

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **28 JUNE, 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:

2018/0460/BR	AC	23, Augusta Crescent, Penarth	Loft conversion, internal alterations and side and rear extensions
2018/0467/BN	A	26, Whitcliffe Drive, Penarth	Single storey orangery to rear of property
2018/0484/BN	A	204, Holton Road, Barry	Redevelopment of rear garage
2018/0487/BN	A	33, Walker Road, Barry	Renewal of roof covering, upgrade of roof insulation and extension of eaves detail
2018/0491/BN	A	4, John Street, Penarth	Loft conversion with dormer
2018/0503/BN	A	3, Robinswood Crescent, Penarth	Remove conservatory, apply steel beams at rear of property and tiled roof
2018/0514/BN	A	4, Cae Newydd, St. Nicholas	Rear single storey contemporary glazed extension
2018/0515/BN	A	1, Dunster Drive, Sully	Rear single storey contemporary glazed extension
2018/0518/BN	A	11, St Ambrose Close, Dinas Powys	Dormer loft conversion
2018/0519/BN	A	21, Tair Gwaun, Penarth	Garage conversion

2018/0520/BN	A	38, Edward Street, Barry	EWI
2018/0521/BN	A	40, Edward Street, Barry	EWI
2018/0522/BN	A	2, Meirion Close, Barry	EWI
2018/0523/BN	A	4, Meirion Close, Barry	EWI
2018/0525/BN	A	6, Meirion Close, Barry	EWI
2018/0526/BN	A	8, Meirion Close, Barry	EWI
2018/0528/BN	A	45, Grange Gardens, Llantwit Major	Garage extension to the side with en-suite bathroom in roof space. Two Velux windows to be installed in existing rear extension, New drive to replace hard standing at front of house
2018/0530/BN	A	41, Winsford Road, Sully,	First floor bedroom extension above existing ground floor extension
2018/0531/BN	A	43, Pant Y Celyn Place, St. Athan	EWI
2018/0532/BN	A	10, Meirion Close, Barry	EWI
2018/0533/BN	A	12, Meirion Close, Barry	EWI
2018/0534/BN	A	1-20 Dunlin Court, Barry	Renewal of roof covering with Redland regent roof tiles
2018/0536/BN	A	26, Meirion Close, Barry	EWI
2018/0537/BN	A	28, Meirion Close, Barry	EWI
2018/0538/BN	A	30, Meirion Close, Barry	EWI
2018/0539/BN	A	32, Meirion Close, Barry	EWI
2018/0540/BN	A	34, Meirion Close, Barry	EWI
2018/0541/BN	A	36, Meirion Close, Barry	EWI
2018/0542/BN	A	1, Fairoaks, Dinas Powys	EWI
2018/0543/BN	A	3, Fairoaks, Dinas Powys	EWI
2018/0544/BN	A	5, Fairoaks, Dinas Powys	EWI

2018/0545/BN	A	7, Fairoaks, Dinas Powys	EWI
2018/0546/BN	A	2, Fairoaks, Dinas Powys	EWI
2018/0547/BN	A	2A, Fairoaks, Dinas Powys	EWI
2018/0548/BN	A	4, Fairoaks, Dinas Powys	EWI
2018/0549/BN	A	6, Fairoaks, Dinas Powys	EWI
2018/0550/BN	A	6A, Fairoaks, Dinas Powys	EWI
2018/0551/BN	A	8, Fairoaks, Dinas Powys	EWI
2018/0552/BN	A	10, Fairoaks, Dinas Powys	EWI
2018/0553/BN	A	12, Fairoaks, Dinas Powys	EWI
2018/0554/BN	A	14, Fairoaks, Dinas Powys	EWI
2018/0555/BN	A	16, Fairoaks, Dinas Powys	EWI
2018/0556/BN	A	18, Fairoaks, Dinas Powys	EWI
2018/0557/BN	A	20, Fairoaks, Dinas Powys	EWI
2018/0558/BN	A	40, Fairoaks, Dinas Powys	EWI
2018/0559/BN	A	42, Fairoaks, Dinas Powys	EWI
2018/0561/BN	A	117, Eagleswell Road, Llantwit Major	Over-render pin and mesh
2018/0564/BN	A	9, Bedford Rise, Boverton,	EWI
2018/0565/BN	A	17, Bedford Rise, Boverton	EWI
2018/0566/BN	A	21, Bedford Rise, Boverton	EWI
2018/0567/BN	A	25, Bedford Rise, Boverton	EWI
2018/0568/BN	A	28, Bedford Rise, Boverton	EWI
2018/0569/BN	A	93, Churchfields, Barry	Removal of wall between kitchen and utility room. Existing window in kitchen changed to patio doors
2018/0570/BN	A	9, Uphill Close, Sully	First floor extension
2018/0572/BN	A	67, Dudley Place, Barry	Loft conversion with balcony

2018/0574/BN	A	53, The Parade, Barry	Double and single storey extensions with structural steels
2018/0575/BN	A	46, Bedford Rise, Boverton, Llantwit Major	EWI
2018/0576/BN	A	6, Carne Court, Boverton, Llantwit Major	EWI
2018/0578/BN	A	3, Castle Close, Boverton	EWI
2018/0579/BN	A	4, Castle Close, Boverton	EWI
2018/0580/BN	A	21, Wick Road, Ewenny	Rear single storey extension
2018/0581/BN	A	11, Castle Close, Boverton	EWI
2018/0582/BN	A	12, Castle Close, Boverton	EWI
2018/0583/BN	A	3, Windsor Close, Boverton	EWI
2018/0584/BN	A	7, Windsor Close, Boverton	EWI
2018/0585/BN	A	8, Windsor Close, Boverton	EWI
2018/0586/BN	A	10, Windsor Close, Boverton	EWI
2018/0587/BN	A	31, Nicholl Court, Boverton	EWI
2018/0588/BN	A	53, College Road, Barry	Single storey rear extension to replace existing conservatory
2018/0590/BN	A	5, Dowland Road, Penarth	EWI
2018/0591/BN	A	53, Castle Avenue, Penarth	EWI
2018/0592/BN	A	4, Hazel Road, Penarth	EWI
2018/0594/BN	A	78-80, Purcell Road Penarth	EWI
2018/0595/BN	A	74-76, Purcell Road Penarth	EWI

2018/0596/BN	A	25, Heol Cae Pwll, Colwinston	Garage conversion
2018/0599/BN	A	28, Willow Close, Penarth	EWI
2018/0600/BN	A	24, Willow Close, Penarth	EWI
2018/0601/BN	A	15, Willow Close, Penarth	EWI
2018/0602/BN	A	7, Willow Close, Penarth	EWI
2018/0603/BN	A	5, Willow Close, Penarth	EWI
2018/0605/BN	A	32, St. Peters Road, Penarth	EWI
2018/0606/BN	A	108, Cedar Way, Penarth	EWI
2018/0607/BN	A	106, Cedar Way, Penarth	EWI
2018/0608/BN	A	88, Cedar Way, Penarth	EWI
2018/0612/BN	A	41a, Westbourne Road, Penarth	Single storey rear extension
2018/0613/BN	A	9, Greenhaven Rise, Llandough	Loft with dormer
2018/0615/BN	A	4, Grants Field, St. Nicholas	Side/rear extension
2018/0617/BN	A	The Firs, 29, Romilly Park Road, Barry	Demolition of existing outhouses; consisting of pantry, downstairs WC, and boiler room; to replace with single story extension housing downstairs WC and living area. Removal of part of rear wall to connect new living space with existing kitchen.
2018/0620/BN	A	35, Peterswell Road, Barry	Double storey extension
2018/0621/BN	A	18, Somerset Road, Barry	To convert roof void to new bedroom
2018/0623/BN	A	23, Milton Road, Penarth	Re-roof

(b) Building Regulation Applications - Reject

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

2018/0562/BN	R	15, Plassey Square, Penarth	Home renovation and loft conversion
2018/0577/BN	R	18, Heol Pearetree, Rhoose Point	Conversion of a detached double garage into a living space for an elderly disabled man. To include small extension at back of garage
2018/0618/BN	R	24, Wenvoe Terrace, Barry	Part of wall removed between kitchen and dining room. Steel placed to carry supporting wall with pad stones

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

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

2018/0073/AI	A	3, Victoria Square, Penarth	Single storey rear extension, alterations and associated works
2018/0074/AI	A	58, Rhodfa Sweldon, Barry	Replacement of existing conservatory roof
2018/0075/AI	A	Allt Laes Farm, Peterston Super Ely	Proposed extension to form swimming pool, gym, first floor office, dormers and associated works
2018/0076/AI	A	Allt Laes Farm, Peterston Super Ely	Proposed extensions to form swimming pool, gym, first floor office, dormers and associated works
2018/0077/AI	A	5, Tudor Place, Llantwit Major	Proposed solid Leka roof replacement
2018/0078/AI	A	6, Merganser Court, Barry	Proposed reinstatement of fire damage and refurbishment, works to include material alterations to structure, controlled services, fittings and thermal elements

2018/0079/AI	A	Holly Cottage, Graig Penllyn, Cowbridge	Proposed alterations to internal layout and drainage provisions (works to include material alterations to structure, controlled services, fittings and thermal elements)
2018/0080/AI	A	36, The Verlands, Cowbridge	Ground floor extensions, alterations to ground and first floor, extending bedroom into roof space and associated works
2018/0081/AI	A	Units 3 & 4, Atlantic Point, Barry	Internal alterations to form first floor office accommodation and associated works
2018/0082/AI	A	8, College Road, Barry	Single storey rear extension (works to include material alterations to structure, controlled services, fittings and thermal elements)
2018/0083/AI	A	17, Windsor Road, Barry	Formation of habitable room in roofspace
2018/0084/AI	A	19, St. Davids Avenue, Dinas Powys	Proposed single storey side/rear extension, works to include material alterations to structure, controlled services, fittings and thermal elements
2018/0085/AI	A	72, Pontypridd Road, Barry	Extending existing dormer (works to include material alterations to structure, controlled services, fittings and thermal elements)
2018/0086/AI	A	16, Hickman Road, Penarth	The conversion of part of the roofspace to provide a bathroom
2018/0087/AI	A	8, Meggitt Road, Barry	Proposed loft conversion, internal alterations and associated works

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 28 JUNE, 2018

REPORT OF THE HEAD OF REGENERATION AND PLANNING

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

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

**Decision Codes**

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

2009/00946/8/C D	A	South Quay, Barry Waterfront, Barry	Discharge of Condition 49 - Archaeological Watching Brief, insofar as it relates to South Quay. Planning Permission ref. 2009/00946/OUT : Development of vacant land at Barry Waterfront for residential (C3), retail (A1), cafes, bars and restaurants (A3), hotel (C1), offices (B1) and community and leisure uses (D1 and D2). Development of vehicular and pedestrian/cycle access including a new link road, re-grading of site to form new site levels and associated infrastructure works, parking, servicing,
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			landscaping, public realm and public open space provision
2014/00933/1/N MA	A	Land at Pentre Meyrick	Non-Material Amendment - To amend the wording of Condition 3 (Off-site Highway Works) to read; 'No dwelling hereby approve shall be occupied until the associated off-site highway works, which include, a Puffin crossing of the A48, the widening of the existing and the provision of new pedestrian footways along the adjacent highway, and additional street lighting facilities, have been implemented in full, in general accordance with Dwg. No. (PA)1007C, Highway Works, received on 29 March 2018, and subject to the agreement of the Local Planning Authority.' Planning Permission ref. 2014/00933/FUL : Development of 13 affordable homes, access arrangements and associated works, including off-site highway improvements
2015/00960/7/C D	A	Land at Sycamore Cross, Pendoylan Lane and North of A48, Bonvilston	Discharge of Condition 3 - Materials Schedule - permission 2015/00960/FUL - 120 homes, highway improvement and all associated works
2015/01072/2/C D	A	Golwg y Mor, Porthkerry Road, Rhoose (Land North of the railway line (West))	Discharge of Condition 5 - Materials (Resubmission-change of main brick due to shortage of approved type). Planning Permission

			ref. 2018/00162/RES : The development of 227 dwellings with associated access, roads and footpaths, drainage works, landscaping, public open space and other ancillary works
2016/00053/1/C D	A	Hillside, Wine Street, Llantwit Major, CF61 1RZ	Discharge of Conditions 3 - Obscure Glazing in Windows and 4 - Schedule of Materials (Proposed Timber Cladding). Planning Permission ref. 2016/00053/FUL : Single storey extension, loft conversion and roof extension to raise ridge height and include three traditional style dormers
2016/00080/FUL	A	Llwynhelig, Cowbridge	Erection of an agricultural building for free range egg production, together with associated feed bins, hardstandings and access road
2016/00305/1/N MA	A	Land adjacent A4226 Five Mile Lane, Barry	Non-Material Amendment - Variation of Conditions 3 and 18 to amend timescale for submission of details. Planning Permission ref. 2016/01305/RG3 : Proposal is for on line improvements to the existing A4226 between Waycock Cross Roundabout in Barry and the lay-by to the north of the Welsh Hawking Centre and an off line new road provision to the east of the existing A4226 which will reconnect with the existing A4226 just to the south of Blackland Farm

2016/00570/1/N MA	A	Site at Boverton Road, Boverton	Non-Material Amendment - Proposed reduction of field access and public footpath width from 3m to 2m wide. Planning Permission ref. 2016/00570/FUL : Proposed detached bungalow retaining field access and public footpath
2017/00129/1/C D	A	Travellers Rest, Felindre Road, St Marys Hill, Llangan	Discharge of conditions 8, 11, 13, 14, 15 & 16 - The use of land for stationing of caravans for the residential purposes for 3 no gypsy pitches together with the formation of hard standing & utility/dayroom ancillary to that use at Travellers Rest
2017/00263/2/N MA	A	33, Westbourne Road, Penarth	Non-Material Amendment - Additional area of glazing in corner of kitchen to provide extra daylight & a view of the garden from the kitchen. Planning ref. 2017/00263/FUL : Single storey extension to side/ rear. Demolition of existing garage to be replaced by a new double garage with playroom
2017/00461/1/C D	A	72, Clos Yr Wylan, Barry	Discharge of Condition 4 - Materials Details. Planning ref. 2017/00461/FUL Proposed two storey side extension with accommodation also at second floor level, and new boundary treatments to side and rear
2017/00476/1/N MA	A	Land at Westhaven (Phase 3) Dockside Quay, Barry Waterfront, Barry	Non-Material Amendment - Approval is sought for an amendment to the parking provision, to increase the provision for plot 446 at the expense of a visitor space.

			Planning Permission ref. 2017/00476/RES : Development of site known as Dockside Quay for residential development, A3 units and associated infrastructure works, parking, and landscaping
2017/00746/1/C D	A	Land at Cardiff Road/Cross Common Road, Dinas Powys	Discharge of Condition 4 - Construction Traffic Management Plan. Planning Permission ref. 2017/00746/RES : Approval of all matters reserved including Appearance, Landscaping, Layout and Scale and the subsequent discharge of planning conditions 2 (Reserved Matters), 6 (Drainage), 10 (Tree Protection), 12 (Slab levels), 16 (Noise Assessment) attached to the Outline Permission (Ref: 2015/00392/OUT)
2017/00858/FUL	A	Plot 75, Tathanias Court, St Athan	Retrospective conservatory extension to the rear of the property
2017/00910/1/C D	A	Land at The Rectory, Port Road, Wenvoe	Discharge of Condition 11 - Materials Details. Planning ref. 2017/00910/FUL : Development of 12 dwellings and associated infrastructure at land at The Rectory, Port Road, Wenvoe
2017/00967/FUL	A	Maes y Ward Farm, Bonvilston	Construction of new access track
2017/01083/2/C D	A	15, Cae Rex, Cowbridge	Discharge of Condition 5 - Drainage Details. Planning ref. 2017/01083/FUL : Demolition of existing bungalow and erection of new 4 bedroom dwelling

2017/01331/FUL	A	Porthkerry Leisure Park, Rhoose	Relocation of residential pitch for accommodation of new park manager
2017/01356/RES	A	Land at Barry Waterfront, Barry	Construction of new District Centre comprising of 57 residential apartments, 1,885sq.m food & drink use (A3), 390sq.m flexible commercial use (D1/D2/A3), together with associated infrastructure works, parking & landscaping
2018/00059/FUL	A	149, Plymouth Road, Penarth	Demolish existing house. Construct new dwelling as attached plans
2018/00084/FUL	A	Forge Cottage, Llansannor	Two storey rear extension and new rooflights to front
2018/00086/FUL	A	Pen Onn Farm, Llancarfan	Garage and stable block
2018/00119/FUL	A	Wernlas, St. Andrews Road, Dinas Powys	Two storey side extension to provide new kitchen, living area with additional garage facilities and new main entrance for property with master bedroom/ensuite at first floor
2018/00146/FUL	A	Dow Corning Ltd., Cardiff Road, Barry	It is proposed to extend an existing manufacturing building within the Dow Performance Silicones site at Barry. The extension would comprise a new loading bay and open-plan steel-framed building to house new manufacturing equipment. The extension, in keeping with the existing adjacent buildings would be single storey

2018/00148/FUL	A	4, The Glades, Penarth	Additional garage and two storey extension
2018/00149/FUL	A	14, Salisbury Avenue, Penarth	Ground and first floor rear extension
2018/00180/FUL	A	Land at the rear of 45, Fontygary Road, Rhoose	Proposed redesign of development site, approved under planning application number 2016/01254/FUL to accommodate a pair of semi detached dwellings
2018/00196/FUL	A	1, River View, East Aberthaw	Demolition of boundary wall and new vehicle crossing to provide access to a proposed parking area for 2 no. cars
2018/00209/FUL	R	Arcadia, Port Road West, Barry	Proposed demolition of existing dwelling/ outbuilding. Construction of pair of semi detached 3 storey houses with access and parking
2018/00221/FUL	A	Land adjacent to Westra Stables, Westra, Dinas Powys	Proposed new stable block for stabling horses
2018/00254/FUL	A	17, Bedlington Terrace, Barry	Proposed single storey rear extension and loft conversion with associated works
2018/00260/FUL	A	36, Windsor Terrace, Penarth	Conversion of first and second floor from Office to mixed use: Office and a single C3 dwelling
2018/00267/FUL	A	The Croft, Burdens Hill Lane, Wenvoe	Front/side extension with raising of roof ridge height and construction of a detached garage
2018/00275/FUL	A	Navron, Boverton Road, Boverton, Llantwit Major	The introduction of a two-storey rear extension to the house following demolition of the rear single-storey

			wing; associated internal and external alterations; and general refurbishment works
2018/00276/FUL	A	Santander UK Plc, 140, Holton Road, Barry	Shop front refurbishment including new internally illuminated ATM with red dotted vinyl with red/white gradient vinyl to the inside of the glazing around the machine; installation of Digital Media TV screen; new shop front glazing panels; new stainless letter box; replacement of door for a new automatic swing door; timber repairs to fascia and soffit required; new lead flashing above timber fascia; underside of bay projection to be re-clad to match existing and replace existing granite tiles with new Bianco crystal granite cladding.
2018/00281/FUL	A	31, Heol Pilipala, Rhoose Point, Rhoose	Convert one integral garage to living space. Remove metal door and brick up gap with window to match room above
2018/00293/FUL	A	19, Windsor Terrace, Penarth	Removal and replacement of chimney stack to front elevation
2018/00295/FUL	R	Ishton Barn, Lon Cwrt Ynyston, Leckwith	Rear extension and front hall extension
2018/00297/ADV	A	Santander UK Plc, 140, Holton Road, Barry	Internally illuminated signage for a new ATM and also the installation of a 46" TV within a metal shroud at the front elevation showing static Santander marketing campaigns

2018/00305/FUL	A	White House, Augusta Road, Penarth	First floor side extension to provide shower room/dressing room
2018/00306/LBC	A	Navron, Boverton Road, Boverton, Llantwit Major	The introduction of single-storey rear extension to the house following demolition of the rear single-storey wing; associated internal and external alterations; and general refurbishment works
2018/00307/LBC	A	Cogan Station Approach Road, Cogan, Penarth	Remedial works to footbridge, including strengthening steel lattice parapets and the addition of a hand rail
2018/00309/FUL	A	Abbey Road, Ewenny	Amendment to Condition 1 of Planning Permission ref. 2017/00365/RES to include amended site layout and additional house type
2018/00315/FUL	A	57, Craig yr Eos Road, Ogmere By Sea	Reinstatement of existing first floor window and proposed new first floor window to north elevation and new window to gable wall on west elevation
2018/00318/FUL	A	14, Clinton Road, Penarth	Replacement Dwelling Due To Demolition under Section 78 Building Act 1984
2018/00323/FUL	A	20, Ravenshoe Road, Barry	Proposed single storey rear kitchen and extension, and front entrance porch extension
2018/00326/FUL	A	1, Dunster Drive, Sully	Construction of a single storey contemporary glazed extension to the rear of an existing double storey residential property in place of an existing conservatory extension



2018/00327/FUL	A	17B, High Street, Cowbridge	Conversion of existing A1 shop to mixed use A1/A3
2018/00329/FUL	A	69, Plymouth Road, Penarth	Single storey side/rear extension with raised terrace complete with privacy screening
2018/00334/FUL	A	15, Craven Walk, Penarth	Rear ground floor extension and annex extension
2018/00335/FUL	A	St. Jude, Barren Hill, Penmark	Existing greenhouse to be replaced
2018/00336/FUL	A	74, Cae Canol, Penarth	Single storey extension to rear and convert part of garage to utility room
2018/00337/FUL	R	19, Portland Drive, Barry	Metal fencing to front garden
2018/00347/FUL	A	Jeff White Motors Limited, Gileston Road, St. Athan	Installation of new shopfront in connection with the Class A1 use
2018/00350/FUL	A	16, Lon Fferm Felin, Barry	Erect a single storey extension to rear of property
2018/00360/FUL	A	Whitethorns, Marine Parade, Penarth	Small single storey extension to principal elevation. Reinstall front gates to driveway and create new pedestrian access. Insert new front access to dwelling with new small gable over
2018/00362/FUL	A	4, Lime Grove, Eglwys Brewis	Demolition of front door porch and kitchen door porch and out house and extending dwelling to form en-suite accessible bedroom at ground floor
2018/00365/FUL	A	Southcot, 27, Cog Road, Sully	Improvement to natural light and ventilation levels within interior. (Variation of Condition 2 of Planning ref.

			2017/00738/FUL : Replacement of a dwelling (formerly semi-detached) with new semi-detached dwellings)
2018/00367/FUL	R	Side garden of Glenview, 99, Penlan Road, Llandough	Variation of Condition 2 of Planning Permission 2018/00055/FUL to alter pitch of roof and to include open gables.
2018/00368/FUL	A	Yr Ysgubor, St. Lythans Road, St. Lythans	Decommissioning existing domestic cesspit and installing either new septic tank or new domestic package sewage treatment plant and all associated drainage fields within the confines of the rear garden
2018/00369/FUL	A	14, White House, The Knap, Barry	Erection of rear extension with first floor veranda and rear elevation alterations
2018/00370/FUL	A	21, Fairfield Rise, Llantwit Major	Proposed single storey rear extension, dormer loft extension and internal alterations
2018/00371/FUL	A	25A, Archer Road, Penarth	Extensions and modifications to existing dwelling including extension to front and single storey extension to rear elevation to incorporate Granny Annexe
2018/00376/FUL	A	35, Purcell Road, Penarth	Retention of single storey orangery extension to rear of property
2018/00377/ADV	A	87, Eastgate, Cowbridge	Provision of main fascia signage with ancillary window graphics and projecting sign

2018/00383/FUL	A	Kymin Cottage, 7, Beach Lane, Penarth	Replacement and repair of roof tiles
2018/00384/FUL	A	24. Baruc Way, Barry	Proposed garage conversion
2018/00391/LAW	A	75, Monmouth Way, Llantwit Major	Existing garage to be converted into a Ground Floor bedroom. Existing concrete base to be taken up and new insulated floor to be installed. Doorway from hallway into new bedroom and shower area. New driveway laid to allow for wheelchair access into property
2018/00393/FUL	A	Tyn y Coed Farm, Bonvilston	Proposed demolition of conservatory and erection of single and two storey extensions to existing house
2018/00396/FUL	R	West Farm House, Southerndown	Storm porch to rear elevation
2018/00399/FUL	A	9, River Walk, Llantwit Major	Demolition of garage and erection of single storey extension
2018/00418/FUL	A	2, Petrel Close, Penarth	A single storey side extension to create an en-suite and store to the bedroom
2018/00419/FUL	A	59, Purcell Road, Penarth	Demolition of existing outhouse and erection of single storey rear extension for use as kitchen/dining/living area
2018/00425/FUL	A	Hunters Lodge, 8, Newbarn Holdings, St. Athan Road, Flemingston	Application to vary Condition 2 of Planning Permission ref. 2016/00266/FUL to retain works as built

2018/00440/FUL	A	6, St. Johns Close, Cowbridge	Replacement front porch and rear utility room. Conversion of existing garage to study
2018/00441/FUL	A	26, Pontypridd Road, Barry	Proposed single storey sitting room, utility and bathroom extension
2018/00452/LAW	A	52, Court Road, Barry	Proposed rear dormer extension as per drawing A100
2018/00475/LAW	A	19, Clos y Fulfran, Nells Point, Barry	Increase size of 4 upper windows and install glass Juliet balconies
2018/00542/LAW	A	Mill Lodge, Windmill Close, Wick	Removal of an existing uPVC conservatory complete and the erection of a replacement single- storey rear sunroom extension

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **28 JUNE, 2018**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2017/01261/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 18/3201245  
Appellant: Mrs Louise Taylor  
**Location: Malefant House, Llanmaes**  
Proposal: Proposed roof alterations/first floor addition and remodelling of dwelling to form a new Master Suite with en-suite bathroom and dressing room area, above an existing ground floor lounge  
Start Date: 30 May 2018

L.P.A. Reference No: 2017/00788/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 18/3202656  
Appellant: CG81 Developments Ltd  
**Location: 1st and 2nd Floors, Stangate House, Stanwell Road, Penarth**  
Proposal: Proposed change of use and conversion of 1st and 2nd floors from office suites to 4 self contained apartments  
Start Date: 31 May 2018

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(b) Enforcement Appeals Received

None

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(c) Planning Appeal Decisions

L.P.A. Reference No: 2017/01127/FUL  
Appeal Method: Written Representations  
Appeal Reference No: D/18/3198179  
Appellant: Mr Allan McDowall-Thomas  
**Location: 9, Meadow Court, St. Brides Major**  
Proposal: To build a solar canopy  
Decision: Appeal Dismissed  
Date: 21 May 2018  
Inspector: R. Jenkins  
Council Determination: Delegated

## Summary

The appeal was in respect of a carport with solar capabilities. The main issue was considered to be the effect of the proposed development upon the character and appearance of the area.

The Inspector noted the location of the appeal site within a residential cul-de-sac in St. Brides Major. He also noted that the property is a relatively large dwelling within a context largely made up of residential dwellings of a similar scale, design and external finish to the appeal property.

It was suggested that the proposed development would provide power to the appellant's private car(s), absolving reliance on electricity obtained from the grid. Whilst the Inspector noted the benefits of the scheme in lowering the appellant's carbon footprint (albeit at a modest scale), he was of the view that, by reason of its scale, siting and use of materials, the proposed development would represent a prominent and visually incongruous form of development in an otherwise pleasant and uniform street scene. He concluded that the development would cause material harm to the character and appearance of the area and that such harm could not be acceptably mitigated through the use of planning conditions, or outweighed by the benefits of the scheme. Accordingly, he concluded that the proposed development would conflict with Policies SP1, MD2 and MD5 of the adopted Vale of Glamorgan Local Development Plan.

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(d) Enforcement Appeal Decisions

None

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(e) 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>	3	3	6	-
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Planning Total</b>		3 (50%)	3 (50%)	6	-
<b>Committee Determination</b>		-	1 (100%)	1	
<b>Enforcement Appeals</b>	<b>W</b>	-	-	-	-
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Enforcement Total</b>		-	-	-	-
<b>All Appeals</b>	<b>W</b>	3	3	6	-
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Combined Total</b>		3 (50%)	3 (50%)	6	-

Background Papers

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

Contact Officer:

Mrs. Justina M Moss, Tel: 01446 704690

Officers Consulted:

HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **28 JUNE, 2018**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. TREES

(a) Delegated Powers

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

**Decision Codes**

A - Approved  
E Split Decision  
R - Refused

2018/00261/TPO	A	Highbank, 3, Heol Ty Mawr, Pendoylan	Work to Tree covered by TPO no. 4 1972 G8 - Work to T2 Oak in rear garden
2018/00353/TCA	A	Old Barn Cottage, Church Road, Llanblethian, Cowbridge	Two fir trees at the edge of my property that need to be removed as their roots are pushing the boundary stone wall onto the roads that run past my property. Please see plan in Supporting Documents
2018/00356/TPO	A	46, Stanwell Road, Penarth	Work to trees in TPO No 17 1998
2018/00394/TCA	A	Whitethorns, Marine Parade, Penarth	Work to trees in the Penarth Conservation Area - fell Cypress and Sycamore
2018/00423/TCA	A	Mount Farm House, 23, Station Road, Dinas Powys	Fell Ash tree covered by TPO 1973 No. 14 T29



2018/00424/TCA	A	Tara, 4, Maes y Felin, Llandow	Work to trees in the Llandow Conservation Area - Fell 1 Ash and reduce 1 Yew
2018/00426/TPO	A	Fields adjoining Gileston Village opposite Manor House	Work to trees covered by TPO 1962 No1 T84 - Reduce 1 Sycamore
2018/00464/TCA	A	Mount Farm House, 23, Station Road, Dinas Powys	Reduce crown of Yew tree within the Dinas Powys Conservation Area
2018/00505/TCA	A	1, Victoria Avenue, Penarth	Work to a Sycamore tree within Penarth Conservation Area

## **The Vale of Glamorgan Council**

### **Planning Committee - 28th June 2018**

#### **Report of the Head of Regeneration and Planning**

### **S.116 Highways Act 1980 Application to Extinguish Part of the Highway at Highlight Lane, Off Lakin Drive, Highlight Park, Barry**

#### **Purpose of the Report**

1. To consider the proposed application to be made by the Council pursuant to s.116 of the Highways 1980 to extinguish part of the highway at Highlight Lane, off Lakin Drive, Highlight Park, Barry ("the Application") as set out in this Report at Appendix A.
2. To consider the proposed amendments to the Application.
3. To determine whether the Council should proceed to
  - (a) make the Application; or
  - (b) make the Application with the amendments proposed;
  - (c) not make either the Application or the amended application.

#### **Recommendation**

1. To approve the making of the Application subject to an amendment to reduce the area of highway to extinguished in accordance with amended draft Order and Plans attached at Appendix B of this Report

#### **Reasons for the Recommendation**

1. To approve the making of the Application as amended in order for the Council, as Highways Authority, to extinguish that part of the Highway which it considers unnecessary in order to prevent fly-tipping and anti-social behaviour on the land.
2. To approve the amendments to the Application as set out in Appendix B to take into account the objection received at Appendix C which the objector has agreed to remove subject to the amendment being made.

## Background

4. The Council has received a request from the owner of Highlight Farm pursuant to S117 of the Act to stop up a section of adopted highway pursuant to s.116 of the Act known as "Highlight Lane" as shown highlighted pink on the attached at Appendix F.
5. Highlight Lane is an historic adopted highway with an access off Port Road West extending in a North Westerly direction providing access to a number of properties, adjoining land along its route to its termination point at "Highlight Farm" although the lane in recent years has been subdivided as part of new residential developments in the 1980/90s locally known as Highlight Park.
6. The Highway Authority are unable advise as to the precise date that Highlight Lane was formally adopted or the mechanism by which it was adopted. However, the Council are in possession of historic highway adoption records passed to the Vale of Glamorgan Council on Local Government Reorganisation in 1996 by the former Highway Authority, South Glamorgan, which clearly identifies on marked up Ordnance Survey Plans dated 1971/1972 that Highlight Lane was an adopted highway maintainable at public expense.
7. The section of Highlight Lane which is the subject of the Application is a surfaced adopted single track road of varying width and is approximately 150m in length with no formal vehicular turning facility along its length or at its termination point at the side of the property known as Swallow Cottage at which point full highway rights change to a public right of way (foot only).
8. That section of Highlight Lane which is the subject of the Application provides the primary means of access for four properties two of which directly front on the Northern side of the lane. A grass verge/embankment forms the southern side of the adopted highway and this area is now heavily overgrown with trees and vegetation.
9. The owners of Highlight Farm wrote in on 17th July 2017 (copy attached at Appendix E ) regarding a request to remove an existing street light within the grass verge fronting their property, the lack of maintenance of the adopted verges and the cutting back of overgrown trees which they have deemed in their opinion to be dangerous, dog fouling within the verge and on their land comprising and adjoining the adopted highway, fly tipping, parked vehicles blocking the farm access and the committing of lewd acts in the vicinity of Swallow Cottage.

## Process

10. The local Ward Members (Dyfan and Iltyd Wards) were consulted on 7th March 2018 in accordance with the procedure set out in the Constitution and no objections were raised to the proposed Application.
11. Pursuant to s.116(3)(c) notice was served on Barry Town Council on 9th April 2018 and the matter was considered at Barry Town Council's Planning Committee Meeting on 17th April 2018. No objection was raised to the Application.
12. Pursuant to Schedule 12 Part 1 of the Act on 10th May 2018:
  - (i) notices were served on the owners and occupiers of all lands adjoining the Highway, all statutory undertakers and other parties whom it was considered might have an interest in the Application; and
  - (ii) notices were displayed in prominent positions at each end of the highway; and

- (iii) notices were published in the London Gazette and the Barry and Penarth Gem.

## **Objections**

13. The Council received the objection contained in Appendix C on 30th May 2018 which objected on the basis that the proposed extinguishment could have the effect of preventing vehicles entering Highlight Lane from having sufficient space to turn around in the remaining Highway and potentially using or blocking the objectors drive to enable them to turn around. Having reviewed the objection and considered the merits thereof, officers contacted the objector to see whether an amendment to the proposed extinguishment would make the proposal acceptable. On 11th June 2018 the Council received confirmation that subject to the proposed amendment shown on the Plan at Appendix B being made to the Application, the objection would be removed. Following confirmation to the Objector that the recommendation to the Planning Committee was for the amended Application to be made the Objector formally removed the objection on 20th June 2018.
14. The Council received a notice of potential objection from Dwr Cymru, subject to further information being provided, due to the location of Dwr Cymru apparatus being located in part of the highway to be extinguished. Following the Council providing the required additional information to Dwr Cymru the objection was formally removed on 13th June 2018.
15. The Council received the objection contained in Appendix D on 13th June 2018. The objection is on similar themes to the objection in Appendix C, although it also cites a loss of parking areas as an additional concern. The Council wrote to the Objector to explain the proposed amendments to the initial Application but the Council has not had any response as at the date of this Report.
16. The Highways Authority has considered the objection received and contained in Appendix D and would note that in respect of the three main points raised therein:
- (a) The Council is not selling the land and all references to a sale of the land are incorrect. The land belongs to the owners of Highlight Farm and the Highways Authority are responsible for the maintenance of the land as it is highway maintainable at the public expense.
- (b) There is no formal area for turning within the adopted Highway and therefore the extinguishment of the highway as set out in the Application (as amended) does not exacerbate an existing issue.
- (c) There is no formal right to park on the adopted highway. The Highway Authority is of the opinion that the area comprised in the Application would not be suitable for parking within the highway and notes the owner of Highlight Farm's complaints regarding the parking of vehicles within the Application area causing an obstruction to farm access.

## **Public Rights of Way**

17. Highlight Lane, as presently adopted, terminates at point A on Plan 2 at Appendix A.
18. Public Footpath 2, Wenvoe commences at point A in a westerly direction and therefore provides the public with a continuation of the existing highway route by foot only.

19. S.116(4) of the Act provides that the stopping up/extinguishment of a highway can be made subject to the reservation of a footpath.
20. The Application proposed that extinguishment of the adoption between points A - C would be subject to retention of public footpath rights. This would have the effect of extending Public Footpath 2, Wenvoe across points A - C so to maintain connectivity with the remaining unaffected adopted highway network.
21. Further to the objections raised during pre-order consultation to the extinguishment of vehicular rights between point B and point C on Plan 1 at Appendix A. It is therefore proposed that the draft order be amended so that section B-C is excluded from the extinguishment. The section B-C to be excluded is to the extent of the width of the surfaced track only.
22. It is proposed that extinguishment of the adoption between A - B would be subject to retention of public footpath rights. This will have the effect of extending Public Footpath 2, Wenvoe across points A - B so to maintain connectivity with the remaining unaffected adopted highway network (including B-C).
23. A field gate with kissing gate alongside is proposed at point B and the retained path will therefore be subject to the limitation of a kissing gate. This structure will be provided to British Standard 5709:2018.

### **Relevant Issues and Options**

24. The options available to the Committee are:
  - i) Accept the Officers recommendation to approve the making of the Application as amended;
  - ii) Not accept the Officers recommendations and approve the making of the Application without amendments;
  - iii) Not accept the Officers recommendation and refuse the making of the Application.

### **Resource Implications (Financial and Employment)**

25. The costs of the Application are being met by the owners of the land who contacted the Council to request the Application be made.

### **Sustainability and Climate Change Implications**

26. None

### **Legal Implications (to Include Human Rights Implications)**

27. The Council has the ability to make applications under s.116 of the Highways Act 1980 to extinguish parts of the highway which is considered unnecessary.
28. The decision as to whether the Order to extinguish the highway is granted rests with the Magistrates Court and not with the Council.

### **Crime and Disorder Implications**

29. The extent of the proposed stopping up will remove vehicular access to the public and reduce the likely hood of fly tipping, and the committing of lewd acts.

## Equal Opportunities Implications (to include Welsh Language issues)

30. None

### Corporate/Service Objectives

31. None

### Policy Framework and Budget

32. This is a matter for Planning Committee pursuant to the terms of the Constitution

### Consultation (including Ward Member Consultation)

33. Barry Town Council were consulted and raised no objections.

34. Local Ward Members (Dyfan) and adjoining Ward members (Illtyd) were consulted and no objections have been raised.

35. Consultations were issued on the 10th May 2018 and consultees invited to respond within 35 days. Results are as below

Consultee & Organisation	Comments / Reply
National Grid Plant Protection	No Objection
National Power Plc	No Response
Openreach BT	No Response
Dwr Cymru/Welsh Water	Initial Objection later removed
Virgin Media	No Objection
Vodafone c/o Atkins Telecom	No Response
British Horse Society	No Response
Byways and Bridleways Trust	No Response
CTC	No Response
Auto Cycle Union	No Response
Welsh Trail Riders Assn.	No Response
Open Space Society	No Response
The Ramblers Association	No Response
Ramblers Association – Vale of Glamorgan Group	No Objection
Friends of the Earth	No Response
Landowner	No Objection
Adjacent landowners	Objections

36. Neighbouring properties have been consulted and 2 objections have been received as set out in Appendix C and D. The Objection in Appendix C has been formally withdrawn.

### Relevant Scrutiny Committee

37. Environment and Regeneration

### Background Papers

Appendix A - Application Notices, Plans and Draft Order

Appendix B - Amended Application, Plans and Draft Order

Appendix C - Neighbour Objection (and confirmation of removal)  
Appendix D - Neighbour Objection  
Appendix E - Letter from Owners of Highlight Farm  
Appendix F - Existing Adopted Highway Plan

**Contact Officer**

Lee Howells, Principal Engineer

**Officers Consulted**

Emma Reed, Head of Neighbourhood Services and Transport  
James Docherty, Senior Lawyer  
Gwyn Teague, Public Rights of Way Officer

**Responsible Officer:**

Marcus Goldsworthy - Head of Regeneration and Planning

## VALE OF GLAMORGAN COUNCIL

### SECTION 116 AND SCHEDULE 12 OF THE HIGHWAYS ACT 1980

#### NOTICE OF INTENTION TO APPLY TO DIVERT THE HIGHWAY

NOTICE is given that Vale of Glamorgan Council as Highway Authority for the Vale of Glamorgan intends to apply to the Magistrates Court sitting at Cardiff Magistrates Court, Fitzalan Place, Cardiff, CF24 0RZ on **12<sup>th</sup> July 2018** at 10.00am for an Order under section 116 of the Highways Act 1980 ("the Act") authorising the extinguishment of part of the highway located at Highlight Lane, off Lakin Drive, Highlight Park, Barry as shown edged and coloured pink on the plan attached to this Notice and marked "Plan 1" as the Council considers that the highway at this location is unnecessary in accordance with Section 116(1)(a) of the Act, subject to the reservation of a footpath in the location identified in Part 2 of the Schedule attached hereto as shown by a broken black line on the plan attached to this Notice and marked "Plan 2" in accordance with Section 116(4) of the Act.

A copy of the Schedule, Plans and draft Order may be inspected free of charge at the Council Offices at Civic Offices, Holton Road, Barry, Vale of Glamorgan, CF63 4RU between the hours of 9.00am to 4.30pm Monday to Fridays (excluding bank holidays and public holidays) from **10<sup>th</sup> May 2018** to **14<sup>th</sup> June 2018**.

Any person to whom this Notice has been given or who uses the highway specified or who would be aggrieved by the making of the Order may appear before the Magistrates' Court to raise an objection or make a representation on the application.

Any person who objects to the Application or who intends to appear before the Magistrates' Court at the hearing of the application is requested to inform James Docherty, Senior Lawyer at Vale of Glamorgan Council, Legal Services, Civic Offices, Holton Road, Barry, Vale of Glamorgan, CF63 4RU before the **14<sup>th</sup> June 2018** quoting reference C04-1659.

Dated: 10<sup>th</sup> May 2018



Debbie Marles  
Head of Legal Services  
Vale of Glamorgan Council  
Civic Offices  
Holton Road  
Barry  
Vale of Glamorgan  
CF63 4RU



## CYNGOR BRO MORGANNWG

### ADRAN 116 AC ATODLEN 12 DEDDF PRIFFYRDD 1980

### HYSBYSIAD O FWRIAD I WNEUD CAIS I DDARGYFEIRIO'R BRIFFORDD

Rhoddir HYSBYSIAD drwy hyn bod Cyngor Bro Morgannwg, fel Awdurdod Priffyrdd Bro Morgannwg, yn bwriadu gwneud cais i Lys yr Ynadon yn Llys Ynadon Caerdydd, Fitzalan Place, Caerdydd, CF24 0RZ, ar **12 Gorffennaf 2018** am 10.00am am Orchymyn dan adran 116 Deddf Priffyrdd 1980 ("y Ddeddf") yn awdurdodi diddymu'r rhan o'r briffordd sydd yn Highlight Lane, oddi ar Lakin Drive, y Barri, fel y'i dangosir wedi ei lliwio'n binc ar y cynllun sydd wedi ei atodi at yr Hysbysiad hwn ac wedi ei nodi fel "Cynllun 1", gan fod y Cyngor o'r farn bod y briffordd yn y lleoliad hwn yn ddianghenraid, yn unol ag Adran 116 (1)(a) y Ddeddf, yn amodol ar gadw llwybr troed yn y lleoliad a nodir yn Rhan 2 yr Atodlen sydd wedi ei hatodi ac a ddangosir ar linell dor ddu yn y cynllun sydd wedi ei atodi at yr Hysbysiad hwn ac wedi ei nodi fel "Cynllun 2" yn unol ag Adran 116(4) y Ddeddf.

Gellir gweld copi o'r Atodlen, Cynlluniau a'r Gorchymyn Drafft am ddim yn swyddfeydd y Cyngor yn y Swyddfeydd Dinesig, Heol Holltwn, Y Barri, Bro Morgannwg, CF63 4RU rhwng 9.00am a 4.30pm dydd Llun i ddydd Gwener (ac eithrio gwyliau'r banc a gwyliau cyhoeddus) o **10 Mai 2018** tan **14 Mehefin 2018**.

Gall unrhyw un y mae'r Hysbysiad hwn wedi'i roi iddo neu sy'n defnyddio'r briffordd a nodwyd neu sydd wedi'i dramgwyddo gan y Gorchymyn fynd i'r Llys Ynadon i gyflwyno gwrthwynebiad neu sylwadau ar y cais.

Gofynnir i unrhyw berson sy'n bwriadu ymddangos yng ngwrandawriad y cais yn y Llys Ynadon roi gwybod i James Docherty, Uwch Gyfreithiwr yng Nghyngor Bro Morgannwg, Gwasanaethau Cyfreithiol, Swyddfeydd Dinesig, Heol Holltwn, Y Barri, Bro Morgannwg, CF63 4RU erbyn **14 Mehefin 2018** gan ddyfynnu'r cyfeirnod C04-1659.

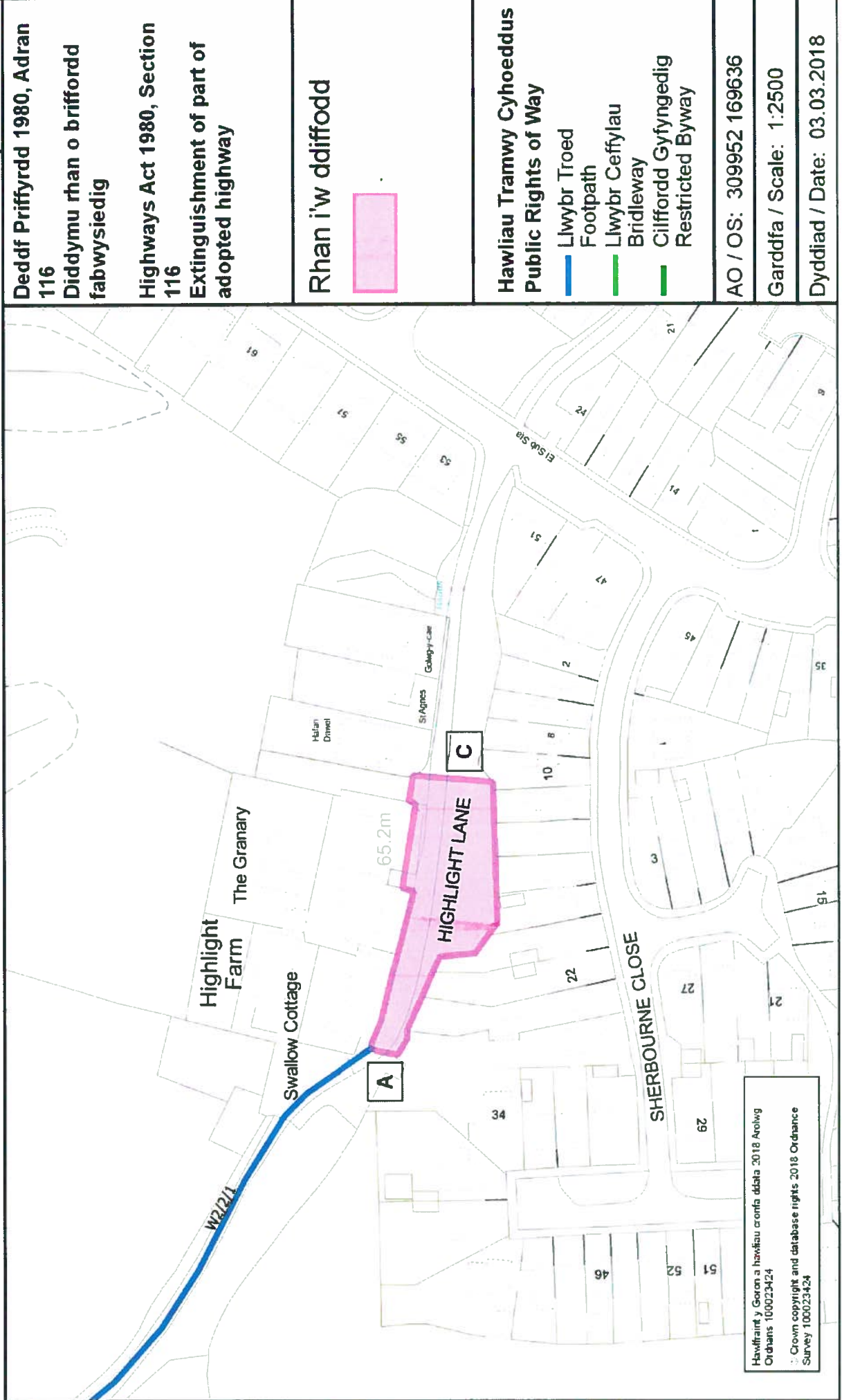
Dyddiad: 10 Mai 2018



Debbie Marles  
Pennaeth Gwasanaethau Cyfreithiol  
Cyngor Bro Morgannwg  
Swyddfeydd Dinesig  
Heol Holltwn  
Y Barri  
Bro Morgannwg  
CF63 4RU

**Diddymu rhan o briffordd fabwysiedig, Deddf Priffyrdd 1980, Adran 116  
Extinguishment of part of adopted highway, Highways Act 1980, Section 116**

**PLAN 1**



**Deddf Priffyrdd 1980, Adran 116**  
Diddymu rhan o briffordd fabwysiedig

**Highways Act 1980, Section 116**  
Extinguishment of part of adopted highway

**Rhan i'w ddiffodd**

**Hawliau Tramwy Cyhoeddus**  
**Public Rights of Way**

- Llwybr Troed
- Footpath
- Llwybr Ceffylau
- Bridleway
- Clifffordd Gyfyngedig
- Restricted Byway

**AO / OS: 309952 169636**

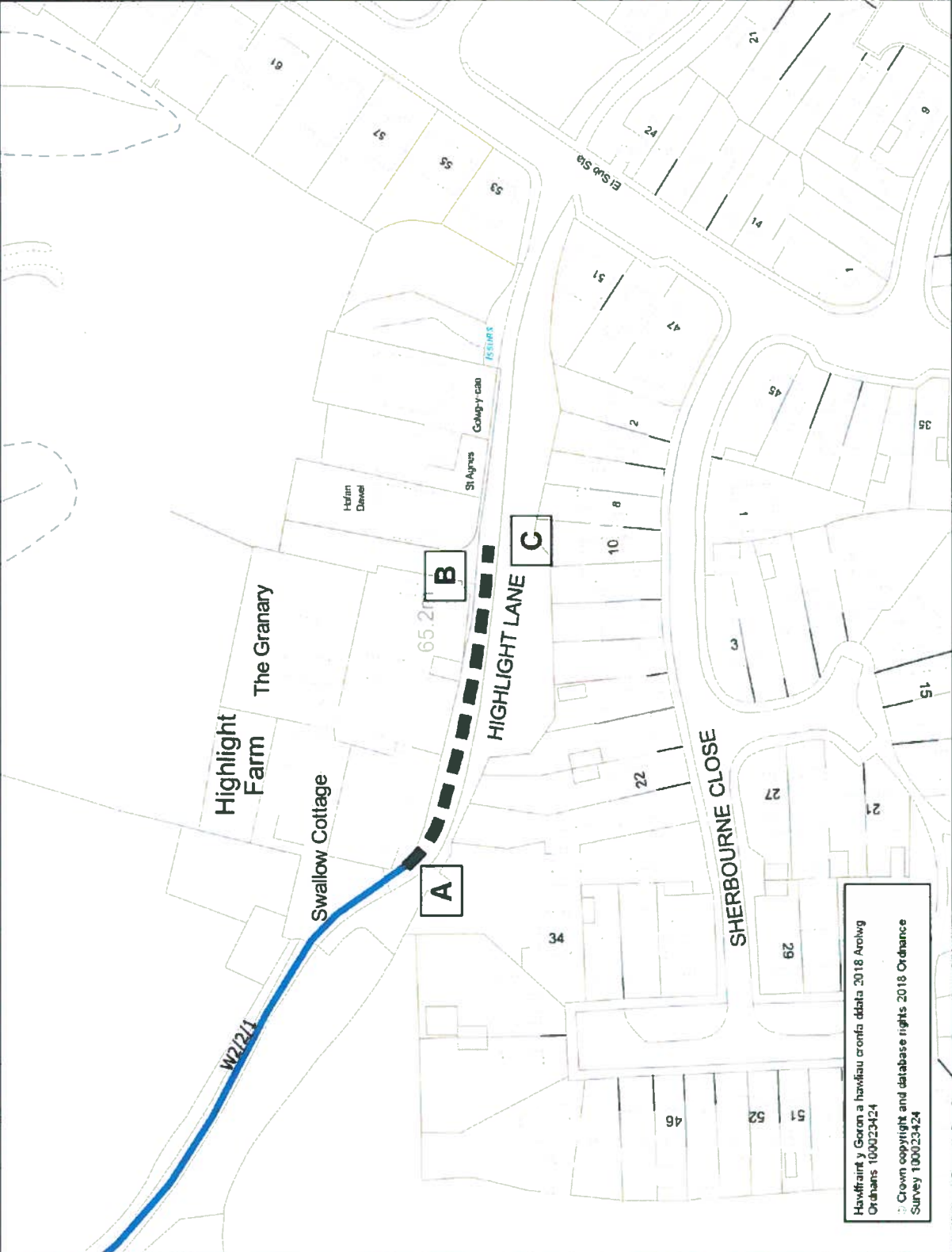
**Garddfa / Scale: 1:2500**

**Dyddiad / Date: 03.03.2018**

Hawffranŷ y Goron a hawliau cronfa ddata 2018 Arolwg  
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# PLAN 2

Cadw rhan o Lwybr Cyhoeddus Rhif 2 Gwenvo, Deddf Prifffyrdd 1980, Adran 116  
Retention of part of Public Footpath No.2 Wenvoe, Highways Act 1980, Section 116



<p><b>Deddf Prifffyrdd 1980, Adran 116</b> Cadw rhan o Hawl Dramwy Gyhoeddus Rhif 2 Wenvoe</p> <p><b>Highways Act 1980, Section 116</b> Retention of part of Public Right of Way No.2 Wenvoe</p>	<p><b>i'w gadw to be retained</b></p> <p>— — — — —</p>	<p><b>Hawliau Tramwy Cyhoeddus Public Rights of Way</b></p> <ul style="list-style-type: none"> <li>— Lwybr Troed Footpath</li> <li>— Lwybr Ceffylau Bridleway</li> <li>— Clifffordd Gyfyngedig Restricted Byway</li> </ul>	<p><b>AO / OS: 309952 169636</b></p> <p><b>Garddfa / Scale: 1:1250</b></p> <p><b>Dyddiad / Date: 03.03.2018</b></p>
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Hawffrant y Goron a hawliau cronfa ddata 2018 Arolwg Ordnans 100023424  
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**ORDER**

**IN THE CITY OF CARDIFF**

**HIGHWAYS ACT 1980 - SECTION 116**

**BEFORE** the Magistrates' Court sitting at Cardiff Magistrates' Court,  
Fitzalan Place, Cardiff, CF24 0RZ

On 12 July 2018 at 10.00am

**APPLICATION** having been made by Vale of Glamorgan Council ("the Applicant") under section 116 of the Highways Act 1980 that part of the highway located at Highlight Lane, off Lakin Drive, Highlight Park, Barry as shown edged and coloured pink on the plan attached to this Notice and marked "Plan 1" is unnecessary in accordance with Section 116(1)(a) of Act, subject to the reservation of a footpath in the location identified in Part 2 of the Schedule attached hereto as shown by a broken black line on the plan attached to this Notice and marked "Plan 2" in accordance with Section 116(4) of the Act.

**AND** the Court being satisfied that the Applicant has given the notices required by Part 1 of Schedule 12 to the Highways Act 1980

**AND** the Court having heard the Application.

**AND** the Court being satisfied that the said extinguishment of the highway in the location set out above is unnecessary, subject to the reservation of a footpath in the location set out above.

**IT IS HEREBY ORDERED** that the highway be authorised to be extinguished, subject to the reservation of a footpath.

**DATED**

Signed:

Signed:

**ORDER**

**IN THE CITY OF CARDIFF**

**HIGHWAYS ACT 1980 - SECTION 116**

**BEFORE** the Magistrates' Court sitting at Cardiff Magistrates' Court,  
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On 12 July 2018 at 10.00am

**APPLICATION** having been made by Vale of Glamorgan Council ("the Applicant") under section 116 of the Highways Act 1980 that part of the highway located at Highlight Lane, off Lakin Drive, Highlight Park, Barry as shown edged and coloured pink on the plan attached to this Notice and marked "Plan 1" is unnecessary in accordance with Section 116(1)(a) of Act, subject to the reservation of a footpath in the location identified in Part 2 of the Schedule attached hereto as shown by a broken black line on the plan attached to this Notice and marked "Plan 2" in accordance with Section 116(4) of the Act.

**AND** the Court being satisfied that the Applicant has given the notices required by Part 1 of Schedule 12 to the Highways Act 1980

**AND** the Court having heard the Application.

**AND** the Court being satisfied that the said extinguishment of the highway in the location set out above is unnecessary, subject to the reservation of a footpath in the location set out above.

**IT IS HEREBY ORDERED** that the highway be authorised to be extinguished, subject to the reservation of a footpath.

**DATED**

Signed:

Signed:

## SCHEDULE

### Part 1 - DESCRIPTION OF SITE OF EXISTING HIGHWAY

Section of path or way as indicated on Plan 2	Position	Length	Width
A – B - C Adopted Highway	Commences at point A (NGR 309926 169647) and proceeds east-south-eastwards along Highlight Lane to terminate at point B (NGR 309984 169630) to the north and point C (NGR 309993 169630) to the south. The section of adopted highway encompasses the width of the lane and stretches beyond up to the residential property boundaries on the north and south side.	70 metres	Varying from 4 metres to 23 metres approximately

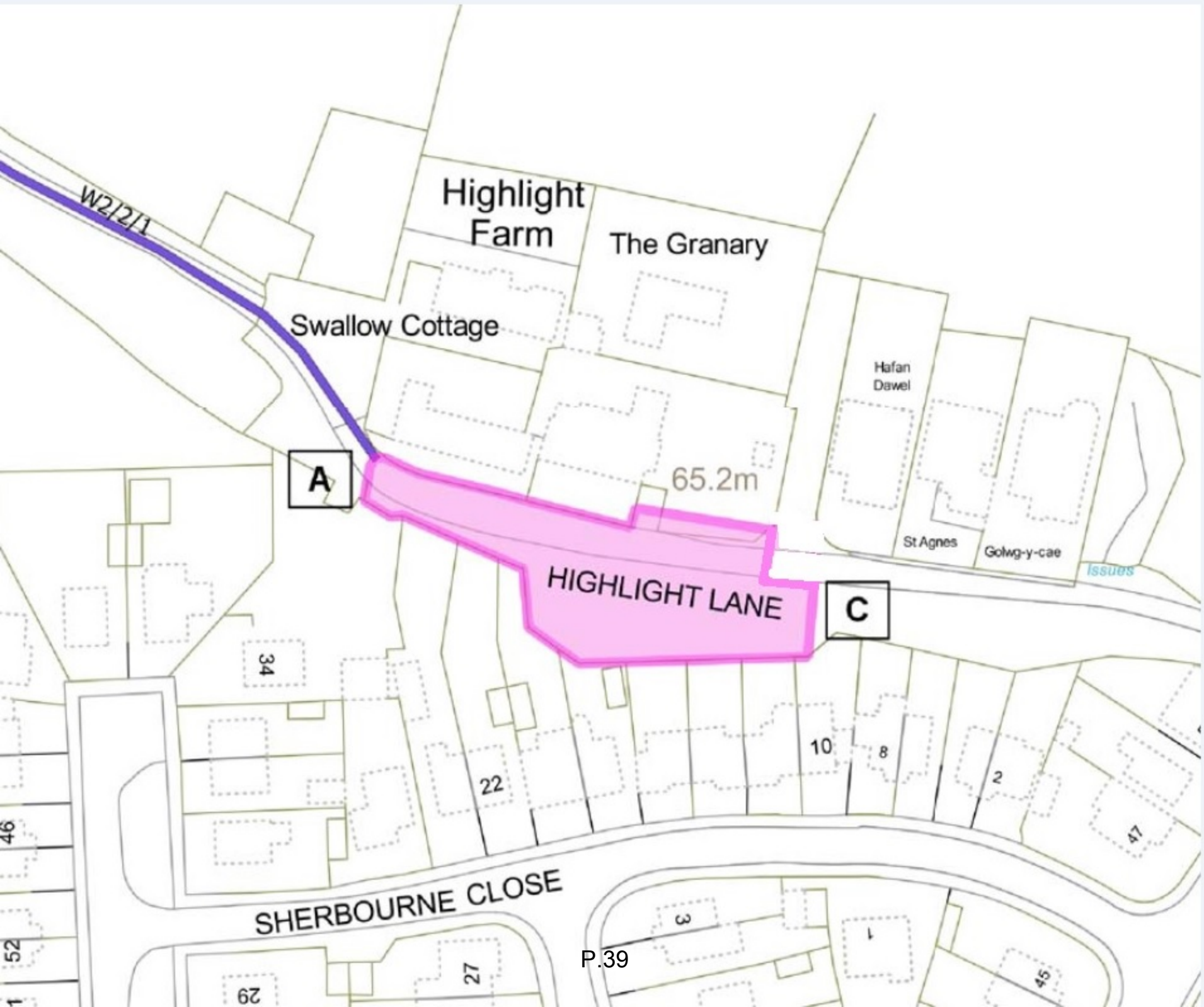
### Part 2 - DESCRIPTION OF SITE OF RESERVED RIGHT OF WAY

Section of path or way as indicated on Plan 2	Position	Length	Width
A – B Footpath No.2 Wenvoe	Commences at point A (NGR 309926 169647) and proceeds east-south-eastwards along Highlight Lane to a kissing gate at point B (NGR 309984 169630)	65 metres	4 metres

### Part 3 - LIMITATIONS AND CONDITIONS

A – B Footpath No.2 Wenvoe	At point B (NGR 309984 169630) a kissing gate BS 5709 (2006)
----------------------------------	--





Cadw rhan o Lwybr Cyhoeddus Rhif 2 Gwenvoe, Deddf Priffyrdd 1980, Adran 116  
 Retention of part of Public Footpath No.2 Wenvoe, Highways Act 1980, Section 116

# PLAN 2



**Deddf Priffyrdd 1980, Adran 116**  
 Cadw rhan o Hawl Dramwy Gyhoeddus Rhif 2 Wenvoe  
**Highways Act 1980, Section 116**  
 Retention of part of Public Right of Way No.2 Wenvoe

i'w gadw  
 to be retained  
 ■■■■■

**Hawliau Tramwy Cyhoeddus**  
**Public Rights of Way**  
 Lwybr Troed  
 Footpath  
 Lwybr Ceffylau  
 Bridleway  
 Cilffordd Gyfyngedig  
 Restricted Byway

AO / OS: 309952 169636  
 Garddfa / Scale: 1:1250  
 Dyddiad / Date: 03.03.2018

Hawlfraint y Geiriau a'r hawliau cyhoeddus 2018 Ardal  
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 Survey 100023424



## Docherty, James

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**From:** Keith and Linda Joslin <[REDACTED]>  
**Sent:** 30 May 2018 13:21  
**To:** Docherty, James  
**Subject:** Extinguishment of Highlight Lane - Ref C04-1659  
**Attachments:** VoG Planning C04-1659.docx

Dear Mr. Docherty

I am contacting you to advise you that I am objecting to the proposed extinguishment of the highway at Highlight Lane (Ref. C04-1659). The proposed extinguishment will result in Highlight Lane now terminating directly in front of my property. This will create a situation where vehicles wanting access to Highlight Farm and attached dwellings and The Granary such as delivery vehicles, post office, refuse collection, etc. will now be stopping outside my drive way potentially obstructing my access and inevitably resulting in people turning around in my drive. Specifically I object to the extinguishment of the highway between points B and C as shown on Plan 2 as attached to the notice received.

Please note I have also submitted this objection to you in writing by post (copy attached).

I would appreciate it if you can let me know if there is anything further I need to do with respect to this objection.

Yours Sincerely

Keith Joslin

Hafan Dawel  
Highlight Farm  
Highlight Lane  
Barry CF628AA  
[REDACTED]

## Docherty, James

---

**From:** Keith and Linda Joslin [REDACTED]  
**Sent:** 11 June 2018 17:10  
**To:** Docherty, James  
**Subject:** RE: Extinguishment of Highlight Lane - Ref C04-1659

Dear Mr Docherty,

Thank you for your response.

With respect to the two alternate options you have proposed, if either are adopted I would be happy to withdraw my objection.

Best Regards  
Keith Joslin  
BEng ACSM MSAIMM  
Director & Principal Consultant

KJ Mining Consulting Ltd  
Hafan Dawel, Highlight Farm,  
Highlight Lane, Barry,  
CF62 8AA, UK

[REDACTED]

[REDACTED]

**From:** Docherty, James [<mailto:jdocherty@valeofglamorgan.gov.uk>]  
**Sent:** 11 June 2018 16:07  
**To:** 'Keith and Linda Joslin' [REDACTED]  
**Subject:** RE: Extinguishment of Highlight Lane - Ref C04-1659  
**Importance:** High

Dear Mr Joslin,

Thank you for your correspondence below and the hard copy letter sent in respect of the same matter.

Whilst under the current proposals the adopted highway would stop at point C as indicated on the plans attached to the Notice there would be no physical boundary at that point only a gate at point B. However, the Council notes your objection and in particular your reference to your objection relating specifically to the section between the points marked B and C.

The Council would be grateful to know whether either of the options shown in the plans attached to this e-mail would be sufficient to alleviate your concerns and enable you to withdraw your objection to the extinguishment as a whole if the application was amended in accordance with the plans.

Option 1 would be that the Council does not seek to extinguish that part of the adopted highway between points B and C which comprises the made up area of road.

Option 2 would be the that the Council ~~does not seek to~~ extinguish any part of the adopted highway between points B and C including the verge/wooded area adjoining the road.

I would be grateful to hear from you as soon as possible. If you would like to discuss the matter further please feel free to contact me on the number below or by e-mail.

Kind regards

James Docherty  
Senior Lawyer / Uwch Gyfreithiwr  
Resources / Adnoddau  
Vale of Glamorgan Council / Cyngor Bro Morgannwg  
tel / ffôn: 01446 709781  
mob / sym:  
e-mail / e-bost: [jdocherty@valeofglamorgan.gov.uk](mailto:jdocherty@valeofglamorgan.gov.uk)

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Correspondence is welcomed in Welsh or English / Croesewir Gohebiaeth yn y Gymraeg neu yn Saesneg ~~\_\_\_\_\_~~

**From:** Keith and Linda Joslin [[mailto:\\_\\_\\_\\_\\_](mailto:_____)]  
**Sent:** 30 May 2018 13:21  
**To:** Docherty, James  
**Subject:** Extinguishment of Highlight Lane - Ref C04-1659

Dear Mr. Docherty

I am contacting you to advise you that I am objecting to the proposed extinguishment of the highway at Highlight Lane (Ref. C04-1659). The proposed extinguishment will result in Highlight Lane now terminating directly in front of my property. This will create a situation where vehicles wanting access to Highlight Farm and attached dwellings and The Granary such as delivery vehicles, post office, refuse collection, etc. will now be stopping outside my drive way potentially obstructing my access and inevitably resulting in people turning around in my drive. Specifically I object to the extinguishment of the highway between points B and C as shown on Plan 2 as attached to the notice received.

Please note I have also submitted this objection to you in writing by post (copy attached).

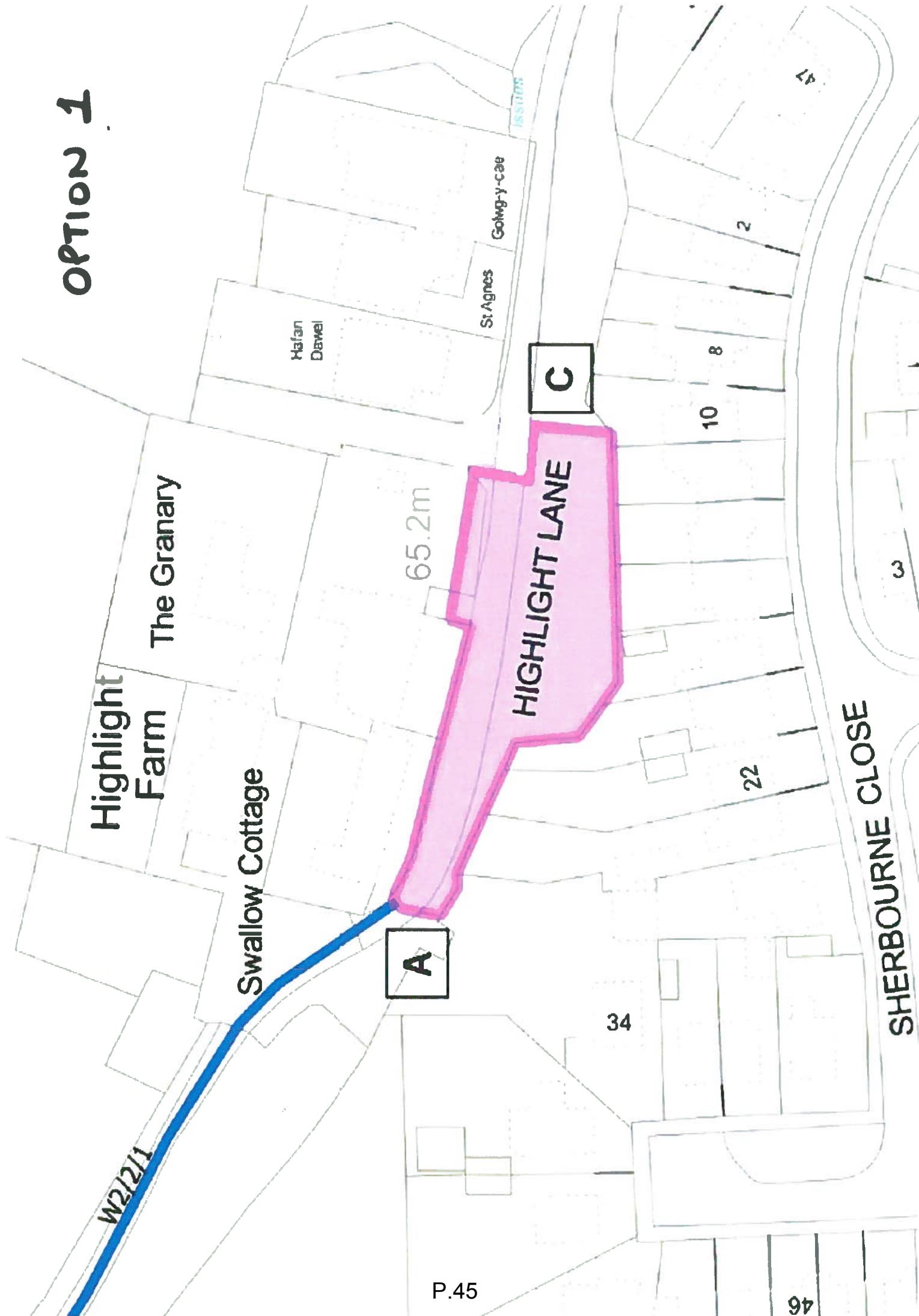
I would appreciate it if you can let me know if there is anything further I need to do with respect to this objection.

Yours Sincerely

Keith Joslin

Hafan Dawel  
Highlight Farm  
Highlight Lane  
Barry CF628AA  


# OPTION 1



Highlight Farm

The Granary

Swallow Cottage

Hafan Dawel

St Agnes

Golwg-y-cae

HIGHLIGHT LANE

A

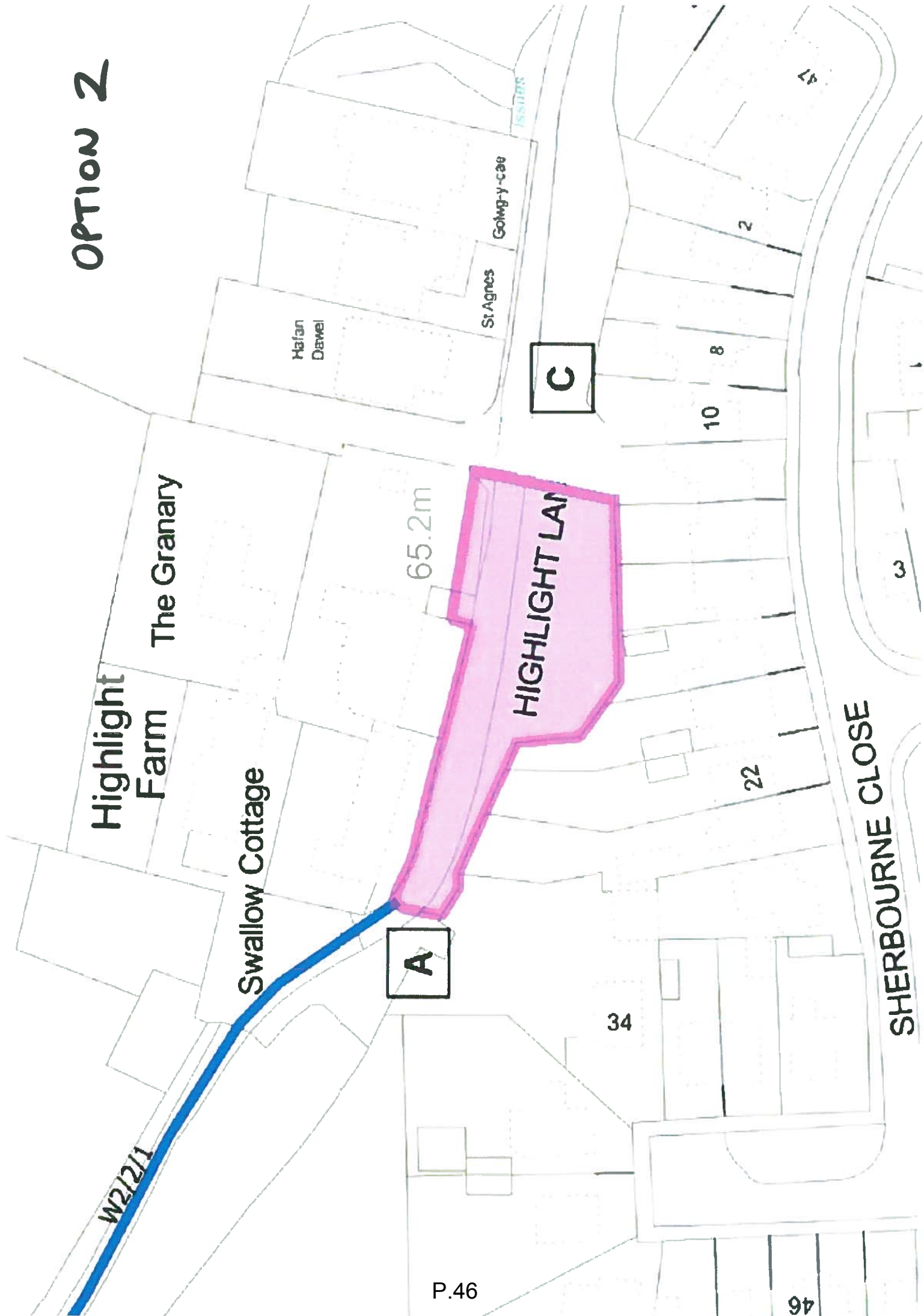
C

65.2m

W2/2/1

SHERBOURNE CLOSE

# OPTION 2



W212/11

Highlight Farm

The Granary

Swallow Cottage

Hafan Dawel

St Agnes

Golwg-y-cae

HIGHLIGHT LANE

A

65.2m

C

34

22

10

8

2

SHERBOURNE CLOSE

3

47

## Docherty, James

---

**From:** Keith and Linda Joslin <[REDACTED]>  
**Sent:** 20 June 2018 20:46  
**To:** Docherty, James  
**Subject:** RE: Extinguishment of Highlight Lane - Ref C04-1659

Dear Mr Docherty,

Thank you for addressing my concerns with the original plan. I confirm that with the adjusted option 1 plan as below that I am withdrawing my objection.

Best Regards

Keith Joslin

Best Regards  
Keith Joslin  
BEng ACSM MSAIMM  
Director & Principal Consultant

KJ Mining Consulting Ltd  
Hafan Dawel, Highlight Farm,  
Highlight Lane, Barry,  
CF62 8AA, UK

[REDACTED]  
[REDACTED]

**From:** Docherty, James [mailto:jdocherty@valeofglamorgan.gov.uk]  
**Sent:** 20 June 2018 16:59  
**To:** 'Keith and Linda Joslin' <[REDACTED]>  
**Subject:** RE: Extinguishment of Highlight Lane - Ref C04-1659

Dear Mr Joslin,

The matter is now proceeding to be heard by the Council's ~~Planning Committee~~ ~~next~~ Thursday 28<sup>th</sup> June from 4pm. I can confirm that it is the recommendation of the Officers that the Committee approve the making of the Application to the Magistrates Court with the amendments shown in Option 1 as per our previous correspondence.

Kind regards

James

James Docherty

Senior Lawyer / Uwch Gyfreithiwr  
Resources / Adnoddau  
Vale of Glamorgan Council / Cyngor Bro Morgannwg  
tel / ffôn: 01446 709781  
mob / sym: [REDACTED]  
e-mail / e-bost: [jdocherty@valeofglamorgan.gov.uk](mailto:jdocherty@valeofglamorgan.gov.uk)

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**From:** Docherty, James  
**Sent:** 11 June 2018 17:12  
**To:** 'Keith and Linda Joslin'  
**Subject:** RE: Extinguishment of Highlight Lane - Ref C04-1659

Dear Mr Joslin,

Thank you very much for your swift response. I shall take further instructions from my client departments and confirm the approach to be taken as soon as I am able.

Kind regards

James

James Docherty  
Senior Lawyer / Uwch Gyfreithiwr  
Resources / Adnoddau  
Vale of Glamorgan Council / Cyngor Bro Morgannwg  
tel / ffôn: 01446 709781  
mob / sym:  
e-mail / e-bost: [jdocherty@valeofglamorgan.gov.uk](mailto:jdocherty@valeofglamorgan.gov.uk)

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**From:** Keith and Linda Joslin [REDACTED]  
**Sent:** 11 June 2018 17:10  
**To:** Docherty, James  
**Subject:** RE: Extinguishment of Highlight Lane - Ref C04-1659

Dear Mr Docherty,

Thank you for your response.



With respect to the two alternate options you have proposed, if either are adopted I would be happy to withdraw my objection.

Best Regards  
Keith Joslin  
BEng ACSM MSAIMM  
Director & Principal Consultant

KJ Mining Consulting Ltd  
Hafan Dawel, Highlight Farm,  
Highlight Lane, Barry,  
CF62 8AA, UK

[REDACTED]

[REDACTED]

**From:** Docherty, James [<mailto:jdocherty@valeofglamorgan.gov.uk>]  
**Sent:** 11 June 2018 16:07  
**To:** 'Keith and Linda Joslin' [REDACTED]  
**Subject:** RE: Extinguishment of Highlight Lane - Ref C04-1659  
**Importance:** High

Dear Mr Joslin,

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Whilst under the current proposals the adopted highway would stop at point C as indicated on the plans attached to the Notice there would be no physical boundary at that point only a gate at point B. However, the Council notes your objection and in particular your reference to your objection relating specifically to the section between the points marked B and C.

The Council would be grateful to know whether either of the options shown in the plans attached to this e-mail would be sufficient to alleviate your concerns and enable you to withdraw your objection to the extinguishment as a whole if the application was amended in accordance with the plans.

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I would be grateful to hear from you as soon as possible. If you would like to discuss the matter further please feel free to contact me on the number below or by e-mail.

Kind regards

James Docherty  
Senior Lawyer / Uwch Gyfreithiwr


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

**From:** Keith and Linda Joslin [<mailto:>   
**Sent:** 30 May 2018 13:21  
**To:** Docherty, James  
**Subject:** Extinguishment of Highlight Lane - Ref C04-1659



Dear Mr. Docherty

I am contacting you to advise you that I am objecting to the proposed extinguishment of the highway at Highlight Lane (Ref. C04-1659). The proposed extinguishment will result in Highlight Lane now terminating directly in front of my property. This will create a situation where vehicles wanting access to Highlight Farm and attached dwellings and The Granary such as delivery vehicles, post office, refuse collection, etc. will now be stopping outside my drive way potentially obstructing my access and inevitably resulting in people turning around in my drive. Specifically I object to the extinguishment of the highway between points B and C as shown on Plan 2 as attached to the notice received.

Please note I have also submitted this objection to you in writing by post (copy attached).

I would appreciate it if you can let me know if there is anything further I need to do with respect to this objection.

Yours Sincerely

Keith Joslin

Hafan Dawel  
Highlight Farm  
Highlight Lane  
Barry CF628AA  
Mobile: 

Keith Joslin

Hafan Dawel  
Highlight Farm  
Highlight Lane  
Barry CF628AA  


**Matter: s. 116 Highways Act stopping/extinguishing application**

**12th July 2018 Cardiff Magistrates' Court.**

Mr James Docherty  
Senior Lawyer, Legal Services Vale of Glamorgan Council  
Civic Offices  
Holton Road  
Barry

K L Hort  
St. Agnes  
Highlight Lane  
Barry

Your Ref: CO4 - 1659

I write in respect of the highway at Highlight Lane, Barry. Please take this letter as my formal opposition to the stopping of the highway and subsequent sale of the land (highlighted in pink) at Highlight Lane.

Stopping up of highway

I have completed the construction of a house at Highlight Lane called St Agnes. The lane in question has a number of issues surrounding it, not just the limited space to be able to turn a vehicle around. My concern is that without the land remaining in public ownership through its continued adoption by the local authority, the new landowner will be able to gate the access and stop the ability for both myself and my guests and neighbours from being able to either park on the side of the road or use the lane to turn around. They will be required to reverse back up the lane on to a main road which is also a bus route. Already, a layby space at the junction with the main road, of uncertain ownership, has been fenced off and had notices erected to prohibit parking.

I query why a public highway is to be sold when it is shown that there is a need for that highway to remain in public ownership for the benefit of adjacent and general public for their use of the road. An example is the delivery of food. When I have food delivered by Tesco the van cannot park in my drive and hence the only place for it to stop and unload is on the land that is to be sold. The road is also used by refuse collectors, emergency services, visiting doctors etc.

In response, I do not consider that the highway should be stopped and reduced to just a footpath because:

1. The highway is necessary for the use of neighbouring properties, visitors and general public,
2. The council cannot show that the highway will become nearer or more commodious to the public,
3. The highway is in constant use, used for parking and as a turning point,
4. The council has not shown the reason for this application nor the need for the highway to be extinguished.
5. There is also manhole access to both main surface water runoff and main sewerage from the neighbouring houses and the surrounding estate off Lakin Drive on this parcel of land and highway proposed by the Vale of Glamorgan Highways Dept, to be extinguished.

#### Sale of land

I also object to the sale of the land coloured pink in the map.

If in the alternative the Court decides that the highway and land in question is to be sold then the sale should not be to the former landowner as has already been agreed in secret. This approach does raise concerns as to malpractice. This piece of land can be described as "ransom land" and is valuable to any future development. Accordingly, and as per onus on the council to achieve "best value", the land should be sold at auction to achieve the greatest receipt possible. The adjoining properties should then be given compensation out of the sale proceeds for the loss of use of the lane.

In view of the application, I would be grateful if you would acknowledge receipt of this letter and respond urgently. If you decide that you do not wish to withdraw the application, then I will attend at the court hearing on 12<sup>th</sup> July 2018 to ensure that my representations are heard by the court.

For these reasons the highway should not be stopped nor extinguished. The land should be sold at auction or be offered to the residents to purchase.

Yours Sincerely.

K. L. Hort.

R. C. Hort.

Date/Dyddiad 13<sup>th</sup> June 2018

Ask for/Gofynwch  
am James Docherty

Telephone/Rhif  
ffôn 01446 709781

Fax/Ffacs 01446 709306

Your Ref/Eich Cyf

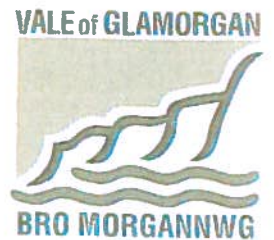
My Ref/Cyf JD/MLF/C04-1659

e-mail/e-bost jdocherty@valeofglamorgan.gov.uk

The Vale of Glamorgan Council  
Civic Offices, Holton Road, Barry CF63 4RU

Cyngor Bro Morgannwg  
Swyddfeydd Dinesig, Heol Holton, Y Barri CF63 4RU

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**Mr K L Hort  
St. Agnes  
Highlight Lane  
Off Lakin Drive  
Highlight Park  
Barry**

**Delivered by Hand**

Dear Sirs

**RE: s.116 Application to Extinguish part of the Highway at Highlight Lane, Barry**

We write further to your letter undated letter which was received by the Council on 12<sup>th</sup> June 2018. We deal with the matters raised therein below and would be grateful if you were able to contact us directly either by telephone or e-mail on the number or e-mail address set out at the top of this letter to discuss the content of both your letter and this response.

### **Sale of Land**

Please note that the Council does not own, and is not selling, the land in question. The Council, as Highway Authority, is simply responsible for the maintenance of the highway at the public expense by virtue of its current status as "adopted highway" also known as "highway maintainable at the public expense". The land is privately owned and will remain in the same ownership regardless of the outcome of the application.

### **Stopping Up**

In respect of the points made in your letter numbered 1-5 we set out our responses to the same below.



1. We would be grateful to receive further information as to the nature of the uses you have referred to in this point;
2. The Council is not relying on this limb of s.116 Highways Act 1980 in respect of this Application only that the Highway is no longer necessary;
3. We would be grateful if you could identify the specific areas used for these purposes. We would note that further to a previous objection raised the Council has agreed to amend the area in respect of which the extinguishment is being sought. We attach to this letter a copy of a 2 plans identifying proposed amendments to area for extinguishment which we believe will ensure that sufficient room is available for vehicles to turn around in the lane. The previous objection is to be removed on the basis of either amendment being made and the Council intended to proceed with the amendment shown in Plan 1;
4. The Council received a request from the landowner on 19th July 2017 to consider extinguishment of the highway due to numerous incidents of fly tipping, encroachment and anti-social behaviour on this section of the adopted Highway. Given that the section is not of strategic importance and the only properties served by that section of the lane are in support of the extinguishment it is considered beneficial that the section be extinguished to prevent vehicular access by the public to prevent the on-going fly-tipping and anti-social behaviour from continuing. The extinguishment is subject to the extension of the existing footpath to ensure that it meets the amended end of the adopted highway in order that it can be continued to be used by the public.;
5. Dwr Cymru/Welsh Water have been consulted and do not have an objection to the extinguishment.

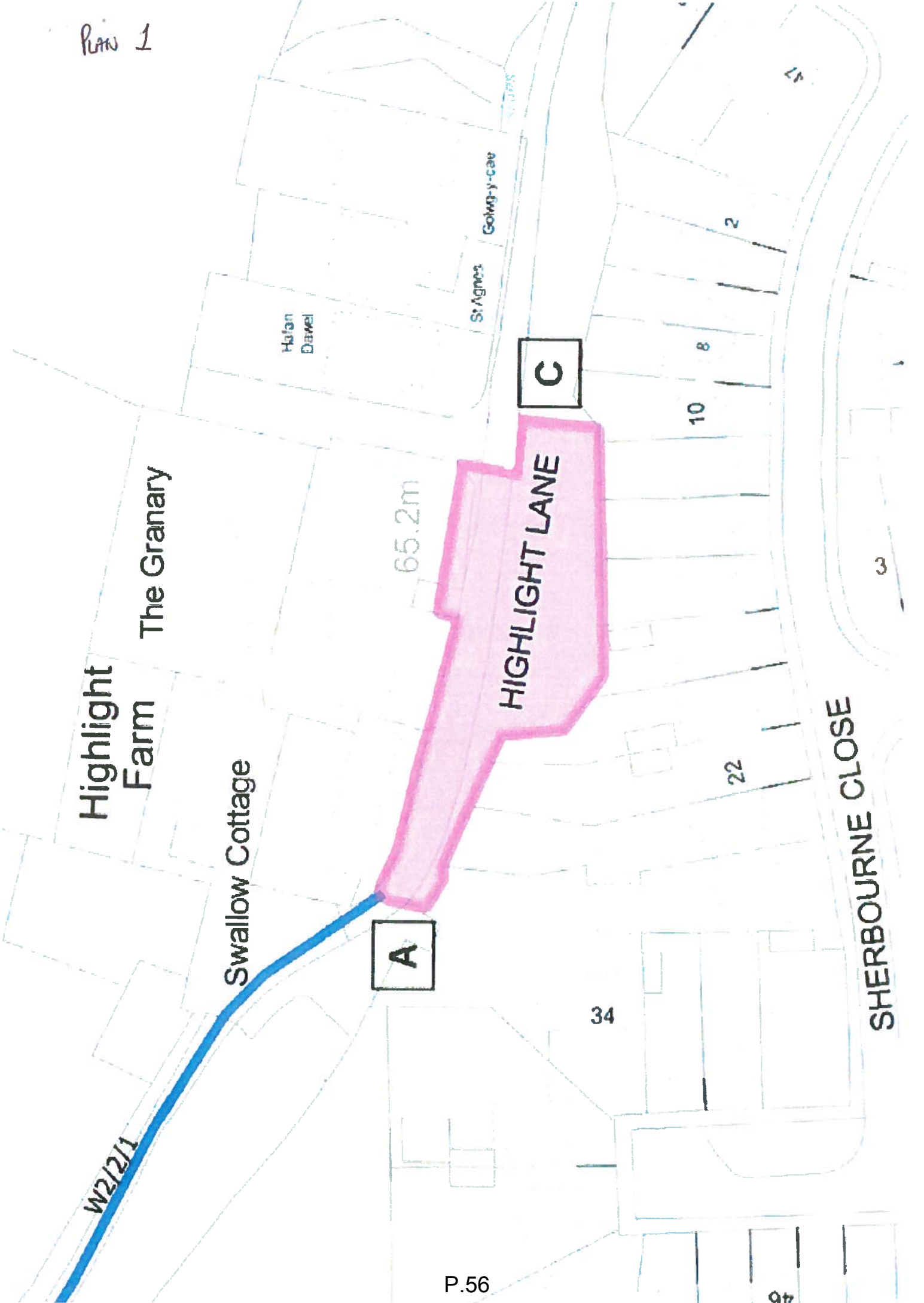
We look forward to hearing from you in respect of to discuss these matters as soon as possible in order that the Council can consider how it proceeds in respect of this application

Yours sincerely

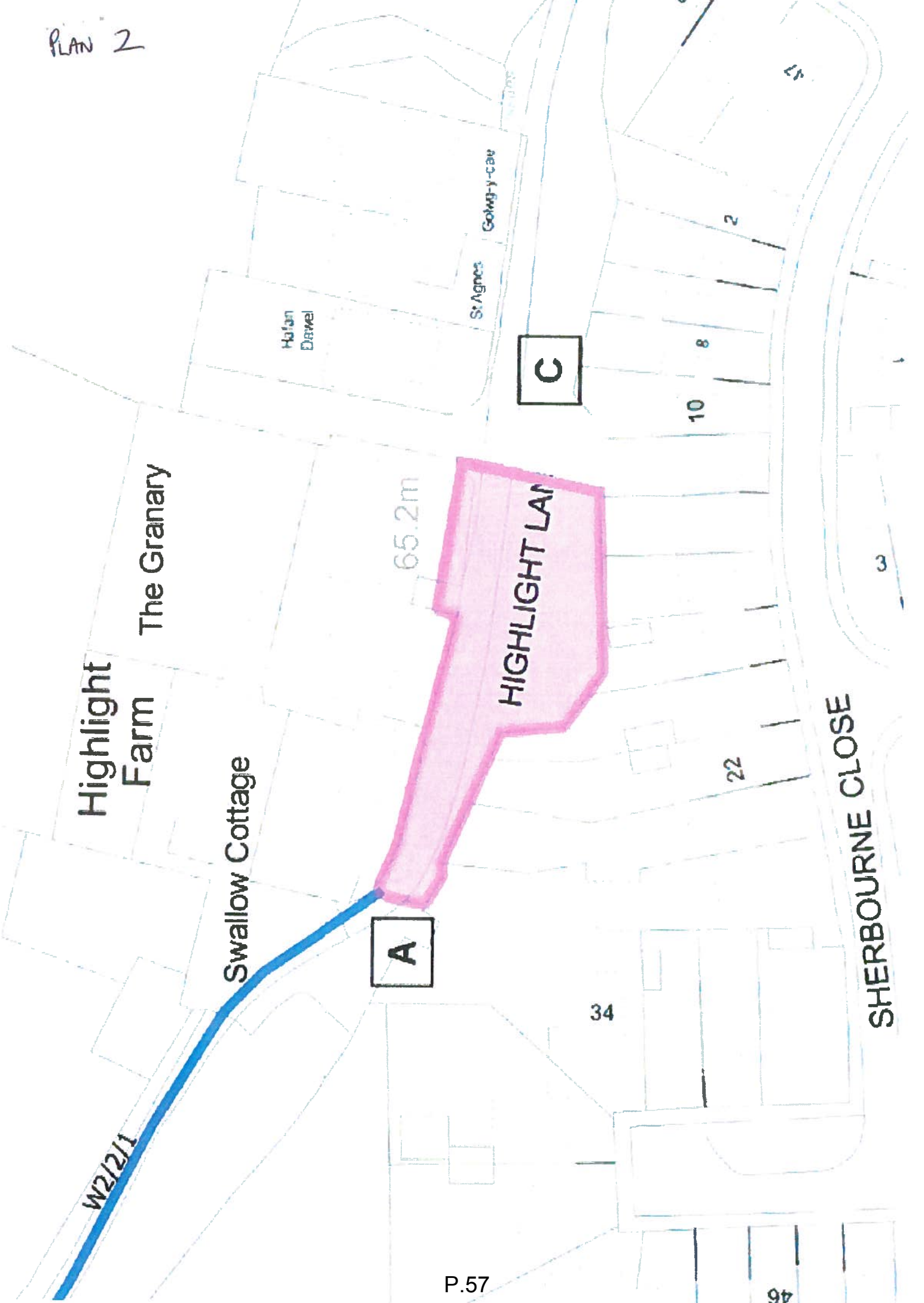


**JAMES DOCHERTY, SENIOR LAWYER**  
**For OPERATIONAL MANAGER – LEGAL SERVICES**

Enc







Highlight Farm  
Highlight lane  
Barry  
CF62 8AA  
17th July 2017

Michael Clogg  
The Alps  
Alps Quarry Road  
Wenvoe  
CF5 6AA

Dear Mr Clegg

RE Unadoption of highway and verge Highlight Lane.

I have today spoken to Lee Howell regarding the above and he advised me to write to you directly regarding this matter.

I wish to make an application to unadopt the highway as outlined on the plan attached. I can confirm that my husband and I are owners of the land which has been in his family for over a hundred years. The road in question services 4 houses which are all owned by us.

As discussed with Lee we have seen a noticeable increase in difficulties and feel that it might suit us both if the road and verge were unadopted and back in our maintenance and control. I have over the years contacted the council over a number of difficulties but were I to phone for every issue I would be on the phone daily at the moment. Summer does seem to increase the problems.

I have contacted the council about the following issues but the list is sadly not exhaustive. Removal of the street lighting, overgrown and unkept verge, dangerous trees, encroachment on the verge and our land by neighbours, dog fouling, fly tipping, parking blocking the farm access and recently vehicles parking and committing lewd acts. The issues are having a detrimental effect on us and our business (two of the properties are holiday lets).

Were the land to be unadopted we could deal with the issues ourselves directly when they occur and in doing so nip things in the bud and save the council the cost of maintenance and enforcement.

I cannot see there would be any detrimental effect to any other users of the highway as the public right of way would continue even if the road is unadopted. We have for many years complied with our obligations in this regard where the footpath continues onto our farmland. When we have had

issues with users we have worked with the council to satisfactorily resolve them. I have as requested sent a copy of this letter to Gwyn Teague the Public Rights of way Officer.

I have documentary evidence to show that the council has previously agreed to unadopt the highway so there seems to be a precedent and am happy to attend a site visit to discuss matters in person if you think it would assist. I would be grateful if you could let me know whether you have any objections at this stage and if not supply me with the cost and details of how I could progress matters to a resolution.

Yours Sincerely,



Mrs Tina Lakin

---

Highlight  
Farm

The Granary

Swallow Cottage

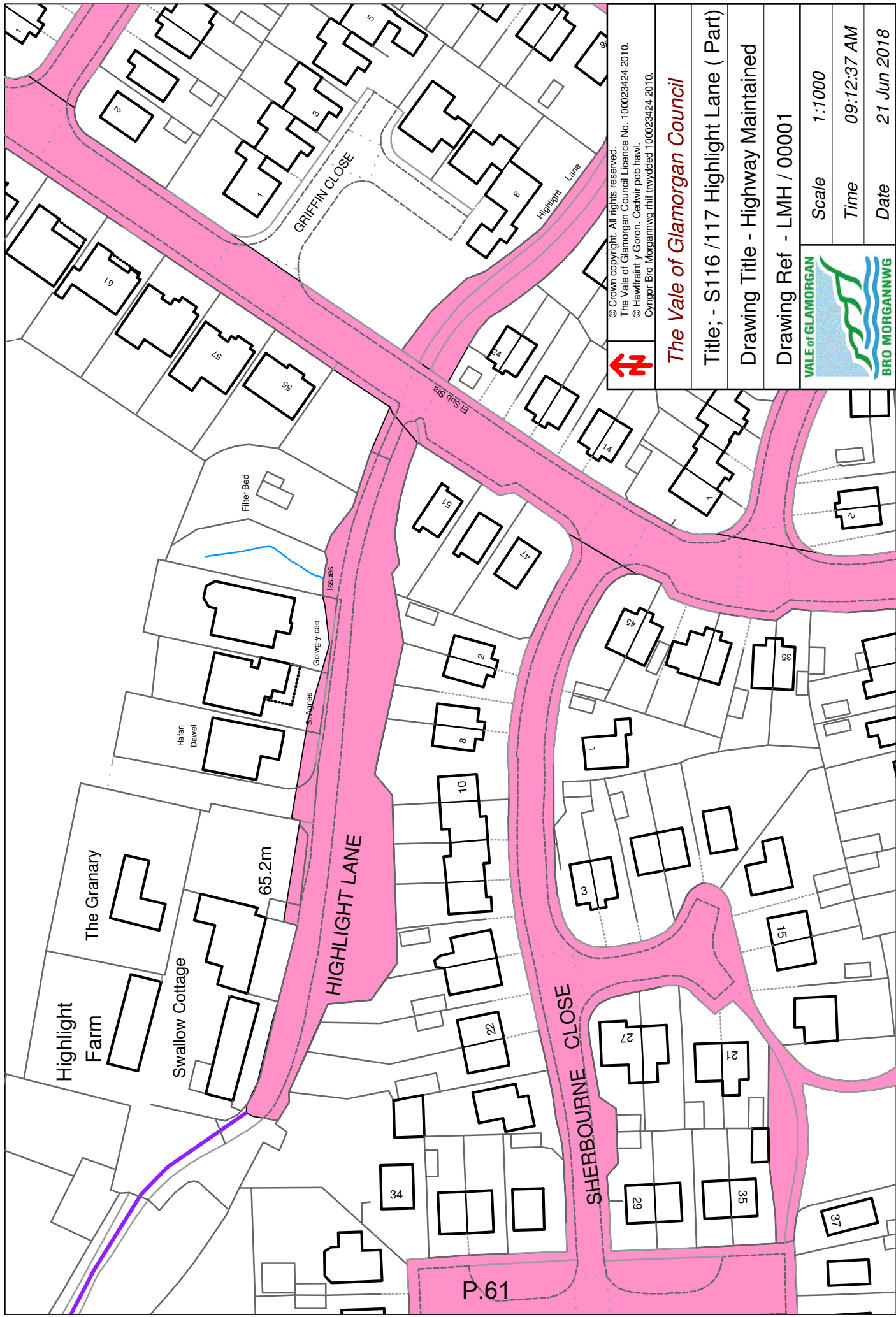
Hafan

65.2m


~~proposed  
unauthorised.~~

HIGHLIGHT  
LANE





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 Cynigr Bro Morgannwg rhif twydded 100023424.2010.




**The Vale of Glamorgan Council**

Title; - S116 /117 Highlight Lane ( Part)

Drawing Title - Highway Maintained

Drawing Ref - LMH / 00001

Scale	1:1000
Time	09:12:37 AM
Date	21 Jun 2018

 VALE of GLAMORGAN  
BRO MORGANNWG

P.61

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **28 JUNE, 2018**

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.

**2011/00991/OUT** Received on 6 October 2011

Mr. David Evans, Pen Onn Farm, Llancarfan, Vale of Glamorgan. CF62 3AG  
Reading Agricultural Consultants, Gate House, Beechwood Court, Long Toll, Woodcote,  
RG8 0RR

### **Pen Onn Farm, Llancarfan**

New dwelling for agricultural worker

### **REASON FOR COMMITTEE DETERMINATION**

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

### **EXECUTIVE SUMMARY**

This is an outline application for a new agricultural worker's dwelling, located at the site of a relocated farmstead near Llancarfan. The application runs alongside planning permission 2011/01021/FUL, which was for the relocated farmstead. The main issues to consider are the agricultural justification for the dwelling, the principle of a dwelling in this location, the likely visual impact associated with a dwelling in this location and highway safety. The application is recommended for approval, subject to conditions.

### **BACKGROUND**

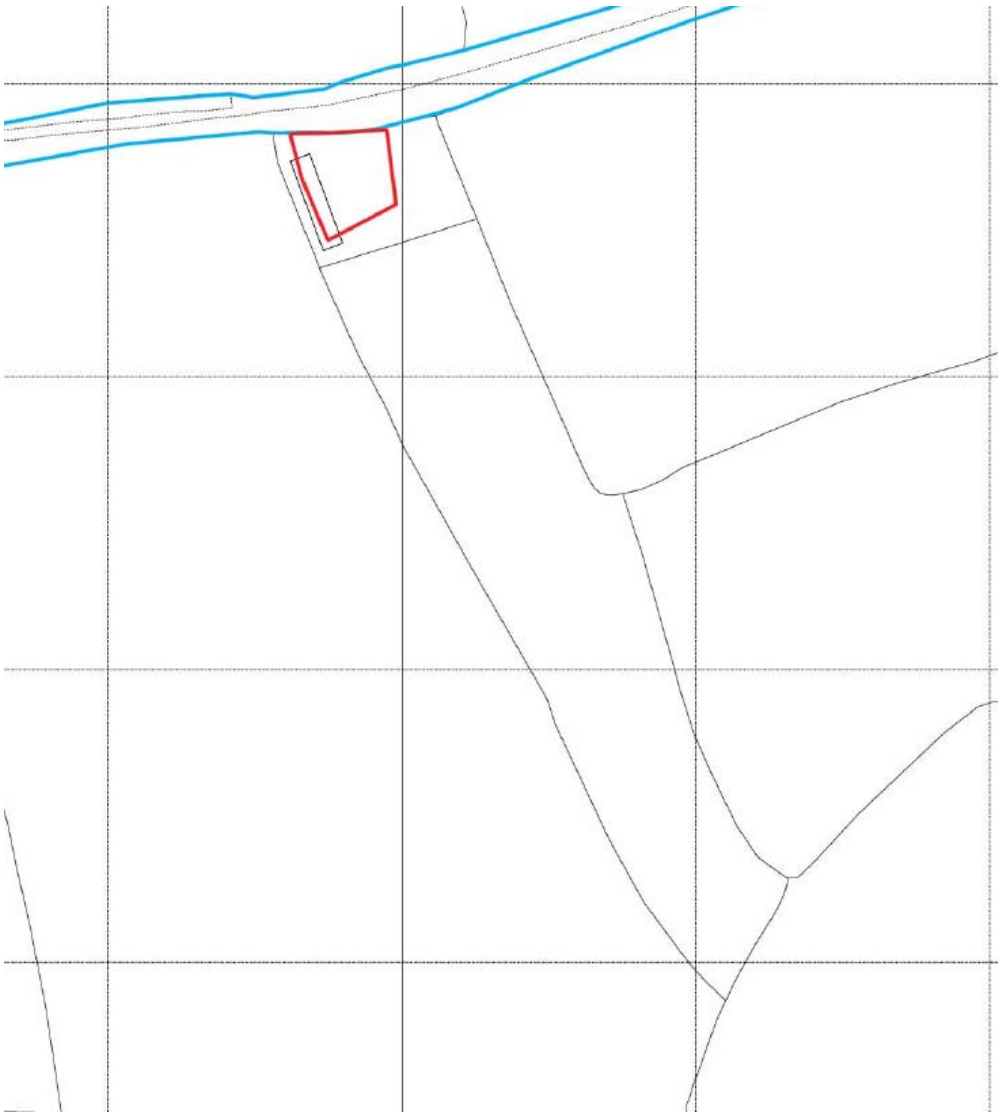
This planning application for an agricultural worker's dwelling was reported to Planning Committee in November 2012, at which time there was a resolution to approve the application subject to conditions and a legal agreement. That application was reported alongside application 2011/01021/FUL, which was for the relocation of the farmstead and construction of new agricultural buildings.

Since the resolution to approve the application, the legal agreement has not yet been signed and consequently the application remains un-determined. The applicant's agent has recently contacted the Local Planning and raised concerns regarding condition 1 (regarding the timing of certain agricultural buildings being constructed) and the need for a legal agreement. The application is now reported back to Planning Committee to address these matters.

The report from Planning Committee in 2012 is attached as **Appendix A**.

### **SITE AND CONTEXT**

The application site is located approximately 0.6km to the east of the hamlet of Pen Onn, Llancarfan and is largely open agricultural land. The site is located within the Nant Llancarfan Special Landscape Area. The site has an existing access onto the public highway which runs between Pen Onn and Moulton.



The site has an overall depth of approximately 39m (max) and width of approx. 32m (max) and an area of 945.2 sq.m. and is located at the entrance to the much larger site (approximately 1.5ha) that was the subject of application 2011/01021/FUL for a new (re-located) farmstead.

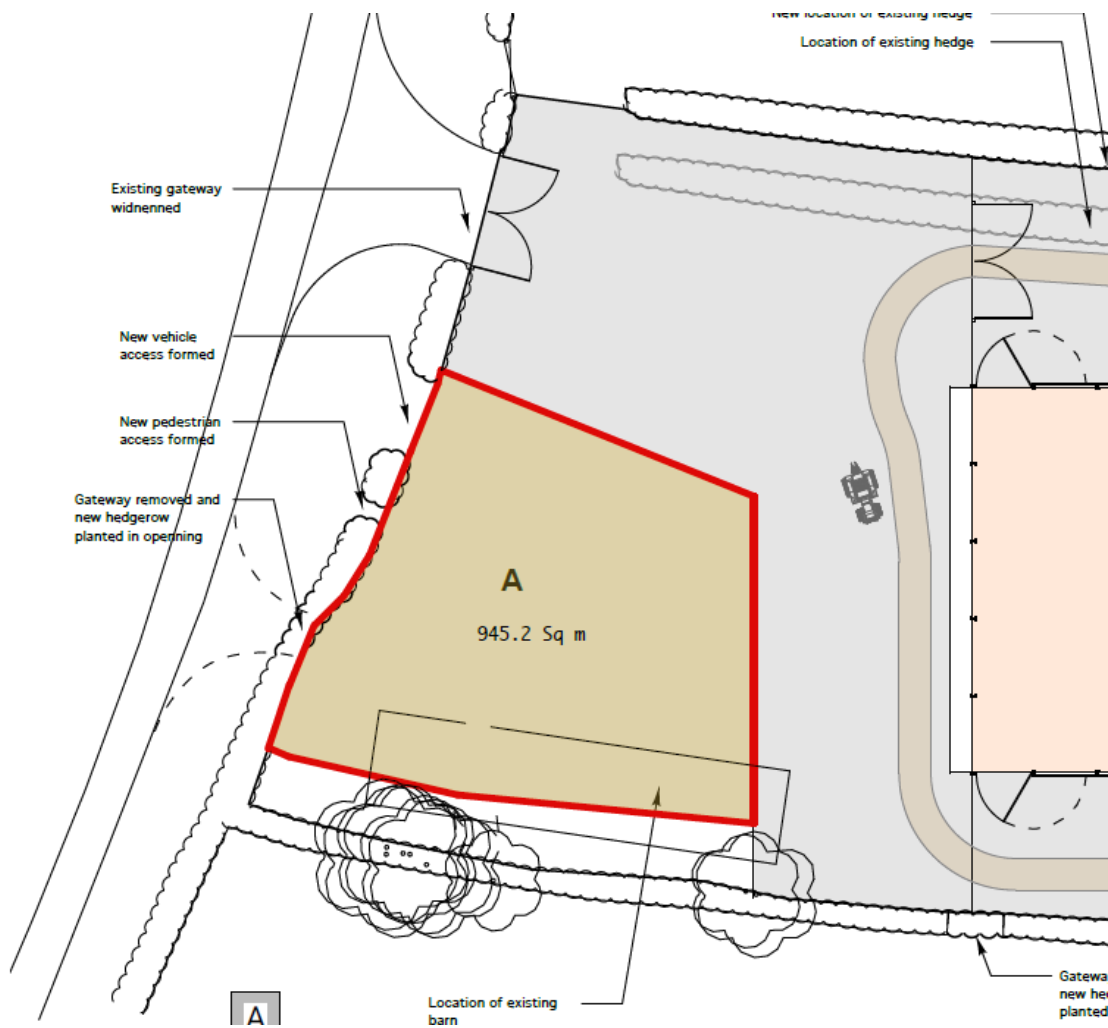
The site as a whole falls away from the highway into a valley with a drop of approximately 13 metres towards the south, and is enclosed by established hedgerows.

In addition to the above site description, it is of note that the existing farm dwelling lies approximately 550 metres to the west.

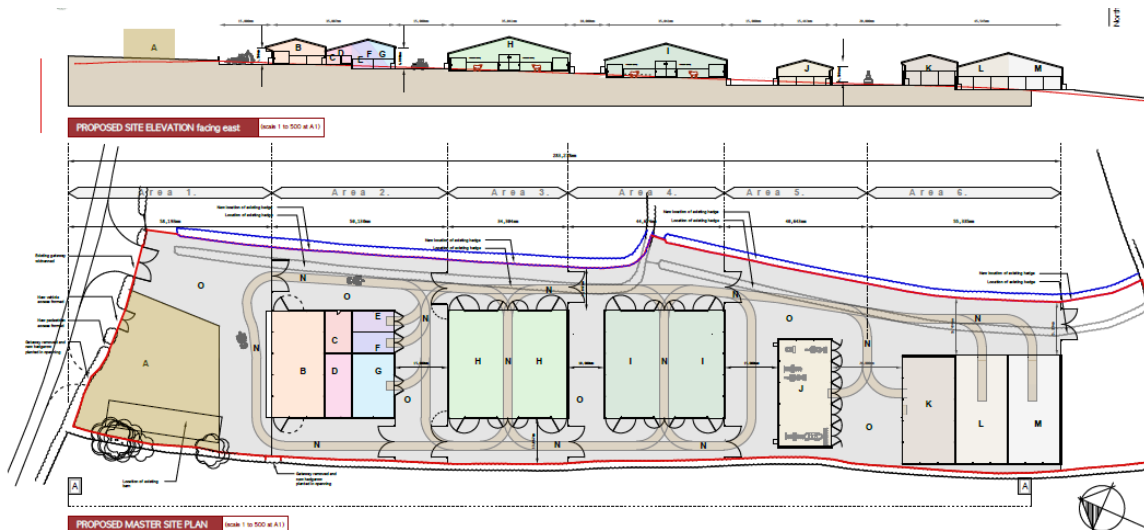
#### DESCRIPTION OF DEVELOPMENT

This is an application made in outline for a new farm workers dwelling with all matters other than access reserved for subsequent approval. The proposed layout is shown below:





For information, the plan below is that of the wider site as a whole, which also shows the siting of the approved agricultural buildings.



The aerial photograph extract below also shows the siting of the buildings:



When the resolution was made to approve permission for the dwelling in 2012, it included the following condition:

*No development authorised by this permission shall commence until such time as Buildings H and I approved by planning permission ref. 2011/01021/FUL have been constructed and all livestock currently housed at Pen Onn Farm have been permanently transferred to the application site.*

The reason for the condition was: *In order to ensure that the essential functional need for the dwelling hereby approved is fully transferred to the proposed location before works commence on the dwelling, since the dwelling would otherwise fail to comply with advice in Technical Advice Note 6 - Planning for Sustainable Rural Communities and Policy HOUS5 of the Unitary Development Plan.*

The applicant's agent has stated that this condition poses significant difficulties for the applicant, due to the way that the relocated farmstead has to be financed. Consequently, the applicant wishes that condition to be varied to allow construction of the new dwelling to commence prior to the completion of those buildings.

The applicant has also stated that he feels the legal agreement is not necessary and the imposition of such a requirement would not accord with the advice contained in Technical Advice Note 6. An assessment of those matters is contained in the 'Issues' section below.

The application, therefore, remains for a dwelling in outline, with all matters reserved except for access. The only changes sought are in relation to Condition 1 and the legal agreement.

## PLANNING HISTORY

2011/01021/FUL- New farmstead- approved.

1996/00318/FUL : Buildings at Pen Onn, Llancafarn - Conversion of existing barns into three dwellings - Approved

1988/00810/FUL : Pen-Onn Farm, Pen-Onn, Llancafarn. - To erect barn 32m x 18.3m wide x 4.3m high. - Approved

1981/00564/OUT : Part of Pen Onn Farm, Llancafarn - Residential development - Refused

## CONSULTATIONS and REPRESENTATIONS

In light of the above and the issues that are the subject of this report, the initial consultees have not been re-consulted and the development has not been re-advertised. Consultee and public responses to the application are contained in the report attached at **Appendix A**.

## REPORT

### Planning Policies and Guidance

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

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

#### **Strategic Policies:**

POLICY SP1 – Delivering the Strategy

### **Managing Growth Policies:**

POLICY MG17 – Special Landscape Areas  
POLICY MG22- Development in Mineral Safeguarding Areas

### **Managing Development Policies:**

POLICY MD1 - Location of New Development  
POLICY MD2 - Design of New Development  
POLICY MD7 - Environmental Protection  
POLICY MD12 - Dwellings in the Countryside  
POLICY MD17 - Rural Enterprise

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 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 12 – Design (2016)

### **Supplementary Planning Guidance:**

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

- Amenity Standards
- Design in the Landscape
- Parking Standards (Interactive Parking Standards Zones Map)

### **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

Technical Advice Note 6 sets out the series of tests when assessing an application for a new agricultural worker's dwelling. The committee report from 2012 (appended) considered the TAN 6 tests and concluded that the proposed dwelling was justified and the Planning Committee resolved to approve the application. Condition 1 of that resolution reads as follows:

*No development authorised by this permission shall commence until such time as Buildings H and I approved by planning permission ref. 2011/01021/FUL have been constructed and all livestock currently housed at Pen Onn Farm have been permanently transferred to the application site.*

The purpose of the condition was to ensure that when the new house is constructed, there is a functional need on site to justify it. The applicant's agent has subsequently set out that for financial reasons, he is unable to complete these buildings prior to commencing construction of the new house.

The applicant now proposes varying the wording of condition 1 such that work could commence on the new dwelling prior to the completion of Buildings H and I, for the reasons set out below.

When the application was reported in 2012, the applicant's submissions stated that a significant proportion of the capital required for the development of the new farmstead would be generated by the sale of the two remaining barn conversions. The agent has further advised that there has been a significant cost involved with converting the barns, removing the former buildings and re-profiling and landscaping the land. This has resulted in a lack of silage storage and cattle housing capacity and the inability to house, feed and consequently sell anticipated numbers of cattle has limited the cashflow for the business.

Notwithstanding that, the applicant's agent has provided a list of items that have been carried out towards the development of the new farmstead:

- Removal of steel portal-framed agricultural buildings adjacent to approved barn conversions;
- Breaking and removal of concrete yards;
- Realignment of hedgerow to the east of the application site;
- Stripping of the topsoil from the new site and using it to landscape around the barn conversions at Pen Onn Farm in place of concrete;
- Levelling of the new site to create appropriate surfaces for the new buildings and a primary access track the length of the site;

- Crushing of concrete from the old site as part of the base for the new site;
- Refurbishing the removed steel buildings from the old site for re-erection on the new site;
- Laying of concrete bases for two new buildings;
- Erection and cladding of two buildings; and
- Installation of a new electricity supply to the site.
- Re-stocking the agricultural unit with additional animals.

The total expenditure of the works listed above is significant and those works have been verified on site. It is further asserted that this demonstrates the commitment of the applicant to developing the new farmstead. The agent has advised that buildings L and M have been constructed, however, it is evident that the buildings constructed do not strictly accord with those approved by application 2011/01021/FUL. Consequently it will be necessary for an application to be made to regularise these changes. However, for the purposes of this assessment it is relevant to note that the buildings have been constructed and that these support the applicant's case that he is actively seeking to fully implement that permission and construct buildings to meet the need of the farm.

Buildings L and M were approved as a grass silage clamp and a maize silage clamp, however, pending the erection of the further buildings they have been used to house approximately 60 sucklers (building L) and to store grain, silage and straw (building M).

The applicant's agent has recently provided information to update the existing stock levels and agricultural activities at the site and those that are envisaged for the autumn.

Enterprise	Autumn 2018		Spring 2018	
	SMD/head/ha	Standard Man Days	SMD/head/ha	Standard Man Days
Finishing cattle / stores	84 @ 1.1/head	92	34 @ 1.1/head	37
Suckler cows	110 @ 1.35/head	149	110 @ 1.35/head	149
Bulls	4 @ 3.50/head	14	4 @ 3.50/head	14
Sheep	200 @ 0.5/head	100	200 @ 0.3/head*	60
Maize	18 @ 1.75/ha	32	18 @ 1.75/ha	32
Cereals	10 @ 1.75/ha	17	24.3 @ 1.75/ha	43
Silage	53 @ 2.80/ha	148	53 @ 2.80/ha	148
Grazing	34.5 @ 0.4/ha	14	20.2 @ 0.4/ha	8
<b>Sub-total</b>		<b>566</b>		<b>491</b>
15% management & maintenance		85		74
<b>Total</b>		<b>651</b>		<b>565</b>
Standard Man Days/worker		275		275
<b>Labour Reqmt.</b>		<b>2.4</b>		<b>2.0</b>

It is necessary to consider the TAN 6 tests again to establish that the dwelling remains justified. TAN 6 states that new permanent dwellings 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.

a) and b) Functional need.

The table below represents the stock position when this application and application 2011/01021/FUL were reported to Planning Committee in 2012:

**Table 1. Anticipated stocking and cropping regime changes between 2011 and 2014 at Pen Onn Farm**

Category	Current production (head/ha)	Proposed production(head/ha)	%age increase
Suckler cows	65	120	85
Finished cattle	60	200	233
Wheat	15	40	167
Barley	5	8	60
Oilseed rape	-	12	

It was accepted at that time that the proposed farm unit justified a dwelling based on functional need.

In addition to the 60 sucklers referred to in the 2018 table above (previously housed in building L), the applicant has recently purchased an additional 50 such that there are now 110. It is also the applicant's intention to purchase an additional 50 store cattle, such that there would be 84 in the autumn as opposed to the 34 currently. Numbers of suckler cows are therefore similar and while the number of store cattle is not as high, there is a significant additional input required in relation to 200 sheep. It is considered that the sheep, in addition to the extra cattle, represent a further significant investment in the re-stocking and development of the holding.

The table above (based on spring and autumn 2018 figures) demonstrates that there is clearly a functional need for a farm worker now and this functional need is projected to increase by the autumn. The existing labour requirement is calculated at 2 workers and the proposed expansion by the autumn would result in a labour requirement for 2.4 workers.

In addition to the existing buildings L and M (notwithstanding the slight variances from the approved elevations), the applicant's agent has advised that buildings B-G, J and K will be completed by the autumn. This in itself represents further clear intention to develop the approved farmstead.

As noted at the time the application was previously reported to planning committee, this would be the sole dwelling available to serve the unit as there is no agricultural tie on the existing dwelling at the former site. It is considered that the agricultural activities being undertaken currently (as and projected going forward) remain sufficient to justify the dwelling based on functional need. The need also clearly relates to a full time worker and the siting adjacent to the complex of farm buildings is clearly most appropriate in terms of meeting the functional need.

#### c) Financial test

TAN 6 sets out that to justify a dwelling, the enterprise concerned must have 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 must be currently financially sound, and have a clear prospect of remaining so.

While the agricultural activities have fluctuated over the last few years, the enterprise concerned has nevertheless been established for the requisite period of time and profitable. This was established and accepted when the application was initially reported to Committee. It is considered that the existing situation in respect of stock levels and functional need support a conclusion that there is sufficient prospect of the agricultural business remaining financially sound.

#### d) Other dwellings

It has been accepted previously that the relocated farmstead could not reasonably be served by another existing dwelling and there has been no material change to that situation.

#### e) Other normal planning requirements

The proposal has previously been considered acceptable in respect of the other normal planning requirements, at the time Committee previously resolved to approve the application. There has been no material change to this situation and it is considered that the proposal remains acceptable in this respect.

#### Summary, the appropriate trigger and whether there is a need for a legal agreement

In summary, it is considered that there remains a clear functional need for a new dwelling and that there remains a sound and genuine agricultural business. It is considered that the relevant tests in the TAN are satisfied.

As noted above, the applicant is seeking a variation to the trigger contained in condition 1 of the permission that Committee previously resolved to grant. In support of this, the applicant has cited what he considers to be a comparable case where the Council has not sought to impose such an onerous requirement (applications 2015/00188 and 2015/00208/FUL at Greenway Farm, Bonvilston). Notwithstanding that, each case must be treated on its merits, albeit the representations in that respect are noted.



The applicant has proposed a condition which would allow commencement of construction of the new house once all livestock at the original Pen Onn Farm have been transferred to the new site. While the intentions of such a condition are clear and reasonable, it is considered that a condition which relates to specific buildings would be more precise and more robust in terms of ensuring that adequate buildings are there to support the functional need.

The applicant's agent has advised that work is due to start within the next two months on the construction of buildings B, C, D, E, F and G and while the long term purpose of those buildings is not for animal housing (their final purpose is for calving accommodation, an office, bio mass boiler, plant and grain dryer and grain stores) they can be used as temporary animal housing pending the erection of buildings H and I.

It is considered that a condition requiring the external elevations of these substantial buildings to be erected prior to the commencement of construction of the dwelling would ensure that there are adequate facilities on site to deal with the functional need of the unit and ensure that the planning permission for the relocated farmstead is significantly implemented. The applicant's agent has confirmed that the applicant accepts this condition and it is considered that this strikes an acceptable balance that recognises the constraints associated with relocating a farmstead and the need to ensure the enterprise is being implemented on the new site.

In respect of the legal agreement, paragraph 4.13.2 states that it should not be necessary to tie occupation of the dwelling to workers engaged in one specific rural enterprise even though the needs of that enterprise justified the provision of the dwelling. An occupancy condition will, however, ensure that the dwelling is kept available to meet the needs of other rural enterprises in the locality if it is no longer needed by the original business, thus avoiding a proliferation of dwellings in the open countryside. The applicant's agent has made reference to an appeal (outside of the Vale of Glamorgan) where this issue was considered and the Inspector in that case concluded that a legal agreement was not necessary. Having regard to the TAN principally, and also the appeal case cited, it is considered that a legal agreement is not necessary and that a condition to appropriately restrict occupation is sufficient.

## RECOMMENDATION

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

1. No development that is the subject of this permission shall commence until such time as the external elevations of Buildings B, C, D, E, F and G approved by planning permission ref. 2011/01021/FUL have been constructed and all livestock currently housed at Pen Onn Farm have been permanently transferred to the application site.

Reason:

In order to ensure that the essential functional need for the dwelling hereby approved is fully transferred to the proposed location before works commence on the dwelling, since the dwelling would otherwise fail to comply with advice in Technical Advice Note 6 - Planning for Sustainable Rural Communities and Policy MD1 of the Local Development Plan.

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

Reason:

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

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

Reason:

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

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

(a) The expiration of five years from the date of this permission.

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

Reason:

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

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

Reason:

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

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

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

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

b) a person or persons who would be eligible for consideration for affordable housing under the local authority's housing policies, or a

widow, widower or surviving civil partner of such a person, and to any resident dependants.

Reason:

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

7. The dwelling hereby permitted shall not exceed a gross floorspace of 200 square metres

Reason:

The dwelling is approved solely on the basis of an agricultural justification and therefore should be of a scale that is commensurate with the size of holding and supporting justification within the application, and to meet the requirements of advice in Technical Advice Note 6 - Planning for Sustainable Rural Communities and Policies MD1 and MD2 of the Local Development Plan.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) the dwelling hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of dwelling and ensure it remains commensurate with the size of the agricultural holding, and to ensure compliance with advice in Technical Advice Note 6 - Planning for Sustainable Rural Communities and Policies MD1 and MD2 of the Unitary Development Plan.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage of the dwellings hereby approved without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development in the interests of protecting the countryside, to ensure the dwelling and its associated buildings are not unaffordable to prospective occupiers that would comply with the rural enterprise condition, and to ensure compliance with Policies MD1 and MD2 of the Local Development Plan.

10. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason:

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

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

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policy MD2 of the Local Development Plan.

#### REASON FOR RECOMMENDATION

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

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, MG17 – Special Landscape Areas, MG22- Development in Mineral Safeguarding Areas, MD1 - Location of New Development, MD2 - Design of New Development, MD7 - Environmental Protection, MD12 - Dwellings in the Countryside and MD17 - Rural Enterprise, and the advice contained within Planning Policy Wales and Technical Advice Notes 6 and 12, the proposed development is considered acceptable in principle and in terms of agricultural justification, visual impact, highway safety and impact on residential amenity.

#### NOTE:

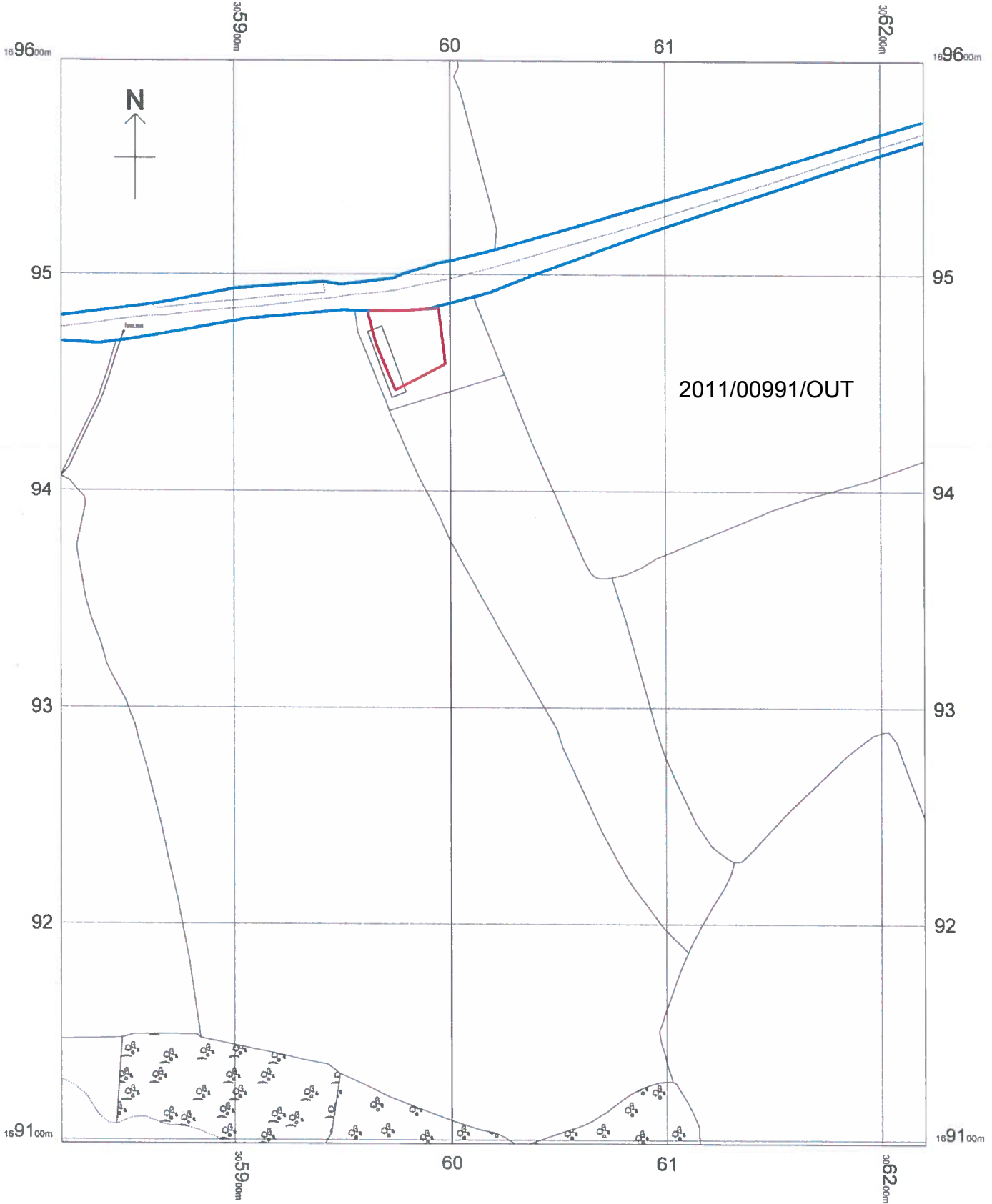
1. **Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**

**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.**

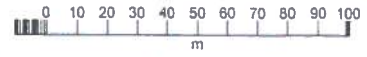
**In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).**

**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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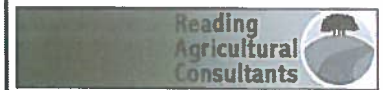
DRAWING TITLE

LOCATION PLAN

Reading Agricultural Consultants Ltd  
 Gate House  
 Beechwood Court  
 Long Toll  
 Woodcote  
 RG8 0RR  
 Tel: 01491684233 Fax: 01491 680800  
 www.readingagricultural.co.uk

CONTRACT

MR AND MRS DAVID EVANS  
 PEN ONN FARM  
 LLANCARFEN



MK	REVISION	DATE	Drawn AL	Ch'kd. IDW	RAC/5198/2	Rev.
			Scales 1:2,500@A4	Date Oct 2011		

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 22 NOVEMBER 2012

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

**MATTER WHICH THE CHAIRMAN HAS DECIDED IS URGENT  
BY REASON OF THE NEED TO MAKE A DECISION PRIOR TO THE NEXT  
COMMITTEE**

9. PLANNING APPLICATIONS

**Pen Onn Farm, Llancarfan**

**2011/01021/FUL** Received on 14 October 2011

Application for the relocation of a farmstead including the construction of six steel portal-framed buildings to be used to house suckler and their calves, finishing beef cattle, grain storage, straw storage, grass and silage storage, machinery storage and biomass boiler

**2011/00991/OUT** Received on 6 October 2011

New dwelling for agricultural worker.

Mr. David Evans, Pen Onn Farm, Llancarfan, Vale of Glamorgan., CF62 3AG  
Mr. Ieuan Williams, Reading Agricultural Consultants, Gate House, Beechwood Court, Long Toll, Woodcote., RG8 0RR

**BACKGROUND**

Members will recall that the above applications were reported to the 4th October 2012 and at that meeting members resolved to defer the application allow the committee to visit the application site.

At the subsequent meeting of 25 October 2012, additional information was provided to Members in the form of a 'second opinion' appraisal by Bruton Knowles (BK) Consultants who are recognised as one of the countries leading rural and agricultural advisors and have previously undertaken appraisal work on behalf of the Council.

The BK report dealt in detail with the applications and examined the matter afresh, with Officers subsequently recommending that the applications be further deferred in light of the BK report to allow Officers to attempt to negotiate with the applicants to overcome the Council's key concerns that:

1. The applicant has failed to demonstrate sufficient agricultural need for the relocation of the farmyard (with the added impact of creating a need for a new dwelling) having particular regard to the fact that the opportunity to alter and expand the existing farm at Pen Onn has not been addressed.

2. The proposed new farmstead would cause demonstrable harm to the rural character and appearance of the Nant Llancarfan Special Landscape Area.
3. That the enterprise and business must be shown to be capable of funding all elements of the project and that the development will be financially achievable, deliverable and sustainable.

Members accordingly resolved that the applications be deferred to allow the Applicant to respond to the new report prepared on behalf of the Council.

In response, the applicant's agent has since submitted supplementary information (including confidential financial submissions) which has been further assessed on the Council's behalf by Bruton Knowles. Their initial and additional appraisals are attached at Appendices A and B, with the applicants supplemental report (excluding appendices) at Appendix C.

The following report considers the applications afresh in light of the above, and reports them together for purposes of clarity.

### SITE AND CONTEXT

The application site is located approximately 0.6km to the east of the hamlet of Pen Onn, Llancarfan and is largely open agricultural land other than an area closest to the road which has a single existing Dutch barn sited on it. The site is located within the Nant Llancarfan Special Landscape Area.

The site has an existing access onto the public highway which runs between Pen Onn and Moulton.

The site (measured from the edge of the road to the end of the buildings) has an overall depth of 284 metres and has a varying width, largely of approx. 60m reducing to 49m. Overall the site area (including the site for the dwelling proposed by the second planning application) is approximately 1.5 hectares.

The site falls away from the highway into a valley with a drop of approximately 13 metres towards the south, and is enclosed by established hedgerows.

In addition to the above site description, it is of note that the existing farm buildings lie approximately 550 metres to the west (within the small hamlet of Pen Onn), and comprise a range of old and modern farm buildings, amounting to some 2,600 sq.m. The farmstead incorporates two stone barns, with another converted barn (dwelling) sited opposite. The site is bisected by the Moulton to Llancarfan Road.

The applicant farms a total area of some 113ha (279 acres).

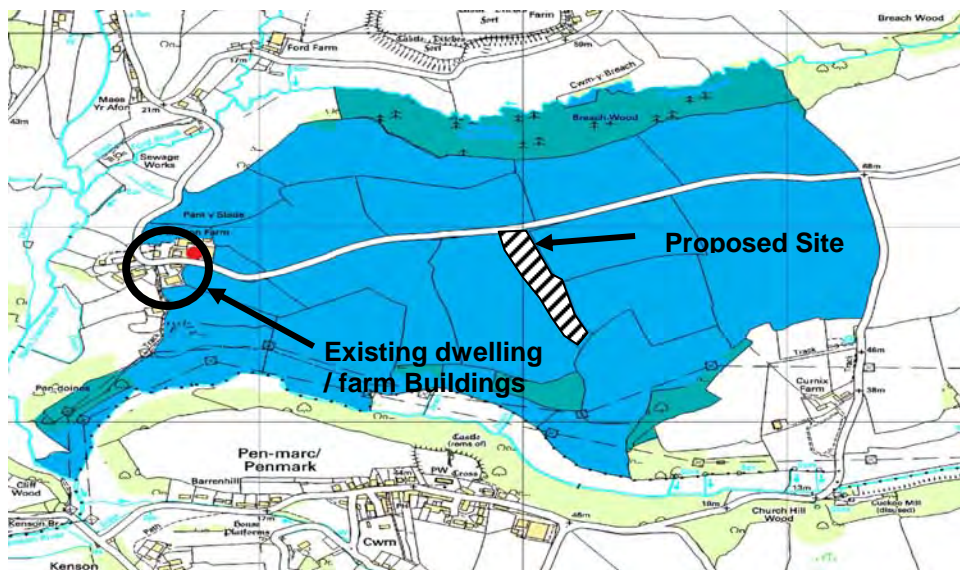


## DESCRIPTION OF DEVELOPMENT

### 2011/01021/FUL

This comprises a full planning application for the construction of a new farmstead for Pen Onn Farm, an existing beef and arable enterprise.

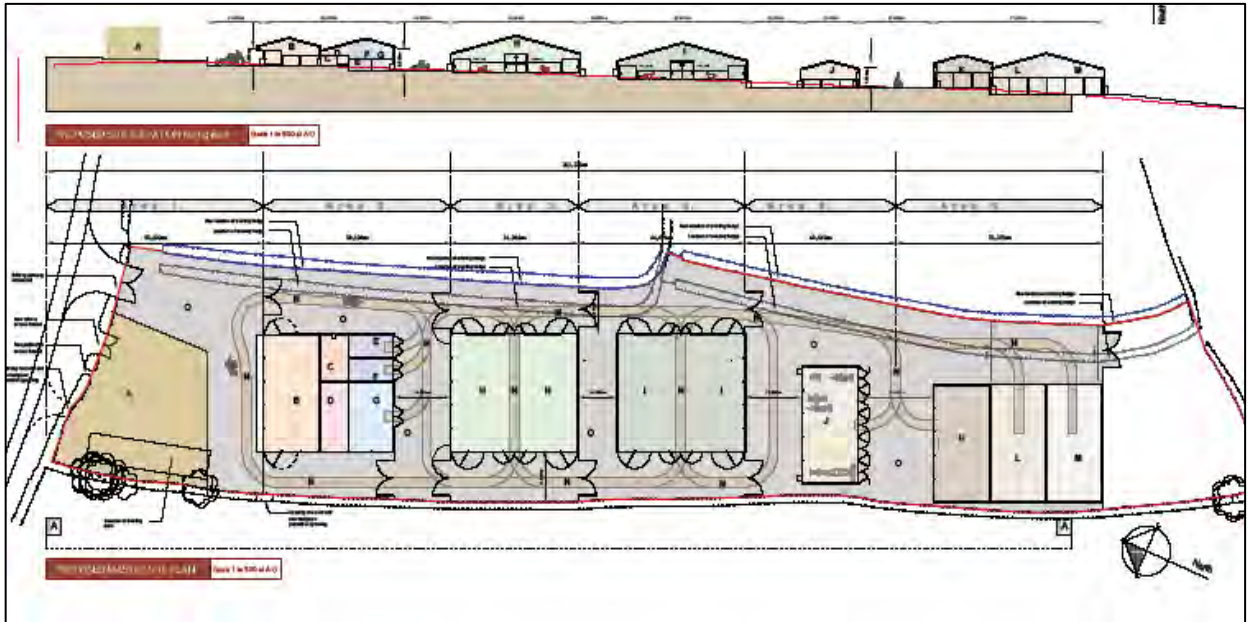
The submissions advise that the proposed relocation at 'Barn Field' has specifically been chosen due to its central location to the holding and the fact that it is surrounded by hedgerows on all sides. The extent of the farm holding is shown on the plan below, with the existing and proposed sites identified.



The development proposes the construction of seven steel portal-framed buildings (in 5 'blocks') to be used to house suckler and their calves, finishing beef cattle, grain storage, straw storage, grass and silage storage, machinery storage and a biomass boiler. The existing Dutch barn will be removed.

- Calving Accommodation (B)
- Office, Store, Biomass boiler, plant and grain dryer (C and D)
- Grain Stores (E to G)
- Suckler Cow Housing (H)
- Finishing Cow Housing (I)
- Machinery Store (J)
- Straw Store (K)
- Grass Silage Clamp (L)

- Maize Silage Clamp (M)



**Masterplan Layout**

In addition, following discussions (clarified by agents letter dated 20 August 2012), it is proposed to cease all agricultural activities at the existing Pen Onn site, thus enabling the removal of all the modern agricultural buildings from that site.

**2011/00991/OUT**

This is an application made in outline for a new farm workers dwelling with all matters other than access reserved for subsequent approval. The dwelling would be located on site 'A' above.

The applications have been supported by Agricultural appraisals by Reading Agricultural Consultants (RAC), together with supplemental information including responses to the Council's agricultural appraisals, and a Landscape Impact assessment. A copy of all submitted documentation is available on the planning files or via the online register.

**PLANNING HISTORY**

The site has the following relevant planning history:

- 1996/00318/FUL : Buildings at Pen Onn, Llancafán. Conversion of existing barns into three dwellings. Approved 20 June 1996.
- 1988/00810/FUL : Pen-Onn Farm, Pen-Onn, Llancafán. To erect barn 32m x 18.3m wide x 4.3m high. Approved 6 September 1988.
- 1985/01130/OUT : Part of OS enclosure 4534, Pen-Onn, Llancafán. Farm dwelling. Refused 4 April 1986.

- 1981/00564/OUT : Part of Pen Onn Farm, Llancarfan. Residential development. Refused 19 May 1981.

## CONSULTATIONS

**Llancarfan Community Council** responded as follows (outline application):

“At our recent meeting the above application was examined but it was felt that as this was part of a much bigger application, the Council were not in a position to give an informed judgement at this point”. No further response has been received.

**Environment Agency Wales.** To date no representations have been received.

**The Council’s Highway Development Team** raise no highway objections subject to the proposed vehicular crossing of the highway verge being surfaced in bound material, and off-street parking and use of a bound material in the crossing for the dwelling.

**Environmental Health (Pollution)** has raised no objections and note as follows:

Biomass Boiler – Note that wood fuel should have no more than 20% moisture content – levels above this will cause incomplete combustion, thus produce excess smoke. The noise from the fan will be 53dB(A), so should not be cause for concern. A 6m stack is satisfactory.

Grain Dryer - Noise from the proposed grain dryer is 74dB(A). With the nearest residential premises approximately 500m away I do not calculate this to be a problem. Should it be witnessed to cause statutory nuisance when in existence, mitigation methods using the Environmental Protection Act 1990 can be used. Dust can also pose a problem from the use of a grain dryer. Ensure that loading of the dryer/hopper or any other associated equipment including storage, is controlled and if necessary enclosed.

Management of Slurry - I am satisfied with the proposed methods for management of slurry in using the slatted dairy system.

Septic Tank - This is to be registered with the Environment Agency when complete.”

**Dwr Cymru / Welsh Water** advise (in respect of 2011/00991/OUT) that as the applicant intends utilising a septic tank the applicant should contact the Environment Agency who may have an input in the regulation of this method of drainage.

**Local ward Members** were also consulted. To date no representations have been received.

## REPRESENTATIONS

A site notice was displayed on 28 October 2011, with application 2011/01021/FUL also advertised in the press on 27 October 2011. Neighbour notification was also undertaken with residents in Pen Onn and Penmark.

In response to publicity on 2011/01021/FUL, five letters of representation have been received as follows:

One letter (from a resident of Penmark) objects on the grounds that the proposal would be an 'industrialisation of a Greenfield site', with an unacceptable visual impact.

Another letter (from a resident of Penmark) originally expressed concern over the lack of consultation with residents of Penmark (subsequently addressed) and states that they consider application should be approved, understanding the reasoning behind relocation farming operations, and considers the proposed site would be better in views from Penmark than developing the existing site.

Three letters of support have also been received from residents of three of the closest dwellings to the existing farmyard at Pen Onn, stating that they concur with the issues raised in representations concerning existing operational difficulties at the farm; poor access; impact of any intensification, and that relocation would improve the amenity and enhance the hamlet of Pen Onn for Pen Onn residents.

**Andrew Davies AM** has also provided a letter of support, a copy of which is attached at Appendix B.

In response to publicity on 2011/00991/OUT, two letters of representation have been received from residents of Pen Onn supporting the application, albeit on grounds relating to the alleviation of problems and inconvenience attributed to the existing farm location at Pen Onn.

## REPORT

### National Planning Policies

National guidance is primarily contained within Planning Policy Wales (Edition 5, November 2011).

Paragraph 4.6.3 identifies that priorities for rural areas are to secure:

- Sustainable rural communities with access to affordable housing and high quality public services.
- A thriving and diverse local economy where agriculture-related activities are complemented by sustainable tourism and other forms of employment in a working countryside; and

- an attractive, ecologically rich and accessible countryside in which the environment and biodiversity are conserved and enhanced.

The Welsh Government considers that an efficient and flexible agricultural industry is essential for rural prosperity. To this end it states within PPW that:

*“local planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices, or are necessary to achieve compliance with new environmental, hygiene or welfare legislation.”* (para. 7.6.5).

Technical Advice Note 6 (TAN 6) Planning for Sustainable Rural Communities (July 2010) is broadly supportive of a strong rural and agricultural economy. It states:

*“The Welsh Assembly Government’s objective is a sustainable and profitable future for farming families and businesses through the production and processing of farm products while safeguarding the environment, animal health and welfare, adapting to climate change and mitigating its impacts, while contributing to the vitality and prosperity of our rural communities. The planning system can play an important part in supporting the future sustainability of agriculture.”*

Although relating to agricultural buildings under permitted development, nevertheless Annex A of the TAN emphasises (in its advice for farmers and developers about ‘Design, Appearance and Siting’), that (emphasis added):

*A14. The siting of a new agricultural or forestry building, road, excavation or waste deposit, or fish tank **can have a considerable impact on the surrounding landscape.** Developments should be assimilated into the landscape without compromising the functions they are intended to serve. **New buildings should normally form part of a group rather than stand in isolation, and relate to existing buildings in size and colour.** However, new buildings of modern design may sometimes best be separated from a group of traditional buildings to avoid visual conflict. Sites on skylines should be avoided. To reduce visual impact, buildings should be blended into the landscape or, on sloping sites, set into the slope if that can be achieved without disproportionate cost “.*

*A15. A well sited building or road may benefit from some additional screening, but the **visual impact of a poorly sited building cannot easily be reduced.** In some cases minor repositioning or realignment can considerably improve proposals. In others, a different site might be preferable if this can be achieved without imposing undue operational or constructional difficulties. The options for siting of agricultural buildings and private ways will be influenced by their functional relationship to other buildings and services, so that alternatives may be limited. Where constructional problems emerge after proposals have been notified or approved, authorities should be flexible in their response to requests for approval of departures from the original proposals.*

## Local Planning Policies

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

EMP8 - AGRICULTURAL ENTERPRISE AND ASSOCIATED DEVELOPMENT

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE

ENV4 - SPECIAL LANDSCAPE AREAS

ENV10 - CONSERVATION OF THE COUNTRYSIDE

ENV11 - PROTECTION OF LANDSCAPE FEATURES

ENV27 - DESIGN OF NEW DEVELOPMENTS

ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY

HOUS5 - AGRICULTURAL OR FORESTRY DWELLINGS

### **APPLICATION 1: 2011/01021/FUL**

Application for the relocation of a farmstead including the construction of six steel portal-framed buildings to be used to house suckler and their calves, finishing beef cattle, grain storage, straw storage, grass and silage storage, machinery storage and biomass boiler and new dwelling for agricultural worker.

### Issues

Having regard to the above Policy context, the main issues to address are considered to relate to:

1. Agricultural Need / Justification for relocation of the farmstead.
2. Size, scale and siting of new farm buildings and their impact on the character and appearance of the countryside / Special Landscape Area.
3. Impact on Amenity, including the nature of supporting submissions in respect of impact on existing dwellings in Pen Onn as a result of relocation.
4. Planning History / Existing Stone Built Barns
5. The resultant need for a new agricultural dwelling (also considered under application ref. 2011/00991/OUT).
6. Impact on Highway Safety.
7. Sustainability.

## 1. Agricultural Need / Justification for Relocation of the Farmstead

The proposal (as amended) is to remove all agricultural buildings at the existing farmstead at Pen Onn and relocate all agricultural activities to a new site approximately 0.5 miles distant. The proposed site currently has the benefit of a Dutch barn and attached implement store, but this would be demolished and approximately 5000 sq.m. of new agricultural buildings provided at the new site.

The reasons for the relocation, as stated in the supporting submissions, are:

- improved cattle health and welfare;
- the ability to access the buildings with delivery vehicles;
- ability to expand cattle numbers and crop storage area;
- removal of agricultural odours and noise which may impact on nearby residents;
- ability to access buildings by staff without disturbing residents;
- improve the setting of a residential neighbourhood; and
- allow expansion without the need to excavate large volumes of soil and change the topography of the site.

The agent also advises (in summary) that:

- The proposed relocation at Barn Field has specifically been chosen due to its central location to the holding.
- The buildings are designed for ease and efficiency of use providing cattle with high welfare facilities which would promote a high health status amongst the housed livestock.
- The proposed relocation has arisen due to the operational difficulties being experienced on the existing site and the limited options available for the future expansion of the farm buildings.
- It is also intended to erect a replacement principal dwelling to monitor the large existing herd of suckler cows, their offspring and finishing cattle at all times. The dwelling is the subject of a separate application.

The holding operates as an arable and beef enterprise with beef cattle derived both from the expanding suckler herd and purchased store cattle. The suckler herd is partly pedigree and is in the process of expanding with the aim of rapid improvement through embryo transplanting. A large proportion of the grain grown on the holding is used for finishing the cattle with the winter forage proportion of the diet derived from grass and maize silage.

The existing enterprise comprises 65 suckler cows, together with their progeny and a small number of bought in store cattle. These are fed using the arable and forage crops grown from the holding. The intention is to rapidly and massively expand the enterprise and the new yard is presented to satisfy the building needs of the expanded enterprises as indicated on the table below.

Table 1. Anticipated stocking and cropping regime changes between 2011 and 2014 at Pen Onn Farm

Category	Current production (head/ha)	Proposed production(head/ha)	%age increase
Suckler cows	65	120	85
Finished cattle	60	200	233
Wheat	15	40	167
Barley	5	8	60
Oilseed rape	-	12	

### Assessment of Need based on Proposed Expansion Plans

The proposed expansion by 2014 (1.8 and 2.13 of Design and Access Statement) is as follows:

- Suckler cows from 65 to 120
- Calves from 60 to 100
- Finished cattle from 60 to 150
- Wheat from 15ha to 40ha
- Barley from 5ha to 8ha
- Oilseed Rape from 0ha to 12ha
- 1,000t Maize silage from 20ha
- 1000t Grass silage from the remaining 30ha
- Straw at 373sqm (6m stack)

*(Although at 22t/ha, it would appear that only 660t would be capable of being produced without further land being made available)*

The Council's original agricultural consultant considered the submissions against the proposed expansion of the existing enterprise, and concluded in general terms that the proposed expansion "*is certainly possible, appears to be based on a sound management proposal and with the exception of the grass silage is capable of materialising within the productive capacity of the existing holding*".

### Extent of New Build Development

The earlier reports concluded that the extent of accommodation proposed exceeded the space requirement for the business, and that it was considerably in excess of the justified need, even allowing for the fact that this is itself based upon an as yet unimplemented expansion plan (and therefore not strictly an *existing* need).

The agent responded by stressing (paragraph 2.15 of DAS) that the stated space requirements are minimum recommended figures and that a further 10 – 15% space allowance is required 'in practice'. He further states that "...allowances should be made for more than the minimum – once built it is very difficult to provide extra space when there are emergencies; and, the extra space will allow for some future expansion". He also states that "fundamentally, I consider it short-sighted to erect buildings based upon absolute minimum requirements without any flexibility and any expansion possibility further than 1.5 years".



The BK report subsequently considered the extent of new build development proposed at the site (in conjunction with the removal of all buildings at Pen Onn) and concluded as follows: -

*“...we note that most of the buildings proposed appear over specified in terms of their size when set against the likely scale of the business for the next few years. However, this proposal is for a new farmstead to serve the holding for the next 40-50 years and therefore in agricultural terms it is reasonable to allow for a greater percentage of expansion room than where just one or two additional buildings are being proposed”.*

Accordingly, notwithstanding the landscape issues considered below in respect of the impact of such development, it is now accepted that the extent of floorspace proposed would be reasonable in the context of the long-term agricultural expansion proposals.

#### Need for New Buildings to be sited at the Application Site

The fundamental question remains whether there is an overriding need to move the yard to the proposed site, as opposed to retaining the existing yard and (if necessary) extending it in that location.

Within this context, it is noted that the existing buildings and yard at Pen Onn have limitations and may need substantial alteration or replacement. Nevertheless, Pen Onn Farm has existed in this location for over a century, with the original farmhouse meeting the functional need of the past and future agricultural operations.

The agent made significant representations about the constraints at Pen Onn, and considers there are only “limited options available for the future expansion of the farm buildings”, and that any expansion on land to the east would be visually unacceptable and increase other impacts without overcoming current operational difficulties.

The initial BK report considered this matter afresh and concluded that the applicant had failed to demonstrate sufficient agricultural need for the relocation of the farmyard (with the added impact of creating a need for a new dwelling) having particular regard to the fact that the opportunity to alter and expand the existing farm at Pen Onn had not been addressed.

In particular, BK stated that: -

*“...if it is accepted that a new farmyard is appropriate some ¼ of a mile from the existing site it would undoubtedly be more convenient to the business if all the buildings were located in a single location.*

*On the matter of practicality to the farming business, it is noted that a more central location may aid management but in our opinion this does not represent an overriding agricultural need to relocate the farmstead”.*

The applicant's agent has since supplemented his initial submissions by further representations since receipt of the BK report, including submission of a detailed topographical survey of the Pen Onn site and land to the east. In addition, a 'full Options Appraisal' of the available sites has been undertaken, assessing each option against defined key objectives of the development.

The assessed objectives of the proposed development (identified by RAC) are:

- to provide an efficient 120-cow suckler beef and arable unit which would allow the applicant's son to farm in 20 years time;
- to provide adequate space and versatility to allow the holding to develop without recourse to significant extra expenditure;
- to design a healthy and welfare friendly housing system;
- to design a unit capable of being operated by one man with occasional assistance;
- to improve accessibility for deliveries;
- to improve accessibility to all fields for livestock and monitoring of grazing stock; and
- to reduce impacts on the environment and neighbouring dwellings.

The four appraised options available to the applicant were:

- to sell the farm and relocate;
- to improve the existing buildings and erect further buildings adjacent to the site;
- to erect a purpose-built unit central to the holding adjacent to an existing range of farm buildings; or
- to erect a purpose-built unit central to the holding on an alternative site.

The RAC conclusion based on the supplementary response to the initial BK report stated as follows: -

*In conclusion, it may be technically possible to erect sufficient buildings adjacent to the existing site, but in practical terms the site would be extremely difficult and expensive to construct and operate whilst also generating significant visual harm in an open landscape. It would also necessitate a split site due to the inability to accommodate all the buildings. A split site would create extra expenditure in construction of entrances to both sites and any visual impacts would be duplicated rather than concentrating efforts to mitigate impacts on one site.*

*Conversely, the proposed site has a uniform southerly facing slope which allows the proposed buildings to efficiently utilise the space provided by the confines of the field boundaries. The configuration allows the livestock to be closely monitored from the proposed dwelling. It provides very good security and bio security opportunities as all visitors to the site would need to pass the dwelling."*

Bruton Knowles has provided a robust assessment of the additional information (see Appendix B) which, while noting the scoring matrix which has been used to form judgements on the various options, has stated that the matrix uses a weighted scoring system to judge sites against a range of criteria which, whilst not unreasonable, is nevertheless subjective, with many of the matters assessed being non agricultural considerations. In addition, the scoring appears to excessively favour the proposal site over the existing farmyard. Accordingly, rather than attempting to revise this scoring basis, BK have given greater weight to the commentary on the pros and cons of the two sites.

The BK assessment on this matter is included below in full (with emphasis added on key matters): -

“Given the complexity of the situation it is hard to disaggregate the agricultural justification for the proposed siting from the non agricultural justification.

Essentially, the agricultural justification for the move away from the existing farm site to the proposed location is that to enable expansion more building space is required and that the area around the current farmyard is not suitable from a topographical perspective to allow this to be provided. In addition it is set out that the proposed site falls within the centre of the holding and is therefore more accessible and better able to serve the wider land area. Other more minor agricultural benefits may be achieved at the proposed site such as the ability to see a greater part of the overall holding from this location and, with the siting of the new dwelling at the entrance to the farmyard an ability to provide greater farm security.

In our opinion, the existing site is not so compromised by topographical constraints to render it as unsuitable and that despite the comments made it also appears that with a not excessive level of groundwork, acceptable site levels could be provided so as not to jeopardise agricultural operations. However we have not conducted a full assessment of the site in relation to the level information provided and only a thorough review of possible layouts and required level changes could allow a firm conclusion to be drawn on this.

A more central location within the land area, whilst being more convenient to the business, cannot be seen as an essential requirement. We further note that despite comments made by Bruton Knowles prior to this additional information being submitted, RAC have chosen not to superimpose how the building space might be accommodated around the existing farmyard in an alternative layout.

However, we cannot ignore that a range of other considerations interact with the agricultural justification and whilst these are not specifically within our remit we set out some broad thoughts as follows. Having not visited the site we are unable to provide input on the landscape implications of the proposed development or the use of the existing site. However, we note from OS mapping and some of the evidence provided that the existing site is close to the ridge of the high ground that Pen Onn Farm is situated on and that overall this site may be more prominent than the proposal site. In terms of residential amenity we note that the existing farmyard is in closer proximity to residential dwellings outside of the farm ownership than the proposal site.

Given the proposed increase in stock it would appear that odour and noise from housed cattle would increase if the new buildings were provided around this location. In respect of both these areas, our opinion should be considered with an appropriate level of weight when viewed against the technical comments of other relevant Consultees and Council Officers.

Overall, it is our conclusion that based on the evidence submitted, the proposed buildings could still potentially be provided within the area around the existing farmyard without jeopardising agricultural operations to an extent that that would render the site as unsuitable. However this would partly depend on what buildings could be retained for use or whether complete clearance would be required. In addition, wider considerations may prevent the expansion planned if a planning application were to be made.

We also note that ignoring landscape and amenity considerations the proposal site is more preferable from an agricultural business perspective."

Having regard to the above, it is of particular note that BK consider that despite the comments made, that with a not excessive level of groundwork, acceptable site levels could be provided so as not to jeopardise agricultural operations. Given the view that "only a thorough review of possible layouts and required level changes could allow a firm conclusion to be drawn on this" it is regrettable that the agent has failed to take heed of the BK advice to superimpose how the building space might be accommodated around the existing farmyard in an alternative layout to allow such detailed assessment. In addition, BK concludes that "*a more central location within the land area, whilst being more convenient to the business, cannot be seen as an essential requirement*".

Taking the above on its own, therefore, it is considered that the initial stance adopted by Officers expressing concern over the new site and ability to develop at the existing site remains reasonable, since the business "could feasibly be expanded on the existing site from an agricultural perspective". Moreover, BK agree that development could be achieved on land close to the existing buildings. Notwithstanding this, however, BK have also emphasised that landscape and residential amenity considerations are also of importance, and that the Council must judge if such other constraints would prevent this from occurring. In this regard, they emphasise that "the proposed development site appears more suitable from an agricultural perspective and will enable the business to operate from a single location over the next 40-50 years".

These matters, together with issues surrounding costs and viability are discussed further below.

2. Size, Scale and Siting Of New Farm Buildings and their Impact on the Character and Appearance of the Countryside / Special Landscape Area

The proposed relocation site has, according to the applicant, specifically been chosen due to its central location to the holding and the fact that it is surrounded by hedgerows on all sides. They also state that one of the priorities in the design process was to “produce a group of buildings which would blend into the rural environment and not create a visual intrusion to the local population”. They anticipate that this will be achieved by:

- careful selection of building materials;
- additional soft landscaping to supplement the surrounding hedgerows; and
- the possibility of earth bunding to the south of the proposed development.

Although the above statements indicate an acknowledgement of the need to address visual impact, the application was not accompanied by any landscape or visual assessment, although the impacts were considered in the applicants supporting submissions which state that “the fact that the buildings are to be located on a field which slopes away from the Llancafarn to Moulton road means that visibility of the buildings will be minimized” and that “this will be reduced further by the roadside hedge”. It also argues that the benefit of constructing the proposed buildings through a single application process is that any mitigation measures and landscaping issues can be controlled from the outset and incorporated in the ergonomic design of the unit”.

The above conclusions, however, were considered to ignore (or at best give minimal importance to) the fact that the substantial size of the site (1.5 hectares), and its siting on a steep valley side with a drop of 13m in levels, would mean that the development would be highly visible from the south, both from the main coastal road (at a distance of approximately 900m to 1200m), from the road to Penmark village, and from Penmark itself. In contrast, the existing hamlet and farm of Pen Onn has minimal impact due to its historical assimilation into the landscape.

In response to the significant concerns expressed by Officers, the agent submitted a ‘Landscape Impact Assessment’ (LIA) which sought to assess the impacts of the proposed development against the potential expansion to the east of Pen Onn.

Although the full assessment is available to view, the key conclusions of the LIA are as follows:

- Construction of the new unit at the existing site i.e. Pen Onn would have **moderate negative** effect on landscape. Although development at this site would affect both local Landscape Character Areas (LCAs), the LCA most affected by the proposals would be the Lower Waycock Valley including the Llancafarn Landscape of Outstanding Historic Importance in Wales.
- Construction of the new unit at the proposed site would have an overall **negligible effect** on landscape due to the improvements it would bring about to the setting of the Llancafarn Valley.

- There would be an overall visual effect of **moderate negative** significance on receptors at the viewpoints most likely to be affected by development at the existing site. Receptors at these viewpoints would be a mix of high and low sensitivity.
- There would be an overall visual effect of **minor negative** significance on receptors at the viewpoints most likely to be affected by development at the proposed site. Receptors at these viewpoints are predominantly low sensitivity although the site would be highly visible from one location to high sensitivity walkers.

The supplementary information submitted by RAC provides further commentary on the landscape issues, noting as follows: -

- The linear 'closed-in' nature of the field allows additional opportunities for natural screening from the north, east and west of the site by simply allowing a managed increase of hedgerow height. Unlike the existing site, there are no footpaths or residential areas within close proximity to the site. There would only be views into the higher part of the site from the south. These would be visible from small sections of a footpath between the International Airport and Penmark (800m distant) and glimpses from Port Road, adjacent to the Airport, some 1,000m distant. Clearly these would be very small segments of a complete visual splay.
- By comparison buildings erected on the existing site would be some 100m distant from a footpath, elevated and breaking the skyline, creating a significant visual intrusion. The proposed site would present the buildings set against a backdrop of fields and their impact would not be intrusive. Clearly the Council has accepted the principle of erecting additional buildings alongside the existing Dutch barn through the suggestion of a split site.
- The topographical survey highlights the fact that the field adjacent to the existing site is the highest point for some distance. Construction on this ridge would have severe visual impacts and the mass of buildings would be impossible to assimilate into the surroundings. The existing steel portal framed livestock building has already been cut into the hillside to provide a level setting. Further buildings alongside the existing ones, with provision for space between the buildings, would be very prominent.

In addition to the extensive views of the site described above, the sensitivity of the landscape is heightened by its designation as a Special Landscape Area, with Policy ENV4 of the adopted UDP requiring that "new development within or closely related to ... special landscape areas will be permitted where it can be demonstrated that it would not adversely effect the landscape character, landscape features or visual amenities of the special landscape area". It is also acknowledged, however, that the existing site at Pen Onn is in the SLA.

Within this visual and policy context, it is of particular note that the proposed site (measured from the edge of the road to the end of the buildings) has an overall depth of 284 metres and a site area of approximately 1.5 hectares, while also falling away from the highway into a valley with a drop of approximately 13 metres towards the south. The existing site, however, is close to the ridge of the high ground that Pen Onn Farm is situated on and it is now accepted that, while potential layouts have not been submitted to fully test such impacts, that overall this site may be more prominent than the proposal site, especially given the ridge and the visibility from both the north and south as a consequence.

The scheme is now proposing the demolition of all agricultural buildings at Pen Onn and the conversion of the stone barns at the site which will have a positive visual impact both on the hamlet of Pen Onn itself, but also on views from the north and south, including from the registered historic Llancarfan landscape.

In this respect, notwithstanding that there remain some concerns about the creation of such a substantial new amount of development on a largely Greenfield site in the SLA, that the balance now lies in favour of providing such a new site, given the clear operational benefits that would accrue from such a development and the resulting improvements at Pen Onn (in addition to other benefits discussed below).

For the same reasons, the initial concerns about the size of the dwelling plot and siting of the buildings further down the slope are considered to be relatively minor matters that are no longer pursued as an objection.

It will, however, be necessary for appropriate conditions to be imposed with regard to the chosen materials and landscaping to mitigate as far as possible the impacts on the landscape in the long-term.

3. Impact on Amenity, including the nature of supporting submissions in respect of impact on existing dwellings in Pen Onn as a result of relocation

The agent has provided supporting submissions seeking to justify the proposed development away from existing dwellings in the interests of protecting the amenity of dwellings at Pen Onn. This includes reference to an appeal which dismissed an application for new livestock accommodation within the 400m 'protected zone' due to the potential worsening of an existing impact on living conditions. This, they argue, "has potential major implications for the applicant's intention to expand his cattle rearing operation on the existing site with up to 9 permanent non-agricultural dwellings in very close proximity". (Note: there are currently SIX nearby dwellings, excluding Pen Onn farmhouse). It is accepted that this is a material consideration.

The application site is separated from any nearby 'protected' domestic curtilage by in excess of 450 metres (to the south) and, in this respect, it is acknowledged that the proposed development would have no implications on nearby amenity by reason of noise, odours etc. given the distance to dwellings, subject to the inclusion of appropriate controls including slurry storage below the building floors. Nevertheless, the likely absence of any such problems does not in itself justify the approval of the development which might otherwise deemed unacceptable.

In contrast, it is accepted that the potential expansion at the existing site would, if accepted, have the potential to increase the physical impact on nearby residential properties. The majority of the 6 dwellings nearby, however, appear to have been in situ for many years, with the farm itself having been operating from the site since the 19<sup>th</sup> Century (according to historical maps), and as such there has been a historically close relationship between the dwelling and the farm unit, and no doubt an acceptance of such, notwithstanding that local Pen Onn residents have expressed their desire to see the farm move. Moreover, there does not appear to be an existing harmful relationship between the farm and nearby properties in terms of amenity (unlike that in the appeal quoted by the applicant's agent), other than inconvenience associated with this relationship.

Nevertheless, it has always been emphasised that the council has never had the opportunity to consider the appropriateness or otherwise of any proposed new buildings in or adjacent to the existing yard, such that it is incorrect for the appellant to seek to justify development on the basis that their proximity would hinder his expansion plans.

Notwithstanding this, the BK appraisals have emphasised that such matters are material as part of the overall assessment of the impacts of the agricultural development and drawn particular attention to the planned agricultural development allowing the business to continue to operate for the long-term. This has led Officers to reconsider the weight which should be given to such matters, when assessed as part of the balance with the landscape impacts of the development, as well as the agricultural need arguments.

In this context, it is now accepted that the long term agricultural expansion plans would most likely be compromised to an unacceptable degree by the close relationship with the nearby residential dwellings. The improvements in the amenity of nearby properties, coupled with the lack of such impacts at the application site and the certainty that would be given to the business in the new location, are therefore now considered to outweigh other concerns over the impact of the wholesale relocation.

#### 4. Planning History / Existing Stone Built Barns

The applicant has made representations in respect of the extant planning permission (ref. 96/00318/FUL) for the conversion of existing barns to 2 dwellings (such consent being extant due to another barn having already been converted under this consent).

While they state that, at the time of purchase it was not the Applicant's intention to enact the planning permission for the barn conversions, but to utilise the stone buildings for grain storage or livestock housing, the current application indicates a changed stance. In this respect they argue that one of the conditions (condition 13) requires that *“Prior to the beneficial occupation of units 1 or 2, the farm buildings hatched as identified on the drawing no. 2/96/13/1A shall be demolished and removed from the site.”* The identified farm buildings are modern agricultural buildings currently in use by the business which abut the stone barns.



Mr. Evans has also been informed that the remaining unconverted stone barns are inadequate for modern farm grain assurance standards with the consequence of the loss of the farm's grain storage area. These barns, they state, are therefore of no use for cattle housing and hence are effectively redundant. Accordingly, the applicant would prefer to sell these barns for conversion in accordance with the extant planning permission attached to them.

The submissions state that the consequence of the above is that "the existing farmhouse would be isolated from the one remaining farm building to the north side of the road. The farmhouse would be 'orphaned' within the Llancarfan village envelope of private dwellings disassociated from agriculture."

In assessing such matters, these are not considered to be of such overriding importance that they should outweigh the harm identified elsewhere in this report, not least because such residential barn conversions would now in all likelihood fail to meet current planning policies in respect of them being in an unsustainable location for new residential development. It is also not accepted that any visual benefit to the small hamlet of their conversion and removal of existing agricultural buildings, would in itself be so significant that it would justify the wholesale creation of a substantial new yard (and associated dwelling) with its own significant visual impact.

In addition, the stone buildings could, if required, be converted for additional accommodation related to the farm itself, as an alternative to the earlier approval. Were this to happen the applicant could then seek to retain other existing agricultural buildings at the site which are not currently redundant.

Nevertheless, the recent submissions have made it clear that the applicant intends to fund the conversion of the barns himself and sell them once completed in order to maximise his asset base. The sale of the first completed barn would fund a good proportion of the farm buildings and the later sale of the second would enable the majority of the remainder to be completed without having recourse to significant borrowings to fund the whole project.

While this on its own is not considered to amount to the required justification, taken as part of the wider arguments in favour of a wholesale relocation, this is now considered to be a significant material consideration in the assessment of this application.

5. The Resultant Need for a New Agricultural Dwelling (also considered separately under Application Ref. 2011/00991/OUT)

Ultimately, it is clear that the existing (and future) functional need for a dwelling related to this agricultural operation is met by the existing dwelling adjacent to the existing yard. Moving the yard to the proposed site, however, would mean that any need for an on-site presence from the new yard could not be met by the existing dwelling, thereby artificially creating a need for a new dwelling.

While the need for a new dwelling at the site is addressed in the other report on the associated outline proposal for a new dwelling, it is highly pertinent that the new yard MUST as a consequence create an entirely new functional need for a new dwelling where one does not currently exist.

In this respect it is emphasised that TAN6 (paragraph 4.8.1) requires there to be a clearly established **existing** functional need.

Moreover, para. 4.6.1 states that, when considering whether a new dwelling will be essential to support a new rural enterprise, it should satisfy criteria including that there is (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.

The recent submissions and analysis by BK on the Council's behalf has considered this issue afresh and, while there remain reservations about the extent of new development proposed, it is nevertheless now accepted that a wholesale relocation would have clear agricultural and other benefits which outweigh such reservations. Nevertheless, there is a clear need for a legal agreement to ensure that the proposed dwelling and landholding are tied, and also that the phasing of the buildings is such that the essential functional need for the new dwelling must be created by construction and occupation of the accommodation and storage buildings before the dwelling is commenced.

## 6. Impact on Highway Safety

The application site has an existing access onto the public highway and has clear visibility in both directions such that there are no specific highway objections to the use of this access to serve a new farmyard. In comparison, it is accepted that the existing access arrangements for Pen Onn Farm, which sees the road splitting the site, are not ideal.

The main issues raised about current arrangements by the applicant include that:

- It is very difficult to access the existing farmyard with the large delivery lorries which are now used by hauliers.
- The steep right-angled bend in the road cannot be negotiated by laden articulated lorries, hence deliveries cannot arrive from Llancarfan.
- When deliveries of fertiliser or straw arrive from the alternative Moulton side they have to park on the road whilst unloading because it is not possible to access the farmyard, which creates a major inconvenience and hazard for other road users.

With regard to delivery routes, the road network will not change and, therefore, clearly the requirement for deliveries to be routed via Moulton will remain irrespective of the yard location, so this is not an issue to address for this proposal. The only issue, therefore, relates to the difficulties of lorries not being able to access the farmyard itself, and the implications for highway safety.

It is emphasised, however, that the farm has been operating for generations and, while modern practices have no doubt changed in terms of delivery vehicles etc, nevertheless the desire to enhance such delivery arrangements is not considered by itself to be a reason for relocation, irrespective of whether these are not 'ideal' due to the lorries having to be unloaded on the highway.

In any event, there are other opportunities available through potential expansion to the east which could assist, additional areas to allow offloading of the highway, while alternatively arrangements could be made for fertiliser, straw etc to be stored in a smaller group of buildings at the current application site with capacity for lorries such that this would overcome the highway safety issue raised by the applicant. Given the nominal 500m between the sites there would also be no logistical reason why such stores could not then be transferred to the main yard as and when required by the farm management.

Given the length of time operations at the farm have been ongoing, it is also of note that this stretch of highway is not considered to be so extensively used, nor is there any identified harm to highway safety as a result of such existing use and conflict with the farmyard – for example by virtue of accident statistics – that any such identified harm would be so significant that it would warrant the current development on such grounds.

Nevertheless, while access matters alone are not considered sufficient to justify the development proposed, it is accepted that the proposed site would be more appropriate in access terms as part of the 'balance'.

#### 7. Sustainability Issues

The proposal incorporates use of on-farm produced renewable biomass, which is ordinarily a waste product, to provide all heating requirements for the associated farm dwelling (subject of a separate application) and grain drying operations. This will significantly improve the environmental sustainability of the farmhouse office and grain drying process such that there are no objections to this element.

#### 8. Phasing

Given the nature of arguments relating to the relocation of the farmyard, the related improvements at pen Onn by removing existing buildings, and the provision of a new dwelling at the new yard, it is considered necessary to impose a condition requiring a phasing plan for the development to be fully agreed by the local planning authority in advance.

In particular, not only will a condition be imposed on the related application for the dwelling to ensure that the 'agricultural need' is created at the site before construction commences on the dwelling, but the removal of the existing buildings at Pen Onn will need to be undertaken in a timely manner, probably in the region of 6 – 8 months following the transfer of the functional need. The precise details can, however, be controlled through the necessary phasing plan to protect the council's interests.

## 9. Conclusions

In summary, in reporting on these applications to previous Committees, it had been concluded that there was insufficient agricultural justification for either the extent of new floorspace proposed, or to justify the wholesale relocation of the farmyard to a new location. In addition, the proposal would have the added impact of creating an artificial need for a new dwelling, having particular regard to the fact that opportunity exists for alteration and expansion of the existing farmyard at Pen Onn, where an agricultural dwelling exists.

It was also considered that the proposal would, by reason of the extent of buildings proposed and their siting on a considerable sized site on the south-facing valley slopes, represent an unjustified form of development which would cause demonstrable harm to the rural character and appearance of the Nant Llancarfan Special Landscape Area,

Since drafting these reports additional information has been provided in the form of an additional appraisal on the Council's behalf by Bruton Knowles, by supplementary information from the applicant's agent RAC, and a further assessment of that additional information.

In response to the additional information, it is now accepted that the extent of floorspace proposed, while exceeding current need, would nevertheless be reasonable to meet the needs of the expanded business for the foreseeable future. In addition, while the proposal will undoubtedly have a significant visual impact, insofar as it would result in extensive new development on a south-facing slope in a Special Landscape Area, such impacts are outweighed by other material considerations. Specifically these relate to: -

- The clear logistical benefits that would result to the agricultural business for the long-term, from creation of a single new farmstead in a central location, away from residential properties;
- By the improvements in the amenity of nearby residents (by virtue of expansion being planned elsewhere, thus mitigating any potential adverse impact on the business and residents)
- The removal of the existing agricultural buildings at Pen Onn and the conversion of the existing stone barns, thus enhancing the hamlet of Pen Onn
- Improvements in access for the farm and for highway safety due to the relocation away from Pen Onn

For these reasons, it is now concluded that the proposals have demonstrated sufficient agricultural justification for the extent and siting of the new development, and accordingly the proposal is considered to accord with relevant UDP Policies quoted above, and particularly EMP8 - Agricultural Enterprise and Associated Development; and ENV1 - Development in the Countryside, and national guidance in Planning Policy Wales, Edition 4, February 2011 and TAN6 - Planning for Sustainable Rural Communities (July 2010).

## CONCLUSION

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

Having regard to Policies EMP8 - Agricultural Enterprise and Associated Development, ENV1 - Design of New Developments; ENV4 - Special Landscape Areas; ENV10 - Conservation of the Countryside; and ENV27 - Design of New Developments, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the guidance contained within Planning Policy Wales Edition 5 (November 2012) and Technical Advice Note 6 - Planning for Sustainable Rural Communities, it is considered that the proposals have demonstrated sufficient agricultural justification for the relocation of the farmstead to meet the long-term needs of the expanded business

### **APPLICATION 2: 2011/00991/OUT**

New dwelling for agricultural worker.

#### Issues

The main issue concerns whether there is a justification for an additional agricultural workers' dwelling at this location. The potential impact of the proposal on the character of the surrounding countryside and Special Landscape Area, and highway safety are also relevant.

It is of note that the initial Bruton Knowles report concluded that: -

“The provision of a new dwelling is wholly contingent on the provision of the new farmyard at a location sufficiently far from the existing site so as to render the current farmhouse as unsuitable to meet the monitoring needs of the business. It is BKs opinion that it is essential that the enterprise and business be shown to be capable of funding all elements of the project and that the development will be financially achievable, deliverable and sustainable on the back of the agricultural business alone. To date this has not been done”.

The subsequent submissions from the applicants agent have since been assessed again by Bruton Knowles, following which this report has been revised from that reported to the earlier committees.

#### Principle of a New Dwelling

The application was accompanied by a planning appraisal, produced by Reading Agricultural Consultants, which seeks to justify the additional dwelling in planning terms.

The existing farm is currently served by the original (pre-1900) farmhouse, which is situated within the main farm complex at Pen Onn. In addition, the site includes three barns with (historical, extant) consent for residential use, one of which has previously been converted and is owned / occupied by a person understood to be unconnected with the farm. There are no dwellings at the proposed site and no other dwellings held by the applicant.

In principle, Policy ENV1 of the Unitary Development Plan (UDP) permits new development in the countryside provided (amongst other purposes) it is justified in the interests of agriculture or forestry, and Policy HOUS3 permits new dwellings in the countryside provided that they can be justified in the interests of agriculture or forestry. This is reflected at paragraph 9.3.6 of PPW, which states that all applications for new rural enterprise dwellings should be carefully examined to ensure that there is a genuine need.

TAN6, Section 4 provides guidance on sustainable rural housing with subsections 4.3 – 4.7 specifically covering issues associated with rural enterprise dwellings. Despite the presence of existing dwelling on the holding and the expansion planned, given the proposal to relocate the farmyard this application is to be considered on the basis that it is the first dwelling on an established rural enterprise.

TAN 6 states that new permanent dwellings should only be allowed to support established rural enterprises providing:

- a. There is a clearly established *existing* functional need; (See paragraph 4.8.1).
- b. The need relates to a *full-time* worker, and does not relate to a part-time requirement; (See paragraph 4.7.1) (See paragraphs 4.5.1 - 4.5.3 for policy exemptions).
- 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; (See paragraphs 4.10.1 - 4.10.3).
- 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. (See paragraphs 4.11.1 - 4.11.2); and
- e. Other normal planning requirements, for example siting and access, are satisfied. (See paragraphs 4.12.1 - 4.12.2).

The following section of the report appraises each of the respective issues above:

(a) and (b) Functional Need and the Need for a Full Time Worker

Policy HOUS5 permits dwellings associated with agriculture or forestry provided, amongst other criteria, that there is an essential need based on functional necessity. This is supported at paragraph 4.8.1 of TAN 6, which states that:

*“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 relate 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 proposal is in outline, for a detached dwelling on two storeys, with a proposed floor area of 175-200sqm, presented as having 3 bedrooms. At the existing yard, there is an existing house, an existing converted barn (not in applicants ownership) and two further barns with consent to be converted to two further dwellings.

The proposal is for a new dwelling on an established rural enterprise and is presented as ‘a replacement principal dwelling’ (1.3 of supporting report) and although no legal commitments are offered in the application it is clear from correspondence / submission that only the proposed dwelling would remain available to the farm (the applicant objecting to any ‘tie’ being imposed on the original farmhouse).

Given that an existing farm dwelling meets the existing functional need for the holding as it currently exists, it is clear that the functional need for the proposed new dwelling is wholly dependent upon the approval of the separate application for the re-location of the farmyard, such application being considered concurrently.

Members will note that the associated report with regard to application ref. 2011/01021/FUL has ultimately concluded that there is, on balance, an agricultural justification for the wholesale relocation to the application site which outweighs the concerns in respect of the physical impact of such development. One of the key grounds for concern has always been the fact that the proposed relocation of the farmstead so far from the existing farmhouse would result in the need for the construction of a new dwelling in the countryside.

Accordingly, on the assumption that Members accept the positive recommendation on that application, then it is pertinent that the BK report has concluded on criterion (i) (functional need) that there is (will be) a functional need relating to an area around the livestock accommodation. The application would therefore satisfy the test in 4.4.1.a of TAN 6.

In respect of whether the need relates to a full-time worker, BK have noted the labour calculation supplied by RAC and the reported actual current labour input into the business.

They have concluded that “whilst the proposed relocation of the farmyard may give rise to greater efficiency it appears to us that the labour need on the holding will extend to that equivalent to at least one full time worker, a significant proportion of whose time will be spent in the livestock enterprise. We would note that despite the efficiency savings that may be made, the enterprise would appear likely to still require at least some part time support but this is unlikely to extend to another full time labour equivalent”.

The application would therefore also satisfy the test in 4.4.1.b of TAN 6.

(c) Financial Test

It is accepted that the existing farm unit has been established for more than three years. At the time of the previous Committee, the agent had not provided the financial evidence mentioned in 4.21, which is required for the financial assessment. The tests at 4.4.1.c had therefore not been satisfied.

Accounts for year ending March 2011 have since been submitted (including 2010 details) which indicate a loss in 2012 and a profit in 2011. They also indicate significant fixed assets. No additional details / accounts were provided.

The supporting submissions state that the purchase of Pen Onn Farm represented a significant financial commitment and large expansion for Mr Evans, with his third year of trading on the farm realising the first year of profitability as there has been a very large investment in livestock and in the costs of improving and reseeded the fields. Profitability has largely been achieved by a very large increase in turnover from previous years. The increase in turnover is likely to continue increasing with the growth in numbers and values of animals.

The report concludes that the farm is profitable and viable and is capable of being sustained for a prolonged period of time.

Bruton Knowles subsequently assessed the submission and concluded that “insufficient information has been submitted to enable us to conclude that it has a good likelihood of remaining viable in the long term based on the costs attributable to the investment planned.”

Accordingly, Officers expressed a need for additional information to be submitted to demonstrate that the enterprise and business can be shown to be capable of funding all elements of the project and that the development will be financially achievable, deliverable and sustainable.

With regards to the provision of the dwelling and the viability of the business a range of additional financial information has been provided, and has been assessed by Bruton Knowles.

The BK appraisal of this additional financial information advises as follows: -



- The information supplied appears to support a construction cost for the buildings and the dwelling of somewhere in the region of £1.25- £1.5 million, with some costs still likely to be incurred in dealing with CDM regulations and meeting other professional charges. The clearing of at least part of the current farmyard will further add to this cost and can be considered as intrinsic to the proposal given the conditions that may be imposed. Therefore total costs appear likely to be in the region of £1.75 million.
- The traditional farm buildings will be sold off to help fund the proposal which given that they are an asset owned by the business but not related to the productive capability of the holding appears a reasonable strategy.
- Sale of these converted buildings (following conversions funded by the applicant) would result in a financial return, and the applicant will develop and dispose of one barn prior to incurring the main cost of construction in relation to the proposal site. It is then presumed that the second unit will be developed and sold as the construction of the proposed farmyard is carried out.
- These funds will reduce the borrowing required to around £550,000. However, things are not quite so simple, given the intention to introduce private finance into the business.

Overall, the BK report concludes as follows: -

*“... the total cost the farm development project (including the dwelling and site clearance but not the development of the barns) is likely to be around £1.75 million of which £600,000 will be met by the sale of business assets and £550,000 out of private funds, with the rest coming from commercial lenders. On our understanding of current lending rates, the annual cost to the business on an interest and repayment basis of a commercial loan is likely to be in the region of £45,000-£50,000 or on an interest only basis some £32,000 - £35,000. On this basis, the figure indicated by RAC appears broadly accurate, though costs to the business may be slightly more than indicated. However, as the private funds introduced cannot be treated as free for the purposes of this assessment a rate of return were the money invested elsewhere indicates a further £15,000 of costs should be accounted for to reflect this ‘lost’ income.*

*Based on the current performance of the business this level of borrowing could potentially be sustained but would not allow for reasonable drawings to reflect the labour input provided by the applicant. However the budgets supplied by RAC show that by 2014, provided the business can expand as projected, it should be capable of meeting the cost of the increased borrowing, provide a profit to enable drawings to be taken and still provide a return to reflect the capital invested.*

*As point of note we would suggest that as a minimum the charge to the business to reflect the labour provided by Mr Evans must be that which it would cost to employ a worker instead of the applicant, rather than just a farm workers wage. This serves to demonstrate that if the applicant were no longer to operate the business it could employ someone in his stead*

*Overall in terms of the criteria of TAN6 it appears to us that the business has been established 3 years, has been profitable in at least one and has a reasonable prospect of remaining viable going forwards over the next 5 years.*

*Based on the information now submitted it is our opinion that the concerns we expressed at the time of our first report have generally been met.”*

On the basis of the submitted evidence and appraisal above, it is thus concluded that the proposal meets the financial tests in 4.4.1c insofar as “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) Other Dwellings / Accommodation within the Farm

As detailed above, the existing need at the holding is satisfied by the existing house, while any justified functional need for additional accommodation could be met by either of the extant barn conversions. In any respect, it is clear that if the yard remains at Pen Onn then test 4.4.1.d is not satisfied.

Nevertheless, given the above conclusions in respect of the relocated yard, then it is clear, and BK have confirmed, that neither the existing farmhouse nor any of the buildings capable of conversion will be suitable to meet the functional need identified. There are also no other properties in the area which would be suitable to meet the monitoring needs at the proposed farmyard location.

e. Other Planning Requirements

Siting

The initial Bruton Knowles’ report states that, in terms of siting, if the new farmyard is approved the location of the new farmhouse appears acceptable. They also note that the proposal relates to what will be the main dwelling on a substantial holding, albeit that a property of the size proposed is broadly acceptable but at the upper end of the spectrum normally permitted and that the business needs to be able to demonstrate it can finance a property of this scale.

Although some concern was initially expressed about the size of the plot, this and the relationship between the dwelling and farm buildings is now accepted.

Access

The proposed access is the only matter included for consideration now, with the remainder reserved for later approval, should the outline application be successful.

The new dwelling would be accessed via a new vehicular access to the south-west of the existing gateway and, while it would be preferable for the dwelling to be accessed via the 'new' farm access to prevent additional hard surfacing, nevertheless no objections are raised to the separate access.

While a detailed layout has not been submitted, the site of the new dwelling is substantial in area, and there is evidently sufficient space for vehicles to park and turn to enable them to enter and leave the junction in a forward gear and no alterations are proposed to the existing access. Finally, there is adequate visibility in both directions along the highway.

The Highway Engineer raises no objection to the proposal and, therefore, the development is considered acceptable in terms of the access and highway safety.

### Size of Dwelling

The DAS advises that the proposed dwelling will be a "two storey principal farmhouse" with an indicative size of approximately 175-200m<sup>2</sup> of floorspace which would include a farm office, shower and changing area. This size of dwelling, they state, would be similar to most principal farm dwellings in the Vale of Glamorgan which are associated with an agricultural holding of the size of Pen Onn Farm. The building will have a maximum ridge height of 8.4m.

Bruton Knowles advise that a property of the size proposed is broadly acceptable but is at the upper end of the spectrum normally permitted. The previous failure to demonstrate how the business can finance a property of this scale has since been overcome by supplementary submissions.

Accordingly, given the intention to incorporate a farm office into the dwelling, a condition allowing a maximum of 200 sq.m. floorspace is recommended, as is a condition which would withdraw permitted development rights on such a dwelling in the interests of protecting the countryside and ensuring the size and affordability of the dwelling remains commensurate with the holding.

### Other Matters

Given the unique circumstances surrounding the justification for such a new dwelling, in spite of there being an existing dwelling serving the holding as it exists, it is considered strictly necessary to impose a legal agreement requiring that the dwelling shall not be severed from the landholding. The applicant's agent has verbally agreed to such an agreement.

In addition, the functional agricultural justification for the proposed dwelling will only apply once the cattle accommodation (as a minimum livestock buildings H and I) has been completed and occupied. Accordingly, the phasing of the buildings is such that the essential need for the new dwelling must be created by construction and occupation of the accommodation (and most likely the related feed storage buildings) before the dwelling is commenced. A Grampian condition is therefore recommended to this effect.

In this respect it is also noted that the functional need at the site following transfer of cattle could be met in the short-term by a mobile home while the dwelling was being constructed.

### Conclusions

It is thus concluded that, in allowing the related planning application for the creation of a new farmstead, an essential functional agricultural need would be created at the new site for the dwelling proposed under this outline application. The precise details of the dwelling would be addressed under the relevant reserved matters application, although it is considered necessary to impose a strict limit on the floorspace to no greater in total than 175 sq.m.

### CONCLUSION

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

Having regard to Policies ENV1 - Design of New Developments; ENV4- Special Landscape Areas; ENV10- Conservation of the Countryside; ENV27- Design of New Developments; HOUS3- Dwellings in the Countryside; HOUS5- Agricultural or Forestry Dwellings; and HOUS6 - Agricultural occupancy Conditions, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the guidance contained within Planning Policy Wales Edition 5 (November 2012) and Technical Advice Note 6 - Planning for Sustainable Rural Communities, it is considered that, subject to the implementation and use of the cattle accommodation approved under planning permission 2011/01021/FUL, that the proposed development satisfies the necessary functional and financial tests, and would not cause harm to the character of the surrounding Special Landscape Area. The proposal is also considered acceptable in terms of highway safety.

### RECOMMENDATIONS

#### **APPLICATION 1: 2011/01021/FUL**      Relocation of Farmstead

APPROVE subject to the following conditions: -

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

Reason:

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

2. No development shall commence until such time as a phasing plan has been submitted to and approved in writing by the Local Planning Authority, which plan shall fully detail the timescale for implementation of all elements of the development hereby approved, including : -
- The construction of each of the buildings hereby approved (including whether part of separate phases and the anticipated timescales for each phase)
  - The proposed conversion of the existing stone barns under planning permission ref. 96/00318/FUL
  - The removal of the existing agricultural buildings at Pen Onn Farm (identified in blue and yellow on the RAC letter dated 20th August 2012), details for which shall ensure that the timescale for removal of existing livestock buildings follows the transfer of livestock to the new site, and in any respect shall ensure that all such buildings are removed no later than six months following the transfer of livestock to the application site
  - Timescale for site restoration works following the removal of the existing farm buildings (in accordance with the details approved by condition)
  - Construction of the dwelling approved under planning permission ref. 2011/00991/OUT (and subsequent reserved matters approval), having regard to the Grampian condition (no. 1) imposed on that consent.
  - Landscaping and translocation of existing hedgerow

The development shall be carried out in full accordance with the phasing plan, unless a revised phasing plan is otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure the agricultural business is transferred to the new site in a timely manner, while having regard to the need to remove and restore the existing site to deliver the stated local benefits, while also avoiding any adverse impact on the performance of the agricultural business or stock welfare., and to comply with the requirements of Policies EMP8 - Agricultural Enterprise and Associated Development; and ENV1 - Development in the Countryside, and national guidance in Planning Policy Wales, Edition 4, February 2011 and TAN6 - Planning for Sustainable Rural Communities (July 2010).

3. Full details (including plans and landscaping details) of the restoration of the existing site at Pen Onn shall be submitted to and approved in writing by the local planning authority, and the site shall be restored in full accordance with the agreed plans and within the timescales within the phasing plan approved under condition 2.

Reason:

To ensure that the visual benefits to the hamlet of Pen Onn are realised given that they formed an integral part of the justification for the relocation of the farmstead to the application site, and to comply with the requirements of Policies EMP8 - Agricultural Enterprise and Associated Development; and ENV1 - Development in the Countryside, and national guidance in Planning Policy Wales, Edition 4, February 2011 and TAN6 - Planning for Sustainable Rural Communities (July 2010).

4. Prior to their use on the site or buildings hereby approved, and notwithstanding details on the submitted plans, full details and samples of all proposed external materials, including hard surfacing within the site, shall have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out and thereafter retained in accordance with the approved details.

Reason:

To ensure that the character of the site appropriately reflects the sensitive rural surroundings and to ensure compliance with Policies ENV4, EMP8 and ENV27 of the Unitary Development Plan.

5. Prior to first beneficial use of the buildings hereby approved for the keeping of livestock, full details of the method and location of storage of slurry shall be submitted to and approved in writing by the local planning authority, with slurry thereafter only stored in accordance with such approved details unless otherwise approved in writing by the local planning authority.

Reason:

In the interests of local amenity and to ensure accordance with Policy EMP8 of the Unitary Development Plan.

6. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason:

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

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

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

8. The existing hedgerow to the eastern boundary of the proposed site shall be translocated in accordance with the realignment shown on drawing 70-03 (master site layout) and in accordance with the approved method statement (Appendix III of the RAC Agricultural Justification report) and approved phasing plan. Unless otherwise approved in writing by the Local Planning Authority, such work shall only be undertaken within the planting season (October to March). Any part of the hedge removed, dying, being severely damaged or becoming seriously diseased within five years of the completion of development or first beneficial use of the development whichever is the sooner shall be replaced with new hedging to match the existing hedgerow, full details of the density and species of the replacement planting having been first submitted to and approved in writing by the Local Planning Authority for approval.

Reason:

To ensure that the visual amenities of the area are protected, and to accord with Policy ENV27 of the Unitary Development Plan.

9. The development hereby approved shall not be brought into beneficial use until the existing access has been widened in accordance with the approved plans and the verge crossing surfaced in a bound material (details of which shall first have been submitted to and approved in writing by the local planning authority), and the access shall thereafter be so retained to serve the development hereby approved.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

10. Notwithstanding the submitted plans, prior to the construction of any building or laying of any hard surface commencing, details of the finished levels of the site and buildings in relation to existing ground levels and finished ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

To ensure that the visual amenities of the Special Landscape Area are safeguarded, and to ensure the development accords with Policies ENV4 and ENV27 of the Unitary Development Plan.

**APPLICATION 2: 2011/00991/OUT** New Dwelling for Agricultural Worker.

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

- The dwelling hereby approved shall not be sold separately or separated from the agricultural holding, known for the purposes of this application as Pen Onn Farm.
- The Legal Agreement will include the standard clause requiring the payment of a fee to negotiate, monitor and implement the Legal Agreement (£150.00 in this case).

APPROVE subject to the following conditions: -

1. NO DEVELOPMENT AUTHORISED BY THIS PERMISSION SHALL COMMENCE until such time as Buildings H and I approved by planning permission ref. 2011/01021/FUL have been constructed and all livestock currently housed at Pen Onn Farm have been permanently transferred to the application site.

Reason:

In order to ensure that the essential functional need for the dwelling hereby approved is fully transferred to the proposed location before works commence on the dwelling, since the dwelling would otherwise fail to comply with advice in Technical Advice Note 6 - Planning for Sustainable Rural Communities and Policy HOUS5 of the Unitary Development Plan.

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

Reason:

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



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

Reason:

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

4. The development to which this permission relates must be begun not later than whichever is the later of the following dates:
  - (a) The expiration of five years from the date of this permission.
  - (b) The expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matters to be approved.

Reason:

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

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

Reason:

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

6. The occupancy of the dwelling shall be restricted to:
  - a) a person solely or mainly working, or last working on a rural enterprise in the locality, or a widow, widower or surviving civil partner of such a person, and to any resident dependants;or, if it can be demonstrated that there are no such eligible occupiers,
  - b) a person or persons who would be eligible for consideration for affordable housing under the local authority's housing policies, or a widow, widower or surviving civil partner of such a person, and to any resident dependants.

Reason:

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

7. The dwelling hereby permitted shall not exceed a gross floorspace of 200 square metres

Reason:

The dwelling is approved solely on the basis of an agricultural justification and therefore should be of a scale that is commensurate with the size of holding and supporting justification within the application, and to meet the requirements of advice in Technical Advice Note 6 - Planning for Sustainable Rural Communities and Policies HOUS5 and HOUS6 of the Unitary Development Plan.

8. Each new dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1 - Dwelling Emission Rate' in accordance with the requirements of Code for Sustainable Homes: Technical Guide November 2010. The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason:

To ensure the development attains the sustainable building standards required by Planning Policy Wales and TAN22 - Planning for Sustainable Buildings.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) the dwelling hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of dwelling and ensure it remains commensurate with the size of the agricultural holding, and to ensure compliance with advice in Technical Advice Note 6 - Planning for Sustainable Rural Communities and Policy HOUS5 of the Unitary Development Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage of the dwellings hereby approved without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development in the interests of protecting the countryside, and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

11. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason:

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

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

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

**NOTE:**

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

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

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

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

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

**2017/00892/FUL** Received on 25 August 2017

Mr Richard Jeremy 4, Whitcliffe Drive, Penarth, Vale of Glamorgan. CF64 5RY

**246, Holton Road, Barry**

Rear extension and conversion of shop and flat to 5 self contained flats

### REASON FOR COMMITTEE DETERMINATION

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

- The report has a dual recommendation including planning enforcement action in the form of a Planning Enforcement Notice which is outside the scheme of delegated powers.

### EXECUTIVE SUMMARY

This retrospective planning application seeks permission for the retention of an unauthorised rear extension and conversion of the building to form 5 no self-contained flats at 246, Holton Road, Barry. The site is in a central location within the town but outside of a defined retail centre.

The principal matters to consider are the principle of the change of use, impact upon neighbouring amenity, parking and whether the scheme delivers a sufficient level of amenity for the occupiers.

The report outlines that the principle of a residential use is supported in planning policy. It concludes that the development is contrary to policy for the reason that no access to amenity space is provided for the occupiers of three of the flats that are located on the upper floors of the building. This culminates in a substandard level of accommodation that fails to provide for the essential needs of the occupiers, such as outdoor relaxation, clothes drying and bin storage.

It is recommended that the planning application be REFUSED and that PLANNING ENFORCEMENT ACTION BE AUTHORISED in order that an Enforcement Notice may be issued to remedy the breach of planning control. In addition, in the event of non-compliance with the enforcement notice, authorisation is also sought to take such legal proceedings that may be required.

### PRELIMINARY MATTERS

This application relates to an enforcement matter that was brought to the attention of the Council's Planning Enforcement team. Following an investigation, it was concluded that the external works, rear extension and provision of five self-contained flats was unauthorised. Planning permission is required for the operational development comprising the extension and alterations to the façade of the building, the material change of use of the ground floor from retail to residential and the sub-division of the upper floors to create additional units. The applicant was advised that these matters require the benefit of planning permission and has submitted this application seeking permission for the retention of the development.

## SITE AND CONTEXT

The application site is 246 Holton Road, Barry, which is a three storey building previously comprising a shop at ground floor with residential accommodation above. It is shown on the location plan below:



The building was recently converted to a total of five flats without the benefit of planning permission. It has been established that the building previously comprised a retail unit on the ground floor and a single four-bedroomed residential unit above.

The site lies outside of the Upper Holton Road Local Retail Centre.

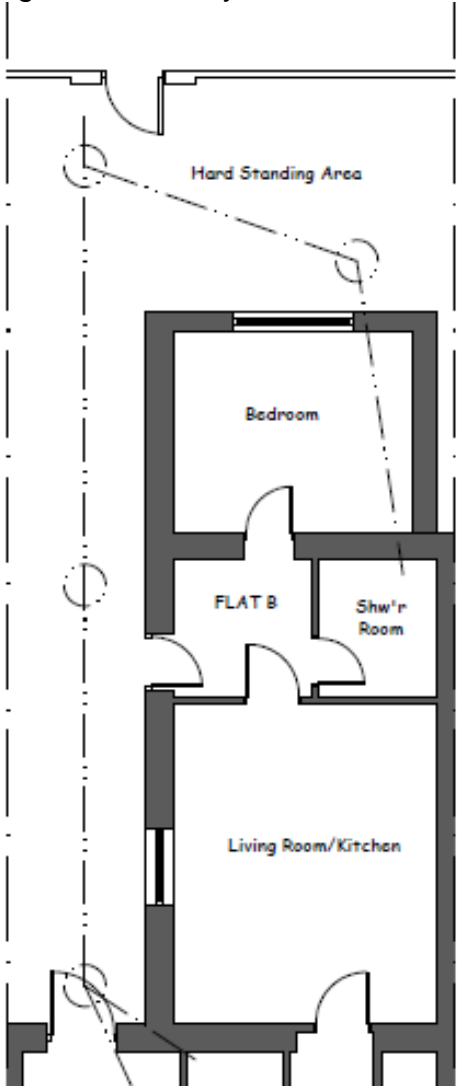
## DESCRIPTION OF DEVELOPMENT

The application seeks planning permission for the retention of the conversion of the building from a shop with residential use above, to five flats. It also seeks permission for the retention of a single storey rear extension.

The flat roof rear extension is illustrated in the plan extract below:



A partial ground floor layout and the external arrangement are illustrated below:



## PLANNING HISTORY

2016/00167/FUL, Address: 246, Holton Road, Barry, Proposal: Proposed alterations at ground floor level, conversion of shop to residential 2 bedroom ground floor flat, Decision: Approved (Not implemented).

## CONSULTATIONS

1. Barry Town Council was consulted and objected to the application on grounds that the units were of a poor standard of accommodation, had no shared access to amenity space and offered a poor outlook from some of the rooms. There was also no parking provision, cycle storage or shared bin facilities which would cause nuisance.
2. Highway Development was consulted and an objection was raised as when taking account of the parking requirements associated with the existing use, the proposals will increase the existing parking demand along the adjacent highway and fail to provide adequate car parking facilities in accordance with the Council's adopted parking standards.
3. Castleland Ward Councillors were consulted and no responses were received.
4. Dwr Cymru/ Welsh Water was consulted and provided advisory comments in relation to possible consents required under the Water Industries Act 1991.
5. Environmental Health (Private Sector Housing) was consulted and commented that the floor space within Flat C was substandard, as were some of the fire safety arrangements. The flat layout was subsequently amended and no further comments were made on the revised layout.

## REPRESENTATIONS

The neighbouring properties were consulted on 4 September 2017.

A site notice was also displayed on 21 September 2017.

No letters of representation have been received.

## REPORT

### Planning Policies and Guidance

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

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



## **Strategic Policies:**

POLICY SP1 – Delivering the Strategy

## **Managing Development Policies:**

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

POLICY MD7 - Environmental Protection

## **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.

*8.4.2 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. Local authorities should develop an integrated strategy on parking to support the overall transport and locational policies of the development plan.*

*9.3.4 In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas.*

## **Supplementary Planning Guidance:**

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

- Residential and Householder Development
- Parking Standards

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

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

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

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

### Issues

#### The principle of the use

The principle of a residential conversion of the ground floor from the last lawful use of (A1) retail to residential use was established in planning application 2016/00167/FUL, within which a single flat was proposed that occupied the entirety of the ground floor. In addition, the site is now no longer within a retail centre as defined by the recently adopted LDP and a residential conversion remains acceptable in principle relation to current planning policy.

#### Visual impact of the external alterations

The external alterations to the front exterior of the building to accommodate the residential conversion have been carried out to an acceptable standard and improved the previously run-down appearance of the property. The rear extension is not widely visible, but is nonetheless in keeping with the character of the property and is acceptable in terms of its visual impact.

#### Impact on the amenities of neighbouring properties

The residential use does not inherently cause noise or nuisance to any neighbour and the new rear ground floor extension (which replaced an existing rear extension) does not have any significant overbearing or shading impact to neighbouring properties. The new arrangement of windows also does not cause any significant increase in overlooking, given that it is at the ground floor.

It is therefore considered that the residential amenity of neighbours would be protected, in accordance with the above listed policies and SPG.

#### Highways Issues

The Council's Highways Department have been consulted and have objected to the development, following an assessment that it would result in a demand for 5 parking spaces, opposed to 2 spaces for the previous arrangement of a shop and a single residential unit above.

It is noted that there has not been an increase in floor space resulting from the development, above the previously approved scheme. The potential intensification in parking would only derive from that which would occur by providing a greater number of units within the same floor area. In considering the resultant impact upon parking in the vicinity, there is on street capacity with parking available on both sides of Holton Road.

The site is also located sustainably, with local shops and services available within easy walking distance, as well as good public transport options via a regular bus route and the Barry Docks train station, which connect to national services.

The Council's Parking Standards SPG also refers to guidance within Planning Policy Wales, which states that car parking provision is a major influence on transport choice and minimum parking standards are no longer appropriate. Accordingly, the development is considered to be acceptable in terms of parking provision and highway safety.

### Amenity space

The development as carried out provides access to the rear yard from only the ground floor rear flat. The yard measures approximately 40sq.m and could function as a useable area of amenity space. The proposed plans indicate that a shared access would be provided for both the ground floor flats by inserting a door in place of a rear facing window in the front flat. The three flats on the upper floors would have no access to this space.

Policy MD2 of the Local Development Plan requires new developments to meet the Council's approved guidelines with respect to amenity space. The Council has adopted Supplementary Planning Guidance on 'Residential and Householder Development', which seeks to ensure that all new residential developments contribute towards a better quality of life for residents. This SPG includes guidelines for such provision, stating that in flatted developments all units should be provided with direct access to amenity space within the site of a size equating to 20sqm shared space per occupier. In this instance, a minimum of 100sq.m amenity space would be expected.

The proposed figure falls significantly short of the standards outlined within the Residential and Householder Development SPG. It is noted, however, that the proposals are for the beneficial conversion of an existing building within the town centre, which is acceptable in principle on a site which is constrained and the available outdoor space restricted. The total amount of amenity space is therefore considered acceptable, particularly if it were only serving two units.

The space, however, cannot be accessed at all from three of the flats. This is contrary to the aforementioned advice within the SPG, which states communal areas of amenity space should be directly accessible from all the units. The development therefore fails to make provision for the important outdoor needs of these occupiers, such as relaxation and clothes drying. Moreover, there is no provision for needs essential such as bin storage and cycle storage. This arrangement is inappropriate and substandard, and would encourage occupiers of the upper flats to either store up waste in the flats, corridors or the footway at the front of the site. The residents would also likely be required to dry their clothes indoors, with possible condensation issues arising as a result. The lack of outdoor amenity space creates poor living conditions to the detriment of the occupiers' health and amenity. The storage of waste on the highway throughout the week is also considered unacceptable, resulting in a public and environmental nuisance contrary to Policy MD7 – Environmental Protection.

In support of this view, attention is also drawn to the following appeal decisions, in which the lack of amenity space was a primary determining factor:

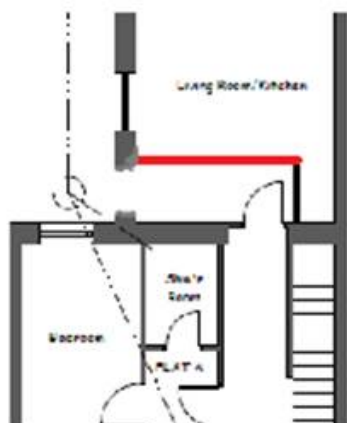
142 Windsor Road, Penarth (2003/01542/FUL) - relating to a similar situation where a first floor unit had no access to amenity space, the Inspector dismissed the appeal noting:

*“...I consider that unhindered access to an area of private amenity space is a basic requirement. In my judgement, this absence of guaranteed access does not provide the occupiers of the maisonette with useable private amenity space as required by the Council’s Supplementary Planning Guidance....For the above reasons, I conclude that this substandard form of development harms the living conditions of the occupiers of the maisonette, and is contrary to policies in the emerging UDP and the Council’s SPG.”*

56 Brook Street, Barry (2010/00889/FUL) – relating to a similar situation where flats on the upper floors had no direct access to amenity space.

*“I consider that access to appropriate outdoor space for normal activities such as sitting out, hanging washing or storing refuse is essential and lack of access to such space would undermine the quality of life of residents. I consider that there are no justifiable reasons or other material considerations that would warrant the relaxation of the SPG standards in this case. The proximity of leisure, and other facilities and services would not be adequate compensation for the lack of usable, albeit communal, space.”*

The provision of a shared access, through altering the internal layout and providing a route from the ground floor corridor to the outside space has been explored but dismissed by the applicant, in the manner depicted below:



The internal works required may be of inconvenience, but in this respect, the failure to design this fundamental element into the scheme represents poor design, which is contrary to criteria 8, 9 and 11 of Policy MD2 – Design of New Developments and criterion 8 of MD7 – Environmental Protection of the LDP, the Residential and Householder Development SPG (para 10.1, Design Standard 5, and para 10.3 Key Principle iii.) and the advice contained in Section 9 of Planning Policy Wales Ed.9 (para 9.3.4).

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

#### RESOURCE IMPLICATIONS (FINANCIAL AND EMPLOYMENT)

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

## LEGAL IMPLICATIONS (TO INCLUDE HUMAN RIGHTS IMPLICATIONS)

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

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

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

None.

## WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015

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

The development is considered to cause unacceptable harm for the reasons set out above. There is a public interest in protecting the amenity of the residents of the development.

## RECOMMENDATION

- (1) That planning permission for the change of use of the land and retention of the outbuilding is refused.
- (2) That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
  - (i) The cessation of the residential use of the ground floor of the building and use of the first and second floors of the building as three self-contained flats.
- (3) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

## REASON FOR RECOMMENDATION

- (1) The development fails to provide the occupiers of three of the five flats with direct access to an area of amenity space. The proposed development would be therefore a substandard form of living accommodation that fails to meet the basic amenity requirements of the occupiers. The development is therefore contrary to Policies SP1 - Delivering the Strategy; MD2 - Design of New Development and MD7 – Environmental Protection of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, as well as advice in the Council's approved Supplementary Planning Guidance on Residential and Householder Development and national guidance found in Planning Policy Wales (9<sup>th</sup> Ed).

## Background Papers

Enforcement File Ref: ENF/2017/0215/PC

### REFUSE (W.R.)

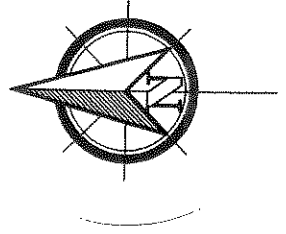
1. The development fails to provide the occupiers of three of the five flats with direct access to an area of amenity space. The proposed development would therefore be a substandard form of living accommodation that fails to meet the basic amenity requirements of the occupiers. The development is therefore contrary to Policies SP1 - Delivering the Strategy; MD2 - Design of New Development and MD7 – Environmental Protection of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, as well as advice in the Council's approved Supplementary Planning Guidance on Residential and Householder Development and national guidance found in Planning Policy Wales (9th Ed).

### REASON FOR RECOMMENDATION

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

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





SITE PLAN : 246 HOLTAN ROAD BARRY P.126

SCALE : 1 : 1000

**2018/00133/FUL** Received on 26 March 2018

United World College - Atlantic College Mr. Mike Baldwin, UWC Atlantic College, St Donats Castle, St. Donats, Vale of Glamorgan., CF61 1WF  
Mr. Darren Knight Rio Architects Limited, The Studio,, 21a, Allensbank Road, Heath, Cardiff. CF14 3PN

### **United World College of the Atlantic, East Drive, St. Donats**

The demolition of two no. three bed bungalows and single storey garages (1 and 10 Parc Wood) which serves the house parents, site clearance to both sites. The development of two new student dormitory blocks at a two storey height, each accommodating 12 no. four bed dormitory units, communal shared spaces and two no. three bed house parent apartments. Proposed external landscaping to both buildings to be minimal and to compliment the natural surroundings of both sites

### **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 that is not covered by the scheme of delegation.

### **EXECUTIVE SUMMARY**

This is a full application for the demolition of 2 three-bedroom timber buildings and the erection of 2 student dormitory blocks in their place. The dormitory would each provide 12 four-bedroom accommodation blocks and 2 three-bedroom apartments.

The site is part of the Atlantic College grounds located at St. Donats Castle, towards the eastern side of the site adjacent to the entrance. The site is of historic significance, with the Castle, a Grade I listed structure and the grounds part of a Grade I Registered Historic Park and Garden. The stone boundary wall and 'Top Lodge' at the site entrance are also listed structures. There is an ancient monument within the grounds and part of the site is woodland protected by a Tree Preservation Order. The site is also located within the Glamorgan Heritage Coast.

An objection was received from a neighbour to the site on the basis that the development would have a detrimental impact to their amenity through a loss of privacy, noise and light pollution.

The main issues are the principle of the development and how it accords with national and local planning policy, especially policy MD1 which relates to development outside of settlements. Considerations include the visual impact and impact to heritage and archaeological assets, impacts upon ecology and protected species, impacts upon neighbouring amenity, contaminated land, traffic impacts and parking.

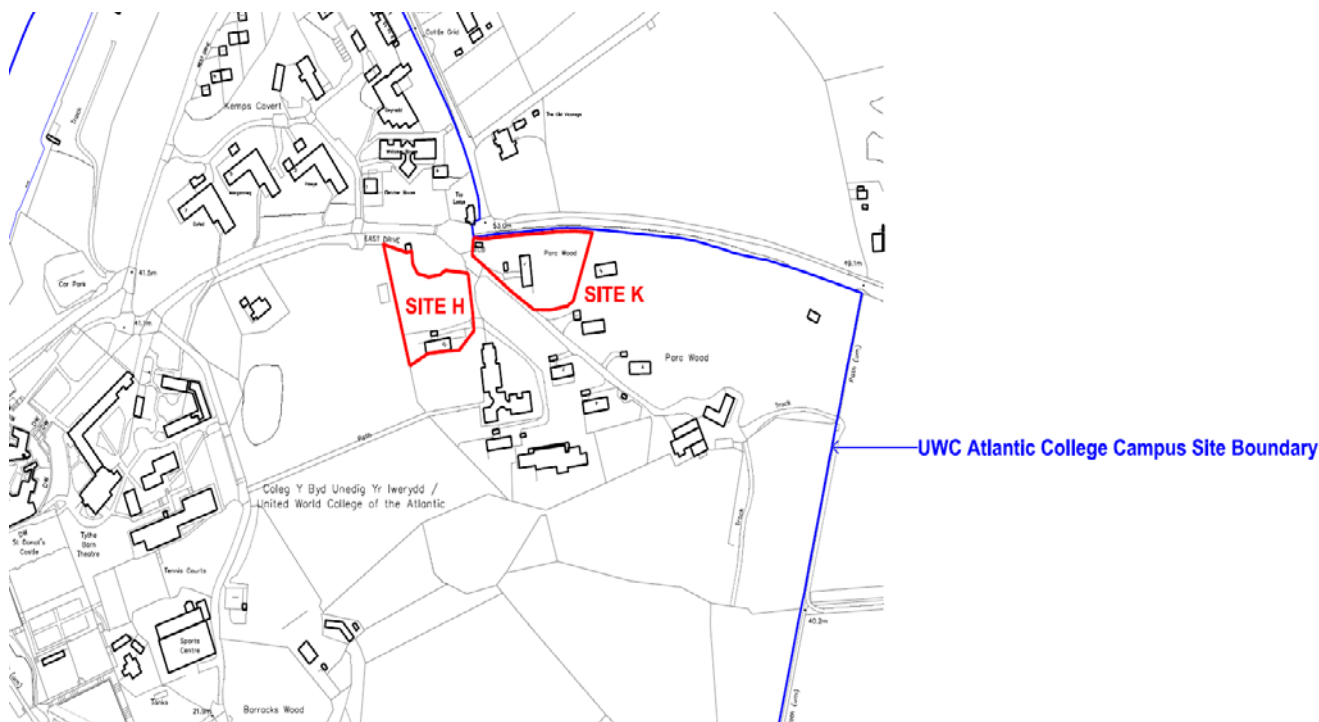
It is recommended that subject to conditions and suitable mitigation this application should be approved, in line with LDP policies.



## SITE AND CONTEXT

The application site is located within the grounds of the United World College of the Atlantic at St. Donats Castle, St. Donats. The St. Donats Castle itself is Grade I listed for its historic significance as a medieval castle that has been continuously occupied and more recently developed in the early 20th Century. It falls outside of a settlement as defined by the Vale of Glamorgan Local Development Plan.

The specific site location is illustrated in the below plan extract:



There are several listed buildings within the grounds which also comprise the Historic Park and Gardens of St. Donats Castle which are Grade I listed on the CADW Parks and Gardens Register. The park and gardens envelop a large proportion of the St Donats estate comprising a large scale Tudor terraced garden attached to the castle, former deer parks, woodlands and a walled garden. The application site is included within the registered park; and the boundary wall and Top Lodge at the site entrance some 50m to the North are listed structures.

There is also a Site of Importance for Nature Conservation within the grounds of St Donats and the St Donats Churchyard Cross is a Scheduled Ancient Monument, although both lie some 400m to the West.

In addition, there are several trees protected by a Tree Preservation Order and woodland areas within the grounds of the college; these include the wooded areas within the application site. These trees offer a significant degree of screening to the site from the otherwise exposed location on the coastline. The site is within the Glamorgan Heritage Coast and the Wales Coastal Path lies to the South.

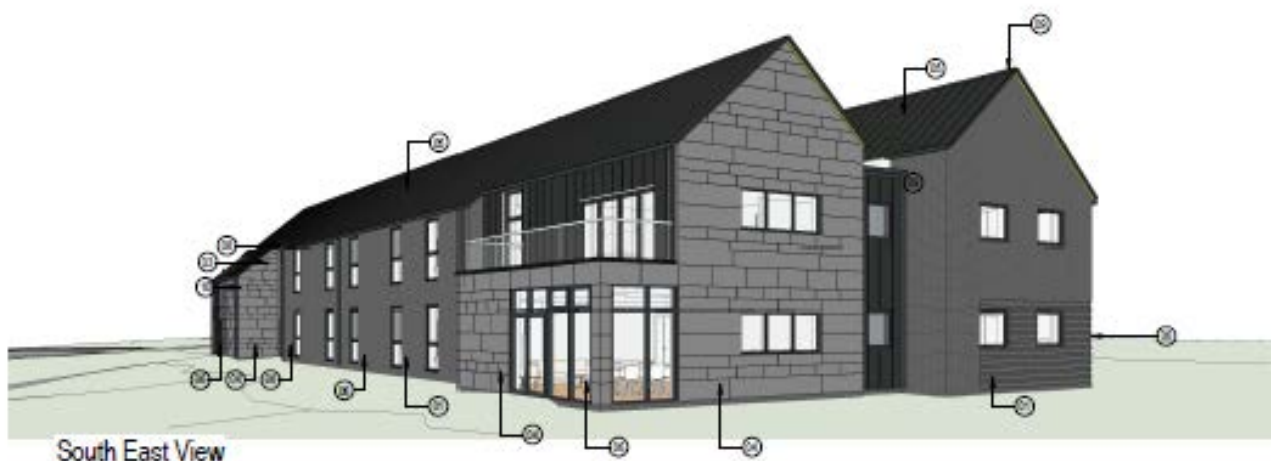
## DESCRIPTION OF DEVELOPMENT

The application seeks planning permission for the demolition of 2 three bedroom accommodation bungalows and the erection of 2 two-storey student dormitory blocks, each comprising 12 four bedroom dormitory units and 2 three bedroom apartments.

The two blocks would be very similar in design, comprising a dual pitched roof with central valley, a metal standing seam roof, a mixture of cladding to the elevations and feature fenestration to the communal areas of the building. The windows would have dark aluminium frames.

The buildings would be approximately 8.9m tall to the ridge and a total 16.8m wide and 45m long, albeit the span of the width is split across the two wings.

An indicative 3D illustration of one of the blocks is shown below:



## PLANNING HISTORY

2011/00643/FUL, Address: St. Donats Castle, St. Donats, Llantwit Major, Proposal: Installation of a two storey modular building, to be used as dormitory accommodation during rebuilding works, for a limited period of 2 years, Decision: Approved

## CONSULTATIONS

**St. Donats Community Council** was consulted and no response has been received to date.

**Highway Development** was consulted and requested that one parking space be provided per member of staff, or justification as to why a lower provision was sufficient to serve the development.

**Highways and Engineering (Drainage)** was consulted and did not object to the application or request the imposition of any conditions, noting control of surface water disposal via Building Regulations would suffice.

**Environmental Health (Pollution)** was consulted and recommended that a condition requiring approval of a Construction Environmental Management Plan be imposed and construction hours restricted (see Condition 5).

**Gwent Glamorgan Archaeological Trust** commented that the proposals would require archaeological mitigation by agreement of a written scheme of historic environment mitigation prior to the commencement of development (see Condition 4).

**Llantwit Major Ward Councillors** have not responded to date.

**Dwr Cymru/ Welsh Water** commented that given the proposed foul drainage would be via a septic tank, Natural Resources Wales should be consulted in view of potential permit requirements.

**The Council's Ecologist** recommended conditions be attached to the consent in line with the consultation response from Natural Resources Wales.

**Cadw** did not object specifically to the proposals but did raise concern regarding impact to the registered historic park and garden. The concern was that all other potential locations for the development within the site had not been fully explored, with a view to ensuring the most appropriate location had been selected.

**The Council's Shared Regulatory Services section** recommended that conditions be imposed that address the potential for contamination to be present on the site from previous site uses (see Conditions 13-18).

**South Wales Police** recommended a series of design measures intended to reduce the risk of crime and anti-social behaviour, such as adequate lighting, CCTV, certified doors and fenestration, landscaping and alarm systems.

**Natural Resources Wales** did not object to the positive determination of the application subject to conditions to ensure delivery of proposed mitigation measures for bats present on the site and to secure agreement of a suitable lighting scheme (see Conditions 11 and 12).

## REPRESENTATIONS

The neighbouring properties were consulted on 13 February 2018.

A site notice was also displayed on 23 February 2018.

The application was also advertised in the press on 1 March 2018.

One letter of representation was received and an objection was raised in regard to the siting of building 'K', on grounds of residential amenity due to a loss of privacy, noise and light pollution.

## 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 SP10 – Built and Natural Environment

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

POLICY MG19 – Sites and Species of European Importance  
POLICY MG20 – Nationally Protected Sites and Species  
POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species  
POLICY MG22 – Development in Minerals Safeguarding Areas  
POLICY MG27 – Glamorgan Heritage Coast

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

POLICY MD1 - Location of New Development  
POLICY MD2 - Design of New Development  
POLICY MD4 - Community Infrastructure and Planning Obligations  
POLICY MD7 - Environmental Protection  
POLICY MD8 - Historic Environment  
POLICY MD9 - Promoting Biodiversity

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

### **Planning Policy Wales:**

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

### **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 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 10 – Tree Preservation Orders (1997)
- Technical Advice Note 12 – Design (2016)
- 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:

- Residential and Householder Development
- Biodiversity and Development
- Design in the Landscape
- Parking Standards
- Trees and Development

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

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

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

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

## Issues

The proposed development is residential in nature and is located outside of a settlement boundary as defined by the Local Development Plan. However, the proposed accommodation would form student dormitory blocks and would be located within the grounds of the Atlantic College, which has an established practice of students staying within the grounds. The aims of the development are to provide updated and modern student facilities, ultimately decanting students from the existing dormitory blocks to the north. The demolition of the existing blocks to the north is not specifically proposed as part of this application, given a requirement to keep the buildings in use pending completion of the proposed development. The impacts of the new dormitories are therefore considered in isolation.

The development is proposed to support the on-going operation of an established educational establishment, providing ancillary accommodation for students. It is therefore considered acceptable in principle and in relation to the sustainability principles of Policy MD1 – Location of New Development, subject to a suitable condition that restricted the occupancy of the building solely to students of the college. The principal remaining issues for consideration relate to the visual impact, impact on heritage assets, ecology, neighbouring amenity and parking and are assessed as follows:

### Heritage Impacts

St Donats Castle is a Grade I listed building, with other Listed Buildings and County Treasures in the vicinity of the site. Furthermore, the site is within a Cadw Registered Historic Park and Garden, also Grade I. As such, the site is particularly sensitive from an historic environment and heritage perspective. The nearest listed building is the 'Top Lodge' next to the site entrance and the stone boundary walls which are also listed. Special regard must to be given to the desirability of preserving the setting of those listed buildings in accordance with Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The dormitories are substantially larger than the timber bungalows that are proposed for demolition, although it is recognised that the longer term intention is for the dormitories to form part of a phased process of replacing existing student accommodation buildings on the site, which date to the 1970's are of no particular architectural merit. The removal of the timber buildings proposed in this application is considered acceptable in principle and would not detract from the setting of this part of the park.

It is noted that CADW have raised concern principally regarding a lack of information as to the site selection process. In reviewing the supporting information, the primary site constraints such as the heritage assets surrounding the castle and formal garden (including an ancient monument), ancient woodland to the east and primary views from the coastal path, have all clearly been identified and formed part of the site selection process. The chosen location is within a cluster of primarily 1970's development and the area has, as a consequence, lost some of its openness and historic character.

The general justification in providing updated and modern student accommodation is sound, and the purpose of replacing the smaller timber units as a first step is to allow for a decanting of the student population from the existing accommodation first, and to avoid temporary losses in capacity (and resultant income) that would arise from direct demolition and replacement of individual buildings. The other alternative might be to house students

in temporary accommodation throughout the site, but is likely to be impractical and involve a less satisfactory (if albeit temporary) form of development.

The proposed sites avoid developing the most open areas of the park and would have limited impact on key views from the castle and castle gardens. Site K (within the wooded area) is noted by CADW as unlikely to have a significant impact to the historic park, but is nevertheless located in a TPO protected woodland. Site H is more prominent from the site entrance, but would be set back from the main gate, listed Top lodge and the access road. It is also proposed to soften the impact of the building with additional tree planting in the grassed area between the entrance and the footprint of the building.

In considering the setting of the Top Lodge, the conclusions of the Heritage Impact Assessment, notably that the high quality and contemporary development has potential to enhance the setting of building and would have a neutral impact on its significance as a Grade II listed building, are considered sound. This potential for a positive impact is very much localised and probably minimal, but overall, it is considered that the development would not be visually dominant at the site entrance and thus the character and setting of the Historic Registered Park and Garden would be preserved.

In terms of public vantage points, the buildings would be relatively well screened from the nearby public highway due to the existing boundary trees and high boundary walls around the college. In this context, the scale and massing of the proposed dormitory buildings are considered appropriate to the setting.

In terms of the design approach, this has been derived from the concept of a traditional Welsh longhouse, adapted to form a contemporary design with the use of modern materials and detailed finishes. This is a positive approach to designing a large modern building within both a rural and historically sensitive context. The use of a dual pitched roof avoids the need for an unusually tall or shallow pitch to the roof and better reflects the appearance of a longhouse. The use of materials and modern arrangement of windows present a uniquely designed building that would read positively, in terms of the individual design. Moreover, the use of materials, such as the dark rustic brick, would help the proposed buildings blend into this historic landscape, especially when viewed against the woodland. There have also been similar materials successfully used within other modern developments in the grounds.

The development is therefore considered to be acceptable in relation to the heritage impacts and would preserve the setting of the Registered Historic Park and Garden, listed Top Lodge, boundary wall and the complex of listed structures and ancient monument forming part of and surrounding the St Donats Castle to the east, in accordance with Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Landscape Impact and Glamorgan Heritage Coast

The site is situated within the Glamorgan Heritage Coast, with the only public viewpoints being those gained from the adjacent highway and also from the Coastal Path to the south.

The views from the Coastal Path would be limited in nature due to the distance, topography and presence of mature trees on the site. The building on site 'H' would be the more visible of the two, but as noted above, it is located within an already developed part of the site and the buildings are considered to be well designed. The development would therefore not detract from the special environmental qualities of the Glamorgan Heritage Coast and accord with Policy MG27 – Glamorgan Heritage Coast, of the LDP.

The building on site 'K' is situated closer to the site boundary and the village of St Donats, but views of the building from public vantage points are likely to be of a similarly limited nature, given the presence of the tall stone boundary wall to the deer park and the presence of trees surrounding the building. The wider visual impact of the development is therefore, considered acceptable, given that the buildings are well designed, of an appropriate scale and not visually intrusive.

### Impact to Trees

The development of larger dormitories will impact upon some of the mature vegetation, including woodland that is protected by a Tree Preservation Order. At present Site H is more open in nature, whereas Site K is located within a protected woodland area and is clearly sensitive in this regard. The application has been supported by a Tree Survey Categorisation and Constraints Report and an Arboricultural Implications Assessment and Method Statement.

It has been identified that the development of the site would result in the loss of the following trees and vegetation:

#### Site H:

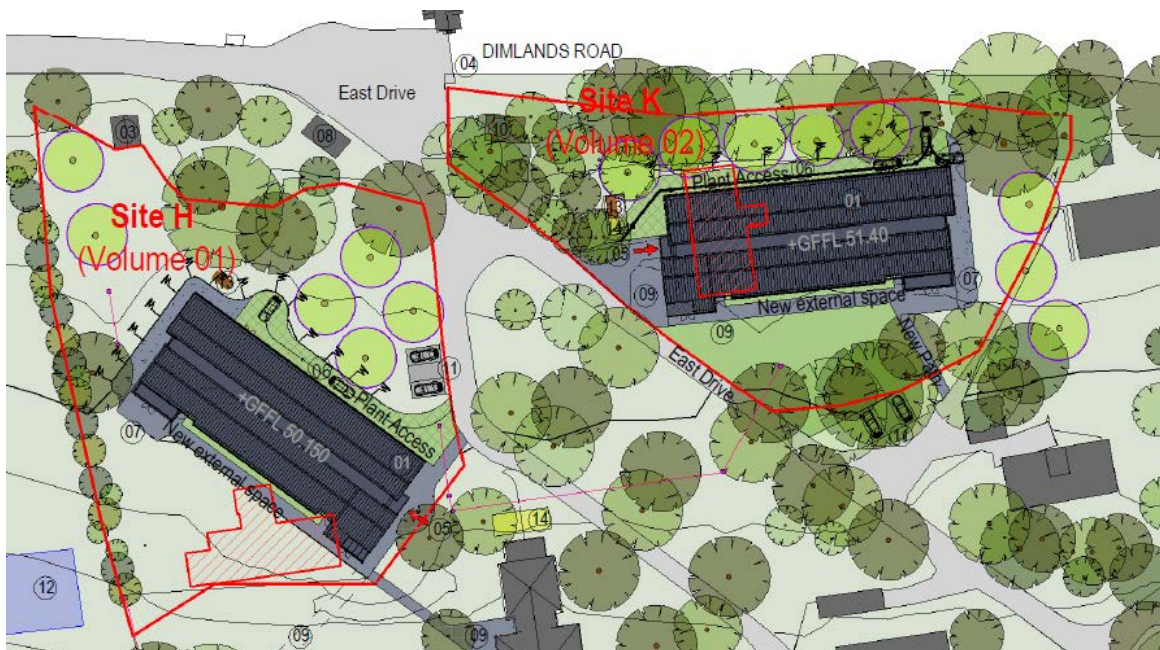
Tree 21 – Oak Tree. Category B  
Hedge 2 – Privet. Category C.  
Tree 24 – Whitebeam. Category C.

#### Site K:

Group 11 – Category B (partial loss of 8 trees)  
Group 13 – Category C (majority loss)  
Hedge 5 – Beech. Category C.  
Tree 46 – Horse Chestnut. Category C  
Tree 47 – Ash. Category B  
Group 15 – Sycamore (1 of 2 trees). Category B.

The retention of trees (or groups of trees) identified within Categories A and B is highly desirable during the course of the development, whereas Category C trees have been assessed as being of a lower quality or life expectancy. The trees within site H are not protected at present and the loss of these trees is considered acceptable on amenity grounds, subject to supplementary and mitigating planting as shown in an indicative manner on the proposed site layout.





The development would inevitably result in the loss of protected trees within site K, most notably being the 8 trees identified as forming part of Group 11, as well as a mature Ash, Sycamore and Horse Chestnut. The loss of these trees is unfortunate, but having balanced issues such as the impact to the Registered Park and Garden, the site is considered acceptable in principle for a building of this size. The loss of the identified trees would however need to be fully compensated for and the submission of a proposed scheme of tree planting can be secured by condition (condition 8). It is indicated on the proposed site layout that the copse of trees north of building K would be strengthened by planting a row of new trees, with additional planting east of the building. There would also be substantial new planting surrounding building H.

The assessment makes a number of recommendations regarding the measures for the protection of trees shown for retention during the course of development, namely, the appointment of a project arborist for a supervisory role, the provision of barrier fencing and ground protection, avoidance of mechanical trenching for underground apparatus, that new hard surfacing within root protection zones is done without excavation or scraping and the adoption of specialist foundations for the building on Site K.

The adoption of these measures during the course of development would be essential to minimise the loss of trees within the woodland and could be adequately controlled by means of condition (Condition 7) (and the protected status afforded to the woodland).

The foul and surface water drainage and apparatus could also impact upon other trees in the vicinity of the site, through direct impact of drainage apparatus and trenches or other hydrological impacts. The foul drainage is proposed to connect to an existing septic tank facility whilst the surface water would drain to a soakaway. The assessment advises that a specialised trenchless technique should be utilised during construction to avoid root damage from the installation of the apparatus within protection zones. A detailed drainage scheme is required by condition, as are details and sections of the drainage apparatus and building foundations.

The Arboricultural Assessment also identifies a number of other trees considered unsuitable for retention due to their dangerous condition. The trees located outside of the site area do not form part of this application. Trees which are dead, dying or dangerous could be removed by exemption or would otherwise be subject to a separate application process.

In summary, while the development would result in the loss of protected trees, the development would remain within a maturely landscaped setting and it is considered that subject to compensatory planting, the development would not unacceptably impact upon the visual amenity of the immediate and wider areas.

### Ecology

The application is accompanied by a Preliminary Ecological Appraisal and May 2018 Addendum. The addendum includes result from supplementary bat and great crested newt surveys. No part of the site is covered by national or international designations for ecology conservation importance, or by any local ecology designations, such as a Site of Interest for Nature Conservation (SINC).

The survey results demonstrated that the existing building within Site H was identified as a small, non-breeding roost of Pipistrelle bats and as such, measures to provide bat boxes prior to demolition, throughout the build and as part of the new build, have been proposed and are considered suitable measures by Natural Resources Wales. The works also require a licence from NRW and these details are controlled by condition (condition 12) a

The survey results also identify the presence of other bat species nearby and an additional condition (condition 11) has been recommended to ensure that the lighting from the development along vegetation corridors is minimised and acceptable.

The survey results demonstrated that, notwithstanding the poor habitat potential of the site, no Great Crested Newts were present. In addition, the site was not particularly suitable for other reptiles or dormice and thus no mitigation is required.

In regard to 'European Protected Species' and the surveys submitted, no objections have been raised by Natural Resources Wales (NRW), subject to conditions. As a competent authority under the Conservation of Habitats and Species Regulations 2010 ('habitat regulations'), the Local Planning Authority (LPA) must have regard to the Habitats Directive's requirement to establish a system of strict protection and to the fact that derogations are allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, section 6.3.6) In order to comply with its duty under the Habitats Regulations, the LPA will need to take all three tests into account in its decision. It is essential that planning permission is only granted when the Local Planning Authority is satisfied that all three tests are likely to be met. If not, then refusal of planning permission may be justified (TAN5, section 6.3.6).

A proportional approach can adapt the application of the tests: the severity of any of the tests will increase with the severity of the impact of derogation on a species/population.

*Test i) - The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.*

The redevelopment of the site to provide updated and modern student accommodation would bring benefit to the local economy through the support of an existing and established educational facility. It also provides a social benefit by providing opportunity for educational study and personal betterment, by the teaching of new skills to students. The latter, in particular, is a reason of overriding public interest that meets the requirements of Test 1.

Test ii) - There is no satisfactory alternative

In this case, the site is part of a Registered Historic Park and Garden, recognised as being of exceptional historic importance. If the timber building was left intact, it would increase pressure to develop more open areas of the site that are unsuitable due to the impact on the setting of the Park and Garden.

The alternative of 'doing nothing' is also not acceptable as the timber buildings are dated and no longer suitable for the requirements of the college. It is likely that the building would deteriorate if no longer put to beneficial economic use, and as such, it could cease to function as a suitable roost. The positive determination of the application affords opportunity for the implementation of acceptable mitigation measures.

Test iii) - The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

The presence of bats has been noted within this report and was identified via the ecological surveys that have been undertaken. The associated reports also address the impacts, and subject to a suitable condition (condition 12) requiring the recommendations of the reports are carried out, the development would not be detrimental to the maintenance of the population of the species at a favourable conservation status in their natural range. This conclusion is supported by the comments of Natural Resources Wales, which did not object to the positive determination of this application, subject to suitable conditions.

It is considered that through careful mitigation, there would be no significant adverse impact to the ecology of the site or the surrounding areas as a result of the proposed residential development. The proposals therefore accord with the requirements of the Habitats Directive and Policy MD9 of the adopted LDP.

Parking and Highway Safety

The proposed development would each house 12 no four bedroom dormitory units and two three bedroom apartments. These would be in place of two three bedroom bungalows, to be demolished. It is noted that the intention of the development is to provide new and refurbished student accommodation and there are no associated proposals to increase the educational capacity of the college as a result. The demolition of other blocks of accommodation does not, however, specifically form part of this application and it therefore requires assessment on its own merit. The Council's Highways Section commented that 7 parking spaces should be allocated to each building, unless a lower number was considered justifiable.

The majority of students at the college do not drive or have access to vehicles and would attend all lectures on the site. It would therefore not be reasonable to require a significant parking allocation for the buildings, particularly given the unnecessary impact it could have on the historic nature of the grounds. Three spaces are proposed per building, principally to cater for the senior students proposed to be housed within the apartments.

The development is considered acceptable and would be unlikely to cause a significant increase in traffic generation or detriment to the surrounding highway network. The allocation of parking within the site is largely an internal site management issue, with ample ad-hoc parking opportunities on the internal roads and car parks within the site in the event of any overspill. The provision of three spaces per building is considered acceptable and the development would not result in any significant impact to highway safety on the public network.

### Neighbouring and Residential Amenity

The proposed building is approximately 65m from the nearest residential property outside of the college grounds. This level of separation is more than sufficient to ensure adequate levels of privacy and residential amenity are maintained to the neighbours. The buildings would also be surrounded by trees and are also likely to have low levels of light spill due to ecological considerations. The amenity of other nearby occupiers on-site is within the acceptable control of the applicant.

The development is therefore considered to be acceptable in relation to residential amenity considerations.

### Land Contamination

A desk top study has been submitted that identifies the potential for land contamination on the site arising from the 1970's built development proposed for demolition/ removal. In order to establish the presence of contaminants further investigation would be required. A requirement to undertake such investigation and remediation measures can be secured by condition (see conditions 13 – 15).

### Minerals

The proposed development site lies within a mineral safeguarding zone for Limestone Category 2 which is referred to as "other Limestone resource" (British Geological Survey, p.6, 2012) and are usually used as a source for aggregate. Due to the possible presence of Category 2 limestone on site LDP policy MG22 (Development in Minerals Safeguarding Areas) applies.

MG22 states "*new development will only be permitted in an area of known mineral resource where it has first been demonstrated that, among other criteria, extraction would have an unacceptable impact on environmental or amenity considerations*".

The entirety of the site is located within existing residential buffer zones (considering the presence of existing staff accommodation) where mineral extraction would not be acceptable on amenity grounds. Moreover, the site is within a Registered Historic Park and Garden where extraction would not be appropriate. It has therefore been demonstrated that the development accords with this policy.

## Archaeology

It is possible that the site may contain archaeological resource, however subject to a suitable condition requiring that a written scheme of historic environment mitigation be approved prior to the commencement of development, proposal is considered acceptable on this basis (see condition 4).

## Planning Obligations

LDP policy MD4 'Community Infrastructure and Planning Obligations' sets out that where appropriate, and having regard to development viability, the Council will seek to secure new and improved community infrastructure, facilities and services through the use of planning obligations.

The Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers). As of 6th April 2010, a planning obligation may only legally constitute a reason for granting planning permission if it is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Officers have considered the need for planning obligations based on the relevant policy and legislation; the type of development proposed; the local circumstances and needs arising from the development, and what is reasonable to expect the developer to provide. In this case, the provision of student accommodation within the grounds of an existing educational establishment is not likely to create additional local need for affordable housing, education or community facilities. Moreover, Atlantic College is served by significant open space and within the grounds. Planning Obligations are therefore not considered necessary in this instance.

## 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:

DR-A-90001  
DR-A-05000  
DR-A-90004  
DR-A-90005  
DR-A-01000  
DR-A-01001

DR-A-01002  
DR-A-01003  
DR-A-02000  
1775701/P/GA/003  
SK02 Rev P1  
E1775701/Doc 02  
12102/LP/17/DS  
Arboricultural Implications Assessment and Method Statement Nov 2017

Reason:

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

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

Reason:

To ensure that visual amenity and tree protection are safeguarded and to ensure the development accords with Policies SP1 (Delivering the Strategy), MD2 (Design of New Development) and MD8 - Historic Environment of the Local Development Plan.

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

Reason:

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD8 (Historic Environment) 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;
- xi) odour management and mitigation;
- xii) diesel and oil tank storage areas and bunds;

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, the environment and the historic environment and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD7 (Environmental Protection) and MD8 - Historic Environment of the Local Development Plan.

6. Details of foundation design and drainage (including sectional details) to take account of existing trees, tree removal and future tree planting shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development. Development shall thereafter take place in accord with the approved details.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies SP1 (Delivering the Strategy), MD1 (Location of New Development), MD2 (Design of New Developments) and MD8 (Historic Environment) of the Local Development Plan.

7. The development, including all demolition and site clearance, shall be carried out in full accordance with the measures recommended within the Arboricultural Implications Assessment and Method Statement dated November 2017. The measures shall include:

a) the protection of trees shown to be retained on drawing number 1775701/P/GA/003;

b) the proposed pruning, felling or other tree work to be carried out by a professionally qualified tree surgeon and in accordance with BS 3998:2010;

c) the appointment of a Project Arborist responsible for the marking of trees to be felled, monitoring the implementation of all tree protection measures, demolition activity and foundation works and keeping an auditable record of monitoring.

d) the full implementation of all recommended barrier fencing and ground protection measures

e) the removal and installation of all hard surfacing, drainage excavations and specialist foundation to be undertaken in accordance with the recommended construction techniques and working methodology

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development), MD2 (Design of New Developments), MD8 (Historic Environment) of the Local Development Plan.

8. A tree planting scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the first beneficial use of the development. The scheme shall include details of trees to replace those lost during the course of the development, including the location of new trees and hedgerows, their spread, size and species and timing of the planting works. The development shall be completed in accordance with the approved details.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD1 (Location of New Development), MD2 (Design of New Developments), MD8 (Historic Environment) of the Local Development Plan.

9. If within a period of 5 years from the date of the planting of any tree proposed as part of the landscaping and tree replacement scheme, or any tree planted in replacement of it, is removed, uprooted or destroyed or dies or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place during the next planting season immediately following the death/removal or destruction of that tree.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies SP1 (Delivering the Strategy), MD1 (Location of New Development), MD2 (Design of New Developments) and MD8 (Historic Environment) of the Local Development Plan.

10. A scheme of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented prior to the first beneficial use of the buildings. These details of the scheme shall include:
- i) means of enclosure and any required retaining structures;
  - ii) other vehicle and pedestrian access and circulation areas;
  - iii) hard surfacing materials;
  - iv) minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, etc.), and
  - v) Soft landscape areas



Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD1 (Location of New Development), MD2 (Design of New Developments) and MD8 (Historic Environment) of the Local Development Plan.

11. No development shall commence until a light mitigation strategy and plan, including measures and modelling designed to reduce light spillage onto foraging habitats for bats, has been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity) and MG19 (Sites and Species of European Importance) of the Local Development Plan.

12. The mitigation scheme shall be completed in accordance with the details and phasing outlined in Section 5.6 of the Extended Phase 1 Habitat Survey E1775701/doc 02 and thereafter be retained in perpetuity in accordance with the approved details.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy) and MG19 (Sites and Species of European Importance) of the Local Development Plan.

13. No development shall commence until an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. The report of the findings shall include an intrusive investigation to assess the extent, scale and nature of contamination which may be present; an assessment of the potential risks, and; an appraisal of remedial options and in the event contamination is found, a detailed scheme of remediation.

Reason:

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

14. In the event that contamination is identified, the remediation scheme as approved by the LPA must be fully undertaken in accordance with its terms prior to the occupation of any part of the development. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the

effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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.

15. 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.

16. Any aggregate (other than virgin quarry stone) or recycled aggregate material 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.

17. 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.

18. 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.

19. Notwithstanding the submitted details, a schedule of materials (including samples) to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to their 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), Policy MD2 (Design of New Development) and MD8 (Historic Environment) of the Local Development Plan.

20. The development shall be occupied as student accommodation associated with Atlantic College only and shall not be occupied as a person's sole or main place of residence. An up to date register shall be kept at the student accommodation hereby permitted and be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and expected departure from the accommodation.

Reason:

To enable the Local Planning Authority to maintain control over the nature of the use of this site which is located outside of a defined settlement and to comply with the terms of Policies SP1 (Delivering the Strategy) and MD1 (Location of New Development) 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, SP10-Built and Natural Environment, MG4-Affordable Housing, MG19 – Sites and Species of European Importance, MG22 – Development in Minerals Safeguarding Areas, MG27 – Glamorgan Heritage Coast, MD1 – Location of New Development, MD2-Design of New Development, MD4-Community Infrastructure and Planning Obligations, MD7-Environmental Protection, MD8 – Historic Environment, MD9-Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; Supplementary Planning Guidance on Householder and Residential Development, Biodiversity and Development, Design in the Landscape, Parking Standards and Trees and Development and national guidance contained in Planning Policy Wales (9<sup>th</sup> Ed.), TAN5-Nature Conservation and Planning, TAN10 – Tree Preservation Orders, TAN12-Design and TAN24- Historic Environment, it is considered that the proposal represents an acceptable and sustainable form of development on an existing educational site, without an unacceptable adverse impact on the character and appearance of the area, Glamorgan Heritage Coast and would preserve the character of Historic Park and Garden and nearby listed buildings in compliance with Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is also considered acceptable in relation to parking and highway safety, neighbouring and general amenities on the site, drainage, impact to ecology and protected species and impact upon the TPO woodland. The proposal meets the requirements of all ‘three tests’ for derogation specified under the Conservation of Habitats and Species Regulations 2010. The proposal is therefore compliant with relevant legislation and both national and local planning policy.

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. You will note that a condition has been attached to this consent and refers to an archaeologist being afforded the opportunity to carry out a watching brief during the course of developments. It would be advisable to contact the Glamorgan-Gwent Archaeological Trust, at Heathfield House, Heathfield, Swansea, SA1 6EL. Tel: (01792 655208) at least two weeks before commencing work on site in order to comply with the above condition.**

2. **Before work is commenced the applicant must ensure that, where necessary, the appropriate Building Regulation consent has been obtained.**
3. **The applicants are advised that all necessary consents / licences must be obtained from Natural Resources Wales prior to commencing any site works. The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**
4. **Bats must not be disturbed or destroyed during tree work. A full visual inspection of the trees to be worked on must be carried out prior to intended work to check for the presence of bats. Advice on bats and trees may be obtained from the Natural Resources Wales (Countryside Council for Wales as was). Bats may be present in cracks, cavities, under flaps of bark, in dense Ivy and so forth. Should bats be identified, please contact either Natural Resources Wales on 0845 1306229 or the Council's Ecology Section on 01446 704627.**
5. **In order to comply with Section 71ZB(5) of the Town and Country Planning Act 1990 ( as amended), the applicant/developer must complete a 'Notification of initiation of development' form, which can be found in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. The notification shall be submitted in the form specified to the Local Planning Authority.**

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

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

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

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

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

2018/00133/FUL

BW 6/12/2017



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- SYMBOLS
- CBR 1 INSTIT CBR TEST
  - SA 0 GRANULARY TEST (ALLIGR HEAD)
  - AC 1 ASPHALT CORE SAMPLE
  - TP TEST POINT
  - BH BOREHOLE
  - Site H SITE H
  - Site K SITE K
  - Proposed PROPOSED
  - Footprint FOOTPRINT

Code	Description	Area (m <sup>2</sup> )	Notes
P4	GROUND INVESTIGATION SAMPLE POINTS	771117	
P3	ADDITIONAL SURVEY AREAS KEED		
P2	TP1 (UNTEST)		
P1	PRELIMINARY BOUNDARY FOR CONSTRUCTION	1200.17	

**ATLANTIC COLLEGE**  
 ATLANTIC COLLEGE  
 STUDENT RESIDENCE

**SITE LOCATION PLAN AND SURVEY REQUIREMENTS**

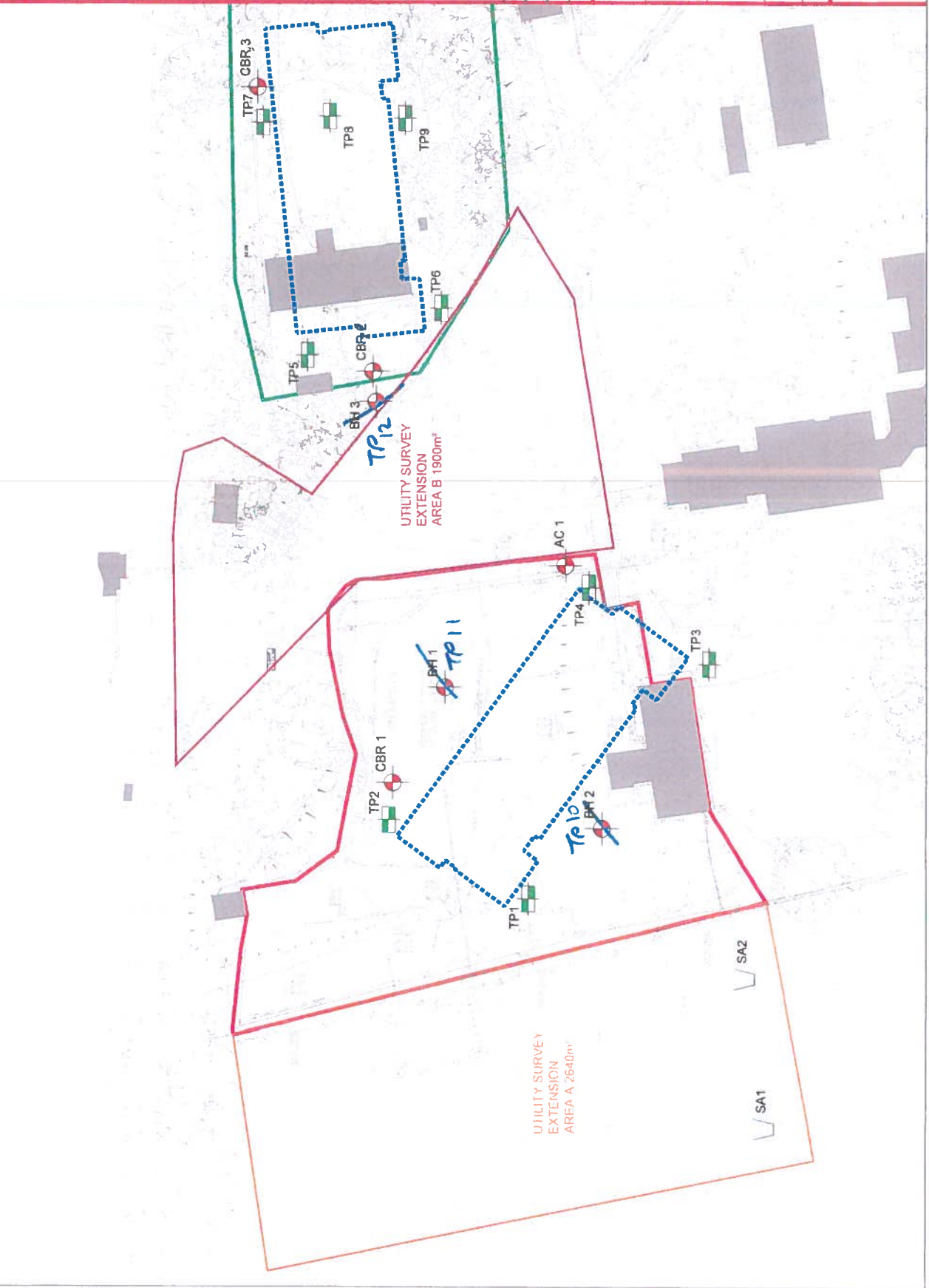
CC1653 CAM 00 GA C SK01

PRELIMINARY 1:250 F4

**CAMBRIA**  
 Constructive Thinking

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 Penarth, Wales  
 Cardiff, CF64 1TH

Tel: 01495 2609 3331  
 Email: info@cambria.co.uk  
 Website: www.cambria.co.uk



**2018/00398/RG3** Received on 19 April 2018

Vale of Glamorgan Council C/o Agent  
Mr. Andrew Bates Geraint John Planning, 33, Cathedral Road, Cardiff. CF11 9HB

### **Brecon Court, Barry**

Proposed residential development comprising 28 dwellings along with associated parking, highway and ancillary works

### **REASON FOR COMMITTEE DETERMINATION**

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

### **EXECUTIVE SUMMARY**

The application is for the redevelopment of Brecon Court, off Cornwall Road, Barry. The proposal is for 28 residential units, comprising a mix of dwelling houses adjacent to Cornwall Road and a three storey block of flats at the rear of the site. Access would be from Cornwall Road and this would lead to an internal shared surface and parking areas.

The main issues relate to the principle of the development, the design and visual impact, highway safety and parking, impact on residential amenity, ecology and drainage.

There have been no public objections to the scheme, while an objection has been raised by Barry Town Council. Having considered the above issues, the proposed development is recommended for approval, subject to conditions.

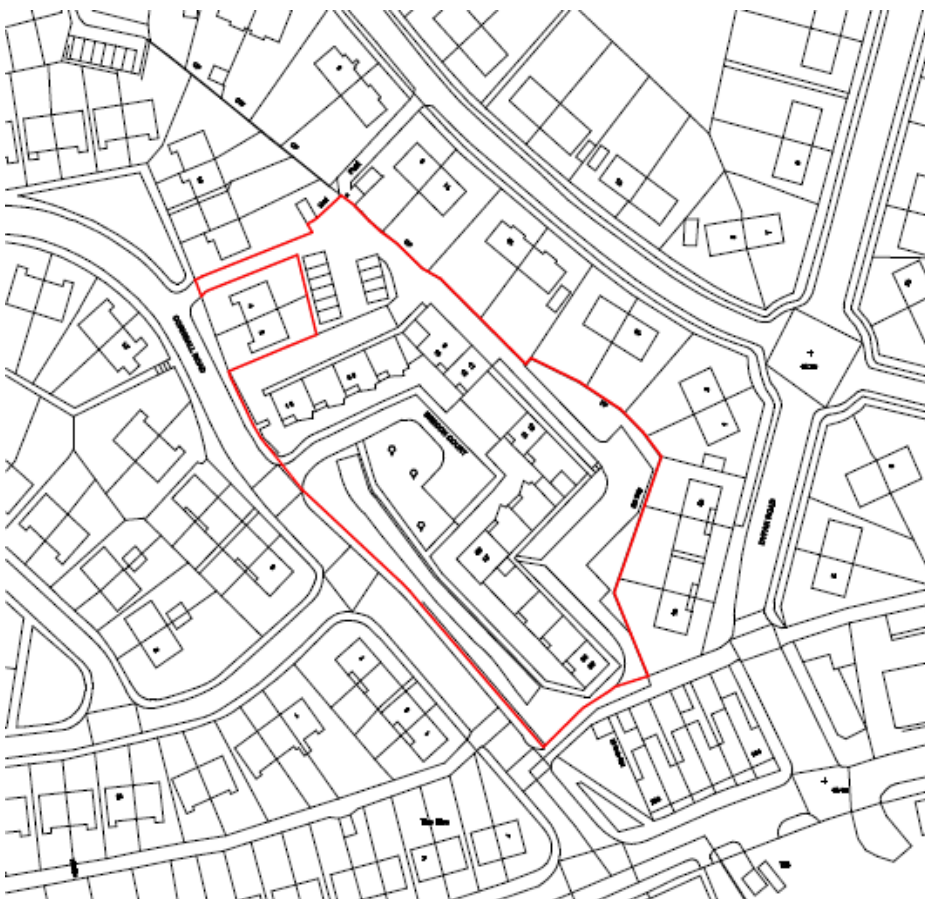
### **SITE AND CONTEXT**

The application site is land at Brecon Court, Barry, which lies adjacent to Cornwall Road. The site is currently vacant, following the demolition of the flatted residential development that formerly occupied it. The site previously accommodated 34 flats, in the form shown in the photo below:





The site lies within a residential street scene which comprises a mix of two storey dwellings and bungalows. The site slopes downwards away from Cornwall Road, towards the rear of properties on Hywel Crescent. The main vehicular access to the former flatted development was from Cornwall Road and there is an unadopted lane that runs around the rear of the site, also accessed from Cornwall Road. The site location plan is shown below:



## DESCRIPTION OF DEVELOPMENT

The application proposes the construction of 28 residential units, comprising a row of 9 dwellings fronting Cornwall Road, a further four dwellings perpendicular to the road at the northern part of the site and a block of fifteen flats at the rear of the site. The proposed units comprise 1 x 3 bed adapted house, 3 x 3 bed houses, 9 x 2 bed houses, 2 x 2 bed flats and 13 x 1 bed flats. The proposed site layout is shown below:



The dwellings fronting Cornwall Road would be two storeys at the front and three at the rear, as a consequence of the change in levels, whereas the other row of four would be conventional two-storey units. The block of flats would be three storeys. Elevations and 3D perspectives of the proposed development are below:

## Elevations of the dwellings:



## Elevations of the flats:





3D perspectives and context elevation:





The development would be accessed from Cornwall Road in a similar position to the former development and the layout makes provision for 30 parking spaces, allocated as follows:

- 8 spaces for the four 3-bed houses (2 spaces each);
- 9 spaces for the nine 2-bed houses (1 space each);
- 8 spaces (including 2 disabled spaces) for the 15 1-bedroom apartments; and
- 5 visitor parking spaces (including 3 disabled spaces).

## PLANNING HISTORY

1997/00652/REG3, Address: Brecon Court, off Cornwall Road, Barry, Proposal: Material change of use of existing communal facility (part) to emergency piper control centre (Minute No. 6.2 5th June, 1997), Decision: Approved

1998/00025/REG3, Address: Communal Area, Brecon Court, off Cornwall Road, Barry, Proposal: Conversion of communal area into office/meeting room facility and conversion of visitors bedroom into communal lounge (Minute No. 6.2 5th June 1997), Decision: Approved

2016/01104/PND, Address: Brecon Court, Barry, Proposal: Demolition of nos. 1-34 and communal areas, Decision: Further prior approval

## CONSULTATIONS

**Barry Town Council- Strong Objection:** *That the Council reiterate those comments and observations made to the agents at the pre-application consultation stage and respectfully advise the Vale of Glamorgan planning department that these matters have seemingly been glibly dismissed by the agents in this case.*

The Town Council's comments at the pre-application consultation stage related to the potential need for additional bin storage, whether the provision for disabled people was adequate, the need for high quality materials, insufficient parking, additional

highways/traffic strain, the lack of an external fire escape and lift, concerns regarding overlooking and the overdevelopment of the site.

**Highway Development-** No objection subject to works to resurface and widen the rear lanes adjacent to the development area.

**Highways and Engineering-** No representations received to date.

**Environmental Health (Pollution)-** No objection subject to conditions relating to a Construction Environmental Management Plan and contamination.

**Local ward members-** No representations received to date.

**Dwr Cymru Welsh Water-** No objection subject to a condition requiring the final drainage scheme to be approved.

**Ecology Officer-** No objection subject to conditions to secure biodiversity enhancements.

**South Wales Police-** No objection.

## REPRESENTATIONS

The neighbouring properties were consulted and the development has been advertised on site and in the press. No representations have been received.

## 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 MD2 - Design of New Development  
POLICY MD3 - Provision for Open Space  
POLICY MD4 - Community Infrastructure and Planning Obligations  
POLICY MD5 - Development within Settlement Boundaries  
POLICY MD6 - Housing Densities  
POLICY MD7 - Environmental Protection  
POLICY MD9 - Promoting Biodiversity

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

### **Planning Policy Wales:**

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

### **Technical Advice Notes:**

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

- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)

### **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:

- Affordable Housing (2018)
- Barry Development Guidelines
- Biodiversity and Development (2018)
- Parking Standards (Interactive Parking Standards Zones Map)
- Planning Obligations (2017)
- Public Art
- Residential and Householder Development (2018)

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

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

## **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 residential development

The site is located within a residential context, within the settlement boundary of Barry, and previously accommodated a residential development. Consequently, it is considered that the principle of the development is acceptable. Policy MD6 of the LDP sets out what represents an acceptable housing density, in order to ensure the efficient and best use of land. Within Barry the policy requires a minimum of 30 dwellings per hectare and based on this site area of 0.6 hectares, the density would be 46 dwellings per hectare, which complies with the policy.

#### Design, layout and visual impact

The former flats were located broadly around the perimeter of the site, with an area of public open space to the front and centre. This application comprises a different form of layout, with a stronger frontage of buildings to Cornwall Road. It is considered that this is an entirely acceptable approach and the frontage of buildings to the street replicates the general pattern evident further along the road. The smaller group of four dwellings would be perpendicular to the road but the front unit is a 'corner turner' which gives a reasonably direct frontage to the street. The remainder of the row faces the access road and this would ensure an active frontage to the highway within the site. The siting of the block of flats, at the rear of the site, is not wholly dissimilar to part of the previous layout and while this is not prevalent throughout the street scene, the buildings within the site have historically always had a different arrangement to the rest of the street. In summary, therefore, it is considered that the layout is acceptable in that it would provide active frontages to the highway and preserve the visual amenity of the area.

The design and general form of the dwellings are relatively conventional, but the elevations are lifted by the contemporary window surrounds, porch canopies and choice of materials. While the buildings are relatively simple in terms of detailing, they are nevertheless pleasantly designed and would contribute positively to the character of the development as a whole. The block of flats is also relatively conventional in form, however, the elevations are relieved by large areas of glazing, Juliet balcony guards, projecting bays and changes in materials.



The surrounding street scene contains a mix of single and two storey dwellings, predominantly in semi-detached pairs, and while this proposal would not directly replicate that, it is considered that the buildings are nevertheless compatible with this street scene. The simple style of the houses with gabled end elevations is similar in principle to the surrounding built form and given modest height and widths, they would not appear over scaled in this context. The larger rear elevations would not be overtly appreciable from the street and while the building at the rear is three storeys, the levels of the site are such that it would also not appear as over scaled. The plan below shows a context elevation, with the respective ridge heights:



The proposed landscaping scheme would soften the impact of the development around the perimeter and while the centre of the site would be largely hard surfaced, there remains sufficient space for soft landscaping, which can be controlled by condition (5).

Having regard to the above, it is considered that the proposal is of a scale, design and layout that would be compatible with the surrounding pattern of development, and would not adversely impact upon the character of the area, in compliance with policies MD2 and MD5 of the LDP.

#### Highways issues and parking

The development would be served by one main access point in a similar position to the access that served the former development. It would benefit from sufficient visibility along the highway in both directions such that it represents a safe access. The parking spaces within the site, served off the internal access road and directly from Cornwall Road, would also be safe and manoeuvres into and out of the spaces would not adversely impact upon highway safety. The carriageway design inside the site is linear and it would afford drivers ample space to turn. It would be a shared surface and this is considered to be an acceptable approach, given the limited area of carriageway and the low speeds that vehicles would be travelling.

The development would be likely to result in an increase in traffic relative to the existing situation, however, the site previously accommodated more units and it is considered that the development would be unlikely to generate a greater amount of traffic than the former.

Notwithstanding this, traffic analysis has been carried out and it is anticipated that the development would be likely to add approximately ten vehicles in the peak hours (in the region of one every five minutes). It is considered that this would not impact significantly on traffic flows within the wider highway network.

The 28 units would be served by 30 parking spaces, with each of the houses having at least one allocated space, 8 units to serve the 15 flats and 5 visitor spaces. The Council's parking guidelines set out maximum standards, to reflect the emphasis of Planning Policy Wales and the LDP in respect of promoting sustainable travel patterns and reducing the reliance on the private motor vehicle. Furthermore, it is relevant to note that the development is affordable and there is a reasonable expectation that car ownership levels will generally be lower than is the case in market housing developments. While there would be a limited number of flats that would not have an allocated space, there is parking capacity available along the highway directly outside the site. It is considered that the amount of parking being provided within the site, in addition to the on street capacity, is sufficient to meet the needs of the development without adversely impacting upon highway safety or the free flow of traffic. It should also be noted that the previous development of more units was served by significantly less parking within the site.

The layout provides good pedestrian facilities and permeability and it is considered that the development would be fundamentally safe for pedestrians. The layout plan also indicates resurfacing of a stretch of pavement to the north of the site and new tactile paving at crossing points at the site entrance and other points along Cornwall Road. These works would represent an incremental improvement to pedestrian infrastructure around the site and are welcomed.

The Highways Engineer has raised no objection but has made requests relating to the resurfacing of the lane at the northern part of the site, and the widening of the lane at the south east part of the site for the first 15m from the highway. While these works may improve the usability of these lanes, the development would not be accessed from them and it is considered that the acceptability of the proposed development is not dependent on those works. Consequently, it is considered that conditions to require these works would not pass the tests set out in the conditions circular.

Having regard to the above, it is considered that the development would be served by sufficient parking and would not adversely impact upon highway safety in the area.

### Impact on neighbours

The row of houses in the northern part of the site would lie closest to number 2 Cornwall Road, however, they are far enough away that they would not be overbearing or unneighbourly. There are no habitable room windows on the side of that neighbouring property and it is considered that the distance from the rear windows on plots 2 and 3 to this neighbour's garden (approximately 8.5m) is sufficient to ensure that the garden wouldn't be unreasonably overlooked.

At the south of the site, the dwellings at plots 27 and 28 would be far enough away from the neighbours on Dyfan Road and Barry Road to ensure that they would not be overbearing and the distances to the dwellings and their gardens is also sufficient to preserve the privacy of these neighbours.

At the rear of the site, the three storey part of the block of flats would be sited approximately 9m-11m away from the rear boundaries of dwellings on Hywel Crescent. The previous development within the site was made up of solely two storey buildings and this proposal would have a greater visual impact from the rear of the properties on Hywel Crescent than the previous development did. However, while the building will inevitably be clearly visible and it will have an impact on the outlook from these properties, it is considered on balance that the distance to these neighbours is sufficient to ensure that it would not be unacceptably overbearing or unneighbourly. The orientation is such that there is likely to be a degree of shadowing later in the day, however, it is considered that this would not be so severe that it would justify the refusal of the application.

The rear elevation of this building would contain a number of windows at first and second floors, however, they would principally serve landings/corridors and hallways. Given that these spaces are not habitable areas, it is considered that these windows would not be unduly harmful in respect of the neighbours' privacy. There are single living room windows at each of the first and second floors, however, these would be on the left hand side of the elevation (when viewed from the rear) at the point where there would be the greatest distance between the building and the neighbouring properties. Consequently, there would be no habitable room windows within 21m of neighbouring windows or unduly close to neighbouring gardens. Sufficient distance would be maintained between the block of flats and the dwellings at plots 20-28 to preserve the privacy of the occupiers of both.

The Council's Environmental Health Officer has requested a Construction Environmental Management Plan condition and this would ensure that construction impacts are minimised in the interests of residential amenity (Condition 10). Finally, it is considered that the locations of the open space and the likely use of those areas by residents would not unreasonably impact upon the nearest neighbouring properties.

Having regard to the above, it is considered that the development would preserve an acceptable level of residential amenity for those living around and within the site.

#### Amenity space provision

Each of the dwelling houses would be served by individual private areas of amenity space and while these areas are smaller than what would be sought by the Council's SPG, they are nevertheless adequate in size and of a useable shape to meet the outdoor functional and relaxation needs of the occupiers, including clothes drying, sitting out, bin storage etc.

There are two areas of open space within the layout, one at the northern corner behind plots 3 and 4 and one in the south eastern part, behind plots 25-28. Both areas are of a useable shape and have scope to function as pleasant areas of shared open space. The areas are also smaller in size than the Council's SPG would recommend, however, they are considered to be adequate to meet the needs of the occupiers. It should be noted that significantly larger areas of open space would result in a lower housing density and this would represent less efficient use of this sustainable brownfield site. Consequently, it is considered that the proposed areas of amenity space and open space are acceptable and strike the correct balance between their size and the need to provide important affordable housing.

## Ecology

The Council's Ecologist initially submitted a holding objection on the grounds that the plans did not show the biodiversity provisions that were referred to in the submitted biodiversity strategy. Subsequently the plans have been updated to show the location of bird and bat boxes on dwellings and make reference to gaps under means of enclosure to allow small animals to pass through. The Ecologist now raises no objection and Condition 14 requires the measures and recommendations with the biodiversity strategy and bat survey to be carried out.

## Drainage

There is an existing combined sewer within the site that served the former development, whereas new separate sewers are proposed to deal with foul sewerage and storm water. Permeability tests have demonstrated that the ground is not suitable for soakaways. However, given that the impermeable surfaces within this development would be less than what has been calculated for the previous development, there would be reduction in discharge rates and an associated marginal improvement in terms of flood risk. Dwr Cymru Welsh Water (DCWW) have raised no objection and have advised that there is a watermain and public sewer crossing the site. The drainage engineer consultants have been in pre-application discussions with DCWW and the detailed drainage layout will need to take account of this apparatus (see condition 7).

## Section 106 issues

While this is a major development comprising 28 units, it replaces a development of 34 and consequently, there is no net increase in units over and above the previous situation. Therefore, financial contributions in respect of matters such as sustainable transport and community facilities are not applicable to this development. As noted above, the development would be wholly affordable.

## Barry Town Council comments

The amount of waste storage is considered sufficient and it would be sited within close proximity of the flats. A development of affordable units will have to comply with relevant DDA legislation and it is considered that the number of disabled parking spaces is sufficient. The plans do indicate a lift and an external fire escape is not a fundamental requirement for the building to pass fire safety regulations. The other matters referred to in the Town Council's comments are addressed in the various sections above.

## RECOMMENDATION

Deemed planning consent be GRANTED subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the following plans and documents:

A002 Rev A, A003 Rev A, A004 Rev A, A005, A006 Rev A, A007, A008 Rev A, A009, A010, A011, A016 Rev A, David Clements Biodiversity Strategy November 2017, Arbtech Bat Presence Likely Absence Survey June 2016, Lodestone Drainage Strategy, Acstro TS May 2018.

The development shall be carried out strictly in accordance with these details.

Reason:

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

3. The development shall be constructed to the levels shown on plans A011, or an alternative set of levels, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of any of the buildings or the road, and the development shall be carried out in full accordance with the approved details.

Reason:

To ensure that the visual amenity of the area and residential amenity are safeguarded, and to ensure the development accords with Policies MD2 and MD5 of the Local Development Plan.

4. All means of enclosure associated with the development hereby approved shall be in accordance with the schedule and details contained on plan A016 A, or an alternative schedule of enclosures, details of which shall be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure shall be implemented in accordance with the approved details prior to first beneficial occupation of the dwelling that those enclosures relate to, and so maintained at all times thereafter.

Reason:

To safeguard local visual amenities, and to ensure the development accords with Policies MD2 and MD5 of the Local Development Plan.

5. The landscaping scheme for the site shall be in accordance with the details shown on plan A016 A, or an alternative landscaping scheme, details of which shall be submitted to and approved in writing by the Local Planning Authority, prior to the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner.

Reason:

To safeguard local visual amenities, and to ensure the development accords with Policies MD2 and MD5 of the Local Development Plan.

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

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure the development accords with Policies MD2 and MD5 of the Local Development Plan.

7. Full details of a scheme for the drainage of the site (foul sewerage and surface water and including details of the perpetual management of the drainage system) shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented and maintained at all times thereafter in accordance with the approved details.

Reason:

To ensure the adequate drainage of the site, and to ensure the development accords with Policies MD2 and MD5 of the Local Development Plan.

8. Notwithstanding the submitted plans and prior to their use in the construction of the dwellings hereby approved, further details and samples of the external materials to be used on the dwellings (including details of the mortar colour to be used on the brickwork) shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out and maintained at all times in accordance with the approved details.

Reason:

In the interests of visual amenity and to ensure the development accords with Policies MD2 and MD5 of the Local Development Plan.

9. None of the dwellings/flats hereby approved shall be brought into beneficial use until such time as the parking area(s) to serve that dwelling have been laid out in full accordance with the layout shown on plan A002 A, and the parking areas shall be so retained at all times thereafter to serve the development hereby approved.

Reason:

In the interests of highway safety and to ensure the development accords with Policies MD2 and MD5 of the Local Development Plan.

10. No Development shall take place until there has been submitted to, approved in writing by the Local Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall include construction working hours, and details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated. The CEMP will utilise the

Considerate Constructors Scheme ([www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk)). The CEMP will include a system for the management of complaints from local residents which will incorporate a reporting system. The construction of the Development shall be completed in accordance with the approved Plan unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure the development accords with Policies MD2, MD5 and MD7 of the Local Development Plan.

11. Notwithstanding the submitted plans, full engineering details of the new vehicular / pedestrian access points in to the site, any new pedestrian footways within the adopted highway and internal roads within the site, incorporating turning facilities and vision splays, and including sections, street lighting, surface water drainage and details of the location and design of all rumble strips, shall be submitted to and approved in writing by the Local Planning Authority prior to any works to construct/alter new/existing access points or roads within the site. The development shall be implemented thereafter in accordance with the approved details.

Reason:

In the interests of highway safety and to ensure the development accords with Policies MD2 and MD5 of the Local Development Plan.

12. In the event that contamination is found at any time when carrying out the development that was not previously identified, it shall be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place (unless otherwise agreed in writing) until a scheme to deal with the contamination found has been approved in writing by the local planning authority. The scheme shall include an investigation and risk assessment and where remediation is necessary a remediation scheme and verification plan shall 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, prior to the first beneficial occupation of any of the dwellings approved.

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 MD2, MD5 and MD7 of the Local Development Plan.

13. Any topsoil (natural or manufactured), subsoil, aggregate (other than virgin quarry stone) or recycled aggregate material to be imported to the site shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation and sampling which shall be submitted to and approved in writing by

the Local Planning Authority prior to its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Reason:

To ensure that the safety of future occupiers is not prejudiced and to ensure the development accords with Policies MD2, MD5 and MD7 of the Local Development Plan.

14. The recommendations contained in the David Clements Ecology Biodiversity Strategy November 2017 and the Arbtech Bat Presence and Likely Absence Survey June 2016 shall be implemented in full.

Reason:

In the interests of ecology and to ensure the development accords with Policy MD9 of the Local Development Plan.

#### REASON FOR RECOMMENDATION

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

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, 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 and MD9 - Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, the advice within Planning Policy Wales, Technical Advice Notes 12 and 16 and the Council's SPG on Affordable Housing (2018), Barry Development Guidelines, Biodiversity and Development (2018), Parking Standards (Interactive Parking Standards Zones Map) and Residential and Householder Development (2018), the proposed development is considered acceptable in principle and in terms of design and visual impact, residential amenity, parking, highway safety, ecology and drainage.



**NOTE:**

- 1. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**

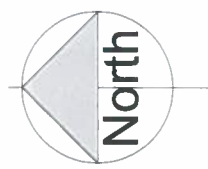
**Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual 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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Notes:  
Do not scale this drawing. Check all dimensions and areas. Any errors to be reported back to the Architect for clarity.



Client:  
**VALE OF GILMORGAN  
RINO MORGANING**

Project:  
**Brecon Court, Barry**

Job Number:  
**L597**

Date:  
**20.11.2017**

Drawn by:  
**MM**

Dwg No:  
**A001**

Site location plan

Revision:

Scale:  
**1 : 1250 @ A3**

Drawing Status:  
**PAC**



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