertiary material for interest, to prevent a material finish at odds with the historic Cowbridge vernacular.

Following assessment of the submitted details and negotiation with the applicant, it was agreed that limited use of brick as a predominant finish could be utilised to create distinct character areas and interest within the development, for instance around the central square and around the LAP to the west of the site. Of the 475 dwellings across the site only 13% would be finished in brick. The proposed brick house types are centrally positioned within the site, limiting their wider visibility from outside of the site. Whilst brick is not widely utilised within the historic core of Cowbridge, it has been utilised to varying degrees of success within more contemporary developments within the town. Following extensive negotiation with the developer it was agreed that the use of an alternative high quality material could engender a distinct sense of place that complements the wider development. The applicant has provided samples of brick to be used in

addition to revised housetypes introducing enhanced detailing to the brick house types compared to those originally submitted. A relatively small percentage of brick units within appropriate centrally located positions is considered to add a degree of variation and interest that would enhance the scheme. As such officers are satisfied that the limited use of high quality brick faced dwellings would add interest and variety to the palette of materials.

Whilst standard 'Taylor Wimpey' house types are proposed throughout the site, the revised palette of materials, window form and detailing including chimneys and bays, allow the proposals to appear in keeping with the wider vernacular and appearance of Cowbridge, whilst allowing the development to garner a distinctive character of its own. The dwellings are therefore considered to be acceptable in design terms and as such the development reflects the advice in TAN 12.

### Amenity Space

Policy MD2 of the Local Development Plan requires new developments to meet the Council's approved guidelines with respect to the provision of amenity space and public open space. These approved guidelines are contained within the adopted Supplementary Planning Guidance (SPG) 'Amenity Standards', which provide guidelines to ensure that all new residential developments contribute towards a better quality of life without unacceptably affecting the amenity enjoyed by existing residents.

Policy 2 of this document is considered to be of particular relevance in this instance, which states that '*the council will ensure that useable, adequate and appropriate private amenity space is provided as part of residential development*'.

The guidance contained within this policy notes that developers at a minimum should provide 1sqm of amenity space per 1sqm of the gross floor area for new dwelling houses, whilst 20 sqm of readily accessible amenity space should be provided per occupier of flatted development. It is acknowledged that the current application proposes residential accommodation principally in houses. With regard to the amenity provision for the dwelling houses it is noted that the proposals would largely meet and exceed these standards. Within the Amenity Standards SPG it states that the detailed amounts are not intended to be a prescriptive standard and whilst recognising there is a modest shortfall in some instances it is acknowledged that the majority of units (including the affordable flatted blocks) will have access to an area of private and defensible amenity space which as a minimum should be sufficient for functional requirements including relaxation, clothes drying, refuse storage etc. As such it is considered that adequate amenity space is provided to serve future occupiers of the development.

### Open Space provision and landscaping

Policy MD3 'Provision of Open Space' of the Local Development Plan requires that where there is an identified need for public open space, new residential development for 5 or more dwellings, should make provision for open space with 1.6ha of outdoor sports provision per 1,000 population; children's equipped play space at 0.25 hectares per 1,000 population and informal play space at 0.55 hectares per 1,000 population.

The outline consent requires the provision of five Local Areas of Play (LAPs), two Locally Equipped Areas of Play (LEAPs), and one Neighbourhood Equipped Area for Play (NEAP) to meet the need for children's play space arising from the wider development of the site. It was however considered at outline stage that the provision of outdoor sports facilities within the site was not required given the existing availability of outdoor sports facilities

within the Cowbridge ward. One LEAP and two LAPs were provided within the approved layout for the first phase of the site.

The submitted site layout for this phase shows that a total of three LAPs, one LEAP and one NEAP will be provided within this part of the site. Conditions 9 and 35 of the Outline Consent require further details of a scheme, including the timing, provision and maintenance of these areas to be provided prior to the commencement of residential development. As such further conditions in this regard do not need to be attached to any reserved matters consent. Large areas of informal open space are proposed to the periphery of the site, whilst a central green corridor is also proposed to run north-south through the centre of the site.

When considered with the first phase it is considered that the proposals adequately cater for future occupiers of the site in terms of open space provision.

The application is supported by a Landscape Masterplan providing indicative details of the treatment of areas of the public domain. This plan, includes areas of native scrub, woodland planting and wildflower meadows to the periphery of the site, including the large area to the north of the site adjacent to the A48. As within the first phase, street trees are shown to line the main access road into the site creating a boulevard feel to these routes, whilst trees are used to enhance the landscaping within the central square area and the north-south green corridor. As within the first phase, the applicant has agreed to provide a hedgerow to run along the periphery of the site, enhancing the existing hedge adjacent to the A48 to the north and through the provision of a hedgerow to the link road to the western edge.

#### Boundary treatments

A scheme of enclosures has been submitted indicating a mix of enclosure types to be used throughout the development. These include hornbeam hedgerows (including to plots to the periphery of the site), dwarf walls with railings and 'feature walls' to delineate key nodes and frontages throughout the site.

Higher quality enclosures have been used throughout the site in more publicly visible areas, whilst the predominant enclosure of rear gardens would be 1.8 metre close boarded fencing. The use of varied enclosures throughout the scheme is considered to provide a transition from more sensitive areas to the fringes of the site, with a more urban grain more centrally within the site. This provides interest and a greater sense of place within different parts of the proposal, an approach that is acceptable in principle.

#### Highways issues, including parking

The position and geometry of the access points was approved as part of the hybrid application 2014/01505/OUT which granted full planning permission for the development of the link road from which this part of the site is accessed. The position and geometry of the proposed access points accords with those granted under the previous consent. Furthermore, the principle of development and highway capacity relating to the development of the wider site, off-site improvements and the delivery of the link road were considered, granted planning permission under the previous outline consent and secured through the legal agreement. The number of dwellings proposed on this part of the site accords with the requirements of the outline consent and therefore there is no objection in terms of highway capacity.



Parking is provided for each dwelling, with all market properties having between 2 to 4 parking spaces. The level of parking provision accords with the Council's adopted Parking Standards and the layout caters for a number of designated visitor spaces. There are occasional instances where there would be a modest shortfall in the number of spaces provided on plot to serve individual dwellings. Whilst noting this, the instances where this occurs are limited and the parking standards are not prescriptive, representing maximum rather than minimum standards. As such this is not considered to represent a reason to refuse planning permission in this instance.

At the time of writing this report, the LPA remain in discussion with the applicant with regard to the comments raised by highways which seek some localised and relatively minor amendments to ensure that the highways are provided to an adoptable standard. In general terms however, no major objections have been raised with regard to the general layout and highway geometry, and the requested amendments would only require relatively localised amendments to the submitted layout, which could be secured by planning conditions. Officers expect these issues to be resolved by the time of the committee meeting or that they could be adequately dealt with by way of condition - an update will be provided as a Matters Arising Note.

Social rented affordable housing units are shown to have one space allocated per unit in addition to a number of visitor spaces. Such a level of parking accords with that of the DQR standards. Given the general compliance with the parking standards and the provision of a number of visitor bays throughout the development, it is considered that the level of parking is appropriate.

Having regard to the above, it is considered that the proposed access arrangements and layout are in compliance with the outline consent and are acceptable in terms of highway safety and traffic generation, in accordance with Policy MD2 of the LDP and Manual for Streets, PPW and TAN18: Transport.

### Construction Impacts

It should be noted that Conditions 23 and 25 of the outline planning permission requires, prior to the commencement of any works on any particular phase (including any site clearance and preparatory works), a Construction Environmental Management Plan and Construction Traffic Management Plan. This would ensure that details of management for construction site lighting, hours of operation, control of noise, dust, any vibration issues, wheel washing and haul routes would be submitted and agreed prior to the commencement of development to safeguard the amenities of nearby existing occupiers. Any application for formal discharge of these conditions would need to be approved prior to any works commencing on site following consultation with appropriate departments. It is not considered necessary to attach further conditions in this regard.

### Archaeology

The potential impacts on the archaeological resource at the site have been considered by the previous application (2014/01505/OUT). A programme of archaeological work in accordance with a written scheme of investigation was a requirement of condition (21) of the outline planning permission. The details required pursuant to this condition have been partially discharged in consultation with the Council's archaeological advisors Glamorgan Gwent Archaeological Trust under application 2014/01505/1/CD. Therefore subject to

developer satisfying the requirements of the written scheme of investigation, there are no further archaeological matters for consideration.

## Ecology

The Environmental Statement (ES) submitted as part of the outline consent included a number of mitigation measures including vegetative buffers around the boundary of the Sites of Nature Conservation Interests (SINCs) to the south and south-west of the site; enhancement of existing areas of woodland, hedgerows and trees; mitigate loss of arable field boundaries; reduction of impact upon bats through sensitive lighting and retention of existing mature trees and creation of new habitat in the buffer to the west of the link road.

As such the outline planning permission was granted, subject to a number of ecological conditions including conditions 24 - Landscape and Ecological Management Plan, 26 requiring details of all lighting, 28 requiring provision of open space and lighting and condition 38 requiring details of a skylark and lapwing mitigation strategy. At the time of writing this report the Local Planning Authority remain in negotiation with the applicant with regard to conditions 24 and 38 that have been submitted under separate application 2014/01505/3/CD for the whole of the site, including the large swathe of open land shown to the west of the link road.

Within the confines of this phase, it is considered that the amended scheme would accord with the mitigation identified within the recommendations of the ES, providing areas of native scrub/woodland planting to the north and west of the site and the provision of new and replacement hedgerows.

Following consultation with the Council's ecologist they note that the main ecological issues have been addressed and secured as conditions on the outline consent, although request that two conditions be attached to any consent given requiring further details of a scheme of protection and enhancement of biodiversity on site and confirmation that ground nesting bird mitigation has been undertaken prior to the commencement of development. It is considered that these matters have been considered and addressed in determination of the outline permission and therefore it is not necessary or appropriate to attach further conditions in this regard. Being mindful of the above it is considered that there is not an ecological constraint restricting the approval of these reserved matters details.

## Impact upon Listed Buildings and Heritage Assets

This reserved matters application pertains to the second and third phases of development relating to the outline consent. As aforementioned the proposals are considered to accord with the parameters and extent of development previously granted approval. It should also be noted that the previous submission included a heritage assessment as part of the Environmental Statement in support of the outline application. The impact of the development of the wider site and the associated impact upon the listed buildings of St. Brynach's Church and Cross, Grades II\* and II respectively, Penllyn Castle and the Scheduled Ancient Monument of Caer Dynnaf Hillfort, were considered within this assessment.

As noted within reports for previous submissions, the heritage report submitted with the outline submission details that given the retention of open land to the west of the link road and the landscaped buffer between the link road and the residential development to the east, that the proposals would not negatively impact upon the listed church and cross to the west.

With regard to the hillfort to the south of the site and Penllyn Castle to the north, the *'proposed Development incorporates areas from which views towards local landmarks including Penllyn Castle and St Brynach's Church can be experienced from footpaths within the site'* and that *'Cross valley views towards Llanblethian Hill and Penllyn Castle from local footpaths will not be significantly affected.'* As aforementioned the proposals accord with the parameter plans approved as part of the outline consent and as such it is not considered that there is reason to differ from the conclusions raised within the report.

### Affordable housing

The outline permission 2014/01505/OUT secured provision for a minimum of 40% throughout the whole of the site, with a provision of no less than 20% within Phase 1, no less than 45% within Phase 2 and no less than 35% within Phase 3. The legal agreement for the outline permission also requires a mix of affordable house types as follows 26% 1 bedroom, 53% two bedroom, 16% 3 bedroom and 5% 4 bedroom units through the site.

Members may recall that under consent 2017/00841/RES, a total of 33% affordable housing was provided in accordance with the requirements of the outline consent. The current application relates to the development of Phases 2 and 3 of the site and proposes a total of 134 affordable units within these phases. This provision comprises of 41 no. two bedroom low cost home ownership units; 36 no. social rented one bedroom flats; 34 no. two bedroom social rented dwellings; 19 no. three bedroom social rented units and 4 no. four bedroom social rented dwellings.

When considered in conjunction with phase 1 of the application (which provided 56 affordable units) this represents a provision of 190 affordable units across the site representing a provision of 40%, in accordance with the provisions of the S106 agreement. The total mix of these units would be 52 no. one bedroom units (27.3%), 98 no. two bedroom units (51.6%), 30 no. three bedroom units (15.8%) and 10 no. four bedroom units (5.3%), with a mix of 70% social rented dwellings and 30% low cost home ownership. Whilst the tenure mix of the dwellings accords with the requirements of the legal agreement of the outline consent, the exact mix of housing sizes does not accord with the anticipated mix. This in part is due to the provision of one bedroom flats within blocks of four resulting in a slight discrepancy in terms of overall provision of one and two bedroom units. Following consultation with the Council's Housing Section it was agreed that this mix and the location of affordable housing was appropriate and the applicant has been advised to enter a deed of variation in this regard, to amend the legal agreement accordingly.

Subject to agreement of this deed of variation, it is considered that the proposals accord with the requirements of the outline consent.

## Drainage and flood risk

The outline application was accompanied by a drainage strategy which assesses flood risk, and drainage issues relating to the development of the site and its impact. The Drainage Strategy concluded that the development would not be at risk itself nor unacceptably increase the risk of flood risk elsewhere. Consultees, including the Council's Engineering section, Natural Resources Wales and Dwr Cymru Welsh Water did not raise objection to the development of the site subject to a number of conditions. As such a number of conditions were attached to the outline consent requiring further details relating to upgrading of foul sewerage works (condition 7); comprehensive drainage strategies (condition 26) and perpetual management of any drainage system (condition 27). Applications for the discharge of these in relation to Phase 1 of the Development and Link Road elements of the application are currently under consideration.

The proposals include a proposed surface water drainage strategy that includes details of the position of Sustainable Urban Drainage features detention/infiltration ponds, culverts and soakaways. Following consultation with the Council's Engineering section in terms of surface water and land drainage they confirm that whilst further details are required prior to the commencement of development, conditions attached to the outline consent are adequate for this purpose. They do, as per Phase 1, seek that a Construction Surface Water Management Plan will be required by way of condition attached to this consent to minimise on and off site flood risk during construction (condition 11 refers).

Dwr Cymru Welsh Water initially requested that a condition relating to foul water drainage system be attached to the reserved matters consent. Following further consultation with them it was agreed that the conditions attached to the outline consent were adequate to satisfy this requirement and as such it is not considered necessary to attach further conditions in this regard.

Natural Resources Wales raise no adverse comments regarding the determination of the reserved matters subject to being consulted with regard to conditions on the outline consent with regard to matters within their remit.

Having regard to the above, it is considered in respect of drainage and flooding that the development complies with policies MD2 and MD7 of the development plan.

## Impact upon residential amenity

The nearest residential properties are those within Darren Close to the south of the easternmost part of the site, with the nearest dwellings being those at plots 436-443. A separation in excess of 45 metres would be maintained with these properties, and as such there will be no detrimental impact by virtue of overlooking, loss of light or overbearing.

Concern has also been raised location of foul water pumping station near to homes at Darren Close causing noise and disturbance. The pumping station shown on the submitted plan falls outside of the development area of this application. Furthermore details of the pumping station and associated issues would more appropriately be considered under the drainage conditions attached to the outline consent.

## Other issues

Concern has been raised with regard the timing of submissions to allow conditions on the outline consent to be discharged and that would allow phase 2 to be modified to reflect any issues with the development of phase 1. Whilst noting this, the conditions attached to the outline consent relate to the separate phases of the development and the partial discharge of conditions of respective phases does not prejudice the development of other phases of the development. Nor can the LPA refuse to consider a planning application on this basis. As such it is considered to be appropriate for the application to be considered at this time.

Letters of objection have also raised issue with the removal of hedgerow specifically to the south of the school site. It should be noted that this hedge falls outside of this application site. The need for the removal of this hedgerow and any associated landscaping issues will be considered under the discharge of landscaping conditions attached to the outline consent.

Noting the above, the issues raised do not represent reason to refuse planning permission in this instance.

## RECOMMENDATION

APPROVE subject to the following condition(s):

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

GA 90 03 Rev A ' Planning Layout - Phase 2'; GA 90 03 Rev A 'Materials Finishes Plan' and GA 90 06 Rev A 'Boundary Treatments Plan' received 6 April 2018

IL31131-014 (Rev B) Site Location Plan; GA-90-02 'Extent of Residential Development; Darren Farm Phase 2 Design Update; GA90-10-Rev A 'Boundary Treatment Elevations'; EL-90-101iii ' Gosford Floorplans'; EK-90-102i 'Easedale - Render'; EK-90-102ii 'Easedale -Floorplans'; EL-90-103i 'Midford Elevation (Render) (Detached); EL-90-103ii 'Midford Elevation (Brick/Render) Handed'; EL-90-103iii 'Midford Floor Plan'; EL90-104i Rev A 'Whitford Elevation (Render/Stone)'; EL-90-104ii 'Whitford Elevation (Stone/Render) (Handed)'; EL-90-104iii 'Whitford Elevation (Brick/Render) (Special)'; EL-90-104iv 'Whitford Floor Plan'; EL-90-104v 'Whitford Elevation (Brick/Render)'; EL-90-104vi 'Whitford Elevation (Brick/Render) (Handed)'; EL-90-104viii 'Whitford Elevation (Brick/Render) (Handed) (Special); EL-90-105i Rev A 'Shelford Elevation (Stone) (Special); EL-90-105ii Rev A 'Shelford Elevation (Stone) (Special) (Handed); EL-90-105iii 'Shelford Elevation (Brick/Render); EL-90-105vi 'Shelford Elevation (Render/Stone) (Handed)'; EL-90-105vii 'Shelford Floor Plan'; EL-90-105ix Rev A 'Shelford Elevation (Stone)'; EL-90-105xi Rev A ' Shelford Elevation (Render/Stone); EL-90-105xii 'Shelford Elevation (Render/Stone) (Handed); EL-90-105xiii 'Shelford Elevation (Render/Brick) (Handed); EL-90-106i 'Kentdale Detached - Render'; EL-90-106ii 'Kentdale Detached - Render - Handed'; EL-90-106iii 'Kentdale Detached - Stone'; EL-90-106iv 'Kentdale Detached -Stone - Handed; EL-90-106v 'Kentdale Floorplans'; EL-90-107i 'Eynsham Detached - Render; EL-90-107iii 'Eynsham Detached - Render'; EL-90-107iv 'Eynsham Detached - Render - Handed'; EL-90-107v 'Eynsham

Floorplans'; EL-90-108ii 'Fakenham - Render & Stone - Handed'; EL-90-108iii 'Fakenham Detached - Render'; EL-90-108iv 'Fakenham Detached - Render - Handed'; EL-90-108v 'Fakenham Detached - Stone'; EL-90-108vi 'Fakenham Floorplans'; EL-90-109ii 'Lavenham - Brick and Render'; EL-90-109iii 'Lavenham - Brick and Render Handed'; EL-90-109iv 'Lavenham - Stone and Render Plot 374'; EL-90-109v 'Lavenham - Stone and Render - Handed'; EL-90-109vi 'Lavenham Floorplans'; EL-90-109vii 'Lavenham - Stone and Render'; EL-90-110i 'Mappleton (Stone) Handed'; EL-90-110ii 'Mappleton Elevation (Stone)'; EL-90-110iii 'Mappleton Elevation (Render/Stone)'; EL-90-110iv 'Mappleton Floorplans'; EL-90-110viii 'Mappleton Elevation (Stone) (Special)'; EL-90-110ix 'Mappleton Special (Side Bay) Floorplan'; EL-90-110xiv 'Mappleton Elevation (Render/Stone) (Handed)'; EL-90-111i 'Langdale - Detached - Stone/Render'; EL-90-111ii 'Langdale - Detached - Stone/Render - Handed'; EL-90-111iii 'Langdale Floorplans'; EL-90-112i 'Heydon Render'; EL-90-112ii 'Heydon - Render - Side Windows'; EL-90-112iii 'Heydon - Render - Side Windows - Handed'; EL-90-112iv 'Heydon - Render - Handed'; EL-90-112v 'Heydon - Stone'; EL-90-112vi 'Heydon - Stone - Handed'; EL-90-112vii 'Heydon Floorplans'; EL-90-112viii 'Heydon - Stone Special Plot 185'; EL-90-113i 'Rosedale Elevations (Stone and Render) (Semi Detached)'; EL-90-113ii 'Rosedale Plans'; EL-90-113iii 'Rosedale Elevations (Brick/Render) (Semi Detached)'; EL-90-114i Rev A 'Ashton G (Brick/Render)'; EL-90-114ii 'Ashton G (Floorplan)'; EL-90-115ii Rev A 'Beckford Semi - Render'; EL-90-115iii Rev A 'Beckford Terrace - Render'; EL-90-115v 'Beckford Floorplans'; EL-90-116i '1BF - Render'; EL-90-116iii '1BF - Floorplans'; EL-90-117i '2.7 Terrace - Render'; EL-90-117ii '2.7 Semi - Render'; EL-90-117iii '2.7 Floorplans'; EL-90-118iii '3.1 Terrace - Render'; EL-90-118iv '3.1 Floorplans'; EL-90-119i '4.2 Semi- Render'; EL-90-119ii '4.2 Floorplans'; EL-90-120i 'Single Garage'; EL-90-120ii 'Double Garage'; EL-90-120v 'Double Garage (Version 2)' received 7 March 2018

Reason:

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

2. Notwithstanding the submitted details, samples of all external materials and finishes, in line with the submitted schedule of materials as shown on drawing GA 90 03 Rev A 'Materials Finishes Plan' received 6 April 2018, (to include roughcast render and details of means of protecting the finish/appearance of the render) to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to the beneficial occupation of the respective dwelling.

Reason:

To safeguard local visual amenities, as required by Policy MD2 (Design of New Development) of the Local Development Plan.

3. Prior to work commencing on the external fabric of the development hereby permitted, a sample panel of a minimum of 1 square metre of the proposed renders, brickwork and stonework and detail of the mortar type and pointing, shall be prepared and made available for inspection and final written approval by the Local Planning Authority. Construction work shall only commence once written approval has been given, and the approved panel shall be retained throughout the period of development and shall form the basis of work to walls and external surfaces of the development.

Reason:

To enable the quality of the render, brickwork, stonework, coursing and pointing to be inspected in the interests of the visual quality of the work and to accord with the objectives of Policies MD2 (Design of New Development) of the Local Development Plan.

4. Notwithstanding that shown on plan reference GA-90-06 Rev A 'Boundary Treatment Plan' and GA-90-10 Rev A 'Boundary Treatment Elevations', full details of revised enclosures and details (including the arched openings in stone walls) shall be submitted to and approved in writing by the Local Planning Authority, prior to any construction/erection of the enclosures and the agreed means of enclosures shall be erected on site prior to the first beneficial occupation of the relevant part of the development and thereafter retained.

Reason:

In the interests of visual amenity and to meet the objectives of Policies MD2 (Design of New Development) of the Local Development Plan.

5. Notwithstanding the submitted details, prior to the commencement of the construction of any dwelling, details of the finished levels of the site and the proposed dwelling, in relation to existing ground levels and adjacent 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 visual amenities and the amenity of neighbouring residential occupiers are safeguarded, and to ensure the development accords with Policy MD2 (Design of New Development) of the Local Development Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification) the garages hereby approved shall be kept available for the parking of motor vehicles at all times in association with the development hereby approved and shall not be physically altered or converted.

Reason:

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls other than those approved under Condition 4 of this consent shall be erected within the curtilage of any dwelling house forward of the principal elevation of that dwelling house.

Reason:

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

8. Notwithstanding the submitted Landscape Strategy, a fully detailed scheme of landscaping (at a scale of 1:200) and updated Planting Schedule and management plan, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees (including spread, species and health) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies SP10 (Built and Natural Environment), MD2 (Design of New Developments), MD9 (Historic Environment) of the Local Development Plan.

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

Reason:

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



10. Prior to the commencement of development, a phasing plan indicating the construction of the dwellings and all associated infrastructure (including highways, parking and turning areas) shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with agreed phasing plan and no dwelling shall be brought into beneficial use until such time as all associated highway infrastructure has been constructed and works shall thereafter be so retained to serve the development hereby approved.

Reason: To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policy MD2 of the Local Development Plan.

11. Prior to the commencement of development (including site clearance) a Construction Surface Water Management Plan shall be submitted to and approved by the LPA. This plan shall detail the mitigation measures that will be put in place to ensure that there is no detrimental effect of surface water flood risk to the surrounding areas during construction of Phase 2 of the development. The plans shall also assess the risks from all pollution sources and pathways (including silt, cement and concrete, oils and chemicals, herbicides, aggregates, contaminated land and waste materials) to the watercourse on site and describe how these risks will be mitigated for Phase 2 of the development. All works shall be carried out in accordance with the approved details.

Reason:

To ensure that development does not cause or exacerbate any drainage issues on the development site, adjoining properties and environment, with respect to flood risk and to protect the integrity and prevent hydraulic overloading of the Public Sewerage System and to ensure compliance with the terms of Policies MD1, MD2 and MD7 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; SP3 – Residential Requirement; SP4 – Affordable Housing Provision; SP7 – Transportation; SP10 – Built and Natural Environment; MG1 – Housing Supply in the Vale of Glamorgan; MG2 – Housing Allocations; MG4 – Affordable Housing; MG16 – Transport Proposals; MG17 – Special Landscape Areas; MG20 – Nationally Protected Sites and Species; MD2 – Design of New Development; MD3 – Provision for Open Space; MD4 – Community Infrastructure and Planning Obligations; MD5 – Development within Settlement Boundaries; MD6 – Housing Densities; MD7- Environmental Protection; MD8 – Historic Environment; MD9 – Promoting Biodiversity of the Vale of Glamorgan Local Development Plan 2011-2026; the Supplementary Planning Guidance ‘Amenity Standards’; ‘Affordable Housing’; ‘Biodiversity and Development’; ‘Design in the Landscape’; ‘Parking Standards’; ‘Planning Obligations’; ‘Sustainable Development – A Developer’s Guide’; ‘Trees and Development’; Planning Policy Wales (9<sup>th</sup> edition 2016); Technical Advice Note 2 – Planning and Affordable Housing; Technical Advice Note 5 – Nature Conservation and Planning; Technical Advice Note 11 – Noise; Technical Advice Note 12 – Design; Technical Advice Note 15 – Development and Flood Risk (2004); Technical Advice Note 16 -Recreation and Open Space; Technical Advice Note 18 – Transport and Technical Advice Note 24 – The Historic Environment, it is considered that the proposals are acceptable, subject to conditions, by virtue of the appropriate layout, design and scale of the development, with suitable means of access and parking, and no significant impact on neighbours and overall constitutes an acceptable form of residential development. Furthermore, the proposals include acceptable levels of ecological mitigation, would not unacceptably impact upon the character of the adjoining town of Cowbridge or landscape setting and would not result in unacceptable flooding or drainage issues either on or off site. The proposals therefore comply with the relevant national planning policies and supplementary planning guidance. Furthermore the proposals are considered to accord with the requirements of Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

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. The applicants are reminded of the requirement for compliance in full with the conditions imposed upon the outline planning permission.**
- 2. The proposed development site is crossed by a public sewer. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Dwr Cymru Welsh Water's Network Development Consultants on 0800 9172652.**

**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.**

KEY

Application Boundary



2018/00240/RES



Nathaniel Lichfield & Partners  
Planning, Design, Economics.

Project Darren Farm, Cowbridge

Title Application Boundary

Client CEG

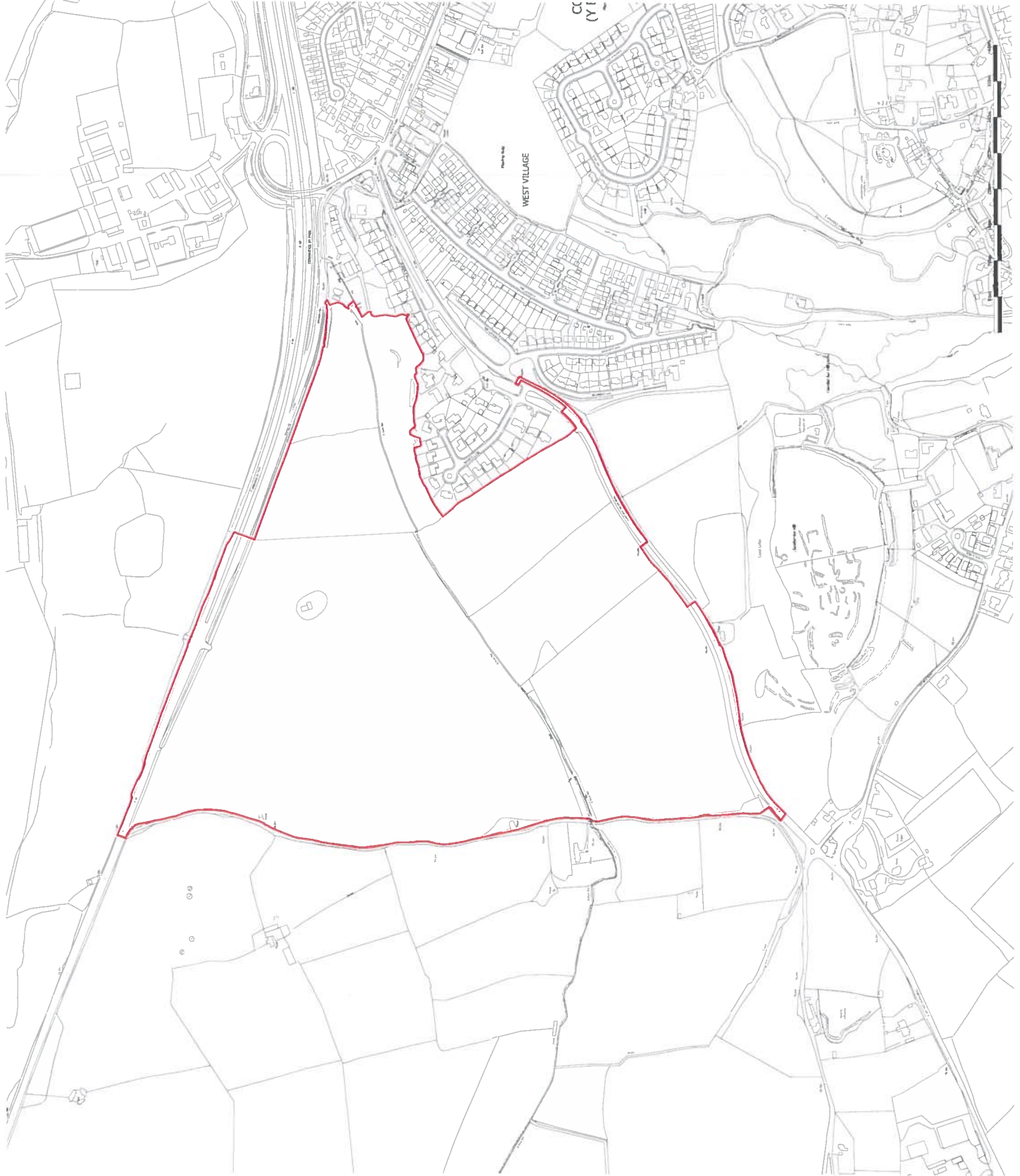
Date November 2014

Scale 1:5000 @ A3 1:2500 @ A1 N

Drawn by SG

Draw No IL31131-014 (RevB)

WE 31131  
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**2017/01269/FUL** Received on 8 December 2017

Ms. Paula Warren Hide at St. Donats, Tresillian Wood, Dimlands Road, St. Donats, Vale of Glamorgan, CF61 1ZB

Mr. Andrew Parker, Andrew Parker Associates, The Great Barn, Lillypot, Bonvilston, Vale of Glamorgan, CF5 6TR

### **The Hide at St. Donats, Tresillian Wood, Dimlands Road, St. Donats**

Conversion of part of existing main building to Manager's accommodation (Rural Enterprise Dwelling). Proposed new building adjacent to main building as additional amenity facilities and erection of a 2.0 m high fence along the western boundary

### **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 are not covered by the scheme of delegation.

### **EXECUTIVE SUMMARY**

This is an application to propose manager's accommodation in association with the tourist use existing on the site.

The main issues are considered to be the principle of a rural enterprise dwelling on the site in association with the tourism use as well as the visual impacts, highway and parking impacts and impact upon adjoining neighbour's amenity. No letters of representation have been received.

The application is recommended for APPROVAL with appropriate conditions.

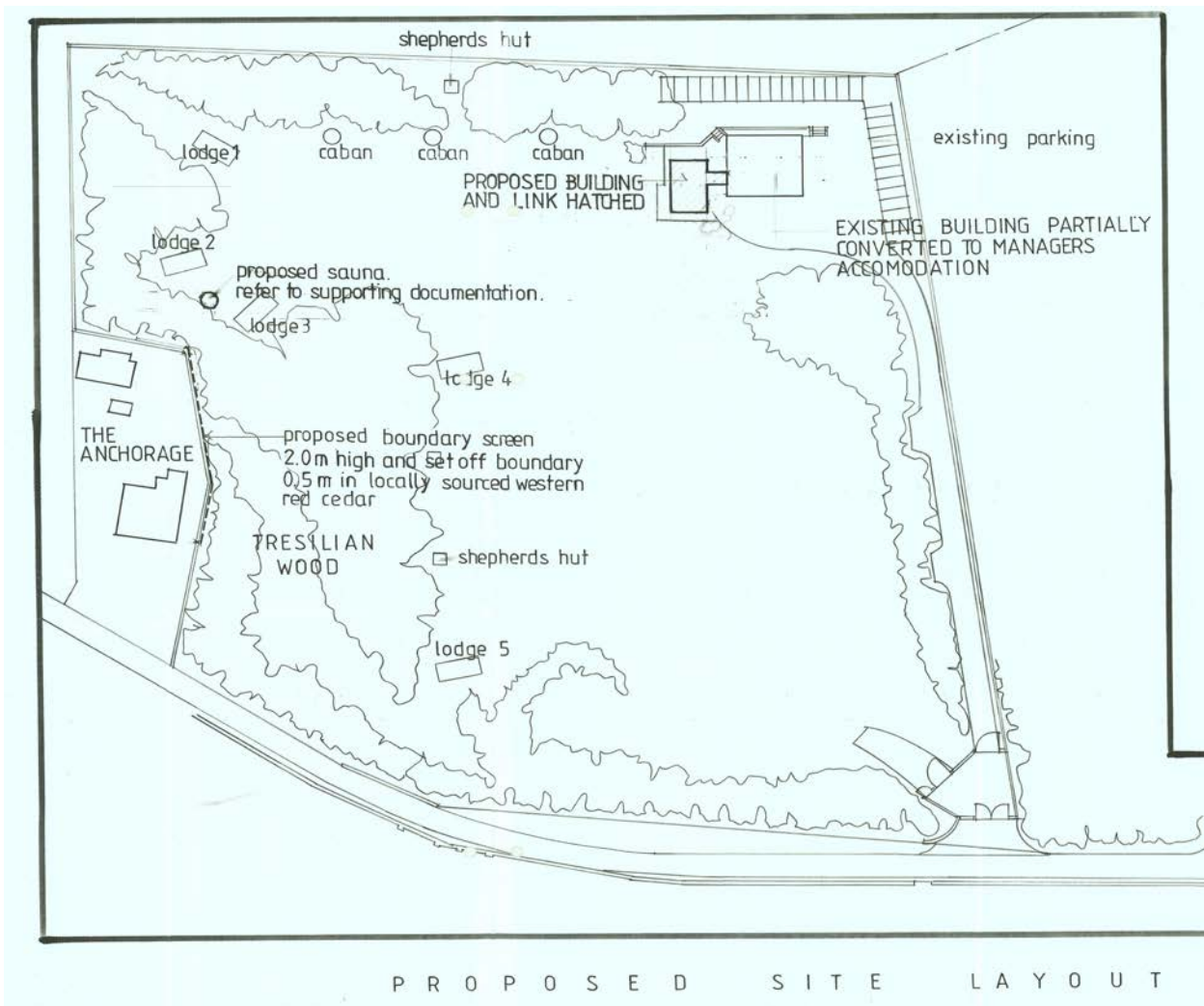
### **SITE AND CONTEXT**

The application site comprises a field parcel directly adjacent to a property called the Anchorage, located on Dimlands Road, west of Llantwit Major. The site lies outside the settlement boundary and just outside the Glamorgan Heritage Coast. The site has been operating as a tourism use for approximately 18 months and comprises an amenity block / reception cafe, lodges, shepherd huts, and cabans, with an area for tents within the field.

The site slopes up from the road towards the back of the site and is landscaped with planted woodland to the outer perimeters of the field boundary. The site is partially screened from public views from the highway but visible from the access to the site.

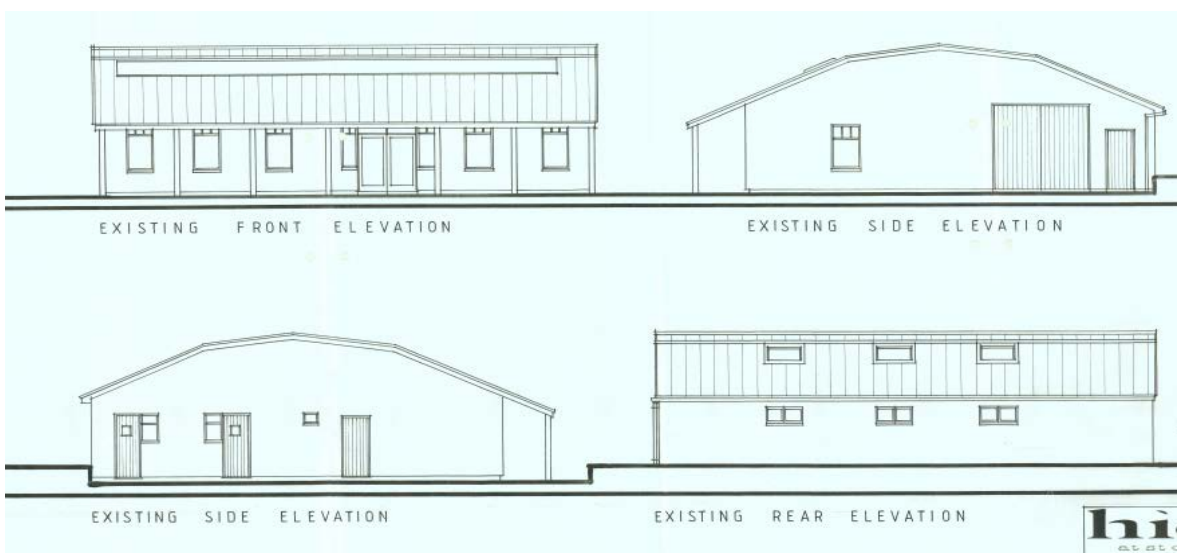
### **DESCRIPTION OF DEVELOPMENT**

The application seeks managers accommodation in association with the existing tourism business that has been operational on the site for approximately 18 months, providing camping and glamping type accommodation and services within the site. The application also proposes a new 2m high enclosure to be erected on part of the boundary with the Anchorage and a stand-alone wooden 'barrel style' sauna between existing lodges 2 and 3 as shown on the proposed layout plan below.



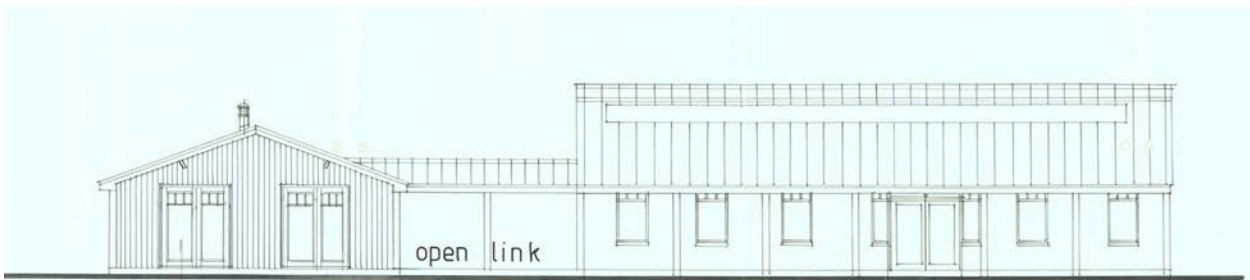
The manager's accommodation would be provided within half of the existing reception building, whilst the accommodation lost from the reception building would be provided within a new single storey building attached to the existing reception building. The new building would measure approximately 11.6m by 7.6m and would be single storey (3.8m high) and finished in timber cladding painted black and a metal beam profile in black.

Existing elevations of reception building





Proposed elevations and layout of new reception building



PROPOSED FRONT ELEVATION

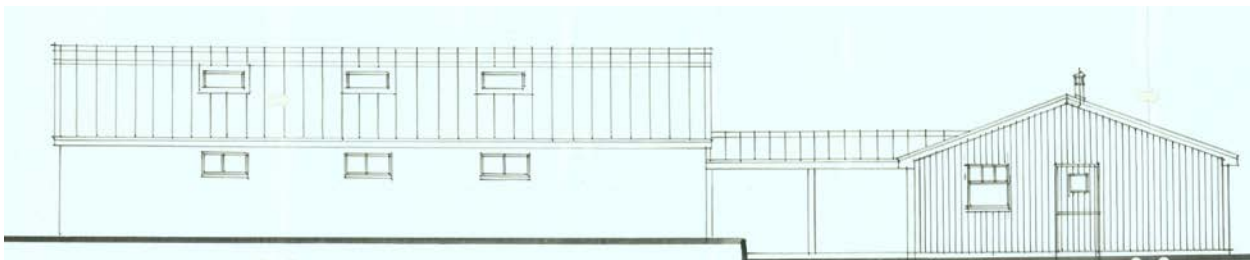
*PAINTED TIMBER DOORS AND WINDOWS PAINTED BLACK*

*VIBO METAL BEAM PROFILE IN BLACK TO MATCH EXISTING*

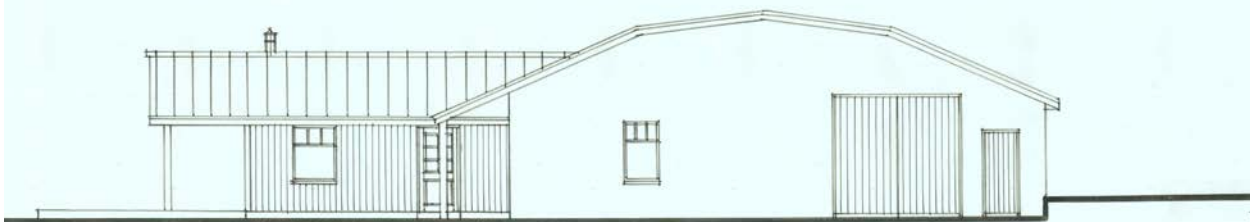


PROPOSED SIDE ELEVATION

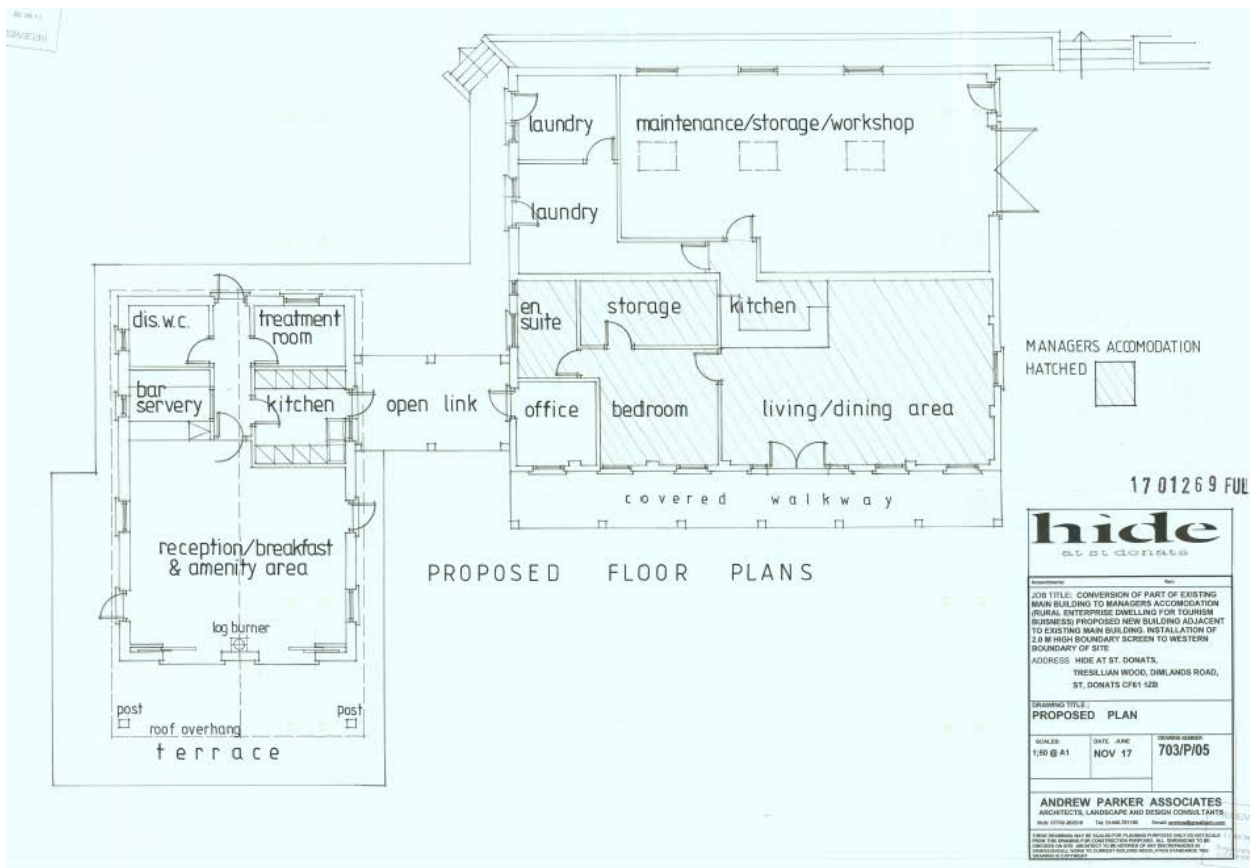
*VERTICAL LOCALLY SOURCED WESTERN RED CEDAR SQUARE EDGE CLADDING*



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION



The application is also supported by: -

- A Design and Access Statement
- A Business plan and supplementary financial information

## PLANNING HISTORY

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

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

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

**2016/00698/FUL:** Tresilian Wood, Dimlands Road, St Donats, Proposal: Ancillary sheds to be located next to our existing tourist accommodation 'Cabans'. Decision: Approved

**2017/00086/FUL:** Tresilian Wood, Dimlands Road, St Donats, Proposal: Proposed change in height to 3 lodges and conversion of 2 Cabans to proposed Shepherds Huts tourist accommodation with self-contained kitchen and bathroom facilities. Proposed extension of operating season to cover the whole year for Cabans and Shepherds Huts, Decision: Approved



## CONSULTATIONS

**St. Donats Community Council-** The Community Council have objected to the application as they consider the proposal is unacceptable for a number of reasons including over development of the site, land is agricultural land, unsuitable for the area, visible impact from the road, manager's accommodation too extensive, change of licence for the new building would be required, change of use of existing premises to residential and proposed activities would increase the amount of traffic to the site.

**Council's Highway Development-** Further to reviewing of the additional activities, there is no objection in relation to the highway and transportation aspect of the development subject to a condition requiring that the additional activities proposed in the main building remain ancillary to the main tourism use.

**Council's Highways and Engineering (Drainage)-** no details have been submitted regarding surface water disposal for the proposed new development. For all new developments, infiltration should be the primary method of surface water disposal, prior to any other method being considered. Therefore, prior to work commencing on site, a full drainage plan demonstrating how roof and yard water will be disposed of shall be submitted to and approved by the LPA including the management and maintenance of the system.

**Council's Tourism & Marketing-** the Hide is a very professional business built on the principles of providing the highest quality accommodation provision. The owners effectively market the site and have generated a very sound business base which brings in additional visitors to the Vale of Glamorgan. It is this department's view that the applicants have demonstrated a need to have on site accommodation, and therefore they would support the application.

**Environmental Health (Pollution)-** No comments have been received to date.

**Environmental Health (Contamination) -** No objection subject to an unforeseen contamination condition being attached to any consent.

**Local ward members-** No comments have been received to date.

**Dwr Cymru Welsh Water-** No comments as the applicant is seeking to utilise a cesspit on site.

**The Council's Ecology Officer-** The Council's ecologist has no comments to make on the proposed development.

**Wales and West Utilities-** Wales & West Utilities has no apparatus in the area of the site. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is the applicant's responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working on or near gas apparatus.

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

## REPRESENTATIONS

The neighbouring properties were consulted on 15 December 2017. A site notice was also displayed on 19<sup>th</sup> December 2017. The Council has received no representations to the application to date.

## 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 SP9 - Minerals

POLICY SP11 – Tourism and Leisure

#### **Managing Growth Policies:**

POLICY MG22 – Development in Minerals Safeguarding Areas

POLICY MG29 – Tourism and Leisure Facilities

#### **Managing Development Policies:**

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD7 - Environmental Protection

POLICY MD9 - Promoting Biodiversity

POLICY MD11 - Conversion and Renovation of Rural Buildings

POLICY MD13 - Tourism and Leisure

POLICY MD17 - Rural Enterprise

#### **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 Chapter 11, which outlines

11.1.1 **Tourism** is vital to economic prosperity and job creation in many parts of Wales. It is a significant and growing source of employment and investment, based on the country's cultural and environmental diversity. Tourism can be a catalyst for environmental protection, regeneration and improvement in both rural and urban areas.

### 11.1.2 The Welsh Government's aim is for:

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

11.1.7 In rural areas, tourism-related development is an essential element in providing for a healthy, diverse, local and national economy. It can contribute to the provision and maintenance of facilities for local communities. Here too development should be sympathetic in nature and scale to the local environment and to the needs of visitors and the local community.

### Technical Advice Notes:

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

- Technical Advice Note 6 – Planning for Sustainable Rural Communities (July 2010)

The purpose of this TAN is to provide practical guidance on the role of the planning system in supporting the delivery of sustainable rural communities.

Paragraph 4.3 refers specifically to Rural Enterprise Dwellings stating at 4.3.1 that one of the few circumstances in which new isolated residential development in the open countryside may be justified where accommodation is required to enable rural enterprise workers to live at, or close to, their place of work. Whether this is essential in any particular case will depend on the needs of the rural enterprise concerned and not on the personal preference or circumstances of any of the individuals involved. Applications for planning permission for new rural enterprise dwellings should be carefully assessed by the planning authority to ensure that a departure from the usual policy of restricting development in the open countryside can be fully justified by reference to robust supporting evidence.

Paragraph 4.6 makes specific reference to new dwellings on new enterprises and at paragraph 4.6.1 states that if it is considered that a new dwelling will be essential to support a new rural enterprise, it should satisfy the following criteria:

- a. Clear evidence of a firm intention and ability to develop the rural enterprise concerned (*significant* investment in new buildings and equipment is often a good indication of intentions).
- b. Clear evidence that the new enterprise needs to be established at the proposed location and that it cannot be accommodated at another suitable site where a dwelling is likely to be available.
- c. Clear evidence that the proposed enterprise has been planned on a sound financial basis.
- d. There is a clearly established functional need relates to a *full-time* worker, and does not relate to a part-time requirement.
- e. The functional need could not be fulfilled by another dwelling or by converting an existing suitable building on the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the workers concerned; and
- f. Other normal planning requirements, for example siting and access, are satisfied.

Paragraph 4.7 refers to Rural Enterprise Dwelling Appraisals and 4.7.1 states that planning applications for new permanent and temporary rural enterprise dwellings in the open countryside need to be supported by robust evidence. A Rural Enterprise Dwelling Appraisal must accompany planning applications for this type of development and include information sufficient to enable the planning authority to make a full and effective assessment.

Practice Guidance – Rural Enterprise Dwellings – Technical Advice Note 6 Planning for Sustainable Rural Communities (December 2011)

The practice guidance at paragraph 1.6 states that the underlying objective of limiting sporadic development in the countryside remains unchanged, but the Welsh Government has recognised that there is a wider concern in respect of access to appropriate and affordable housing on the part of the rural community. Shortage of affordable housing to buy or rent is recognised as one of the greatest challenges facing many communities in Wales. Consequently a range of policy measures has been introduced to improve access to housing in rural areas.

At paragraph 1.7 the guidance explains that as part of the package of measures the Welsh Government has reviewed the scope of the exception to policy which enables individual dwellings to be located in the countryside where there is an essential need. As a consequence of the review, the exception which has been available to agricultural and forestry workers has been extended to a wider range of workers in rural enterprises. This extension applies primarily to land-related businesses, which directly or indirectly, need to be located in the countryside rather than in existing settlements.

- Technical Advice Note 13 – Tourism (1997)

11.1.2 The Welsh Government's aim is for Tourism to grow in a sustainable way and to make an increasing contribution to the economic, social and environmental well-being of Wales.

Paragraph 7.3.2 of PPW states while some employment can be created in rural locations by the re-use of existing buildings, new development will be required in many areas. New development sites are likely to be small and, with the exception of farm diversification and agricultural development to which separate criteria apply, should generally be located within or adjacent to defined settlement boundaries, preferably where public transport provision is established. However, some industries may have specific land requirements which cannot be accommodated within settlements. The absence of allocated employment sites should not prevent authorities from accommodating appropriate small-scale rural enterprises in or adjoining small rural settlements

The expansion of existing businesses located in the open countryside should be supported provided there are no unacceptable impacts on local amenity.

Paragraph 9.3.6 of PPW states new house building and other new development in the open countryside, away from established settlements, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area. Isolated new houses in the open countryside require special justification, for example where they are essential to enable rural enterprise workers to live at or close to their place of work in the absence of nearby accommodation.

All applications for new rural enterprise dwellings should be carefully examined to ensure that there is a genuine need. It will be important to establish whether the rural enterprise is operating as a business and will continue to operate for a reasonable length of time. New rural enterprise dwellings should be located within or adjoining the existing farm / business complex or access. Local planning authorities should follow the guidance in TAN 6 with regard to the requirements for rural enterprise dwelling appraisals.

- TAN23 – Economic Development (February 2014)

Paragraph 1.1.6 recognises that the whole-economy contribution to economic growth is important; however, the traditional land use classes B1-B8 must continue to be planned for in a sustainable way as these will form the cornerstone of many development plan employment policies and site allocations. This TAN therefore deals principally with the B-classes.

Section 3 refers to Economic Development and the Rural Economy recognising at paragraph 3.1.3 that there are two kinds of special contribution that are particularly relevant to rural development. Firstly, an economic development could make communities more sustainable, by improving the alignment of housing and jobs, and encourage people to work close to home. Secondly, the needs of established businesses or clusters may be very specific. When businesses expand or modernise, they may need to do so in situ; it may be highly inefficient or impracticable for them to relate to a sequentially preferable site. Similarly new businesses aiming to join existing clusters may need to be close to existing businesses if they are to derive the benefits.

Paragraph 3.1.6 states that development on land not allocated in the development plan should, however, only be permitted in exceptional circumstances and must be fully justified.

### **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
- Parking Standards (Interactive Parking Standards Zones Map)
- Sustainable Development - A Developer's Guide

### **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 the principle of the development, the justification for the new dwelling, the design and visual impact, any effect on neighbouring residential amenity and highway safety.

### Principle of the Development

The application site has been subject to a number of planning applications over the past four years as a 'glamping' tourism site. When the planning permissions are fully implemented the tourist accommodation would amount to five lodges, three 'cabans' and two shepherd huts that could be used all years round in addition to 10 camping pitches over the seasonal period (1st March until 30th September).

The site is located in the countryside, just outside the settlement boundary for Llantwit Major and the identified Glamorgan Heritage Coast. The application is to form a smaller ancillary reception building to the left hand side of the existing reception and workshop building. The new building would accommodate new reception facilities for the guests of the camping site in order to provide room in the existing reception building for manager's accommodation tied to the rural enterprise.

Whilst Policy MD11 - Conversion and Renovation of Rural Buildings is technically relevant to the application (which seeks to convert an existing building in the countryside), it is not the primary consideration in view of the fact the application seeks consent for a residential use as an 'exception' associated with an existing rural enterprise. Therefore, the assessment of the acceptability of the proposal in this instance would be the same whether it was for new build or conversion.

Policies SP11-Tourism and Leisure and MG29-Tourism and Leisure Facilities refer to the promotion of tourism and leisure proposals in the Vale of Glamorgan, enhancing the range and choice of tourism and leisure opportunities, particularly all year round facilities, encouraging sustainable use of the countryside.

Policy MD1 of the LDP seeks to protect the countryside from inappropriate development stating that development should not have an unacceptable impact upon the countryside but development on unallocated sites should promote new enterprises, tourism, leisure and community facilities in the Vale of Glamorgan. The tourism business has been approved and established in this location since 2014. As the site is an active tourism use and the proposal relates to this use, the application would comply with the principle of these policies.

As indicated TAN 6: Planning for Sustainable Rural Communities (July 2010) is a material consideration, which enables individual dwellings to be located in the countryside where there is an essential need for a dwelling in association with a rural enterprise. At paragraph 4.4 for new dwellings on established rural enterprises TAN6 sets out that they should only be allowed to support established rural enterprises providing:

- a. There is a clearly established *existing* functional need;
- b. The need relates to a *full-time* worker, and does not relate to a part-time requirement;
- c. 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;
- d. 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;
- e. Other normal planning requirements, for example siting and access, are satisfied.

TAN6 specifically requires an application for a rural enterprise dwelling to be accompanied by a Rural Enterprise Dwelling Appraisal with the onus being on the applicant to provide sufficient evidence to support an exception to policy.

This application is supported by a Design and Access Statement, a business plan and financial information. This information together with supplemental emails and correspondence form the basis of the assessment against the criteria in TAN6 as outlined above.

#### Evidence of Established Rural Enterprise

The establishment of the rural enterprise has been demonstrated by the purchase and investment in the site since 2014. The applicants have laid out a substantial amount of capital to purchase the land and to develop the site and the business since 2014. The site has been developed to provide an improved access, drainage, parking and reception building. In addition, the site has been landscaped and a high standard of accommodation has been located on the site to provide good quality tourism accommodation.

The Council's Tourism and marketing section have also outlined that The Hide is a very professional business built on the principles of providing the highest quality accommodation provision. They advised that the owners effectively market the site and have generated a very sound business base which brings in additional visitors to the Vale of Glamorgan.

Therefore, having accepted the merit of the established tourism development on site and the substance of the applicants' intentions with the business over the next 5 years (set out in submitted Business Plans), it is necessary to consider whether the tests for a new dwelling set out in TAN 6 have been met.

#### Does the development necessitate a rural location?

In order for the glamping/tourist site manager's accommodation to be considered acceptable against the advice in TAN 6, it must be demonstrated that a rural location is necessary for the business.

The site is an established tourism site which is a getaway/retreat and fundamentally relies upon the quiet and more secluded location as well as the type of low impact tourism as the unique selling point. The glamping business at this location has been approved and established since the approval of the initial development in 2014 which became fully operational over 18 months ago. Therefore, the rural location is essential for the enterprise and unavoidable in this instance if on-site manager's accommodation is considered necessary for the site.

### The Functional Test

Paragraph 4.8.1 of TAN6 refers to the **Functional Test** and states 'A *functional test* is necessary to establish whether it is essential, for the proper functioning of the enterprise, for one or more workers to be readily available at most times. It should be related to unexpected situations that might arise, for which workers are needed to be on hand outside of normal working hours for the particular enterprise. Such requirements might arise, for example, if workers are needed to be on hand night and day to deal with an emergency that would threaten the continued viability and existence of the enterprise without immediate attention.'

The applicant argues that the proper functioning of the enterprise in line with the tourism proposal requires the owners and operators, who are the managers, to live on site and be readily available at most times of the day and night to meet the needs of their customers. The applicants have set out that an on site presence is required to provide:

- Maintain high standards of services to guests and the long term viability of the business.
- Environmental Management of the tourism business and protect residential amenity.
- Security

In this instance, it is considered that the principle of the business or its unique selling point is to provide high quality service for the client's needs. Specifically, the high standard of accommodation and service is what sets the business apart from other camping sites within the vicinity. For instance, the business relies on the good relationship and proximity the site has with the Atlantic College. Visiting parents/family members to the students are overseas customers who are arriving to Cardiff Airport from far afield at unsociable hours of the day and night. As such, for the success of the business it is necessary for someone to be at the site to provide assistance on their arrival and provide them with guidance on how to use the facilities (wood burning stoves etc), where the nearest facilities and services are provided or to assist them in their general needs. In addition, the supporting information indicates that mobile service is unpredictable in the more remote location and access to 24 landline services within the main building is essential in cases of emergency or guests needing to contact family members etc.

It is considered that living off the site has impacts on the quality of the service offered, which can result in negative reviews of the site that would in turn impact on the likely prospects of repeat customers and the business succeeding. While it may not be impossible for certain customer issues to be attended to from a remote base, this would clearly represent a less desirable arrangement where the manager would be less able to



respond quickly to such issues or emergencies or where the accommodation is specifically promoted to the customer as self-sufficient and without support from an on-site manager.

It has also been indicated that an on-site presence provides successful management of the site and reduces any potential adverse impact upon the residential amenity of surrounding properties. For instance, the camp site has rules on noise and disturbance, odours and general behaviour that ensure customers have a satisfying stay and also reduces the direct impact upon the neighbouring property at the Anchorage, St. Donats, which directly adjoins the field. The applicant has had experiences of noise and anti-social behaviour and it is indicated that without on-site presence the rules cannot be enforced appropriately which in turn impacts upon the experience of guests and importantly upon the adjoining residential dwelling.

Lastly, the statement sets out that the site has been involved with three incidences of crime over the past 18 months. On two occasions building equipment has been stolen from the site when the site has been left unattended by the applicants overnight. In addition, the third incident related to criminal damage where the applicant was locked in the site as the main padlocks attached to the access gates were glued. As there is only one access into the site there are concerns that similar occurrences would impact the business severely, especially during emergency situations with the guests.

Having regard to the nature of tourism accommodation that has been established, it is considered that an on-site presence is a functional necessity in order to properly care for the needs of customers and the long term viability of the business as well as providing appropriate security and management of the site for the protection of customers and the neighbouring amenity. The Functional need test is therefore passed.

Paragraph 4.6.2 of TAN 6 states that in the case of new dwellings on new enterprises, it may be appropriate for the planning authority to test the evidence by granting permission for temporary accommodation for a limited period. However, it is considered that as the business is already established as a high quality tourism enterprise that is expected to continue to grow and is considered to be an asset to the Vale of Glamorgan's rural economy, it is not considered necessary to grant temporary form of accommodation.

### The Time Test

Paragraph 4.9.1 of TAN6 refers to the **Time Test** and states 'If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant. Where there is currently no dwelling associated with the rural enterprise the worker for whom there is a functional need for new accommodation must be a full-time worker'.

The submissions outline the different tasks that the two members of employees undertake in a typical working day, along with part time staff activities. The result is that the employee would be needed at the site to undertake tasks including checking in and checking out, daily maintenance and guest management that would amount to approximately 47 hours a week, which is more than a typical full time working week for one employee.

It is considered that the application has demonstrated the need for at least 1, full time worker and the manager's accommodation is not excessive to meet this need. The time test is therefore passed.

## Financial test

It should be noted that applications of this kind cannot realistically guarantee the future success of a business, rather the planning system (if it is to encourage and facilitate genuine rural enterprises) can only require applications to demonstrate sound planning and the likely prospects of success based on a market assessment. It is considered that the submitted D & A statement, business plan and financial figures does this as far as is practicable.

Paragraph 4.10.1 of TAN6 refers to the **Financial Test** and states 'The rural enterprise and the activity concerned should be financially sound and should have good prospects of remaining economically sustainable for a reasonable period of time, usually at least 5 years.'

The financial figures do show projected sales and costs for a five year period. The business has been established since 2014 but has been fully operational for 18 months. As such, the figures provided do show one operational year (2017-2018) as profitable and forecasts the next four year period up until 2022. It is not appropriate to reiterate the submitted financial information in this committee report as it is sensitive information but it is available for inspection by planning committee members on request.

The financial figures do show that there is a sound prospect of the business being profitable in the future, providing sufficient income for a full time workers salary and profit to cover the cost of constructing the manager's accommodation. As such, it is considered that financial test is passed.

## The Other Dwelling Test

Paragraph 4.11.1 refers to the **other dwelling test** and states 'evidence must be provided to demonstrate that there is no other dwelling(s) or buildings suitable for conversion, which are available to meet the need.'

The submissions indicate that there are no dwellings currently on or near the site that could be utilised. The D & A statement does have a section outlining that a search of rightmove.com in September 2017 showed that there was 1 available property for purchase price of £350,000. The statement indicates that due to the size and cost it was not suitable as an alternative dwelling. It is accepted that the number of properties to choose from within a 1 to 3 mile radius is limited to dwellings that would be out of the price range of any rural enterprise worker whilst the closest dwellings that could potentially provide a functional proximity are in excess of £500,000. From the basis of the figures provided it is considered that the properties would be beyond the wages of a rural enterprise worker and the properties would not be capable of meeting the functional need of the tourism use as an on-site presence is required.

Having regard to the needs of the business, it is considered that the applicant has satisfactorily demonstrated that there are no other suitable, available dwellings in the area. The test is therefore passed.

## The Other Planning Requirements Test

Paragraph 4.12.1 of TAN6 refers to ***other planning requirements test*** and states that rural enterprise dwellings should satisfy the usual planning requirements in terms of design, sustainability and access. These matters are considered below.

### The scale and design of proposed dwelling and reception building

The proposed dwelling would be the partial conversion of an existing building and therefore the visual impact of the proposed of the dwelling is no greater than currently exists on site.

Notwithstanding this, it necessitates a new reception building albeit this is relatively modest and it is considered that this size is commensurate with the accommodation lost to the residential conversion and in the context of the site would not appear as over scaled for the intended purpose.

The design of the replacement building would complement the simple but appropriate design of the existing reception building, lodges and 'cabans'. The pitched roof design with a roof overhang and the consistent use of painted timber cladding ensures the new building would not appear out of place within this context.

When taking into account the single storey nature of the proposals, the visual impact is considered to be limited to the more immediate views from the access to the site whereas wider views of the site and the proposed accommodation and fence enclosure would be minimal.

Lastly, the proposed stand-alone barrel style sauna is small in scale and acceptable in design. It would be located within a concealed location between lodge 2 and 3 and would not be visible outside the site.

Accordingly, it is considered that the design, scale and visual impact of the replacement reception building are acceptable and the wider visual impact of the proposal is nominal, complying with the requirements of MD1 and MD2 of the Adopted LDP 2011-2026.

### Impact on Residential Amenity

The nearest neighbouring residential property is adjoining but approximately 100m from the reception building and residential accommodation. The space between the property and the camping site is also separated by some woodland. In addition, the applicant has also proposed a 2m timber screen/fence along parts of the party boundary with the Anchorage. The enclosure would be in most cases permitted development and does not technically require planning permission to be erected on site.

It is considered that the distance coupled with the woodland screening is enough to ensure that the proposed manager's accommodation would not adversely impact upon residential amenity, both in terms of privacy and noise/nuisance. It is also considered that the number of vehicle movements associated with the proposed use would not unacceptably impact upon residential amenity, especially as the vehicle movements would occur on the opposite side of the site.

The proposal includes a new 'barrel style' sauna between existing lodges 2 and 3, which is the part of the site closest to the neighbouring property. The use of this building in this location would be similar to the existing established use on the site and would not adversely affect the residential amenity of the neighbouring property to an unacceptable degree.

In this respect, it is considered that the development would comply with the aims of Policies MD1 and MD2 of the Adopted LDP 2011-2026 and the Councils Amenity Standards.

### Highways & Parking

The siting of the managers accommodation at the site would not necessarily increase traffic movements to and from the site and could arguably reduce the number of movements by the applicant's occupation of the accommodation.

On consideration of the proposal, the highways authority indicated that they had no objection subject to the additional activities (yoga/art classes etc) proposed within the new building shall only be provided as ancillary and in association with the existing use at the site. This can be conditioned as part of the consent.

In this respect, it is considered that the development would comply with the aims of Policies MD1 and MD2 of the Adopted LDP 2011-2026

### Drainage

The application form indicates that the accommodation would connect to an existing cesspit on site while no details have been submitted regarding surface water disposal for the proposed new development.

The Council's drainage engineers have indicated that for all new developments, infiltration should be the primary method of surface water disposal, prior to any other method being considered. Therefore, there is no objection prior to work commencing on site subject to a full drainage plan demonstrating how roof and yard water will be disposed of as well as how the system would be managed and maintained. A condition can be attached to any consent requiring these details to be submitted.

### Sustainability

Whilst there will be a level of impact from the future occupiers accessing the site by car, it is considered that the countryside location is essential to the success of the site as a camping/glamping location. However, it should be noted that the site is accessible via a train station at Llantwit Major and a regular rural bus route that has a stop at the nearby college that is within short walking distance of the site.

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

## Biodiversity

The original application for the tourism site was judged to not unacceptably impact upon any wildlife or protected species at the site.

In this instance the applicant is not seeking to remove any trees to locate the replacement reception building. The Councils Ecologist was consulted but has no comments to make on the application. The proposal does not unacceptably impact upon any protected species on the site and would comply with the requirements of MD2 of the Adopted LDP 2011-2026.

## Best and Most Versatile Agricultural Land

Policy MD1 of the LDP seeks to protect the most productive agricultural land (considered to be Grades 1, 2 and 3A) from irreversible development. The live agricultural Land Classification records indicate that the site is Grade 3B.

Therefore, it is considered that the loss of agricultural land in this instance would not be contrary to the requirements of Policy MD1 of the Adopted LDP 2011-2026.

## Minerals Safeguarding

The site is also situated within a limestone mineral safeguarding location. Policies SP9 and MG22 of the LDP relate to minerals safeguarding areas and significant weight is given to safeguarding these resources. However, given the location of the development within the existing tourism site and within close proximity to the residential dwelling (the Anchorage) it is considered that the extraction of the resource on the application site would have a significant impact on the amenity of the residential dwelling as well as the established tourist use.

Therefore, it is considered the proposal would be able to demonstrate that the extraction of the limestone at this location would impact on amenity, complying with the requirements Policies SP9 and MG22 of the Adopted LDP.

## RECOMMENDATION

### Approve

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

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

Reason:

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

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

703/P/04 - Proposed Site Plan

703/P/05 - Proposed Plan  
703/P/06 - Proposed Elevations - Sheet 1  
703/P/07 - Proposed Elevations - Sheet 2  
Design and Access Statement and Site Plan

Submitted on 15 December 2017

Outside Sauna Plan submitted on 11 April 2018

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 occupancy of the dwelling/managers accommodation hereby approved 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:

The dwelling is only justified as a rural enterprise, and in order to ensure that the dwelling is kept available to meet the needs of other rural enterprises or affordable housing in the locality, in accordance with advice in Technical Advice Note 6 - Planning for Sustainable Rural Communities and the Use of Planning Conditions for Development Management Circular 016/2014.

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

Reason:

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

5. All means of enclosure associated with the development hereby approved, other than the enclosures approved as part of this consent, shall be completed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure shall be completed in accordance with

the approved details prior to the first beneficial use of the manager's accommodation.

Reason:

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

6. The drainage scheme for the site shall ensure that all foul and surface water discharges separately from the site and that land drainage run-off shall not discharge, either directly or indirectly, into the public sewerage system.

Reason:

To prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policies SP1 (Delivering the Strategy) / MD1 (Location of New Development) of the Local Development Plan.

7. The new reception building shall not be occupied until surface water drainage works have been completed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted, an assessment shall be carried out of the site potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a period for its implementation; and
- iii) provide a management and maintenance plan of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason:

To enable a more sustainable form of drainage, and to prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policies SP1 (Delivering the Strategy) and MD1 (Location of New Development) of the Local Development Plan.

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

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies SP1 (Delivering the Strategy) / MD7 (Environmental Protection) of the Local Development Plan.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the managers accommodation and reception building development hereby approved shall not be extended without the written approval of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

10. The additional activities proposed within the new reception building shall only be provided as ancillary and in association with the existing use at the site.

Reason:

To enable the Local Planning Authority to control the scale of development and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

#### REASON FOR RECOMMENDATION

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



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

Having regard to Policies SP1 – Delivering the Strategy, SP9 – Minerals, SP11 – Tourism and Leisure, MG22 – Development in Minerals Safeguarding Areas, MG29 – Tourism and Leisure Facilities, MD1 - Location of New Development,, MD2 - Design of New Development, MD7 - Environmental Protection, MD9 - Promoting Biodiversity, MD11 - Conversion and Renovation of Rural Buildings, MD13 - Tourism and Leisure MD17 - Rural Enterprise of the Vale of Glamorgan Deposit Local Development Plan 2011 – 2026, together with the policies of both Technical Advice Note 6 and Planning Policy Wales, it is considered that the proposed development in association with the rural enterprise would be acceptable in principle and would not unacceptably impact upon the character of the site or the wider visual amenities, the residential amenities of neighbouring properties, the safety or free flow of traffic, the quality of the agricultural land, the extraction of minerals or any protected species. It is also considered that the development represents a positive and sustainable development in association with the tourism use which would support the local rural economy, in accordance with the aims of the above policies and guidance.

**NOTE:**

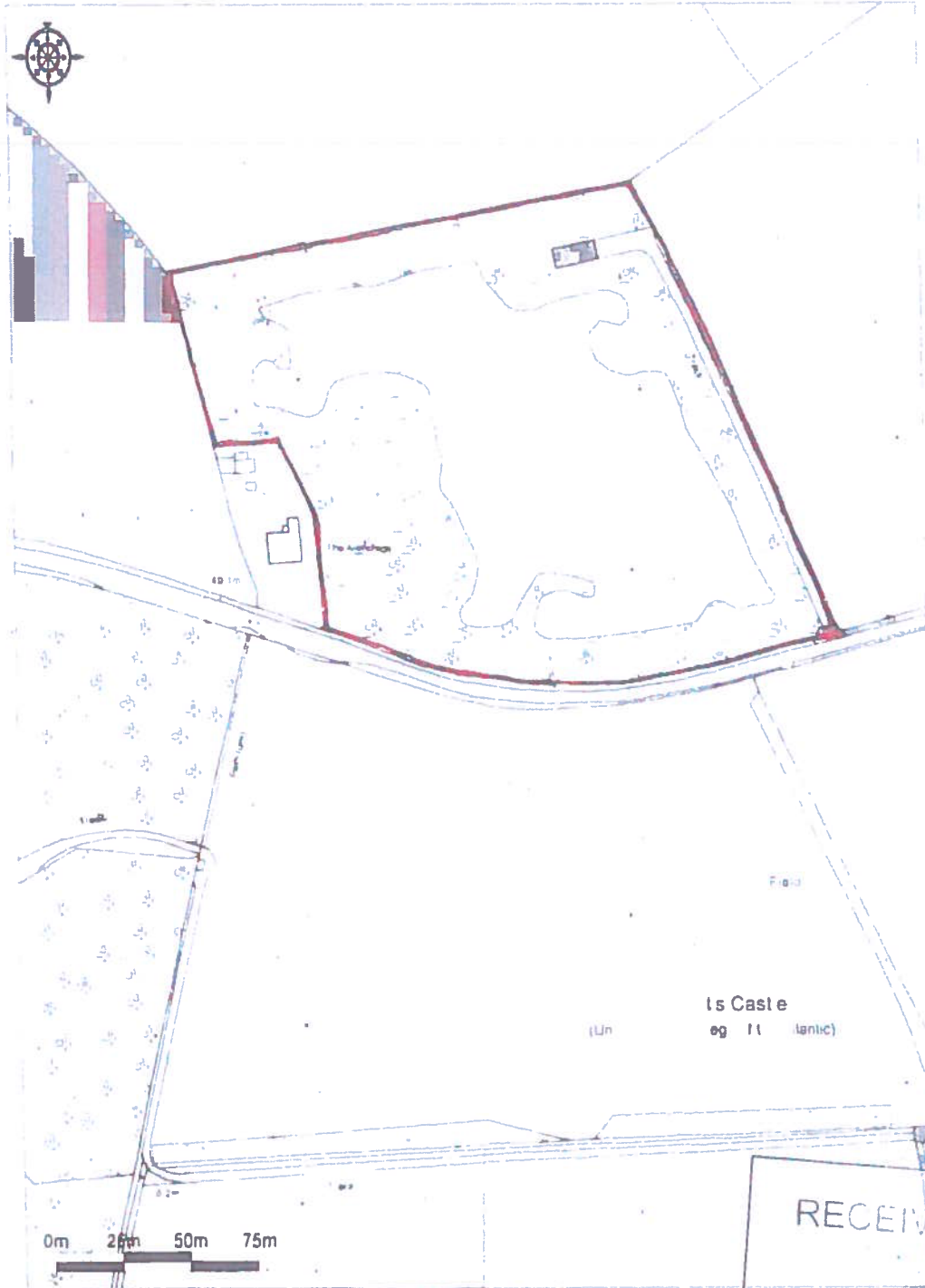
- 1. Please note that an rural enterprise occupancy condition applies to this consent and you should ensure that you can fully comply with the requirements for occupancy as detailed in the conditions. Failure to do so may result in the Council taking legal action against you.**

**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.**



RECEIVED  
8 DEC 2014  
ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

RECEIVED  
26 NOV 2017  
Regeneration  
and

**2018/00092/FUL** Received on 29 January 2018

Hafod Housing Association and SGR Estates C/o Agent  
Miss Louise Darch, WYG Planning and Environment, 5th Floor, Longcross Court, 47,  
Newport Road, Cardiff. CF24 0AD

### **Provincial House, Kendrick Road, Barry**

Change of use and conversion of building to provide 32 affordable residential units,  
external alterations and associated works

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

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Councillor Ian Johnson for reasons relating to the appropriateness of a residential use, whether the number of units represents an over-development of the site, parking, waste collection, amenity space, privacy, potential noise, ensuring protection from aggressive and defensive birds (particularly seagulls) and opportunities for a Section 106 agreement.

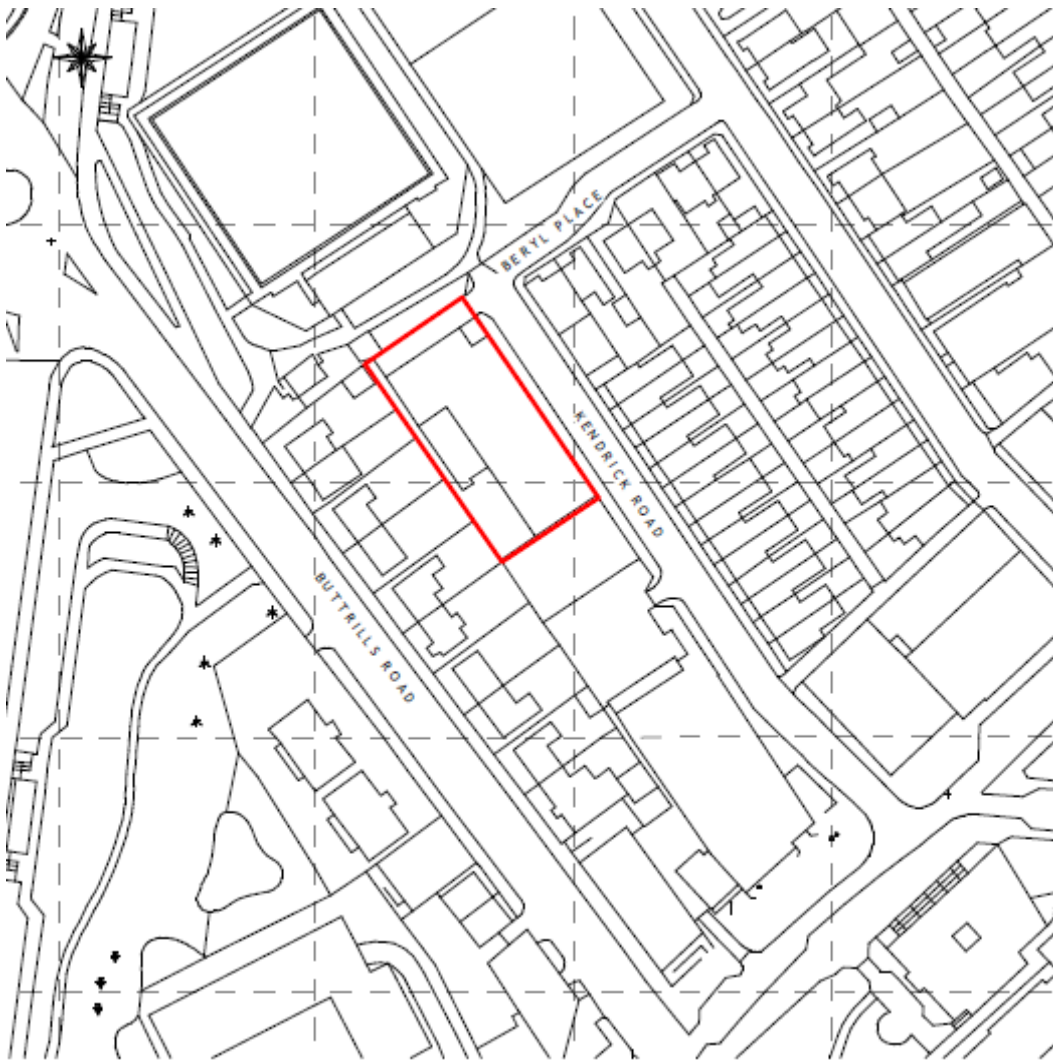
#### **EXECUTIVE SUMMARY**

The application is for the conversion of Provincial House, a vacant, former Vale of Glamorgan Council office building located on Kendrick Road. The proposed conversion comprises 32 affordable flats, twenty three with two bedrooms and nine with one bedroom. The flats would be located across three floors, with 15 parking spaces proposed in the basement, accessed from Kendrick Road.

The main issues to consider are the principle of the use, impact on neighbours (principally in respect of privacy), design, parking, traffic, highway safety, amenity space, drainage and Section 106 matters. The application is recommended for approval, subject to conditions and a Section 106 legal agreement.

#### **SITE AND CONTEXT**

The application site is Provincial House, Kendrick Road, Barry, which is a three storey former office building (with basement) that it now vacant. The site is located within a principally residential context, with residential properties opposite and to the rear, a park to one side and a post office delivery centre to the other side. The site's location is shown on the plan below:



There is a vehicular access into the basement of the building at the northern side of the site. It is located approximately 25 metres to the north west of the town centre, approximately 220 metres from the nearest bus stop and 800 metres from Barry Dock Station.

#### DESCRIPTION OF DEVELOPMENT

The application proposes the change of use and conversion of the building to provide 32 affordable residential units, with associated external alterations. The development would comprise a mix of 23 one bed and 9 two bed flats, all of which would be social rented tenure. The development would be managed by Hafod Housing Association.

The proposed elevations are as follows:



01 PROPOSED FRONT ELEVATION  
1 : 100



01 PROPOSED SIDE ELEVATION  
1 : 100



02 PROPOSED SIDE ELEVATION  
1 : 100



The proposed Kendrick Road elevation and the north facing elevation would be clad with a cladding system, while the other side and rear would be left as principally brick.

The image below is a 3D perspective of the proposed external treatment:



The layout involves ten flats on the ground floor and eleven on each of the first and second floors. The layout on each of the floors is very similar, with a central corridor and banks of units on either side, with windows facing either Kendrick Road at the front or towards Buttrills Road at the rear.

The existing vehicular access into the basement would be maintained and the proposed layout suggests 15 parking spaces for use by residents.

### PLANNING HISTORY

2006/01251/RG3, Address: Provincial House, Kendrick Road, Barry, Proposal: Refurbishment of the existing office building with minor external alterations including a new external escape stair, new roller shutters, main entrance improvements and window alterations, Decision: Approved

### CONSULTATIONS

**Barry Town Council-** *The Barry Town Council objects to this proposal for the following reasons; 1. There is inadequate car parking provision on site. 2. It is considered that the proposal is an overdevelopment of the site. 3. The development would result in the loss of office accommodation within the central Barry area. 4. There is a lack of amenity provision for a development of this nature. 5. The proposal would exacerbate the on street parking problems in the area. 6. The proposal would be to the detriment of local residents amenity and privacy they currently enjoy.*

**Highway Development-** No objection subject to conditions relating to a Construction Traffic Management Plan, a travel plan and cycle parking.

**Highways and Engineering (Drainage):** *The above application does not include an increase in impermeable surfaces, and is for a change of use for an existing building. Therefore, this section has no objection to the proposals, and does not wish to attach any conditions.*

**Environmental Health (Pollution Control)-** Conditions have been requested relating to working hours and a Construction Environmental Management Plan (CEMP).

**Dwr Cymru Welsh Water-** No objection subject to a condition relating to surface water drainage.

**Ecology Officer-** “No comment”

#### **Local ward members-**

Comment submitted by **Cllr Owen Griffiths** as follows: *Clause 4.1.8 of the Pre-Application Consultation states that the development does not propose any additional storeys or extensions, however the concern by residents is in relation to the materials used for the windows. Previously, the building had obscure windows on the ground and partially obscured windows on the second and third floor. The use of the building as a residential building will undoubtedly impact on the privacy of the neighbouring residents, unless the developer can confirm that measures will be taken to protect the privacy of the existing residents. Secondly, the use of the building as a residential building will increase the noise for existing residents also. In regards to the parking, the developer confirms that a number of parking spaces are available, however does not confirm in relation to the proposed number of units. It is not sufficient to state that the demand for car parking spaces in social housing is reduced and will be monitored by the HA.*

As noted above, **Councillor Ian Johnson** has called the application in to be determined by Planning Committee for the reasons listed above.

#### **REPRESENTATIONS**

The neighbouring properties were consulted and the development has been advertised on site and in the press. Six letters of objection have been received in respect of the original plans, and the grounds are summarised as follows:

- Lack of parking and pressure for parking on street.
- Additional traffic and associated safety concerns and air pollution.
- Loss of privacy.
- The area is saturated with affordable housing.
- Nuisance from congregating youths in the park.
- Noise and light pollution.
- Problems associated with waste storage.
- Inaccuracies in the submitted application documents.

Reconsultation following amended plans was undertaken on 3 April (expiring 24 April). One response has been received to date in respect of the amended plans, raising concerns in respect of:

- a detrimental effect on housing prices

- pedestrian safety
- lack of parking
- increase in traffic
- risk to the public and property.

Any additional comments received before the matters arising deadline (12.00 midday on 25 April) will be reported to Members at the Committee meeting.

## REPORT

### Planning Policies and Guidance

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

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

#### **Strategic Policies:**

POLICY SP1 – Delivering the Strategy

POLICY SP3 – Residential Requirement

POLICY SP4 – Affordable Housing Provision

#### **Managing Growth Policies:**

POLICY MG1 – Housing Supply in the Vale of Glamorgan

POLICY MG4 – Affordable Housing

#### **Managing Development Policies:**

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD3 - Provision for Open Space

POLICY MD4 - Community Infrastructure and Planning Obligations

POLICY MD5 - Development within Settlement Boundaries

POLICY MD6 - Housing Densities

POLICY MD7 - Environmental Protection

POLICY MD9 - Promoting Biodiversity

POLICY MD16- Protection of Existing Employment Sites and Premises

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

#### **Planning Policy Wales:**

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

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



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

### **Technical Advice Notes:**

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

- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18- Transport

### **Supplementary Planning Guidance:**

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

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

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

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations

### **Well-being of Future Generations (Wales) Act 2015**

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the

present are met without compromising the ability of future generations to meet their own needs.

## Issues

### The principle of the development

The site lies within the settlement boundary of Barry, and it is located within a largely residential context. Consequently it is considered that a residential use of the building is compatible with the nature of the surrounding area. Furthermore, given the proximity to the town centre, shops, services, bus and train links, it is considered that the proposed development would be very sustainably located.

The building is vacant and was most recently used as offices for Vale of Glamorgan Council staff. While the proposal would therefore result in the loss of the existing offices, the building was no longer required for this use following a re-organisation of staff accommodation. The acute affordable housing need in Barry is a significant material consideration and it is considered that the contribution this proposal would make towards meeting that need outweighs the loss of the vacant offices. It is, therefore, considered that the proposed residential use of the building is acceptable in principle.

### Design and visual impact

The proposal involves the retention and conversion of the existing building and there are no extensions or significant alterations proposed to the general size and form of the building. The main visual change would be the new treatment of the front and south side elevations, where cladding would be used to modernise the appearance of the building. It is considered that, subject to a condition to control the materials used, a modern cladding system would enhance the appearance of the building and would positively impact upon the wider street scene. New windows and doors would further improve the appearance of the building. It is, therefore, considered that the proposal is acceptable in terms of design and visual impact, and would accord with the design criteria of policies MD1 and MD2.

### Impact on neighbours

Given that there are no significant alterations to the size or shape of the building, the proposed development does not raise concerns in respect of issues typically associated with scale and massing of new built development.

The principal issue in respect of residential amenity is whether the development would result in an unacceptable level of overlooking towards neighbouring properties. The north elevation contains a series of existing windows, however, these would overlook the adjacent open space rather than private properties. The south elevation contains a single window that does not serve a habitable room and in any case it looks towards the post office site.

The Kendrick Road elevation would contain bedroom and living room windows and these would face towards the front windows of a number of properties and the rear garden of 12 Beryl Place (which lies side on to Kendrick Road) and windows on its side elevation. There would be between 13m and 14m to the opposing windows across Kendrick Road and while this is less than the 21m that the Council's SPG recommends between habitable rooms, in this instance they are at the front of the property, across the public

highway and there is an existing relationship with the windows in the building. As context, this type of relationship between windows on the fronts of properties is not uncommon in the wider area and there are similar distances between properties on Beryl Road, Lombard Street and Regent Street. Having regard to the above, the distances in question, the relationship with the existing building and given that the windows are across a public highway, it is considered that those windows (proposed to be serving residential accommodation rather than offices) would not have unacceptable impact on the privacy of neighbours. There would be some views towards the garden of no. 12 Beryl Place, however, it is also the case that there are existing windows facing towards this and it is considered that the distance of between 11m and 12m is sufficient to preserve an acceptable level of amenity.

At the rear, there would also be a series of bedroom and living room windows, and these would be looking towards the rear of properties on Buttrills Road. There would be approximately 8m between these windows and rear gardens of properties on Buttrills Road and approximately 23-24m to the rear of the original properties (and between 21 and 23m to the rear of the conservatory at 15 Buttrills Road). Following discussions with the applicant, the proposed plans have now been amended such that all windows on that rear elevation would now be fitted with obscure glazing up to a height of 1.7m above the floor levels in the respective rooms. It should be noted that at present, the office windows are similarly obscured on this elevation. It is considered that the proposals for the rear elevation will preserve the privacy of properties on Buttrills Road to an acceptable standard. The windows on the south facing wall of the rear wing of the building would have some angled views towards gardens, but these views would not be so direct that they would unreasonably impact upon the privacy of neighbours.

The residential use proposed is likely to result in a change to the general pattern of use of the building. Whereas the offices were predominantly occupied during the daytime on week days, the flats are more likely to also be occupied during the evenings and on weekends. There would, therefore, be more activity in the building at those times, however, it is considered that a residential use would in principle not be intrinsically noisy or unsociable. Consequently, it is considered that the proposed use is compatible with the neighbouring properties around the site and would, in principle, not result in harm to residential amenity.

Having regard to the above, it is considered that the proposed development is acceptable in terms of residential amenity, in accordance with Policies MD1 and MD2 of the LDP, and the Council's Amenity Standards SPG.

#### Highways issues and parking

The development would be served by the same access point that the former offices were served by, and this leads to a basement parking area. There are no alterations proposed to the access and consequently the development would not have any material impact on highway safety (by reason of the access).

The proposed layout plans suggests 15 parking spaces and the existing layout plans show the same layout of spaces. The text in the Council's Parking Standards SPG states that the parking guidelines should be interpreted as maximum standards i.e. 'not more than'. This reflects the thrust of national policy in Planning Policy Wales and TAN 18, both of which emphasise the importance of encouraging the use of more sustainable modes of

transport and reducing over reliance on the private motor vehicle. Consequently, the use of maximum standards as opposed to minimum standards is promoted.

Nevertheless, it is relevant to make a comparative assessment of the parking demand of the existing use and the proposed use, relative to the Council's Parking Guidelines. The existing use would require 35 spaces (maximum), whereas the proposed use would require 32 spaces based at a ratio of 1 per unit. It is therefore considered that the two uses are broadly comparable in terms of their maximum parking demand (as set out in the Council's SPG). The site is incapable of accommodating the SPG maximum requirements but in any case, the proposed use does not increase any deficit relative to that figure. It is considered that some of the parking spaces shown on the plans may not be practically useable- in particular the three end to end spaces shown at the rear of the site and the two space immediately inside the entrance to the basement. The Highways Engineer considers it more practically likely that these areas would realistically accommodate 2 and 1 respectively. On that basis, there would be 13 spaces provided, however, that is also the case for the existing layout. Consequently, it remains the case that the proposed development does not result in a greater deficit than existing.

In addition to the above, it is highly material that the site is in an extremely sustainable location, on the edge of the town centre and in very close proximity to a wide range of shops, day to day services, schools, bus links and a train station. Consequently, this is the kind of location where there are genuine alternatives to the private car and residents could live without fundamentally needing to own a car. Furthermore, car ownership levels in wholly affordable developments are typically lower and it would be anticipated that demand for parking spaces would not be as great as if it were a development of market units.

It is considered that visitor parking demand can reasonably be accommodated within the surrounding streets, if visitors elect to drive to the site. Visitors would have a range of modal options open to them when deciding how to travel.

The development may have an increase in traffic, however, given that the parking demand for the developments is broadly similar to that of the existing use, it is considered that any increase (and consequently any perceived impacts on air pollution and safety) is not likely to be significant. Therefore, while public concern in this respect has been taken into account, it is considered that the development would not be demonstrably harmful in terms of traffic and pedestrian safety.

Taking the above points into account, particularly the tenure type and highly sustainable location, the Council's Highways Engineer has raised no objection subject to conditions relating to cycle parking, a green travel plan and a Construction Transport Management Plan.

### Drainage

The Council's Drainage Engineer has stated that because the development does not include an increase in impermeable surfaces, there is no objection to the proposals and no conditions are recommended. Furthermore Dwr Cymru Welsh water have raised no objection subject to a condition which states that no surface water from any increase in the roof area of the building /or impermeable surfaces be allowed to drain directly or indirectly to the public sewerage system. However, it is not deemed necessary to impose such a condition as there is no increase in roof area of the building or impermeable

surfaces proposed as part of this application. It is, therefore, considered that the proposed development is acceptable in respect of drainage.

#### Amenity space (including waste storage) and open space

The flats would not be served by any private amenity space, given the physical constraints of the site. It is often the case that flatted developments cannot practically be served by private amenity space. There is a small shared area at the back of the building near the parking level. Residents would, therefore, mainly be reliant upon nearby public open space to meet their amenity needs. The site is very well located for access to public open space, in particular Gladstone Gardens, which is accessible from the end of Kendrick Road adjacent to the site. It is also within easy walking distance of open space on the Waterfront, at Central Park, Alexandra Crescent and Belvedere Crescent. The limited on site space must be weighed against the positive impacts of the development; in this case principally the provision of much needed affordable units. In light of this and given the extremely close relationship the site has with the adjacent public open space, it is considered that the outdoor amenity needs of the occupiers can be met in this way.

The applicant has also agreed to a financial contribution of £18,676 to upgrade open space in the area, and this amount is commensurate with the size of the development (and having regard to the Council's position regarding affordable housing developments of over 25 units- see below).

There is a refuse store on the ground floor which can be readily accessed from the pavement. It is considered that this represents an appropriate means of waste storage. It is considered that the development should not give rise to an increase in incidents involving defensive birds.

#### Other Section 106 issues

At the Council's Cabinet meeting of the 5 September 2016, there was a resolution approved to waive the requirement to seek financial obligations on 100% affordable housing sites of twenty-five units or less, where the development is made by the Council or the four housing associations zoned by Welsh Government to develop in the Vale. Accordingly, the section 106 contributions for this development have been calculated based on the amount of units over 25- i.e. 7 units.

In terms of affordable housing provision, the Council's Affordable Housing Enabling Officer has provided information in respect of the existing need. The 2015 Local Housing Market Assessment determined that 559 additional housing units are required each year to meet need in the area. There are presently over 1500 applicants on the Homes4U waiting list in Barry. This demonstrates a significant need and the application would make a modest but not insignificant contribution towards meeting need in the ward. It is considered that this represents a significant material consideration in favour of the development.

#### Sustainable Transport

Having regard to the cost of providing and upgrading sustainable transport facilities, the Council's Planning Obligations SPG provides a basis to consider the type of contribution that may be likely to mitigate the impacts of a development of this size. This is a key aim embodied in national and local planning and transport policies, which the Council is keen to deliver. In this case, a sustainable transport contribution is required to ensure that the

site is sufficiently accessible by a range of modes of transport other than the private car, such that it may be considered a sustainable site.

While the site is in a sustainable location, residents would be reliant on local transport facilities and consequently, a sustainable transport contribution is considered reasonable and proportionate to the need arising from the development. The applicant has agreed to a request of £16,100, which accords with the rationale set out in the Council's SPG for 7 units. This money can be spent on improving access to and from the site and local services/facilities by sustainable modes, cycle provision in the town centre, etc.

### Community facilities

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

The Council has developed a formula to calculate reasonable levels of contributions for community facilities, which has been derived from an analysis of the costs associated with providing such facilities, and consideration of the impact of new developments in terms of needs arising and what is considered to be reasonable to seek in relation to the scale of development proposals. The formula set out in the Planning Obligations SPG ensures a fair and consistent approach to development proposals throughout the Vale of Glamorgan. The applicant has agreed to an amount of £8,820 which reflects the need that results from the development (based on 7 units) and accords with the guidance in the Council's SPG.

### Public Art

The Council's SPG requires developers to set aside a minimum of 1% of their project budget specifically for the commissioning of art and the public art should be provided on site integral to the development where possible. The applicant has agreed to this requirement.

## RECOMMENDATION

Subject to the applicant first entering into a Section 106 Agreement to secure the following:

- The retention of the units as affordable in perpetuity.
- £18,676 towards enhancements of public open space in the local area that would be used by residents.
- £16,100 towards upgrading sustainable transport facilities in the vicinity of the site.
- £8,820 towards community facilities provision in the local area.
- 1% of the build costs towards public art.

Approve subject to the following conditions:

APPROVE subject to the following condition(s):

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

Reason:

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

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

A114, A115 Rev A, A116 Rev A, A117 Rev A, A118.

Reason:

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

3. Notwithstanding the submitted plans, a schedule of materials to be used in the construction of the development hereby approved (including a sample of the proposed cladding) shall be submitted to and approved in writing by the Local Planning Authority prior to its use. The development shall be completed in accordance with the approved details.

Reason:

To safeguard local visual amenities, as required by Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

4. Any part of the windows in the rear elevation of the building facing towards Buttrills Road that are below 1.7m in height above the level of the floor in the room that it serves shall be obscurely glazed to a minimum of level 3 of the "Pilkington" scale of obscuration and fixed pane at the time of installation, and so retained at all times thereafter.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policy MD2 (Design of New Developments) of the Local Development Plan.

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

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) wheel washing facilities;
- v) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

- vii) hours of construction;
- viii) lighting;
- ix) management, control and mitigation of noise and vibration;
- x) odour management and mitigation;
- xi) how the developer proposes to accord with the Considerate Constructors Scheme ([www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk)) during the course of the construction of the development; and
- xii) a system for the management of complaints from local residents which will incorporate a reporting system.

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

Reason:

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

6. Prior to the first beneficial use of the building, details of a revised parking layout (to incorporate 6 No. cycle parking spaces) shall be submitted and agreed in writing by the LPA. The parking layout and cycle parking shall be provided before the first beneficial occupation of any of the flats and retained at all times thereafter for use associated with the use of the development.

Reason:

To ensure the provision of adequate and useable parking and cycle parking facilities in accordance with Policies SP1 and MD2 of the LDP.

7. Before the first beneficial occupation of any flat, a Residential Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall provide initiatives and targets to promote sustainable modes of travel to and from the site for resident and visitors, including by walking, cycling, public transport and car sharing and shall include mechanisms for the submission of reviews to the Local Planning Authority. Thereafter, the Travel Plan shall be fully implemented in accordance with the approved details

Reason:

To promote and encourage sustainable modes of travel to and from the site and to ensure compliance with policies SP1 and MD2 of the LDP.

8. Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include details of parking for construction traffic, the proposed routes for heavy construction vehicles, timings of construction traffic and means of defining and controlling such traffic routes and timings, and a swept path plan to show the largest construction vehicle to be used navigating around Kendrick Road and Beryl Road. The development shall be carried out in accordance with the approved Management Plan.



Reason:

To ensure that the parking provision and highway safety in the area are not adversely affected by the construction of the development and to meet the requirements of Policies SP1 and 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.

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

Having regard to policies SP1 – Delivering the Strategy, SP3 – Residential Requirement, SP4 – Affordable Housing Provision, MG1 – Housing Supply in the Vale of Glamorgan, MG4 – Affordable Housing, MD1 - Location of New Development, MD2 - Design of New Development, MD3 - Provision for Open Space, MD4 - Community Infrastructure and Planning Obligations, MD5 - Development within Settlement Boundaries, MD6 - Housing Densities, MD7 - Environmental Protection, MD9 - Promoting Biodiversity and MD16- Protection of Existing Employment Sites and Premises, the advice within Planning Policy Wales 9<sup>th</sup> Edition, Technical Advice Notes 2, 12, 16 and 18 and the Council's Supplementary Planning Guidance on Amenity Standards, Affordable Housing, Barry Development Guidelines, Biodiversity and Development, Parking Standards (Interactive Parking Standards Zones Map), Planning Obligations, Public Art and sustainable development, the proposal is considered acceptable in principle and in respect of design, residential amenity, highway safety, traffic, parking and drainage.

### NOTE:

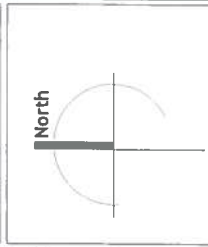
**Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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

Copyright © 2017  
Notes:  
Do not scale this drawing. Check all dimensions on site. Any discrepancies to be reported back to the Architect for clarity.



Client:  
**KESTRAL CONSTRUCTION**  
Project:  
**KENDRICK ROAD, BARRY**

Job Number: **L699**  
Date: **22.11.17**  
Drawn by: **PC**  
Dwg No: **A110**

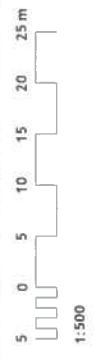
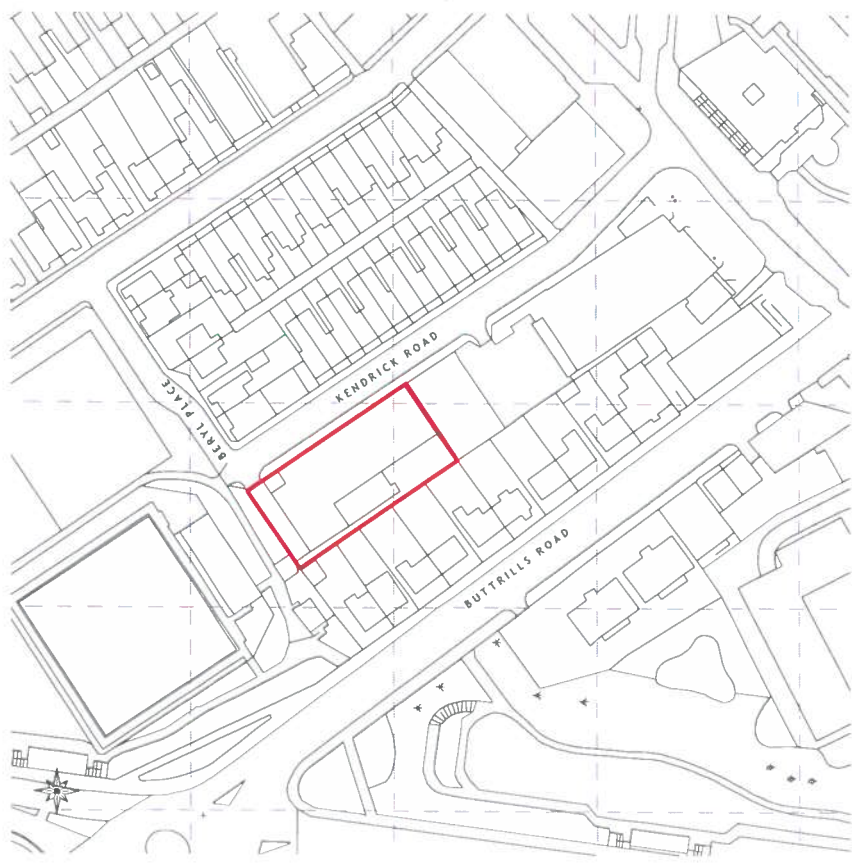
Revision:  
**SITE LOCATION PLAN**

Scale: **1 : 1250 @ A3**  
Drawing Status:  
**PAC SUBMISSION**



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2018/00092/FUL



**01** SITE LOCATION PLAN  
1 : 1250

**2018/00387/TCA** Received on 28 March 2018

Mr. John Thomas, Flemingston Court, Flemingston, Barry, Vale of Glamorgan. CF62 4QJ  
Mr. John Thomas, Flemingston Court, Flemingston, Barry, Vale of Glamorgan. CF62 4QJ

## **Flemingston Court, Flemingston**

Work to trees

### **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 submitted by a current Member of the Council

### **EXECUTIVE SUMMARY**

The application relates to three Leylandii trees located within the curtilage of Flemingston Court, a Grade II\* listed building.

The application seeks to remove all three trees as they are stated to be overpowering and could potentially pose a risk to the nearby listed building.

A site visit has been carried out and the proposal assessed and given the location of the trees and their size, it is considered that the works would not result in a detrimental impact on the amenity of the area. The application is recommended for APPROVAL.

### **SITE AND CONTEXT**

The site relates to Flemingston Court, a large Grade II\* listed building and County Treasure within the Flemingston Conservation Area. The property is also included within the Upper & Lower Thaw Valley Special Landscape Area. The three trees are located inside the stone boundary wall of the property along its north eastern edge. It should also be noted that to the opposite side of the trees is an archaeologically important post-medieval barn and to the north west are the remains of Flemingston Castle.

### **DESCRIPTION OF DEVELOPMENT**

The application seeks permission to carry remove three Leylandii trees within the Conservation Area and within the curtilage of the listed building identified in the plan and site photographs below.





### PLANNING HISTORY

There is extensive planning history on the site. The following is of most relevance to the current application:

2009/00295/TCA, Flemingston Court, Flemingston, Fell Scots Pine, Approved

### CONSULTATIONS

Due to the type of application submitted, consultation is not statutorily required and therefore not carried out.

## REPRESENTATIONS

Due to the type of application submitted, neighbour consultation is not statutorily required and therefore not carried out.

## REPORT

### Issues

The three trees are located adjacent to the stone boundary wall of the property and are visible from within the public realm of the Conservation Area. It is noted that the trees are located in close proximity to other smaller trees. The three trees proposed for removal appear to have outgrown their location. The trees do not appear to have a clear or regular form and there appears to be sections of the trees which have not formed as fully as others, i.e. there are bare sections, particularly on the tree which is closest to the barn. Whilst the exact cause is unknown, bare sections such as this could be an indicator that there are underlying issues with the health of the trees, which could in turn pose as a threat to the nearby listed building and buildings of archaeological value.

When a proposal to remove trees in a Conservation Area is received, a Tree Evaluation Method for Preservation Orders (TEMPO) assessment needs to be carried out in order to assess whether or not the trees should be protected by means of a Tree Preservation Order (TPO). In this instance, a TEMPO assessment has been carried out and whilst the trees are visible, given their condition and the lack of a significant contribution to the amenity of the area, it is considered that a TPO is not merited.

In light of the TEMPO Assessment and the above reasoning, it is considered that the proposed removal of the trees would be acceptable and there would be no detrimental impact on the setting of the listed buildings or on the wider Conservation Area and Special Landscape Area.

## REASON FOR RECOMMENDATION

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.

## RECOMMENDATION

### NO OBJECTIONS.

1. The authority has no objection to the proposed works to the trees as described in the notification, and do not intend to make a Tree Preservation Order in respect of these trees.

### NOTE:

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**variations from the approved plans immediately so that you can be advised how to best resolve the matter.**

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