

ITEMS RECEIVED AFTER THE PRODUCTION OF THE REPORT
FOR THE PLANNING COMMITTEE
TO BE HELD ON 31 JANUARY, 2019

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PLANNING APPLICATIONS				
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			3.	Letter from Cllr. Wilkie
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MATTERS ARISING FOR COMMITTEE

COMMITTEE DATE : 31 January 2019

Application No.: 2016/01160/OUT	Case Officer: Mr. Morgan P. Howell
Location: Woodside Hamlet, Ham Manor, Llantwit Major	
Proposal: Proposed tourist (Tree Tent) accommodation development on land adjacent to Woodside Hamlet, with associated parking, wash up and toilet facilities	

From:

Since the report was written the Council has received an additional 37 letters of objection. 12 of the 36 letters received were new objections with the remaining 25 being resubmissions of previous objections from residents.

Summary of Comments:

The letters raise objections to the proposed scheme which repeat concerns raised in previous letters received and are addressed in the report.

Officer Response:

All of the matters raised in the new objections have been addressed in the officer's report.

Action required:

No action required

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Location: Woodside Hamlet, Ham Manor, Llantwit Major	
Proposal: Proposed tourist (Tree Tent) accommodation development on land adjacent to Woodside Hamlet, with associated parking, wash up and toilet facilities	

From: Jane Hutt AM

Summary of Comments:

Outlining objections from local constituents.

Officer Response:

These matters are covered in the report.

Action required:

None.

Jane Hutt
Aelod Cynulliad dros
Fro Morgannwg
Assembly Member for
Vale of Glamorgan

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

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Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

FAO Cllr Jonathan C. Bird, Cabinet Member for Regeneration and Planning

Our Ref: JH2930

16th January 2019

Dear Jonathan,

Re: Planning Application 2016/01160/OUT

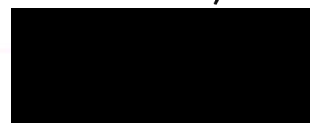
I have been contacted by several constituents who have raised concerns regarding the proposed Tree Tent tourist accommodation development on land adjacent to Woodside Hamlet in Llantwit Major.

Their objections include the ecological threat to ancient woodland of increased human activity, in particular with regards vegetation and various fauna such as bats, otters and birds.

Furthermore, my constituents are most concerned regarding access and noise pollution both in the construction and, later, the operation of the site.

I would be most grateful if these concerns could be accorded due consideration.

Yours sincerely



Jane Hutt AM
Vale of Glamorgan

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MATTERS ARISING FOR COMMITTEE

COMMITTEE DATE : 31 January 2019

Application No.: 2016/01160/OUT	Case Officer: Mr. Morgan P. Howell
Location: Woodside Hamlet, Ham Manor, Llantwit Major Proposal: Proposed tourist (Tree Tent) accommodation development on land adjacent to Woodside Hamlet, with associated parking, wash up and toilet facilities	

From: Llantwit Major Town Councillor Gordon Wilke

Summary of Comments:

Requesting clarification on matters including ecology, access and parking, risk assessment, land slip hazard, tree survey, control procedures, regulatory issues, smoke hazard, lighting hazard, fire hazard, health and safety, emergency landline, liability, appeal procedure . The questions are set out from 1 to 16 and the responses below correspond: -

Officer Response:

1. Land ownership, access and ecology issues at parking area:

A planning application can be proposed on land that is not owned or controlled by the applicant as long as interested land owners have been notified by the applicant. In this instance, the applicant served the appropriate certificate B on the owners of the land. The permission does not give consent for the applicant to carry out development of an approved scheme without the consent of the owner. As such, the applicant would still require consent from the land owner without which they could not implement the proposed scheme. Condition 8 would control this albeit, for clarification an amendment is proposed below to specifically include access to the site.

The Ecologist is aware of the proposals and has considered the impact of the development on protected species and findings are set out in the report.

Amend condition 8:

The use shall not be brought into beneficial occupation until the access and car parking spaces have been laid out within the site in accordance with Drawing No. MDS1068/PA203 Rev F and that space shall thereafter be kept available for the access and parking of vehicles in perpetuity.

Reason:

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

Suggested additional Informative:

This consent does not convey any authorisation that may be required to gain access or carry out works on land not within your ownership or control.

2. Land slip hazard:

Health and safety and land stability within the site is the responsibility of the applicant / land owner. Condition 10 requires the submission of surface water drainage details for consideration in due course.

3. Disabled Access:

Layout is a reserved matter and therefore the details of internal access arrangements for all will be considered at that stage in accordance with relevant policies. The type of accommodation proposed does limit access for persons with limited mobility but reasonable measures should be taken to enable access for all.

4. Risk Assessment:

Risk assessments are a matter for the site owner / operator. Informative 1 also refers: The use of the site for camping would require a licence under Section 269 of the Public Health Act 1936 which must be sought before the site operates and an inspection will be required before any licence is granted.

5. & 8. Ecology:

These matters are addressed in the officer's report.

6 & 7 Trees:

These matters are covered in the officer's report. The precise siting and location of the tree tents, and the associated impact on trees will be considered further at Reserved Matters stage.

9. & 10. Regulatory matters:

Where relevant to planning these matters are addressed in the report. Otherwise they are subject to separate regulatory regimes.

10. & 12 & 13 & 14 Health and Safety, Lightning strike and Fire Hazard:

Health and safety within the site is the responsibility of the applicant / land owner.

15. Liability:

The liability would be for the land owner and operator if there was any incident following the opening of the site.

16. Appeal procedure:

There is no third party appeal procedure. However, if the application is refused at planning committee, the applicant would be able to appeal any decision to refuse the application within 6 months of the date of the decision being made.

Planning Application 2016/01160/OUT Woodside Hamlet, Llantwit Major - Comments.

Residents comments include the following:

1 Site Access The site plan proposal (Ref F) dated Dec 2017 shows vehicular access, parking & a refuse hardstanding on land owned by objectors. The applicant does not have the approval of the landowners to build a parking lot on this land or for the placement of a refuse hardstanding. [REDACTED]

[REDACTED]

Q. How can the applicant construct parking & refuse collection on land he does not own, or for which there is no planning permission, please clarify.

Q. How will the emergency services manage to safely access the site, please clarify.

[REDACTED]

2 Land Slip Hazard The site plan proposal (Ref F) dated Dec 2017 shows vehicular access, parking & a refuse hardstanding on an area comprising of loosely 'made-up ground' (concrete rubble and soil) and construction traffic may cause subsiding or land-slip.

The lay of the land is such that surface water naturally drains downwards in a Northerly direction from the fields above the proposed car parking and down to Woodside Hamlet where the tree tents are proposed to be located. This run-off coupled with the steep ravine walls (the inclinations of which vary between 80 & 30 degrees), has resulted in recent land-slips, which on two occasions have caused the mains water pipe to fracture. *The mains water pipe runs from Mill Lay Lane, through Woodside Hamlet, under the river & up to the lodges.*

In the event of a major land-slip, concrete rubble and soil would cascade down and onto the SE location of the proposed tree tent site where five of the tree tents are proposed to be located.

Q. Please advise how the council will address the surface water/land-slip/subsiding hazard on this made-up ground?

3 Disabled Access The applicant has indicated that disabled access will be included! However, the topography of the site is not suitable for disabled access due to undulations of the wood's boggy floor and to the steep gradients of the ravine walls (the inclinations of which vary between 80 & 30 degrees), this topography prevents vehicle access and ground level wheelchair access would be severely hampered due to uneven surfaces and the fact that each tree tent has steps. There is a high risk of injury due to this topography and to slip hazard 'on or off walkways' when navigating this site, this would be compounded when using a suspended bridge. The topography of the site would also make it hazardous for emergency services access.

NB See Supplementary Site Details Document DS 1068/PA206 which mentions disabled access/parking** however, there is no mention of this in later revision of the site plans.

Q. Please advise how the council will ensure the risk of incidents for disabled access are mitigated?

Q. Will the council be at risk of liability in the event the site is declared unsafe for disabled or abled access?

4 Risk Assessment Have risk assessments been completed covering the following subjects:

Emergency Services access, see items 1, 2 and 3 above.
Land slip hazard of made-up land, see item 2 above.
Disabled access, see item 3 above.
Smoke, see item 10 below.
Lightning hazard, see item 11 below.
Fire hazard, see item 12 below.
Drowning hazard, see item 13 below.

Q. Please advise how the Council/planning committee will ensure the risks detailed above are mitigated?

5 Ecology Report The report gives the impression that the tree tents will not have a negative impact on the wood or its wildlife. Unfortunately, the report appears to have been based on a badly timed and incomplete Ecological Impact Assessment **funded by the applicant**, the conclusion of which admits that surveys of some species were not undertaken. Having viewed the protected species listed in the following link; <http://jncc.defra.gov.uk/page-5717>, it shows that Wales is known to have >300 protected species, therefore the applicant's incomplete study is not representative.

Residents and the Woodland Trust disagree with this report that was funded by the applicant, as may an independent ecologist, **as several protected species, including** [REDACTED], **bats, European otters. European eels and many types of birds 'including herrings' have been seen in the woods. The river also has trout and greater crested newts.** Residents have photographic evidence of these sightings some of which have been sent on to Councillor Gwyn John.

Q. Please advise how the Ecology Development Services can recommend approval of this application when there are several protected species known to be present in the woods?

Q. Wales has 300+ of the protected species listed in <http://jncc.defra.gov.uk/page-5717> many of which have not been checked for by the applicant's surveyor, please advise if the VoG Ecology Department has checked for them?

Q. Will the planning committee consider the validity of the Ecology reports as they have been completed by the applicant and are not independent?

6 Tree Survey The survey recommends the removal of 44 of the 82 trees surveyed, this would decimate the existing wildlife. It also means many of the tree tents would have to be mounted on stilts or cradles (as shown in document MDS 1068/PA205), therefore advertising the site as 'Tree Tents' would be a false description under the Trade Description Act.

NB. The applicant has since indicated that they do not wish to remove these trees, only these close to tent locations (**define 'close to'**)? See *Morgan Howell email dated 9 Jan 2019 para 3*. However, as the 11 tents are proposed to be located over an area covering ¼ of the site, this could result in the removal of a significant number of trees!!!

Q. Could the planning committee please advise if tree retention could be made a pre-requisite condition in the event the application is approved?

Q. As the survey was not undertaken by the VoG Council, please advise if the agent sponsored survey is valid?

7 Woodland Trust Jan 2018 - If any trees are to be removed their objection remains. The trust also lists the probable impact on the woods protected fauna from human intrusion.

Q. Please advise why the Planning and Ecology departments have ignored the requirement to protect this small but ancient woodland and its wildlife and fauna when planners have recently allowed our hedgerows to be removed and so much of our countryside and woods to be concreted over?

8 Control Procedures Ecology report (condition 2) mentions LIGHTING i.e. A condition regarding the lighting plan for the site will need to be included on any consent, to ensure impacts on biodiversity arising from lighting can be adequately mitigated. This will protect bats, dormouse and other wildlife on site. However, as the site manager will not be resident on-site there is nothing to prevent site users from using unregulated bright LED lighting or from making excessive noise!!!

Q. Please advise what control procedures are planned for noise & light?

9 Regulatory Issues

Q. What measures will be taken to control & prevent regulatory issues, including: foul drainage, pollution prevention, biodiversity, protected species and waste management?

10 Smoke Hazard VoG Environmental Health (Memo dated 28 Dec 2017) say the smoke from wood burning stoves, BBQs and campfires would have a detrimental effect on residential amenity.

Q. If the site manager is located remotely, how will it be possible to ensure visitors follow site rules? Please advise?

Q. As the site manager will be responsible to supply fuel for wood burners, what's to prevent campers using other about fuels and causing a hazard? Please advise.

11 Lightning Hazard Tent safety during a thunderstorm can be extremely challenging. People in tents or under a tree, are at an increased risk of being struck by lightning or suffering exposure to side-flash or ground current, **all of which can be deadly, especially with the woods boggy floor.**

Q. How will the council/planning committee mitigate the risk of on-site lightning/side-flash/ground current? Please advise.

12 Fire Hazard The contents of the application directory do not include one for the fire service, having spoken with the Fire Service they say it's up to the Planners/applicant to decide if consultation is required and it cannot say if a consultation has or not been completed due to data protection. However, they did say that a consultation should be complete due to the combination of: Gas tanks in the wooden lodges and the proposed wood burners & BBQs in/near the tree tents and the obvious presence of combustible material on the site there is significant risk/concern!!!

Q. As the site proposal includes equipment that burns wood what control procedures are proposed to prevent Fire hazards? Please advise.

Q. Will the fire department be consulted on the tree tent proposal? Please advise.

Q. What measures are proposed to reduce/negate the risk of a fire on the tree tent site spreading to the Gas tanks in the adjacent wooden lodges? Please advise.

Q. Has the LPG tank capacity/fire wall & distance from ignition sources at each lodge been checked against the fire regulations for LPG tanks? Please advise.

13 Health & Safety There are numerous Health & Safety hazards on the proposed site including the river, the banks of which are very steep and slippery. In addition, the river bed is strewn with rocks.

As there are no safety rails included in the plans, there is a significant risk of someone, especially children, falling into the river and sustaining injury/drowning.

Q. Please advise how the Council/planning committee will ensure this risk is mitigated?

14 Emergency Landline The 'tree tent facility document' mentions emergency contact of the site manager who would live off-site. As some of the adjacent residential properties have either a poor or no mobile signal due to the properties being in a dip. And as the proposed tree tent site is lower than the residential properties, there may be no mobile signal available.

Q. Will an onsite emergency landline phone be included in the proposal? please advise.

15 Liability

Q. In the event of a site incident subsequent to the tree tent site opening, how will the Council/planning committee ensure risk of liability is mitigated, please clarify.

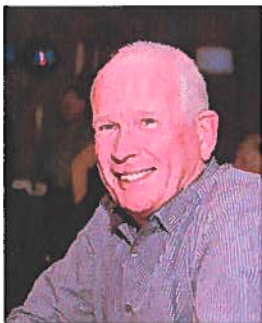
16 Appeal Procedure Please advise details of appeal procedure.

Gordon Wilkie (Cllr)
Llantwit Major Town Council

Tel
em



Research Ombudsman/Appeal procedure (for WAG & EU attention)



MATTERS ARISING FOR COMMITTEE

4

COMMITTEE DATE: 31 January 2019

Application No.: 2018/01214/FUL	Case Officer: Mr. Gwyn Humphreys
Location: Ty Isaf, Drope Road, Drope Proposal: Change of use of agricultural land into garden space. To retain existing shingle/gravel surfacing to motor home enclosure. To retain existing wooden motor home enclosure (open to front entrance). To retain fencing to outer boundary	

From:

St George's & St Brides Super Ely Community Council

Summary of Comments:

It has been brought to the Community Council's attention that more land has been purchased at Ty Isaf, and neighbouring residents are expressing concerns about the landowner's intentions.

Officer Response:

The purchase of additional land is not a consideration as part of this application, and any change of use of additional land would have to be dealt with under a new application.

Action required:

No action required.

2018/01214/FUL GH.

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St George's & St Brides Community Council
Cyngor Cymuned Sain Siorys a Llansanffraid-ar-Elai

9A Wellington Street
Tongwynlais
Cardiff
CF15 7LP

21st January 2019

Dear Sir or Madam,

Regarding: Planning Application 2018/01214/FUL Ty Isaf, Drope Road, Drope

I enclose a copy of a letter sent to you on 26th November and the Community Council comments made online also on the 26th November regarding this planning application.

It has since been brought to the attention of the Community Council that more land has been purchased at Ty Isaf and residents are expressing their concerns about the land owner's intentions.

The Community Council kindly requests that you respond to the concerns and comments we have raised with you.

Kind Regards,

Mrs Nadine Dunseath
Clerk to the Council

