

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **20 NOVEMBER, 2019**

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:

2019/0011/PO	AC	Ton Y Rian, Ty'r Winch Road, Old St. Mellons,	Proposed single storey rear extension, with internal structural alterations and associated external works
2019/0020/PO	AC	56, Woolaston Avenue, Cardiff.	Proposed single storey rear and side extensions. Dormer extensions to front and rear roof slope. Re-cladding on frontal elevation and all associated external works
2019/0021/PO	AC	93, Fairwater Road, Cardiff.	Proposed single storey rear extension, internal ground floor structural alterations; all with associated external works
2019/0772/BR	AC	The Former Royal British Legion Club, High Street, Cowbridge.	Construction of single 3 storey residential block comprising of 6 x 2 bed apartments and 2 x 3 bed duplex apartments
2019/0803/BN	A	53, St. Brannoeks Close, Barry	Single storey extension to enlarge kitchen with utility room and toilet
2019/0844/BR	A	Coed Ceirios, Penmark.	To extend to side and rear ground floor new living / breakfast room and kitchen, to remove flat roof to existing first floor rear dormer and construct new pitch roof and re clad walls

2019/0850/BR	AC	Mount Pleasant Farm, Llangan.	Workshop extension to existing garage
2019/0867/BN	A	13, Pencoedtre Road, Cadoxton, Barry.	Orangery extension
2019/0894/BN	A	26, Forrest Road, Penarth.	Knock through kitchen / dining room and 2 extensions (single storey and 2 storey atrium)
2019/0897/BR	A	Meadow View, Crossways, Llanblethian	Two storey front extension.
2019/0898/BR	AC	34, Coleridge Avenue, Penarth.	Hip to gable loft conversion with rear dormer
2019/0902/BN	A	1, Stradling Close, Sully.	Garage conversion
2019/0906/BR	AC	14, Winston Road, Barry.	Construction of single storey side extension to allow enlargement of kitchen and placement of garage with downstairs w/c
2019/0907/BR	AC	3, Turnpike Close, Dinas Powys.	Single storey garage extension
2019/0909/BR	AC	Plas Y Bryn, The Lane, St. Nicholas.	Single storey side extension
2019/0910/BN	A	9, Fforest Drive, Barry.	Replacement conservatory roof with guardian warm roof
2019/0911/BN	A	Llansdowne, St. Hilary.	Reconstruction of an existing single rear extension and associated internal works
2019/0912/BR	AC	36, Plas Taliesin, Penarth.	Demolish existing front porch and construct new porch at lower level, remove French doors at side and rear and replace with bi-fold doors
2019/0913/BN	A	7, Main Avenue, Peterston Super Ely	Demolition of flat roofed utility room and replace with a pitched roof single storey kitchen extension. Replacement of dormer with pitched roof

2019/0914/BN	A	21, Clos Yr Wylan, Barry.	Remove internal supporting wall. Install steel beam - supporting Pryda span flooring above
2019/0915/BN	A	49, Porthkerry Road, Rhoose	Creation of 2 no new windows to side of house on ground floor with WC
2019/0916/BN	A	49, Southey Street, Barry	Re roof and garden wall
2019/0917/BN	A	57, Nant Talwg Way, Barry	Partial upgrade of existing room within garage area
2019/0918/BN	A	25, Plymouth Road, Penarth.	Replacement upvc double glazed windows
2019/0919/BN	A	2, Park Road, Dinas Powys.	Replacement upvc double glazed windows
2019/0921/BN	A	Old Orchard, Merevale, Dinas Powys.	2 lots of steels in ground floor and roof lights
2019/0922/BN	A	16, West Terrace, Penarth.	Single storey extension, loft conversion with dormer and replacement of window
2019/0923/BN	A	The Workshop, 6, Robins Lane, Barry	Repair to fire damaged roof
2019/0924/BR	AC	St. Andrews Major Primary School, St. Andrews Road, Dinas Powys.	Demolition of existing free standing demountable classroom unit. Supply and installation of new replacement modular classroom unit - 7.8m x 12m. New classroom consists of 3 no WC's, lobby, accessible WC, classroom (with kitchenette) and 2 no. store rooms
2019/0925/BN	A	141, Plymouth Road, Penarth.	2 Storey rear extension, SS rear extension, FF extension over existing and loft conversion
2019/0926/BN	A	42, Wimbourne Close, Llantwit Major.	Knock through
2019/0930/BR	AC	9, Knowbury Avenue, Penarth. CF64 5RX	Demolish existing roof of hallway and partially

			remodel existing ground floor. Proposed new rear extension and pitched roof on hallway at ground floor. Internal alterations at ground. Relocate boiler to ground floor WC
2019/0931/BN	A	2, Old Cogan Hall Cottages, Sully Road, Penarth.	Remove and replace patio doors, widen opening to allow bigger door to allow more light into the house. This involves removing part of the wall and rebuilding.
2019/0932/BN	A	56, Glebe Street, Penarth.	Loft conversion
2019/0933/BN	A	7, Myrtle Close, Penarth.	Single storey extension to enlarge dining area and downstairs toilet wet room
2019/0934/BN	A	The Stables, Southerndown Farm, Southerndown.	Installation of staircase enclosing off ground floor
2019/0935/BN	A	23, Lord Street, Penarth.	Stabilisation of gable end wall by installation of lateral restraint straps. Formation of expansion joint
2019/0938/BN	A	Rock House, Chapel Terrace, Twyn Yr Odyn	Removing stone wall and opening it up and fitting padstones and steels to internal wall to engineers specification
2019/0939/BN	A	8A, John Street, Penarth.	Combine 2 rooms into one, install patio door and enlarge rear window opening for new window
2019/0940/BN	A	26, Four Acre, Llantwit Major.	Single storey side and front extension
2019/0941/BN	A	34, Ivy Street, Penarth.	Removal of wall and install lintel and removal of two chimney breasts
2019/0942/BN	A	6, Lower Cwrt Y Vil Road, Penarth.	Replace lintel to rear elevation
2019/0946/BN	A	2, Ceri Avenue, Rhoose.	Two storey extension to existing property

2019/0948/BN	A	34, Clos Tyniad Glo, Barry.	Garage conversion
2019/0950/BN	A	Flats 1-5, Butt Lee Court, Buttrills Road, Barry.	Re Roofing
2019/0951/BN	A	47, Lavernock Road, Penarth	Raise flat roof and replace with new materials. New doors and window, replace wooden lintel with steel beam.
2019/0954/BN	A	73, Maes Y Cwm Street, Barry	Change of sloping roof to flat roof on lead-to and renovation of rear
2019/0955/BN	A	1, Radnor Green, Barry	Re-roof

(b) Building Regulation Applications - Reject

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

2019/0927/BN	R	4, Caynham Avenue, Penarth.	Single rear extension
2019/0945/BN	R	27, Port Road East, Barry.	Proposed single storey rear extension and internal alterations
2019/0958/BN	R	37, Glen Mavis Way, Barry	Single storey rear kitchen extension

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

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

2019/0145/AI	A	16, Rhodfa'r Morwydd, Penarth	Proposed dormer loft conversion at second floor level to create habitable room (works to include material alterations to structure, controlled services, fittings and thermal elements)
2019/0146/AI	R	Master Mariner, 1, Skomer Road, Barry.	Internal alterations to existing premises to enlarge kitchen (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)

2019/0147/AI	A	5, Westgate, Cowbridge	1 No. residential unit
2019/0148/AI	A	1-3, Adenfield Way, Rhoose	Proposed construction of 2 No. detached dwellings
2019/0149/AI	A	91, Llanmaes Road, Llantwit Major.	Alteration to existing loft conversion to include new dormer construction, internal alterations and associated works
2019/0150/AI	A	23, Clevedon Avenue, Sully, Penarth.	Proposed single storey rear extension, side dormer extension to attic room with rear balcony and conversion of detached garage to create habitable room (works to include material alterations to structure, controlled services, fitting and thermal elements)
2019/0151/AI	A	12, Upper Cosmeston Farm, Penarth.	First floor side extension (works to include material alterations to structure, controlled services, fittings and thermal elements)
2019/0152/AI	A	10, St. Cadocs Avenue, Dinas Powys.	Material alterations to dwelling (replacement conservatory roof with solid warmer roof and replacement conservatory door/window frames)
2019/0153/AI	A	25, Sir Ivor Place, Dinas Powys	Single storey rear extension and associated works
2019/0154/AI	A	15, Millbrook Heights, Dinas Powys.	New external first floor structural opening (works to include material alterations to structure, controlled services, fittings and thermal elements)
2019/0155/AI	A	Ty Carrig, City, Cowbridge	Construction of a detached garage

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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

2014/00229/3/C D	A	South Quay, Barry Dock, Barry	Discharge of Condition 19 - The development shall at all times be carried out in accordance with the Phasing Plan Document registered on 2 September, 2019 in association with application 2014/00229/1/NMA and the following associated plans, received on 18 June 2019 with application 2014/00229/EAO: Barratt Homes - Occupation Plan, Construction Slab Plan, Construction to First Fix Plan. Taylor Wimpey - First Fix Phasing Plan, Occupation Phasing Plan,
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			Superstructure Phasing Plan. Persimmon Homes - Residual Market Units Plan
2014/00229/4/C D	A	Land at Barry Waterfront, Barry	Discharge of Condition 19 - Marketing Strategy - Planning Permission ref. 2014/00229/EAO: 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, landscaping, public realm and public open space provision -
2014/00914/1/C D	A	Former Ogmore by Sea Caravan Park, Main Road, Ogmore by Sea	Discharge of Conditions 5- Vehicular and Pedestrian Access, 7 - Hazelwood Footways, 9 - Details of Footway, 12 - Wheel Washing, 13 - Travel Plan, 14 - Finished Levels, 15 - Drainage, 16 - Surface Water Drainage and 22 - External Lighting. Planning Permission ref. 2014/00914/FUL : Removal of Condition 6 of planning permission 2009/01273/OUT
2014/01424/3/C D	A	St. James Gardens Residential Development, St. James Road, Wick	Planning Permission Reference: 2014/01424/1/CD Proposal: Discharge of Condition 26 - Public Art Location: Land off St. Brides Road, Wick

2014/01424/5/N MA	A	St. James Gardens Residential Development, St. James Road, Wick	Non Material Amendment- Update of public art proposals after planning permission has been granted. Planning Permission Ref: 2014/01424/FUL: Change of use of agricultural land to residential development (C3) including the development of 124 residential dwellings, public open space, landscaping, highway improvements and associated engineering works
2015/01226/3/C D	A	77, Romilly Park Road, Barry	Discharge of Condition 16 - Post construction sound insulation assessment. Planning Permission ref. 2014/00071/FUL: Proposed construction of four dwellings with access, on site parking and amenity facilities
2016/00305/5/C D	A	A4226, Five Mile Lane, Barry	Discharge of Conditions 7 (Vegetation clearance) and 21 (Landscaping scheme) of Planning Permission ref. 2016/00305/RG3
2017/00291/1/C D	A	Greenyard Farm, Argae Lane, St. Andrews Major	Discharge of Conditions 7 (Bird Nesting Mitigation), 9 (Drainage Scheme), 10 (Contamination Testing), 11 (Remediation Scheme), 16 (CEMP) and 18 (Bin Waste Collection) of Planning Permission 2017/00291/FUL - Change of use of existing stone barn and timber barn to residential, partial conversion of former milking parlour to garage use, the demolition of the remaining milking parlour and steel framed buildings

			and erection of 12 holiday accommodation units and shower block
2017/00476/1/C D	A	Westhaven 3 (Dockside Quay), Barry Waterfront, Barry	Discharge of Conditions 2- Road Construction Details (new residential development), 6-Schedule of Materials in construction (incl. samples), 9-NS - details of screen walls, enclosures etc. & 10-NS - Landscape Management Programme
2017/00476/4/C D	A	Dockside Quay, Barry Waterfront	Discharge of Conditions 2 - Engineering, 3 - Lighting and 13 - Shop Front Design. Planning Permission ref. 2017/00546/RES: Development of the site known as Dockside Quay for residential development, A3 units and associated infrastructure works, parking, and landscaping
2017/00564/11/C D	A	Northern Access Road, St. Athan	Discharge of Conditions 3 - Junction Modelling and 4 - Highway Mitigation Measures. Planning Permission ref. 2017/00564/FUL: Proposed construction of a new highway (called the Northern Access Road) with footways and a cycleway, new junctions, lighting, signs, fencing, flood alleviation works, acoustic barriers and other environmental mitigation measures, landscaping, demolition of garage at Rose Cottage, and all associated engineering and building operations

2017/00564/12/C D	A	Northern Access Road, St. Athan	Discharge of Condition 9 - Highway Condition Survey (Post Construction) and 10 - Repairs to the adopted highway of Planning Application 2017/00564/FUL
2018/00465/1/N MA	A	7, Marine Parade, Penarth	Non-Material Amendment - Replace part timber cladding with glazing to front elevation. Planning Permission ref. 2018/00465/FUL: Complete demolition of existing garage building to be replaced with new indoor swimming pool structure
2018/00478/1/N MA	A	13, St. Peters Road, Penarth	Non-Material Amendment - Replacing the large roof window to single storey extension with 2 No. roof lights 3 No. additional roof lights to double storey extension roof. Planning Permission ref. 2018/00478/FUL: Proposed two storey extension, single storey extension and loft conversion with dormer window
2018/00913/1/C D	A	Corner plot on Merthyr Street and Belvedere Crescent, Barry	Discharge of Condition 12- Affordable Housing. Planning Ref 2018/00913/FUL: The erection of 9 flatted residential dwellings over 3 storeys and associated works at Corner plot on Merthyr Street and Belvedere Crescent, Barry
2018/01054/FUL	A	12, Marine Parade, Penarth	Existing coach house to the rear of the property to be altered and renovated, existing driveways to be

2018/01231/2/N MA	A	Cwrt Canna, Land adjacent to Llangan Primary School, Ruthin Road, Llangan	reinstated with additional car parking spaces to the rear of the property and a carport to the rear of the property
2018/01231/3/N MA	A	Canna Studio, Land adjacent to Llangan Primary School, Ruthin Road, Llangan	<p>Non Material Amendment- The applicant is seeking to make amendments to the fenestration of the approved development. As such, an amendment to Condition 02 of Planning Permission 2018/01231/FUL is sought- Planning Permission Ref:- Residential-led mixed use development comprising of 13 affordable homes, 2 additional office buildings, a community building and ancillary development including landscaping, drainage, car parking, creation of a new vehicular access and other associated infrastructure</p> <p>Amendments are required to the doors and windows of the proposed detached bungalow on Plot No.7. As such, an amendment to Condition No. 2 of Planning Permission 2018/01231/FUL: Residential-led mixed use development comprising of 13 affordable homes, 2 additional office buildings, a community building and ancillary development including landscaping, drainage, car parking, creation of a new vehicular access and other associated infrastructure at Cwrt Canna, land adjacent to Llangan Primary School, Llangan.</p>

2018/01313/FUL	A	University Hospital Llandough, Penlan Road, Llandough	Proposed retention, refurbishment, and extension, of existing building for the All Wales Cystic Fibrosis Centre
2018/01343/1/N MA	A	The Court House, High Street, Llantwit Major	Non-Material Amendment - To change the timber frame construction to dense blockwork. Planning Permission ref. 2018/01343/FUL: Over cladding of rear, two storey 1950s prefabricated extension with timber studs and render to match existing colour and finish
2018/01427/FUL	A	Plasnewydd Farm, Cowbridge Road, Llantwit Major	Demolition of existing block built agricultural shed and replacement with modern specification, oriented North-South to improve usable yard space
2019/00062/FUL	A	Land between Penarth Heights and Terra Nova Way, Penarth	Proposed regrading and engineering works to resolve landslip with associated works and construction of steps
2019/00080/1/C D	A	Land off Heol Las, Wick	Discharge of Condition 3 (Landscaping) and Condition 5 (Parking Layout) of Planning Permission 2019/00080/FUL
2019/00162/1/C D	A	Penllyn Estate Farm, Llwynhelig, Cowbridge	Discharge of Condition 8 - Details of Entrance wall and gates. Planning Permission ref. 2019/00162/FUL: Erection of a new building to house a farm shop, cafe and associated facilities along with a new carpark and private access track from the A48. The application is

			a replica of that already approved under 2018/00607/FUL with amendments to the internal layout and the enclosing of the loading bay with a fence
2019/00178/FUL	A	222, Holton Road, Barry	Conversion of existing building into five apartments including alterations to existing windows and the addition of new windows
2019/00263/1/N MA	A	23 Station Road, Penarth	Non-material Amendment- To take down party wall 23/24 Station Road and incorporate new cavity wall in proposed extension to both properties. Planning Application- 2019/00263/FUL: Demolish existing lean to utility room/outbuildings and construct new single storey extension to accommodate sun lounge/breakfast room and toilet
2019/00276/LBC	A	Gileston Manor, Gileston Road, Gileston	Proposed alterations to listed wall and summerhouse
2019/00290/FUL	A	Playing Fields, Windmill Lane, Frampton, Llantwit Major	Install a stand containing 150 seats and two dugouts inside ground at Windmill Lane and complete pathed area around the pitch.
2019/00426/1/N MA	A	Gelert West, 2, St. Augustines Crescent, Penarth	NMA- French doors with screen Planning Permission 2019/00426/FUL-Construct single storey sun room to rear
2019/00435/1/C D	A	Whitmore High School, Port Road West, Barry	Discharge of Condition 9 - CEMP. Planning Application ref.

			2019/00435/RG3: Construction of a replacement secondary school building with associated playing fields and parking at the site of the existing Whitmore High School and the demolition of the existing secondary school building upon completion
2019/00449/FUL	A	Telephone Exchange, Grove Terrace, Penarth	Installation of aluminium louvres on five windows on the south-west elevation of the exchange
2019/00588/FUL	A	1, St. Augustines Place, Penarth	Single storey extension to rear of existing house. Demolition of existing garage and construction of new garage with workshop storage and new garden / roof terrace
2019/00642/FUL	A	Highbury, 7A, Beach Road, Penarth	Ground and first floor extensions to rear of the building and first floor extension on existing lobby, balcony on East elevation with access from the attic
2019/00713/1/N MA	A	Ty Shwllac, Heol Shwllac, St. Brides Major	Non-Material Amendment - External changes to the approved fenestration and access arrangements. Planning Permission ref. 2019/00713/FUL: Single storey side and rear extension
2019/00733/FUL	A	Argoed Uchaf, Llanharry	Demolition of the Existing Two Storey Dwelling and Proposed Replacement Dwelling
2019/00736/FUL	A	Halsden, 172, Port Road, Barry	Proposed single storey extension to side and rear and loft conversion

			including dormer and new gable
2019/00745/1/N MA	A	2 Pinklands, Church Road, Llanblethian, Cowbridge	Non-Material Amendment - Change external finish from render to Cedar cladding, new French door to first floor rear elevation and new window to side elevation first floor. Planning Permission ref. 2019/00745/FUL: New single storey and two storey extension to rear and new porch to front
2019/00774/FUL	A	163, Stanwell Road, Penarth	Dropped curve at the front of the house, remove garden wall, to give access to car parking space in front of the house
2019/00775/FUL	A	6, Baroness Place, Penarth	AMENDED PLANS: Conversion of hip to gable roof with full width dormer to the rear and single storey ground floor extension to the rear, circular window in existing front gable, Velux to front, enlarged first floor WC window at rear and new utility door to side elevation.
2019/00776/LAW	A	Top Flat, 3, Clive Crescent, Penarth	Use of second floor flat, also known as the top flat, as a separate residential dwelling
2019/00783/FUL	A	Llanquian Road, Aberthin	Provision of 6 holiday log cabins, treatment plant drainage and associated works
2019/00810/FUL	A	35, Llanmaes Road, Llantwit Major	Single storey extension to front, side and rear of the existing dwelling

2019/00813/FUL	A	15, Sully Terrace, Penarth	Proposed bay window and canopy to front elevation. New single storey extension to rear
2019/00822/FUL	A	Bojangles, 13, Washington Buildings, Stanwell Road, Penarth	Change of Use of existing A1 retail premises to D1 podiatry and chiropody clinic with adjustment to front door location and associated internal alterations.
2019/00826/ADV	R	TimberMart UK Ltd t/a Thomson & Son, 4, Sully View, Cardiff Road, Barry	Mounted on 3.0m high posts, a sign to display company name/description approx.. 4.0m wide. Top of sign 3.0m from floor, 1.0m down
2019/00831/FUL	A	148, Redlands Road, Penarth	Demolition of existing kitchen and bathroom, construction of new kitchen / dining / living room and first floor bathroom together with internal alterations
2019/00851/FUL	A	Keepers Cottage, Llandough	The application amends a previously consented scheme which was to build a garage and off road parking at road level. This application is to vary the previous scheme by omitting the garage from the proposal and proceeding with the off road parking in isolation
2019/00859/FUL	A	The Laurels, Graig Penllyn	Change of garage door to a set of bi-folds
2019/00863/FUL	A	Orchard Cottage, Leckwith Road, Leckwith	Replacement garage
2019/00864/FUL	A	Orchard Cottage, Leckwith Road, Leckwith	Proposed single storey extension with basement

2019/00866/FUL	A	Ty Carrig, City	Construction of garage
2019/00867/FUL	A	25, Pwll Y Min Crescent, Peterston Super Ely	Proposed rear extension and dormer extension
2019/00868/FUL	A	67, Highwalls Avenue, Dinas Powys	Proposed first floor side extension, loft conversion and other alterations to property
2019/00870/FUL	R	Baobab, Highlight Lane, Barry	Vehicle access road
2019/00873/FUL	A	Awel Fan, Aberthin Lane, Aberthin	Demolition of existing flat roof two storey extension and construction of new two storey pitched roof extension to front of existing dwelling as well relocation of detached garage and minor external works
2019/00897/LBC	A	Dyffryn Gardens, St. Nicholas	Alteration work to the garden and bothies include the removal of a brick wall to create a doorway, the installation of a Belfast sink c/w water supply and drainage. The removal of 1m ² of engineering brick to an internal ramp and replace with a softer brick, the alteration of a modern racking system in the potting shed area. Change one set of double doors, reintroduce one garden entrance door and replace one arched entrance door. Reintroduce a stone finial above the adjoining upper and lower garden door. Introduce a butyl lining to the dipping ponds
2019/00898/FUL	A	8, Handel Close, Penarth	Demolition of existing rear garage structure, and proposed two and single storey extension(s) to rear

			and side, with porch roof structure to frontal elevation; alterations to wall cladding and fenestration details all with associated external works
2019/00907/FUL	A	10, Borough Avenue, Barry	Double extension on side off existing property
2019/00908/FUL	A	Dyffryn Gardens, Duffryn Lane, Dyffryn	The reintroduction of a Mawson style green house to the lower walled garden
2019/00909/LBC	A	Dyffryn Gardens, Duffryn Lane, Dyffryn	The reintroduction of a Mawson style green house to the lower walled garden
2019/00913/FUL	A	8, The Heathers, Barry	Proposed canopy above main entrance and existing vehicular access widened complete with additional parking to front
2019/00914/FUL	A	Site to rear of No. 2 Barry Road, Barry	Proposed retention of dwelling as built (Original approval 2011/00429/FUL)
2019/00917/1/C D	A	29, Clevedon Avenue, Sully	Discharge of condition 3 - Samples of metal sheeting and cladding. Planning permission ref. 2019/00917/FUL: The proposal is for a garden room with storage to be installed in the place of a static caravan that was being used as a shed/ for storage
2019/00923/FUL	A	Danygraig, Sutton Road, Ogmore By Sea	We wish to replace the existing boundary wrought iron fence with a 30 metre breeze block Wall and pillars to match the house, rendered and painted white along the front of our property and install a 1.5 metre wide gate into one end of the wall for access

2019/00927/FUL	A	24, Elm Grove Road, Dinas Powys	1 storey rear extension, 2 storey infill to the side return with windows added to side elevation. Wall moved to straddle boundary
2019/00930/FUL	A	Caia Barn, St Nicholas	Proposed garden room
2019/00931/FUL	A	Cradleigh, Swanbridge Road, Sully	Two storey side and rear extension with balcony above, external staircase to side and new front access gates
2019/00933/FUL	A	Land at Spring Meadows, Llandow, Cowbridge	Provision of a manege
2019/00935/FUL	A	Dickens, 26, Forrest Road, Penarth	Two storey side extension and single storey front extension
2019/00940/FUL	R	Elmhurst, Porthkerry	Proposed outbuilding to house existing swimming pool and provide gymnasium / games room
2019/00944/FUL	A	Cog Moors Wastewater Treatment Works, Cardiff Road, Dinas Powys	Installation of items of plant and equipment, comprising lightning conductor poles and replacement of two previously approved export silos
2019/00955/FUL	A	5, Grove Place, Penarth	Single storey rear extension and loft conversion with dormer to rear
2019/00956/FUL	A	17, Cwrt Y Vil Road, Penarth	Single storey rear extension
2019/00958/FUL	A	Parkstone House, 23, Park Avenue, Barry	Change of use from B1 (offices) to C3 (residential)
2019/00959/FUL	A	143, St. Davids Crescent, Penarth	Construction of single storey rear extension

2019/00965/FUL	A	13, Station Road, Rhose	Proposed single storey external store
2019/00966/FUL	A	12, Archer Terrace, Penarth	Two storey side extension, single storey rear extension and first floor rear extension with alterations to replace an earlier extension to an existing dwelling
2019/00971/FUL	A	19, Hensol Villas, Hensol	Two storey rear extension with Juliet balcony, first floor side extension and remodelling of existing house including an integral garage, new entrance and bay window to front
2019/00974/ADV	A	Starbucks Drive Thru, Brooklands Retail Park, Culverhouse Cross, Cardiff	Car park, building and drive thru' signage to a new Starbucks site
2019/00977/FUL	A	Mayfields, St. Quentins Close, Cowbridge	First floor rear extension with Juliet balconies, two dormers to front, new first floor side elevation windows and other alterations to existing house. Upgrading of garage/storage building to form garage and granny annexe ancillary to main building.
2019/00980/LAW	A	93, Queens Road, Penarth	A flat roof rear dormer loft conversion to include one Velux window to the front elevation. Rendered to match the existing house colour
2019/00981/FUL	A	186, Redlands Road, Penarth	Two storey extension to side and rear of property
2019/00982/FUL	A	Rockside, 18 Maes-y-Coed, Barry	To construct new first floor sun lounge located on existing veranda

2019/00983/LAW	A	Ton Y Pwll, Prisk Lane, Maendy	Alterations to rear and side elevations of property, Footprint to remain the same.
2019/00987/FUL	A	1, Anchor Road, Penarth	Installation of sliding doors to ground floor rear elevation, removal of existing first floor bay window and installation of first floor balcony and patio doors to rear elevation; conversion of part of garage to shower room
2019/00995/FUL	A	65, Plymouth Road, Penarth	Change the existing windows to both front and rear elevations to white wood grain uPVC Roseville Ultimate Rose double glazed sash windows.
2019/00997/FUL	A	13, Archer Road, Penarth	Replace single glazed timber sash window units to the rear with PVC double glazed units that match the appearance of the original. Door sets to the rear will also be replaced with modern PVC units
2019/01021/FUL	A	30, Windsor Terrace, Penarth	Proposed single storey extension to rear of property
2019/01032/FUL	A	Honeysuckle Cottage, Colwinston	A room on the back of the kitchen of 1.5m x 5m wide to house the pump plant
2019/01051/FUL	A	13, Porlock Drive, Sully	Single storey rear extension and garage conversion to habitable space
2019/01053/FUL	A	12, Shakespeare Avenue, Penarth	Demolition of existing lean-to conservatory and erection of proposed single storey lean-to rear extension

2019/01083/FUL	A	Pebbles, 3, Weston Avenue, Sully	Enlargement to front porch, front dormers, rear dormer, single storey rear extension and balcony to rear
2019/01091/FUL	A	81, Blackberry Drive, Barry	Tiled roof entrance porch to front of dwelling

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **20 NOVEMBER 2019**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. APPEALS

(a) Planning Appeals Received

- LPA Reference No: 2019/00512/FUL
Appeal Method: Written Representations
Appeal Reference No: 19/3239011
Appellant: Froxfield Village Ltd
Location: **Great House Yard, Southerndown**
Proposal: Demolish existing dwelling and workshop.
Construct new 4 bed house/rural workshop
Start Date: 17 October 2019
- LPA Reference No: 2019/00347/FUL
Appeal Method: Written Representations
Appeal Reference No: 19/3239582
Appellant: Mr Robert Warlow
Location: **Church Hall, Chapel Row, Dinas Powys**
Proposal: Change of use from a chapel (D1 Non-residential institution) to an office (B1 Business)
Start Date: 25 October 2019
- LPA Reference No: 2019/00779/HH
Appeal Method: Written Representations
Appeal Reference No: T/19/3239648
Appellant: Mrs. Yvonne Levitt,
Location: **131, Fontygary Road, Rhoose, CF62 3DU**
Proposal: High hedge
Start Date: 28 October 2019
- LPA Reference No: 2019/00702/FUL
Appeal Method: Written Representations
Appeal Reference No: D/19/3240164
Appellant: Mr & Mrs JM and HW Watt
Location: **28, Plymouth Road, Penarth**
Proposal: Remove part of a front boundary wall so as to provide a turning area for a vehicle to exit in forward gear
Start Date: 5 November 2019

(b) Enforcement Appeals Received

LPA Reference No: ENF/2019/0161/PC
Appeal Method: Written Representations
Appeal Reference No: C/19/3238684
Appellant: Mr Sam Lewis
Location: The Watering Hole, 6, St. Nicholas Road, Barry
Proposal: Without planning permission, the material change of use of the Property from an A1 (Retail) use to an A3 (Food and Drink) use as a coffee shop and wine bar.
Start Date: 23 October 2019

(c) Planning Appeal Decisions

LPA. Reference No: 2018/01436/FUL
Appeal Method: Written Representations
Appeal Reference No: D/19/3235670
Appellant: Mr Kenny Willan
Location: 42, Stanwell Road, Penarth
Proposal: Alteration to existing lower rear dormer to provide a reduced sized dormer on the roof of the existing rear annexe
Decision: Appeal Dismissed
Date: 15 October 2019
Inspector: H. C. Davies
Council Determination: Delegated

Summary

The main issue was considered to be whether the development would preserve or enhance the character or appearance of the Penarth Conservation Area (CA).

The proposal sought to alter an unauthorised dormer as built, which comprises an 'L' shaped dormer constructed across the rear roof plane of the main dwelling which had been subject to enforcement action. Various applications to reduce the scale of the development had been refused and dismissed on appeal however in 2017, an application to retain part of the dormer extension was approved but had yet to be implemented.

This proposal sought to address concerns with a scheme dismissed at appeal in 2018 (APP/Z6950/D/18/3206458) which proposed retaining the larger dormer as approved and reducing the height of the lower dormer with a stepped upstand element to provide headroom for an internal staircase. The Inspector had in that case concluded that the proposal represented an unsympathetic addition which failed to respect the design or form of the host

dwelling and would have a significant adverse impact on the property, its roof scape and its immediate context when viewed from Grove Terrace. The current appeal proposed to remove the upstand.

The appeal property is a traditional mid-terrace, two storey dwelling located within the Penarth CA on the southern side of Stanwell Road and whilst the rear roof plane of the appeal property was not visible from Stanwell Road, it would be clearly visible from Grove Terrace.

The Inspector identified that this part of Stanwell Road consists of two and three storey Victorian houses, the majority of which have retained their original features and contribute to the consistent architectural framework which is summarised as one of the defining characteristics of the CA in the Penarth Conservation Area Appraisal and Management Plan Supplementary Planning Guidance 2011 (SPG). It was also noted that whilst that there have been a number of extensions and alterations to the properties in the surrounding area, the properties retain the traditional character and features that give the area its special interest.

The proposal involved a reduction in the height of the lower dormer so that it would align just above the ridge height of the existing rear annexe. Overall, it was considered that the development would be visually dominant and the box-like form of the development would represent a bulky and top-heavy addition which would fail to respect the traditional design and form of the host dwelling. The Inspector identified that the combined effect of both dormers would continue to represent an unsympathetic form of development which would have a significant adverse impact on the property, its roof scape and immediate locality.

It was therefore concluded that the proposal would fail to preserve or enhance the character or appearance of the Penarth CA and would, contrary to policies the Council's Local Development Plan (LDP). Whilst acknowledging the personal circumstances of the appellant and that the appeal scheme would provide additional living space for the occupants, the Inspector did not consider that this did not outweigh the identified harm and therefore dismissed the appeal.

LPA Reference No:	2019/00513/FUL
Appeal Method:	Written Representations
Appeal Reference No:	19/3234596
Appellant:	Mr Gregory White
Location:	Apple Blossom Cattery, Land at Nant Rhydhalog, Cowbridge
Proposal:	To convert a section of existing animal grooming parlour to new ladies/ unisex hairdresser Class A1
Decision:	Appeal Dismissed
Date:	17 October 2019
Inspector:	Richard Duggan
Council Determination:	Delegated

Summary

The main issue was considered to be whether the location of the proposed development is appropriate having regard to national planning policies which aim to protect the vibrancy, attractiveness and viability of retail and commercial centres.

The building to be converted was part of an existing cattery business located approximately 0.5 miles from Talygarn and about 1 mile from the edge of Pontyclun. The building was occupied on one side by the cattery reception which was to be retained, with the remainder being vacant. The Inspector noted the Council's concerns that allowing the proposed change of use would undermine or harm the viability and vitality of nearby retail centres and evidence had been provided of the vacancy rates of ground floor retail units (Class A1) within Cowbridge which demonstrated that the percentage vacancy rates had increased from 3% in 2013 to 11.9% in 2019. He identified that no evidence had been provided by the appellant to counter the Council's information, nor had he been given any further justification that the proposal could not be located within a vacant unit within a nearby retail centre.

The Inspector identified that national planning policy is clear that new retail and commercial development should be located within existing centres and should be accessible by a choice of public and private modes of travel. He considered it clear that the proposed hairdressers would be located within an open countryside location and detached from the nearby shops and commercial premises found within the retail centres of Pontyclun and Cowbridge. It was also highly likely that the majority of customers would travel to the site by private car due to the limited public transport provision. Whilst the Inspector acknowledged that the number of vehicle movements to the proposed use could be no greater than the grooming parlour, this did not in his view, justify a departure from national policy which encourages retail and commercial uses such as hairdressers to be located within retail centres, where public transport links are more available for potential customers.

The Inspector was of the view that a retail unit in this location could lead to a harmful impact on the vibrancy and attractiveness of nearby retail centres, especially at a time when there are higher vacancy rates in areas such as Cowbridge, as evidenced by the Council. Although he took into account the appellant's submissions regarding the number and success of other hairdressers in the area, the opening of an additional salon could have a direct and detrimental impact on the viability of one or more of those businesses.

He therefore concluded that as the location of the proposed development was inappropriate having regard to national planning policies which aim to protect the vibrancy, attractiveness and viability of retail and commercial centres and that the development would also conflict with policies of the LDP, the appeal should be dismissed.

LPA Reference No: 2019/00368/FUL
Appeal Method: Written Representations
Appeal Reference No: 19/3232590
Appellant: The Governors
Location: **Stanwell School, Archer Road, Penarth**
Proposal: Variation to Condition 6 of Planning Permission Ref. 2014/00427/FUL to extend the use of the pitch between 7.30 am to 21:00 Monday to Fridays (during the months March to October) and 8.30 am to 17.30 Saturdays & Sundays (all year round to include the use of floodlighting)
Decision: Appeal Allowed
Date: 21 October 2019
Inspector: Aidan McCooey
Council Determination: Committee

Summary

The Inspector identified that the main issue was the effect of extending the hours when the pitch may be used on the living conditions of nearby residents by virtue of the impact of noise, lighting and traffic.

The Inspector noted that planning permission for the synthetic turf pitch (STP) was granted in 2014 subject to 8 conditions, however this decision related only to the hours of operation. The terms of the application were a variation of the hours of operation to allow use of the pitch from 07:30 to 21:00 on Mondays to Fridays (from 1 March to 1 October) and from 08:30 to 17:30 on Saturdays and Sundays (all year round). The reasons given for the requested changes were to allow for extra-curricular activities for pupils in the mornings and to assist with the smooth running of fixtures on the weekends.

It was acknowledged that the application was reported to the Planning Committee with a recommendation for approval, which was not accepted. Members relied on the evidence of local residents in refusing the application on the grounds of detrimental impact on residential amenity contrary to the LDP and the Council's case referred to a detrimental impact on residents in terms of noise, lighting impact and parking issues.

The Inspector identified that the school has extensive grounds and is located within the urban area and surrounded by residential properties. The STP is located to the southwest of the school buildings and is separated from dwellings on Stanwell Road by tennis courts, vegetation and the road itself.

It was identified that a Noise Impact Assessment was undertaken for the STP as part of the 2014 application and was based on activity noise levels at a larger facility, comprising shouting, whistles and ball impact noise. The conclusions reached were that the predicted noise levels were comfortably below these more restrictive guidelines and the Council's environmental health officers had confirmed that there would be no concerns on noise grounds. The Inspector noted that the objections related to a range of activities at the school premises and not just use of the STP, however no

complaints regarding noise had been made. He therefore concluded that the evidence demonstrate that the noise levels were acceptable and that the use of the STP for an additional hour a day would not have a significant impact on living conditions in relation to noise and disturbance.

He noted that the original 2014 application was also supported by a lighting impact study, which detailed measures to be employed to contain light spill outside the site and this had been found to be acceptable by the Local Planning Authority. The Inspector identified that the STP could be floodlit during the hours set out above and the application proposed an additional hour on weekends. The Council's environmental health officers had assessed the application and had no objection on these grounds and the evidence supplied by local residents did not persuade the Inspector that there would be a significant adverse impact as a result of the proposed additional hour of lighting at the weekends only.

In relation to additional traffic, the Inspector acknowledged that the highway authority had stated that the extended hours would not result in any additional traffic visiting the school. He also considered that the evidence of significant adverse impacts on residents' living conditions as a result of additional traffic movements specifically related to the appeal proposal was not convincing. He took the view that the levels of car parking had been assessed and were found to be adequate and the parking issues highlighted by residents appeared to relate to the wider use of the school and other activities. The appellants had also pointed out that during the early morning and evenings and weekends, the staff car park would be available for users of the STP. In reaching his conclusion, the Inspector noted that there were no highway objections to the proposal and considered that the impact of the proposal on highway safety and residents living conditions as a result of traffic would be acceptable.

The Inspector commented that the evidence of local residents and elected members was somewhat contradictory as several objections had stated that the STP was often not in use which demonstrated that there was no need for the proposed extended hours, however others referred to regular problems associated with the use. He also identified that some of the concerns expressed related to other aspects of the school's activities and that the allegations of anti-social behaviour, problems with other events and filming at the school, lighting on the school building, indiscriminate parking, etc. were not related to the appeal proposal.

The Inspector commented that there was no requirement for the School to demonstrate a demand for children's recreational facilities to justify the use as the STP was an existing facility and the application was for an extension of the hours of use. He did not consider that monitoring of the use of the school outside school hours, the identity of users of the STP and whether the school gained financially from the proposal were relevant to the appeal. Furthermore, he considered that the appellant's points in relation to the processing of the application, the conduct of the Committee meeting and hours for deliveries and staff arrival were again not relevant to the appeal.

The Inspector therefore concluded, having carefully considered the evidence put forward by local residents, the appellants and the Council, that the effects of the proposed increase in hours of operation of the STP would not be significant in terms of the identified issues or conflict with the relevant criteria of the relevant LDP policies and the appeal should be allowed. Planning permission was therefore granted subject to two conditions, the first specifying the approved plans and documents and the second, the revised hours of operation of both the STP and floodlights.

LPA Reference No:	2019/00618/FUL
Appeal Method:	Written Representations
Appeal Reference No:	19/3235726
Appellant:	Mrs Caroline Harries
Location:	Pontsarn Farm, Pontsarn Lane, Peterston Super Ely
Proposal:	Proposed conversion of B1 business building to residential (C3), to include extension, and stables
Decision:	Appeal Dismissed
Date:	6 November 2019
Inspector:	Mr. Hywel Jones
Council Determination:	Delegated

Summary

The main issues were considered to be whether the appeal site was suitable for the proposed dwelling, having regard to local planning policy, particularly in relation to rural restraint and sustainable transportation and in the light of the lawful use of the site and also, the effect of the proposal on the character and appearance of the surrounding area.

The appeal site lies within a rural area with sporadic buildings, mainly agricultural or residential in use. The subject building was single storey in height with rendered walls and whilst vacant for 3 years, was found to be in a good state of repair. It was noted that permission was granted in 2000 to change the use of the building from a milking parlour to a research and development unit and the permitted use was widened to Class B1 by a permission granted in 2009.

In respect of transport sustainability, the Inspector acknowledged that various policies within the LDP seek to promote sustainable transport and aim to reduce dependency on the car and accord with the latest version of Planning Policy Wales.

The nearest settlement to the site Peterson-super-Ely which is 1.4km away, is connected by a narrow single lane highway and the Inspector identified that whilst it provides facilities that prospective residents are likely to access, residents are still likely to undertake journeys to larger centres on a frequent basis. The distance between the appeal site and the settlement means that walking would not be a viable option and the narrowness of the lane would

limit the option of cycling. The Inspector therefore concluded that occupiers of the proposed dwelling would be heavily reliant on a car and the scheme would therefore conflict with the LDP and SPG (Conversion and Renovation of rural Buildings).

The appellant considered that it was necessary to take into account the potential car borne journeys associated with the lawful use of the building to establish the practical, net impact of the scheme on car use. Whilst reference was made to the respective car parking standards for the lawful and the proposed uses, the Inspector considered that TRICS data provided was a better predictor of car usage. However, whilst the Inspector agreed with the appellant that the proposed use would be likely to lead to a reduction in car borne journeys compared to the lawful use, he noted that the evidence submitted indicated that the lawful use is not viable and therefore was unlikely to recommence, at least in the short term.

The Inspector acknowledged that the Council's SPG refers to the preference for uses other than residential use in the countryside on the basis of the boost that such uses can provide to the rural economy and considered this to be consistent with both local and national planning policies. He identified that the Council's report explained that the benefits to the local economy of an employment use of a building in the countryside was considered to outweigh its poor performance in terms of the sustainability of its location. To allow buildings converted to employment uses to be subsequently changed to residential solely on the basis that the latter is likely to generate fewer car movements, would effectively undermine the restriction that criterion 4 of policy MD11 applies exclusively to residential uses. He also referred to the explanatory text to the policy which supports a range of economically beneficial uses, including tourist accommodation, but not unrestricted residential accommodation in 'more isolated rural locations', that is, locations such as the appeal site where occupiers would be overly reliant on 'the private motor vehicle'.

In respect of sustainable transportation, the Inspector therefore concluded that prospective occupiers of the proposed dwelling would be likely to be heavily dependent on a car to access most services and facilities, contrary to policies of the LDP. The potential traffic generation associated with the lawful use of the building did not justify breaching these policies that seek to control development in rural areas in a manner that promotes the local economy.

In respect of character and appearance, the Inspector considered that the low height of the building, its set back from the road and the screening effect of roadside vegetation meant that it was not an obtrusive feature from the closest public vantage points. A taller barn to the rear of the building would be demolished and the Inspector considered that compared with this structure and the neighbouring dwellings, the appeal building as proposed to be extended, would be a modest feature in a landscape, designated for its quality as the Ely Valley & Ridge Slopes Special Landscape Area (SLA).

The Council had been concerned that the creation of the very large garden proposed and the length and width of the proposed access track, would be harmful to the character and appearance of the landscape. The Inspector

considered however that the proposed garden would be viewed in the context of the nearby garden areas of neighbouring dwellings. In this context and given the scope to impose conditions, he was satisfied that the effect of the proposal would not harm the character or appearance of the surrounding area and there would be no conflict with LDP policies aimed at protecting the landscape of the SLA, or the visual amenity of an area.

The Inspector also identified the appellant had submitted evidence of the unsuccessful marketing of the appeal site that has been carried out in an attempt to dispose of the property for business use and the Council had accepted that alternative uses to residential were not viable. Although local residents had disputed this conclusion, in the absence of detailed evidence to support this objection, it was considered that the scheme complied with the relevant criterion and that the physical state of the building was suitable for conversion under the terms of the LDP.

The Inspector however concluded that as the harm identified in relation to transport sustainability was unacceptable, the appeal should be dismissed.

Comments

The Inspector also refused the appellant's application costs, as he did not feel the Council had acted unreasonably and the appellant had not incurred unnecessary or wasted costs.

LPA Reference No:	2019/00507/FUL
Appeal Method:	Householder
Appeal Reference No:	D/19/3239072
Appellant:	Mr. Ben Jones
Location:	7, Sycamore Close, Llandough, Penarth
Proposal:	Part three storey part two storey rear extension with raising of ridge height & alteration works
Decision:	Appeal Invalid
Date:	21 October 2019
Council Determination:	Delegated

Summary

This appeal was lodged against the Council's decision to refuse planning permission for a part three storey extension and part two storey extension with raising of ridge height and alteration works. The Planning Inspectorate confirmed that the deadline for the submission of an appeal under the Householder Appeal Service is within 12 weeks of the Council's decision and as such, the appeal received on 14th October 2019 was submitted out of time and was therefore unable to be accepted.

(d) Enforcement Appeal Decisions

None

(e) April 2019 – March 2020 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (to measure performance)	W	11	2	13	3
	H	-	-	-	-
	PI	-	-	-	-
Planning Total		11 (85%)	2	13	3
Committee Determination		1 (33%)	2	3	-
Other Planning appeals (inc. appeal against a condition)		-	-	-	-
Enforcement Appeals	W	1	1	2	-
	H	-	-	-	-
	PI	1	-	1	-
Enforcement Total		2 (67%)	1	3	-
All Appeals	W	12	3	15	-
	H	-	-	-	-
	PI	1	-	1	-
Combined Total		13 (81%)	3	16	3

Background Papers

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

Contact Officer:

Sarah J Feist - Tel: 01446 704690

Officers Consulted:

HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **20 NOVEMBER, 2019**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. 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

2019/00893/TPO	A	Coopersale House, Llanblethian	Work to trees covered by TPO number 7 of 1973: Crown reduction to Horse Chestnut to reduce branches off property
2019/00905/TPO	A	Delta Cottage, Llancarfan	Work to trees covered by TPO no. 24 of 1973 - Removal of a row of Sycamore and Ash trees to ground (T1)
2019/00911/TPO	A	Butleigh, Pendoylan	Works to trees covered by TPO - No. 04, 1972
2019/00918/TPO	A	Woodside Grange, Wenvoe	Works to trees cover by TPO - No. 07, 1988
2019/00948/TPO	A	Cross Common Road, Dinas Powys	Work to tree covered by TPO No. 5 of 2014 - Shorten branches of T3 Oak over footpath
2019/00957/TPO	A	5, Ashgrove, Dinas Powys	Works to trees covered by TPO - No. 02, 1954: Crowning of oak tree in my back garden.

2019/00961/TPO	A	Marks and Spencer, Cophorne Way, Culverhouse Cross, Cardiff	Works to trees cover by Tree Preservation Order No. 12 1994
2019/00985/TCA	A	1, Red Lion Cottages, Bonvilston	Work to tree in Bonvilston Conservation Area - Crown lift and deadwood removal for one Sycamore adjacent to 1 Red Lion Cottages and bordering a private drive to the rear of numbers 2, 3 and 4 Red Lion Cottages
2019/00989/TCA	A	6, Norman Cottages, Michaelston Le Pit	Work to Trees in a Conservation Area: Fell dying Ash tree and replace with Oak in boundary hedge-line at front of property
2019/01001/TPO	A	The Croft, Methodist Lane, Llantwit Major	Works to trees covered by TPO - No. 03, 1977- Prune away from cable and off driveway to allow vehicle access
2019/01002/TPO	A	9, Clos Cradog, Penarth	Work to Trees covered by TPO No. 10, 2003 - 2 Field Maples in rear garden - reduce by 2 metres
2019/01003/TPO	A	1, Lee Close, Dinas Powys	Works to trees covered by Tree Preservation Order No. 08, 2003 reduce Yew by 30% and shape
2019/01006/TPO	A	1, Red Lion Cottages, Bonvilston	Works to trees covered by TPO 8 of 1973: Crown lift and deadwood removal of three Ash trees adjacent to 1 Red Lion Cottages and bordering a private drive to the rear of numbers 2, 3 and 4 Red Lion Cottages
2019/01009/TCA	A	6, Raisdale Road, Penarth	Work to Trees in a Conservation Area. 1: Cotoneaster -Remove 2 secondary limbs and trim tertiary branches of the

			<p>crown by approx.. 0.5m.</p> <p>2: Plum - Remove branches overhanging the garden boundary wall and pond. Reduce Ivy and crown by approx.. 2m.</p> <p>3: Oak Tree - Safely dismantle a couple of the Oak Tree branches overhanging the flat roof of the house, Reduce the overall crown of this tree where it overhangs the boundary line, no more than 1.5-2m</p>
2019/01022/TCA	A	Tuar Gaer, School Lane, St Nicholas	Work to Trees in a Conservation Area: Removal of Copper Beech from front garden of Tuar Gaer
2019/01030/TPO	A	Old St. James Churchyard, Leckwith Road, Leckwith	Work to Trees covered by TPO No.4, 1993 : Partial upper crown reduction to shorten back limbs / branches touching and in close proximity to the building and road. Tree affected is one Lime (Tilia Vulgaris) at G1 on plan
2019/01044/TCA	A	Court Farm, Whitefield Farm Lane, Aberthin, Cowbridge,	Work to Trees in a Conservation Area: Ash tree in front garden; reduce crown by approximately half. Norway Maple in rear garden; re-pollard back to suitable pollard points in lower crown
2019/01063/TCA	A	Westcross House, 10, Stanwell Road, Penarth	Works to trees in Penarth Conservation Area located in rear of Westcross, 10, Stanwell Road, Penarth

2019/01069/TCA	A	3, Park Road, Penarth	Work to Trees in a Conservation Area: Holly on the boundary with no 2, fell to ground level
2019/01074/TCA	A	The Grange, St Hilary, Cowbridge	T1 Elm bordering and overhanging Abbotswood - dismantle to ground level. T2 Beech on lawn North of Copper Beech on drive - dismantle to ground level
2019/01082/TPO	A	Sycamore, Sigingstone	Work to Tree covered by TPO no 19 of 2007. Sycamore; re-pollard and reduce large lateral stub back to pollard points
2019/01092/TCA	A	The Old Brewery, Cowbridge	Work to Trees in Cowbridge Conservation Area: Removal of 5 no. diseased Japanese Larch
2019/01136/TCA	A	Bonvilston Cottage, Bonvilston	Work to trees in a Conservation Area : Crown reduction to Yew tree

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **20th November, 2019**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. UPDATE REPORT ON ENFORCEMENT ACTION AT LAND AT BARRY WATERFRONT, BARRY

Introduction

1. The purpose of this report is to update Members of the Planning Committee on the enforcement action recently taken at Barry Waterfront following previous reports for authorisation to ensure compliance with planning conditions and outstanding section 106 matters.

Background

2. Members will recall the planning enforcement action that has been pursued by the Council in respect of the Barry Waterfront development and the failure of the consortium of developers (Persimmon, Taylor Wimpy and BDW) to deliver the A3 units within the District Centre.
3. Outline planning permission was granted in application 2009/00946/OUT for the comprehensive redevelopment of 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, landscaping, public realm and public open space provision, approved by the Council on 2nd March, 2012.
4. Condition 19. Of the outline placed a restriction on the occupation of dwellings in the South Quay Parkside area of the Barry Waterfront development until such time as the A3 units within the District Centre were built, fitted out and made available for rent or sale.

Action to date on the Phasing of Development

5. In December 2018, Breach of Condition Enforcement Notices and Stop Notices were issued following the developer's failure to deliver certain elements of the District Centre and these required either the cessation of the occupation of various units within the development or the cessation of the construction of certain elements until works on the retail units within the District Centre progressed.
6. On 27th June 2019, following further negotiation with the developers, planning permission was granted under a Section 73 application, which sought to vary a number of conditions on the outline planning permission (2014/00229/EAO

- refers). Condition 19. of that permission was amended to tie the developers to a revised Phasing Plan Document.
7. The approved Phasing Plan Document contains a number of restrictions in respect of both the construction / build rate and occupation of each part of the development, the phasing being specifically designed to ensure that the District Centre is delivered alongside the remaining houses. The Phasing Plan Document also sets out detailed definitions for each stage of development.
 8. Since application 2014/00229/EAO was granted in June 2019, approving revised trigger points for the whole development, the site has continued to be monitored. In September 2019 a survey of the site confirmed that although the Ground Floor Slabs have been completed on all 3 blocks of the District Centre (Blocks A, B and C), the First Floor Transfer Slabs, which represented the next trigger point had not been completed. Whilst the residential elements of the development had made significant progress and exceeded that permitted by the Phasing Plan.
 9. A Temporary Stop Notice (TSN) was issued on Barratt Homes on 3rd October 2019, which sought to stop all development and any further occupation on their site and to enable the Local Planning Authority the opportunity of identifying the most appropriate form of action to be pursued to remedy the breaches of planning control.
 10. Following a request from the developer that some work be permitted for health and safety reasons, written confirmation was provided to Barratt Homes on 8th October 2019 of the specific works which the Council agreed could be carried out to make the buildings safe.
 11. A further site inspection carried out on 21st October 2019 confirmed that works had continued that had been specifically prohibited in the email sent to Barratts on 8th October 2019, in breach of the Temporary Stop Notice. Officers are currently considering what legal action is appropriate to take in light of this breach. The initial TSN expired on 31st October 2019.
 12. Following this, it was considered appropriate that a Breach of Condition Enforcement Notice be issued to require compliance with the outstanding conditions. In accordance with the scheme of Delegation, following consultation with the Chair of Planning Committee (because reporting to planning committee for authorisation would have occasioned detrimental delay), officers served a Breach of Condition Enforcement Notice on Barratt Homes on 30th October 2019 requiring them to comply with the construction / build rate and occupation restrictions contained within the Phasing Plan Document and associated plans relevant to condition 19. of planning permission 2014/00229/EAO. This Notice takes effect on the 29th November 2019, unless an appeal is made against it before that date.
 13. In addition, a further Temporary Stop Notice was served on Barratt Homes on 31st October 2019. It required the developer to cease all construction works and further occupation of any market unit dwellings which exceed the construction / build restrictions set out in the Phasing Plan Document, save for those already

occupied on or before 1st November 2019. This has the effect of bridging the gap between the expiry of the first TSN and the effect of the BCEN, ensuring compliance with the Phasing Plan Document in the interim.

14. It should be noted that the development of the Taylor Wimpey site at South Quay Waterside has also marginally surpassed the requirements set out in condition 19 of planning permission 2014/00229/EAO. At present, officers are monitoring their site to ensure that no further work takes place on these units and are considering the expediency of further action. However, the magnitude of Taylor Wimpey's breach of the relevant conditions is significantly less than the magnitude of Barratt Homes' breach of their relevant conditions.
15. Officers are continuing to monitor on-site compliance and will consider what further steps are necessary if the developer(s) continue to breach the Phasing Plan Document or comply with these notices. A site inspection on 8th November did confirm that the First Floor Transfer Slab stage in the District Centre has now been constructed and this remedies some, but not all, of the previously identified breaches.

Other Enforcement Action at Barry Waterfront

16. In addition to the matters referred to above, the Council has a number of other enforcement / monitoring cases open in respect of the Barry Waterfront Development which are being actively investigated and action will be taken where necessary. These include; dust suppression measures, hours of construction, public open space delivery, section 106 planning obligations, and landscaping delivery.
17. A Breach of Condition Notice in respect of the Construction and Environmental Management Plan (specifically the hours of working) was issued on BDW and Persimmon Homes, in relation to their development at South Quay Waterside, on the 26/07/19 and 05/08/19 respectively and is still being monitored but has not led to formal prosecution to date.
18. The Breach of Condition Enforcement Notice served on Barratt Homes on 30th October 2019 (referred to in paragraph 12 above) also required them to comply with the requirements of condition 10 (enclosures), 11 (landscaping) and 13 (A3 use / sales office) of planning permission 2017/00662/RES. At the time of writing, some of these matters have since been resolved.

Successful Resolution of Issues

19. Officers have been successful in securing the following resolutions to other breaches of planning at Barry Waterfront:
 - Approval of a satisfactory marketing plan for the commercial units in the development to ensure all reasonable endeavors are made to find suitable 'end users' for these units, including a requirement for quarterly updates to the Council.

- Approval of public open space landscaping and onsite delivery of:
 - Neighbourhood Equipped Area for Play (NEAP) adjacent to link road
 - Linear Park (with the exception of LAPs)
 - Landscaping of Pontoons at Arno Quay (Y Rhoddfa)
 - South Quay Waterside minor open space area (Taylor Wimpey)
- Approval of shop front details for commercial units at South Quay Parkside site and regularisation on site (i.e. removal of domestic scale openings and block-work)
- Approval and implementation of Dockside Quay commercial unit shop fronts
- Landscaping issues at Arno Quay
- Progress on District Centre build out (see paragraph 15 above)

20. To date, in addition to the delivery of the link road, and on-site open space and affordable housing, the Consortium of developers have paid the following s106 contributions:

Sustainable Transport – the first 3 instalments totaling £542,538.

Public Open Space - £116,643

Community Facilities - £106,063

21. We are also due to receive the following instalments imminently:

Off-site highway works £1,967,875

Community Facilities £242,200

22. Furthermore, the Council has successfully negotiated with Persimmon Homes to transfer the children's play area at Clos Tyniad Glo (the original Waterfront development) to the Council with a capital contribution (£40,675) to upgrade the play area and a maintenance contribution of £47,534.51 to thereafter maintain it.

RECOMMENDATION

That the Members of the Planning Committee

- (1) That the Members of the Planning Committee note the content of the update report on Barry waterfront.

Reason for the recommendation:

1. To inform Members of the Planning Committee of the latest position in relation to enforcement matters at Barry Waterfront.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 20 NOVEMBER 2019

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.

Applicant: Wales & West Housing Association

Agent: Mr Jon Hurley 5th Floor Longcross Court, 47 Newport Road, Cardiff, CF24 0AD

Land to the North of Heol Y Pentir, Rhoose

Outline planning application for residential development (up to 17 units) and all associated works at land to the north of Heol Y Pentir, Rhoose (all matters reserved).

REASON FOR COMMITTEE DETERMINATION

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

EXECUTIVE SUMMARY

The application is for outline permission to develop up to 17 homes, including 35% affordable housing on the site, with flexibility with regard to the mix/type of units to be built and the overall site layout. All matters are reserved for consideration at the reserved matters stage.

The site relates to a vacant parcel located on Heol y Pentir, the site is bound to the north by the Bridgend-Cardiff railway line, to the east by the Cardiff Airport Train Station Car Park and residential dwellings to the west at Lon Lindys. The application site has an area of approximately 0.35 hectares and is located within the Rhoose settlement boundary as identified within the adopted Vale of Glamorgan Local Development Plan (LDP).

20 letters of representation have been received at the time of writing this report. Representations made by Cllr G Kemp object to the application on the grounds of highway safety, overdevelopment, impact on neighbouring amenity and loss of intended retail site.

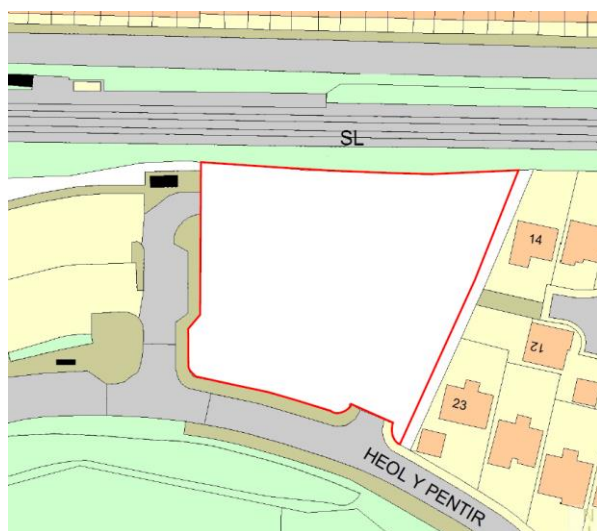
The principle of the residential development on the site is considered acceptable given that it falls within the settlement boundary. The application is outline with all matters reserved. However, the principal considerations relate to whether the development proposal is acceptable in terms of its density neighbouring amenity, amenity space, access & highway implications, drainage, ecology and contamination.

Having considered the above, it is considered that the proposed development is acceptable and the application is recommended for APPROVAL, subject to the applicant entering into a S106 agreement relating to delivery of affordable housing and planning obligations relating to education, sustainable transport, public open space and public art.

SITE AND CONTEXT

The site is located to the north of Heol y Pentir adjacent to the Cardiff Airport Train Station Car Park, within approximately 100m of the village centre of Rhoose to the north west. The site is roughly rectangular in shape and occupies an area of 0.35 hectares. It is located to the south of the Bridgend-Cardiff railway line, and to the west of Lon Lindys. The application site is located within the Rhoose settlement boundary as identified within the adopted Vale of Glamorgan Local Development Plan (LDP).

The site is located within the compounds of a former cement and asbestos cement works, which was subject to reclamation during the late 1990's. The site currently comprises vacant ground. The area surrounding the site is primarily residential in character.



DESCRIPTION OF DEVELOPMENT

The application proposes outline permission to develop up to 17 homes on the site, with flexibility in regard to the mix/type of units to be built and the overall site layout. All matters are reserved for consideration at the reserved matters stage (at which point the site layout/access/landscaping and all scheme details will be fixed).

An Illustrative Site Layout drawing is submitted alongside the application demonstrates how 17 units may be accommodated on the site, within a layout which incorporates vehicular and pedestrian access, parking, provision of amenity space; and landscaping.



Indicative parameters for height and footprint have been provided: -

	Lower Limit	Upper Limit
Eave Height	4.5m	5.0m
Ridge Height	7.2m	8.2m
Width	4.2m	5.7m
Depth	7.6.	9.4m

PLANNING HISTORY

1993/01186/OUT: Rhoose Point (including former cement works, eastern, central & western quarries, & Cardiff Airport), Proposal: 500 dwellings, employment (B1/B2/B8), shop(s), pub/hotel/ restaurant, environmental centre, nine hole golf course & club house, open space, playing fields, new access road etc., Decision: Approved

2002/00962/OUT: Land at Rhoose Quarry (west), west of the emerging residential development at Rhoose Point, Proposal: 200 dwellings, employment, nine hole golf course and club house, open space, surgery/nursery, primary school, Decision: Withdrawn

2004/01809/FUL: Land adjacent to proposed Rhoose Station, Rhoose, Proposal: 2 storey commercial and residential mixed use development, with retail at ground floor with flats at first floor. Decision: Withdrawn

CONSULTATIONS

Highway Development were consulted on 4 January 2019. A response received on 04 February 2019 outlines requirements for parking, a new footway and refuse vehicle tracking requirements.

Dwr Cymru Welsh Water were consulted on 4 January 2019. A response received on 17 January 2019 does not raise an objection but requests conditions on drainage and raises concerns regarding a rising main going through the site.

Ecology Officer was consulted on 4 January 2019. A response received on 07 November 2019 confirms no objection to the proposal subject to planning conditions.

Local ward Members were consulted on 4 January 2019. A response received from Cllr G Kemp on the grounds of highway safety, overdevelopment, impact on neighbouring amenity and loss of intended retail site.

Network Rail were consulted on 4 January 2019. A response received on 31 January 2019 objects due to the envisaged increase in usage of the nearby level crossing.

REPRESENTATIONS

The neighbouring properties were consulted on 4 January 2019. A site notice was displayed on 24 January 2019 and the application was also advertised in the press on 10 Jan 2019.

To date 21 letters of objections have been received from neighbouring properties. The concerns raised can be summarised as:-

- Concerns regarding contamination from the land being disturbed.
- Anti-social behaviour that has been occurring in this area and Lon Lindys being accessed from this site via a pedestrian access.
- No need for further housing and a retail development was promised.
- Access from the main road and potential parking and highway safety implications.
- Loss of view.
- Object to three storey dwellings due to potential overlooking and out of character.
- Not enough services and facilities to keep in line with the additional housing being built.
- Train and bus services are not as good as indicated.
- Confused over the mix of units and the level of social housing being provided.
- Impact on house prices.
- Social housing likely result in undesirable occupants.
- Traffic and noise from construction works.
- Affordable housing not actually affordable.
- Poor design of housing developments in the country.
- Strain on education system.
- Lack of public open space provision.
- Impact on wildlife.
- Rising main on site.
- Strip of land between the site and existing housing is not within the applicant's ownership.

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales,

The following chapters and sections are of particular relevance in the assessment of this planning application:

Chapter 2 - People and Places: Achieving Well-being Through Placemaking,

- Maximising well-being and sustainable places through placemaking (key Planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking)

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places

Chapter 4 - Active and Social Places

- Transport
- Living in a Place (housing, affordable housing and gypsies and travellers and rural enterprise dwellings)

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)
- Recognising the Environmental Qualities of Places (water and flood risk, air quality and soundscape, lighting, unlocking potential by taking a de-risking approach)

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 1 – Joint Housing Land Availability Study (2015)
- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)

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)
- Biodiversity and Development (2018)
- Model Design Guide for Wales
- Parking Standards (Interactive Parking Standards Zones Map)
- Planning Obligations (2017)
- Public Art in New Development (2018)

- Residential and Householder Development (2018)
- Sustainable Development - A Developer's Guide
- Travel Plan (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 primary issues considered with this application are as follows:

- The principle of the proposed development
- The indicative layout and scale of the proposals and the visual impacts
- Potential impact to neighbour amenities
- Amenity space provision
- Access, Parking & Highways
- Consideration of the proposed drainage strategy and the impact of flood risk
- Ecological impacts of the proposed developments
- Contamination/Noise

Principle of the development

The site falls within the settlement boundary of Rhoose, which is a 'primary settlement' identified in the Adopted Vale of Glamorgan Local Development Plan 2011-2026, where new residential development is considered to be acceptable in principle, subject to meeting the criteria of other relevant policies in the Plan.

LDP Policy MD6 (Housing Densities) indicates that residential development proposals within the key, service centre and primary settlements will be permitted where the net residential density is a minimum of 30 dwellings per hectare. As the application proposes 17 dwellings on site area of 0.035 (ha), the density on site would be above the 30 dwellings per hectare required within primary settlements. Accordingly, the proposal would be considered acceptable in principle in this location subject to the detail of the scheme.

As this application is in outline with all matters reserved, the detail provided only extends to access and an indicative layout and this will be considered against the relevant criteria set out in Policies MD2, MD5 and MD7 of the Adopted LDP 2011-2026.

It is noted that a number of objections relate to residential uses on the site with suggestions that the site was intended for retail uses. The application site included in a master plan for the site in an outline application for the wider site's redevelopment in 1993. However, the site has never been formally allocated for retail, nor has any retail use been established on the site and therefore an objection on the grounds of loss of retail use would not be reasonable

Layout and Scale of Development

The description of development indicates a development of up to 17 dwellings on what is brownfield land. Whilst the application is in outline with all matters reserved, the accompanying Illustrative Layout provides an indication of the layout and scale of the development proposed. The accompanying Design and Access Statement (DAS) considers the constraints and opportunities for development and assesses the capacity and density for development on the site.

The DAS and illustrative layout indicate that there will be a mix of one, two and three bedroom properties, principally houses with some flats. The DAS explains that the proposed house types will be well proportioned and will incorporate a mix of house types, intended to appeal to first time buyers as well as to existing home owners. As required by the Council, a minimum 35% of the total number of units (i.e. 6 units) will be affordable.

Policy MD5- Development within Settlement Boundaries and the general design criteria set out in Policy MD2- Design of New Development require proposals to be of a high standard of design and respond appropriately to the scale, form and character of the neighbouring buildings, while minimising the impact upon adjacent areas. These sentiments are supported by Planning Policy Wales (Edition 10th) and TAN12- Design (2016).

The general indicative layout and supporting details of the proposed development are considered suitable. However, this would be subject to the details that would be required through a Reserved Matters application where more detailed consideration would need to be given, in the event that this outline application is considered to be acceptable.

The existing site generally level from the front boundary to the rear, which adjoins a train track. The surrounding area is generally characterised by two storey detached dwellings with off road parking and gardens. The wider area is characterised with dwellings designed with road frontages.

Whilst matters relating to appearance, scale, layout and landscaping are reserved, the DAS states that the specific architectural appearance of the houses will be derived from the local styles identified in the character appraisal. The DAS included reference to three storey dwellings and included scale parameters for such scale of development on the application site. However following officer concerns, the DAS was amended so that proposed dwellings would be of a scale that reflected two storey dwellings that on the adjoining site to the east.

The indicative layout is somewhat vague as to whether plots 10-17 would be fronting Heol Y Pentir. The wider area is characterised by dwellings fronting Heol Y Pentir and it is considered important that any development on this site responds positively to the character of the area. This matter has been discussed with the applicant; whilst the layout will require further consideration during any future reserved matters application, the applicant is aware that any proposed dwellings will need to have frontages facing Heol y Pentir to ensure they respond positively to the wider sites character.

Accordingly, it is considered that the proposed development can be sited in the proposed location without harmfully impacting upon the existing pattern of development or the visual amenities of the street scene, complying with the requirements of MD2 and MD5 of the Adopted LDP 2011-2026.

Impact upon neighbours

Whilst the layout is a reserved matter, the illustrative layout gives an indication of the possible development of the site and shows that new dwellings will be relatively close to the side boundary of No 14 & 23 Lon Lindys and as such, it would be necessary as part of any reserved matters application to ensure that the siting of the dwellings has regard to the criteria of Policies MD2 and MD5 of the LDP, and the Council's Supplementary Planning Guidance 'Residential and Householder Development'. It is considered at this outline stage that there is no reason why an acceptable layout cannot be achieved in principle, which provides for adequate spacing between dwellings to ensure that the residential amenities of those existing residents are protected.

Objections have been received in respect of the impact of the development on residents at Torbay Terrace. These matters would be considered further within any reserved matters application, these properties are located over 30 metres from the site boundary and separated by a railway. This separation distance will ensure the development is not overbearing or unneighbourly on these neighbours.

A number of residents have raised objections relating to a loss of view and impact on property prices. Whilst this is regrettable, loss of view and impact on property prices are not material planning considerations.

The Council's Supplementary Planning Guidance 'Residential and Householder Development requires a separation distance of 21 metres between first floor windows. Whilst the layout provided is indicative, given that the site boundary is over 21 metres from neighbours at Torbay Terrace, the proposal is not considered to have an adverse impact on neighbouring privacy in relation to these neighbours. Any impact on the privacy of neighbours at Lon Lindys would be considered further at reserved matters stage.

Concerns have also been raised regarding possible disturbance during the course of construction works. However, such impacts are usually an unavoidable consequence of a development such as this and it would not be reasonable to withhold planning permission on that basis. Nevertheless a construction and environment management plan can be requested by condition to ensure that any impacts as a result of the construction phase of development is minimised and appropriate conditions can be attached to any permission to ensure working hours are restricted and dust suppression mitigation is provided (Condition 10 refers).

Accordingly, it is considered that the residential development in principle would not adversely impact upon the amenities of neighbouring dwellings if designed and laid out suitably, with control over the physical impact of the buildings and levels of privacy being retained for consideration with the reserved matters. In this respect it is considered that the proposal complies with policies MD2 and MD5 of the Adopted LDP 2011-2026.

Amenity Space

In terms of amenity space the Council's approved Supplementary Planning Guidance: Residential and Householder Development (2018) indicates a need for 20 sqm per person. The SPG also requires that garden areas of the dwelling should be of a useable shape, form and topography. The submitted plan whilst indicative demonstrates that the proposed dwellings could be designed to satisfy this requirement in compliance with the Council's SPG.

Access, Parking and Highway safety

As aforementioned, the application is outline with all matters reserved, however the indicative layout indicates the existing access and crossover from Heol Y Pentir being utilised to serve the 17 dwellings. The application is supported with a Transport Statement that demonstrates that the proposal is acceptable in respect of housing. This transport statement demonstrates that the proposed site is readily accessible means of transport other than car.

The Council's Highway Engineer has not objected to the access, however he has provided guidance that would need to be considered in relation to parking and a cycle/pedestrian link between the site and the access to Lon Lindys to enable connectivity between the sites. Whilst these matters will require further consideration at reserved matters stage, having assessed the indicative layout, it is evident that these issues could be addressed.

An objection letter has highlighted the ownership of a strip of land between the site and the existing housing at Lon Lindys by a third party. As a result, the applicant has amended the site location plan and the indicative layout accordingly. This may make the deliverability of the footpath link between the site and existing housing more difficult, but potentially possible subject to agreement between landowners. Notwithstanding this, the site benefits from an existing pedestrian/cycle and vehicular access which would service the site adequately. The matter of a footpath link can be

A number of objections have raised concerns relating to retaining an existing pedestrian/cycle path from Lon Lindys, requesting this is blocked up to ensure the site does not link to existing developments. The closing up of the existing access is not a matter for consideration under the current application. The existing access lane was provided by the developers of Lon Lindys to ensure connectivity between the sites and the council's aspirations would be for this to be this maintained and any proposed scheme to continue to link the sites.

Comments from neighbours have also suggested that the existing highway network was not capable to accommodate the additional 17 dwellings, this view has not been shared by the Highway Authority. The addition of 17 dwellings is not considered to result in any significant increase in traffic to warrant refusal.

The Planning Obligations SPG requires new housing development to make an off-site contribution to enhance sustainable transport facilities, and it has been suggested that this could be used to improve walking and cycling provision since they have been recommended as safe and appropriate routes to travel by using modes other than private car. The developer has agreed to pay £2,300 per dwelling towards sustainable transport facilities.

Network Rail Issues

Network Rail has raised an objection to the proposal due to the envisaged increase in usage of the nearby level crossing. The proposal seeks planning permission for 17 units, the level of traffic (pedestrian or vehicular) is not considered to exacerbate the usage of the crossing. Notwithstanding this, in any event, should this crossing be closed, the site is accessible through the adopted highway which includes a pedestrian and cycle link to the village along Trem Echni. As such, it is considered unreasonable to refuse the application based on this objection.

Drainage and Flooding

LDP Policy MD7 (Environmental Protection) requires development proposals to demonstrate that they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from flood risk and its consequences. The policy goes further to state that 'in respect of flood risk, new developments will be expected to avoid unnecessary flood risk and meet the requirements of TAN15, citing specific requirements relating to Zone C2.

Furthermore, Planning Policy Wales and its associated Technical Advice Note (TAN) 15 requires that consideration be given to any potential for flooding from surface water emanating from the proposed development sites. The redevelopment of existing permeable 'Greenfield' land to form hard (impermeable) surfaces such as highways, buildings and associated hard-standings will cause an increase in surface water runoff rates and volumes unless appropriate mitigation measures are designed.

The site lies entirely within Zone A, as defined by the flood risk Development Advice Map (DAM) referred to in TAN15; therefore, the site is considered to be at little or no risk of fluvial or tidal flooding.

The applicant also indicates that foul sewerage will be discharged to mains sewer. In consultation with Dwr Cymru, they offered no objections in principle, subject to submission of a detailed drainage scheme. The comments note that there is a rising main crossing part of the site which would require a 3 metre buffer either side, a matter which the developer will need to discuss with Welsh Water prior to submission of a reserved matters application.

It is considered that, subject to condition, the development of the site is acceptable and that future occupiers of the site would not be prone to unacceptable flood risk, whilst also ensuring that the proposals do not present an unacceptable flood risk off-site.

It is considered that the development complies with the requirements of policy MD7 of the LDP and TAN15 with respect to drainage or flood risk.

Ecology

Policy MD9 is most relevant in respect of ecology matters, it requires new development proposals to conserve and where appropriate enhance biodiversity interests. The Council's Biodiversity and Development SPG (2018) requires new development to provide ecological enhancements to promote biodiversity within the Vale of Glamorgan. The application has been supported with an Extended Phase One Survey which has considered the site for a variety of protected species and concluded that the site could be developed within harm to protected species. The report also includes suggestion on biodiversity enhancements.

The Council's Ecologist has considered the submitted report and agrees with the findings. She has requested that any reserved matters scheme is designed in light of guidance provided within the Council Biodiversity SPG and has requested a number of ecology related conditions are imposed should planning permission be granted.

Given this, and subject to conditions, it is considered that there are no ecological concerns with respect to the development and the proposal complies with the requirements of Policies MD1, MD2, MD7 and MD9 of the Adopted LDP 2011-2026.

Contamination/Noise

Policy MD7 (Environmental Protection) requires development proposals to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from (inter alia):

- : Land contamination
- : Hazardous substances
- : Noise, vibration, odour nuisance and light pollution;

The application site is within the compounds of the former cement and asbestos cement works. The reclamation of the site was carried out in the late 1990's as part of the wider sites re-development. The application has been supported with a site investigations report assessing contamination from historical uses. The report notes potential contamination and provides advice on redevelopment of the site.

The Council's Environmental Health Officer has assessed the report and recommends a number of conditions to ensure that the sites re-development is carried out in a safe manner. It is considered that such matters can be dealt with by condition to ensure that the amenity of future occupants and local residents is protected.

The site adjoins a train line to the north which could raise noise disturbances for any future residents. The design and access statement makes reference to the adjoining site being developed for housing with a similar relationship to the application site. At this stage the proposed layout is unknown which limits the detailed assessment of the impacts. However, the Council's Pollution Control Team has requested condition requiring a noise assessment to be submitted which outlines sound insulation measures to ensure the amenity of any future occupants is protected.

Therefore subject to appropriate conditions, the proposal is considered acceptable in respect of contamination and noise impacts in accordance with policy MD7 of the LDP.

Design out Crime

South Wales Police (Designing out Crime Officer) were consulted and raised no objection to the proposed development. The officer agrees in principle that proposals will improve the area as the existing site is now redundant and derelict. The response also provides helpful advice for the developer, these relate to matters which would fall outside of the consideration of the planning application, however the matters should be brought to the attention of the applicant by way of an informative.

Planning obligations (Section 106)

Development Plan Policies and Supplementary Planning Guidance (SPGs) on Affordable Housing and Planning Obligations provide the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. Officers have considered the need for planning obligations based on the policy framework; the type of development proposed; the local circumstances and needs arising from the development, and what it is reasonable to expect the developer to provide in light of the relevant national and local planning policies. These are summarised here:

- 35% affordable housing – 6 units
- Sustainable transport - £39,100
- Primary and Secondary level Education - £249,309
- Public open space - £45,356
- Public Art – 1% build costs

Affordable Housing

TAN 2 defines 'Affordable Housing' as housing provided to those whose needs are not met by the open market. It should meet the needs of eligible households, including affordability with regard to local incomes, and include provision for the home to remain affordable for future eligible households, or where stair-casing to full ownership takes place, receipts are recycled to provide replacement affordable housing. This includes two sub-categories: social rented housing where rent levels have regard to benchmark rents; and, intermediate housing where prices or rents are above social rented housing but below market housing prices or rents.

The Development Plan Policy MG4 requires, in the area of Rhoose that 35% affordable housing to be incorporated with any residential development over 5 or more units. Given that the scheme proposes more than 10 units, the policy requires the provision to be made on site, with the requirement being rounded up to the nearest whole number.

The Council's Homes4U waiting list in the area in the Ward of Rhoose, identifies the following need:

1 Bed	94
2 Bed	86
3 Bed	28
4 Bed	5
6 Bed	1

As the proposal for the scheme is for 17 units, and based on 35% affordable housing, this would require an affordable housing contribution of 6 units (5.95 rounded up). There is a requirement for an RSL to be involved in the affordable housing element, which should be DQR compliant. Based on the scheme for 17 units, the affordable units to be provided should be 4 X 1 bed walk up flats and 1 X 2 bed flats (Social Rent) and 1 X 2 bed Intermediate unit.

Sustainable Transport

Increasing importance is enshrined in local and national planning policies emphasising the need for developments to be accessible by alternative modes of transport than the private car.

Planning Policy Wales (PPW) (Ed. 10) Paragraph 4.4.3 recognises that in order to create sustainable and cohesive communities within Wales, improvements to transport facilities and services are required. Paragraph 4.7.4 seeks to ensure that new developments are integrated appropriately within existing settlements, to minimise the need to travel by private car. National policy contained within Technical Advice Note 18 'Transport' (March 2007) Paragraph 9.20 allows local planning authorities to use planning obligations to secure improvements to the travel network, for roads, walking, cycling and public transport, as a result of a proposal.

The Council's Sustainable Transport Assessment LDP Background Paper (2013) identifies the sustainable transport measures required to ensure better conditions for pedestrians, cyclists and public transport users, and to encourage a change in travel choices away from the single occupancy car. This is a key aim embodied in national and local planning and transport policies, which the Council is keen to deliver.

The Council thus requests an off-site contribution to enhance sustainable transport facilities. This contribution equates to £2,300 per residential unit. This has been derived from an analysis of the costs associated with providing enhanced sustainable transport facilities, and consideration of the impact of new developments in terms of needs arising and what is considered to be reasonable to seek in relation to the scale of development proposals.

In this case the proposals would attract a contribution of £39,100.

Education

Policy MD5 of the LDP allows for new development within settlements, subject to certain criteria, including, criterion 7, that it makes appropriate provision for community infrastructure to meet the needs of future occupiers. Policy MD4 sets out that, where appropriate and having regard to development viability, the Council will seek to secure new and improved community infrastructure, including the provision or improvement of education facilities.

The Council's Education Section has been consulted with regard to this application. They have highlighted capacity issues relating to primary and secondary school provision. The adopted SPG indicates that contributions towards education would be sought on developments in excess of 10 dwellings for such development at a rate of £13,811 per dwellinghouse, although excludes 1 bedroom units from any calculation.

Nursery and Primary Level

The development serves Rhws Primary for English Medium (83%), All Saints (3.5%) and St Helens for Denominational (5%), Ysgol Dewi Sant for Welsh Medium (7%) and 2% ALN. There is no projected capacity within English medium (83%) and denominational provision at All Saints (3.5%). The Council would therefore see S106 contributions for 2 nursery (86.5%) and 4 EM pupils (86.5%) at a cost of £18,249 per pupil totalling £109,494.

Secondary Level

The development serves Llantwit/Whitmore for English medium (71%), St Richard Gwyn for Denominational (13.5%) and Ysgol Gymraeg Bro Morgannwg for Welsh medium (12.5%) and Bishop of Llandaff (3%). There is no projected capacity within all sectors. The Council would therefore see S106 contributions for 4 pupils (11 - 16) at a cost of £27,498 per pupil totalling £109,992 and 1 pupil (post 16) at a cost of £29,823 per pupil. The total secondary contribution required would be £139,815.

The overall S106 contribution required for both primary and secondary level is £249,309. The application is currently outline with all matters reserved, therefore this overall contribution may be subject to change.

Public Open Space

Residential developments are expected to make provision for Public Open Space and/or recreational facilities to meet the needs of the future population they will bring to the area. Open space offers vital opportunities for sport and recreation, and also act as a visual amenity.

TAN 16: Sport, Recreation and Open Space (2009) states "Planning conditions and obligations (Section 106 Agreements) can be used to provide open space, sport and recreational facilities, to safeguard and enhance existing provisions, and to provide for their management".

Policy MD3 of the LDP requires new residential developments to make provision for public open space at a minimum standard of,

1. Outdoor sports provision 1.6 ha per 1,000 population;
2. Children's equipped play space 0.25 ha per 1,000 population;
3. Informal play space 0.55 ha per 1,000 population.

The Council applies this policy to all residential developments of 5 or more dwellings, in addition to the basic amenity space requirements necessary to meet the immediate amenity needs of occupiers (e.g. private garden space) as outlined in the approved Residential and Householder SPG. The proposal in its current form is outline with all matters reserved. However, the indicative layout indicates all units to benefit from private amenity areas. However no public open space is proposed within the development.

The Open Space Background Paper prepared as part of the background evidence of the LDP identifies a shortfall in open space within the Rhoose Ward. Whilst it may be impracticable to provide a meaningful area of POS within the confines of this site, any future reserved matters application will be required to consider providing an element of this on site in accordance with the advice in policy MD3. If this could not be provided on site and future occupiers were reliant on existing areas of public open space to serve future occupiers of the development, a financial contribution would be required.

In such situations the Council's adopted Planning Obligations SPG outlines that 'where it is impractical to provide open space and / or recreational facilities on site or where existing open space provision is deficient in quality in the immediate locality, the Council may be willing to accept alternative provision i.e. off site contribution payments.

The SPG indicates that any such off-site contribution would be calculated on the basis of £2,668 per dwelling resulting in a requirement of £45,356 in this instance.

Public Art

Technical Advice Note (TAN) 12 'Design' (March 2016) Section 5.15 recognises the importance role of public art, in creating and enhancing "individuality and distinctiveness" within a development, town, village and cities. Public Art can bring distinctiveness and material and craft quality to developments, enable local people to participate in the process of change and foster a sense of ownership. It is therefore an important part of achieving design quality.

The Council introduced a 'percent for art' policy in July 2003, which is supported by the Council's adopted SPG on Public Art. It states that on major developments, developers should set aside a minimum of 1% of their project budget specifically for the commissioning of art and, as a rule, public art should be provided on site integral to the development proposal. The public art scheme must incorporate sufficient measures for the appropriate future maintenance of the works.

Public art should be considered early in the design process and be integral to the overall design of a building, public space or place. The choice of artists and the nature of subsequent work should be the subject of full collaboration from the outset between the artist, the local community and professionals involved in the design process. This is in accordance with TAN 12, paragraph 5.15.4.

Planning Obligations Administration Fee:

In addition the above and separate to any obligation, the Council requires the developer to pay an administration fee to monitor and implement the terms of the Planning Obligations. This fee covers the Council's costs to negotiate, monitor and implement the terms of the necessary Section 106 Agreement.

This cost is essential because the additional work involved in effectively implementing a Section 106 Agreement is not catered for within the standard planning application fee, and the above planning obligations are considered necessary and essential for the development to be appropriately mitigated against. Therefore, the developer is reasonably expected to cover the Council's costs in this regard.

In this regard, the Council requires the developer to pay an administration fee, equivalent to 20% of the application fee or 2% of the total financial contribution being sought, whichever is the greater. This fee covers the Council's costs to negotiate, monitor and implement the terms of the necessary Section 106 agreement.

Other Matters

Comments from neighbour representations have been noted, concerns relating to contamination, access, parking and highway safety, loss of view, impact on house prices, traffic and noise from construction works, mix and level of affordable housing, scale of development, rising main and potential overlooking and impact on character have been addressed in the body of the report.

In respect on anti-social behaviour, no empirical evidence has been provided to suggest the re-development of the site for housing would exacerbate matters. In fact the advice provided by South Wales Police would suggest the re-development would help reduce crime through natural surveillance. Notwithstanding this, any existing anti-social behaviour should be reported to South Wales Police.

As aforementioned, the site is located within the settlement boundary and has no retail allocation within the LDP. The need for housing in the Vale of Glamorgan has been evidenced through the LDP examination by an independent inspector and housing schemes such as this serve to address the wider need. Whilst the site was outlined for retail, there is no policy requirement for such a use. Comments relating to lack of services and facilities have been noted, however the Council are unable to insist on the type of development that comes forward on this site.

Comments in relation to train and bus services not being as good as indicated in the DAS are noted. Whilst this is a matter of debate, it is not considered sufficient grounds to refuse the application. However, residents will note that the developer has agreed to contribute to sustainable transport which will help support transport links.

Any affordable housing on the site would be required to be managed by a Registered Social Landlord (RSL) and would therefore meet the tests of Welsh Government affordable housing definition. There is nothing to suggest residents of the affordable units will be unemployed or drug users.

Comments relating to the strain on the existing education system and lack of public open space have been addressed in the report by way of S106 contributions. Any impact on wildlife would be mitigated as outlined in the supporting ecology report. Furthermore any subsequent reserved matters application would be required to enhance the ecological enhancements.

RECOMMENDATION

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

- Procure that a minimum of 35% (6) of the dwellings built on the site pursuant to the planning permission are built and thereafter maintained as affordable housing in perpetuity.
- Pay a contribution of £249,309 for the provision or enhancement of education facilities to meet the needs of future occupiers
- Pay a contribution of £39,100 for the provision or enhancement of sustainable transport
- Make provision for on-site open space or pay a contribution of £45,356 for the provision or enhancement of public open space
- Provide public art on the site to the value of 1% of build costs, in accordance with details to be submitted.
- The Legal Agreement will include the standard clause requiring the payment of a fee to monitor and implement the legal agreement (£6742.05 in this case).

Approve subject to the following conditions:

1. Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason:

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

2. Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason:

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

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason:

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

4. The development shall be carried out in accordance with the scale parameters of ridge and eaves height specified in the document entitled Planning Design and Access Statement, the following scale parameters:

- Ridge height 7.2 metres to 8.2 metres
- Eaves height 4.5 metres to 5.0 metres

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and to ensure a satisfactory form of development in accordance with Policy / Policies SP1 (Delivering the Strategy) / MD2 (Design of New Development) of the Local Development Plan.

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

Drwg 1962-009 Received on 11 November 2019.

Amended Site Location Plan Received on 11 November 2019.

Transport Statement Received on 21 December 2018.

Site Investigation Report Received on 21 December 2018.

Amended Planning Design & Access Statement Received on 05 November 2019.

Preliminary Ecological Assessment Received on 06 November 2019.

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.

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

Reason:

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

7. Notwithstanding the submitted plans, full engineering details of the new vehicular / pedestrian access points in to the site, any new pedestrian footways and internal roads within the site, turning facilities and vision splays, sections, street lighting, surface water drainage and surface materials, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be implemented and maintained thereafter in accordance with the approved details.

Reason:

In the interests of highway safety in accord with Policies MD2 and MD5 of the Local Development Plan.

8. No development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul water, surface water and land drainage (including highway drainage) will be dealt with, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that foul water and surface water discharges shall be drained separately from the site, with no surface water or land drainage run-off allowed to connect (either directly or indirectly) into the public sewerage system. The details shall also include details of infiltration testing and the future perpetual maintenance and management of the drainage system. The scheme as approved shall be implemented prior to the first beneficial occupation of any of the dwellings and so maintained at all times thereafter.

Reason:

To ensure that adequate drainage facilities are in place to serve the development and to protect the integrity, and prevent hydraulic overloading of the Public Sewerage System and to ensure compliance with Policies MD2 and MD7 of the Local Development Plan.

9. Prior to the commencement of development, a Construction Traffic Management Plan, including details of parking for construction traffic, wheel washing facilities, the proposed routes for heavy construction vehicles and timings of construction and delivery traffic to and from the site, shall be submitted to and approved in writing by the local planning authority and the management plan shall be implemented at the commencement of any site clearance or temporary access or development works on the site and shall thereafter be complied with for the duration of the construction and laying out of the development.

Reason:

In the interest of highway / public Safety and the free flow of traffic along the adopted highway network, and to meet the requirement of policies SP1 and MD2 of the Local Development Plan.

10. No development should commence, including any works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include the following details:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii) hours of construction; noting there shall be no burning of waste or any other materials on site.
- ix) lighting; including the use of security lighting on site outside normal construction hours
- x) management control and mitigation of noise and vibration; including the use of generators on site outside normal construction hours
- xi) odour management and mitigation;
- xii) diesel and oil tank storage areas and bunds;
- xiii) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk) during the course of the construction of the development; and
- xiii) a system for the management of complaints from local residents which will incorporate a reporting system.

Due to the potential for noise disturbance to local residents, the development phase should be subject to the following hours of operation which should be included in the CEMP, restrictions should include

deliveries;

Monday – Friday 8:00 until 18:00
Saturday 8:00 until 13:00
With no Sunday or Bank Holiday working

Unless such work is:

- (a) associated with an emergency (relating to health and safety or environmental issues);
- (b) carried out with the prior written approval of the Local Planning Authority.

Should there be a requirement to undertake foundation or other piling or drilling on site to accommodate on site surface water drainage or other works it is advised that these operations are restricted to:

Monday – Friday 8:30 until 17:30
Saturday and Sunday Nil

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

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policies MD2 and MD7 of the Local Development Plan.

11. The development shall be carried out in accordance with the recommendations of the submitted Preliminary Ecological Assessment with respect to protected species.

Reason:

To safeguard protected species, in accordance with Policies MD2 and MD9 of the Local Development Plan.

12. All ecological measures, in particular the site clearance strategy for reptiles and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Assessment, Land Adjacent to Heol y Pentir, Rhoose, Vale of Glamorgan; 6 November 2019 by Ecological Services Ltd; V2.0 as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason:

In the interests of ecology and to ensure compliance with Policy MD9 of the LDP.

13. Prior to the commencement of development, an ecological design strategy (EDS) addressing enhancement measures has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- a) Details of bird box provision
 - b) Details of wildlife friendly drainage features.
 - c) Enclosures plans showing small animal access
 - d) Plans showing areas for wildflower planting.
 - e) Type and source of materials to be used where appropriate, eg UK sourced native species; ideally of local provenance.
 - f) Persons responsible for implementing the works.
 - g) Details of initial aftercare and long-term maintenance, if appropriate
 - h) Details for monitoring and remedial measures, if appropriate

Reason:

In the interests of ecology and to ensure compliance with Policy MD9 of the LDP.

14. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies SP1 and MD2 of the Local Development Plan.

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

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 and MD2 of the Local Development Plan.

16. Notwithstanding the submitted plans, prior to the first beneficial occupation of any of the dwellings, full details of the lighting to be provided on the highways, footpaths and open space areas within the development, shall be submitted to and approved in writing by the Local Planning Authority.

The lighting scheme shall thereafter be carried out in full accordance with the approved details and prior to the first beneficial occupation/use of any part of the site to which the lighting relates.

Reason:

To ensure satisfactory lighting is provided throughout the development, in the interest of public safety and security, in the interests of ecology and to accord with Policies SP1, MD2 and MD9 of the Local Development Plan.

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

Reason:

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

18. No development should be carried out prior to the submission and approval of a Noise Assessment noting the railway track that parallel to the site. Should permission be granted all works should be then carried out in accordance any necessary proposed noise mitigation measures outlined in the approved Noise Assessment prior to the first beneficial occupation of any individual dwelling for which the mitigation measures have been identified.

With regard to the above;

Any scheme to be submitted to and approved in writing by the Local Planning Authority shall provide that all habitable rooms exposed to external road traffic noise in excess of 55dBA Leq 16 hour (free field) during the day (07.00 to 23.00 hours) or 45dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night, with the L_{Amax}fast of 45dB not being exceeded.

The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units if necessary.

No habitable room shall be occupied until the approved sound insulation and ventilation measures, should they be required, have been installed in that room. Gardens shall be designed to provide an area which is at least 50% of the garden area for sitting out where the maximum day time noise level does not exceed 50 dBA Leq 16 hour."

Reason:

In order to assess the noise impact as set out in TAN 11 to ensure that future occupants of the residential development are not affected by unacceptable levels of road noise, in accordance with policies MD2 and MD7 of the Local Development Plan.

19. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017),, unless the Local Planning Authority agrees to any variation.

Reason:

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

20. The remediation scheme approved by condition x (PC14B above) must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. 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.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment

Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation.

Reason:

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

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

Reason:

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

22. 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 the relevant Code of Practice and 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 Policy MD7 (Environmental Protection) of the Local Development Plan.

23. 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 the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material 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 Policy MD7 (Environmental Protection) of the Local Development Plan.

24. 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 Policy MD7 (Environmental Protection) of the Local Development Plan.

25. Prior to the commencement of the construction of any of the dwellings, a scheme, including details of the timing, for the provision and maintenance of the Public Open Space shall be submitted to and approved in writing by the Local Planning Authority, and the public open space shall thereafter be provided in accordance with the agreed details.

Reason:

To ensure the timely provision of open space in the interests of the amenity

of future occupiers and the wider area and to ensure compliance with Policy MD3 of the Local Development Plan.

26. Prior to the first beneficial occupation of any dwelling hereby approved, full details of the public art strategy and the timing of its provision, shall be submitted to and approved in writing by the Local Planning Authority. The Public Art shall thereafter be implemented on the site in accordance with the approved details.

Reason:

To ensure the delivery of Public Art on the site in accordance with the Council's Public Art Supplementary Planning Guidance, and to ensure compliance with Policy MD2 of the Local Development Plan.

27. Prior to the first beneficial occupation of the development hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be prepared to include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use. The Travel Plan shall thereafter be implemented in accordance with the approved details.

Reason:

To ensure the development accords with sustainability principles and that site is accessible by a range of modes of transport in accordance with policies MD1 and MD2 of the Local Development Plan.

REASON FOR RECOMMENDATION

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

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; Supplementary Planning Guidance, including Residential and Householder Development, Affordable Housing, Biodiversity and Development (2018) Model Design Guide for Wales, Parking Standards, Planning Obligations, Public Art, Sustainable Development and Travel Plan (2018) and national guidance contained in Planning Policy Wales, TAN1-Joint Housing Land Availability Study, TAN2-

Planning for Affordable Housing, TAN5-Nature Conservation and Planning, TAN11-Noise and TAN12-Design, it is considered that the proposal represents an acceptable form of residential redevelopment of the site that should not result in any significant harm to the visual amenity of the area. The proposal is also considered acceptable in respect of neighbouring and general residential amenity, highway and pedestrian safety, affordable housing and infrastructure. In addition, subject to appropriate conditions, there should be no detriment to ecology interests on the site, drainage/flood risk and noise/contamination

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

NOTE:

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

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

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

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

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

- 2. The applicant's attention is drawn to the comments of the South Wales Police Crime Prevention Design Advisor made on this application. For further advice on achieving Secured By Design, information can be found at www.securedbydesign.com.**
- 3. The attention of the applicant is drawn to the fact that a rising main runs through the site and may be affected by the development.**
- 4. 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.**

5. **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.

2018/01421/OUT



SCALE: 1:1250
CENTRE COORDINATES: 306316 , 166170



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Mr. J. Powell The Spinney, Twyncyn, Dinas Powys, Vale of Glamorgan, CF64 4AS
Ieuan Williams Reading Agricultural Consultants, Gate House,, Beechwood Court, Long Toll, Woodcote, Reading, RG8 0RR,

The Spinney, Twyncyn, Dinas Powys

Temporary change of use from Granny annexe and studio, to a school (class D1) until 31st July 2020

REASON FOR COMMITTEE DETERMINATION

Cllr Robertson and Cllr Griffiths have requested that the application be determined by the Planning Committee due the public interest in the proposal.

EXECUTIVE SUMMARY

This planning application seeks the temporary change of use of the residential annexe associated with The Spinney, Dinas Powys into a school (D1 Use Class) for twenty 10-12 year old children, until 31st July 2020.

The school would be operated by two members of staff and children would arrive and depart the site via a walking bus under teacher supervision, and would be dropped off and collection from the Dinas Powys Bowls Club, St Andrews Road.

A total of 26 letters of objection and 12 letters of support have been submitted. The main matters raised in the letters of objection relate a school being out of character with the area, noise and disturbance, traffic generation, parking and safety concerns given lack of footways on the Twyncyn.

The application has been supported by noise and travel assessments, which have been undertaken and it is concluded that the proposal would not cause unreasonable noise and disturbance to the amenities of any nearby occupiers and there are no highway safety concerns with the application.

Due to the absence of harm and the temporary nature of the proposal, it is considered that the application is acceptable and meets all the appropriate planning policies.

It is recommended that temporary planning permission be granted with conditions.

SITE AND CONTEXT

The application site relates to land at the Spinney, a detached dwelling and associated access, set within a large plot at the head of the Twyncyn, within the settlement of Dinas Powys.

The dwelling is set back some 100m from the end of the adopted highway at the head of Twyncyn, which is a single width driveway which serves two other properties, Longdrive to the east and Longmead to the south.

The head of Twyncyn forms a junction with a Beauville Lane to the west and a private track providing access to several houses and a Public Right of Way (leading to Highwalls Avenue) to the east.

The site also includes the car park within the Dinas Powys Bowling Club (approximately 0.6km from the main site) as a set down / pick up location for pupils.



DESCRIPTION OF DEVELOPMENT

This application is for a “Temporary change of use from Granny annexe and studio, to a school (class D1) until 31st July 2020”. It is proposed to utilise a detached outbuilding within the curtilage of The Spinney as a temporary teaching facility, until a permanent site has been found and designed. The proposal school will accommodate up to 20 children within the age ranges of 10 – 12 years old. The proposed operating times are 10:00 – 16:30 hours (weekdays).

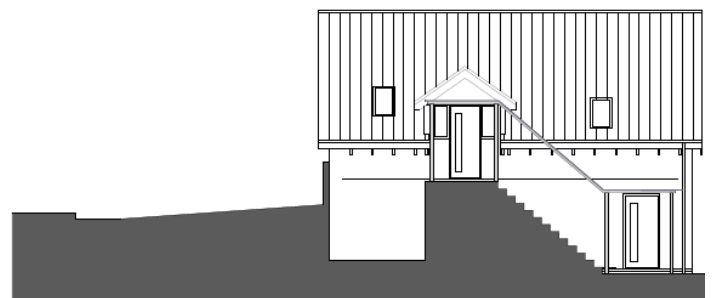
Externally, the changes to the outbuilding relate in the main to the ground floor, with the removal of the existing entrance door to the front and the installation of two pairs of bi-fold doors, a set of bi-fold doors to the rear and pedestrian door to the side. A flat roof covered canopy is proposed over the existing external staircase to the side, to provide a covered way from the secondary new entrance door to the side to the first floor of the building.

Internal alterations are proposed to the existing outbuilding, to provide an open plan teaching area to the ground floor with a kitchen and separate WC. At first floor level (accessed via the external staircase) an open plan area is proposed with a worktop and sink and a separate shower room.

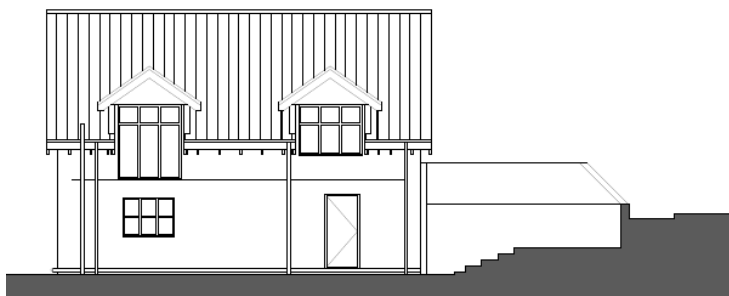
Members should note that the physical works proposed to the annex have been completed and the building and site is being used to teach children, albeit currently limited to the hours of 10:00 and 12:30.



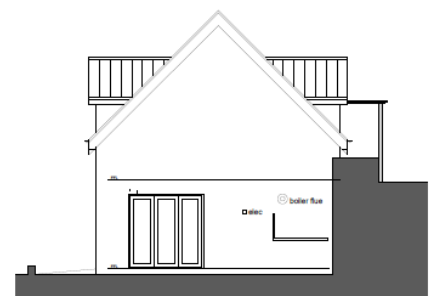
FRONT ELEVATION



SIDE ELEVATION



SIDE ELEVATION



REAR ELEVATION

George and Co.

Proposed Elevations

The land shown to be associated with the use, relates to the existing annex located to the north west of the dwelling and land within the existing garden.

The supporting document states that the unit will be temporary until a permanent site has been found and designed.



Land shown to be used in connection with school

The supporting information states that there are no proposals for a pick-up/set-down facility for pupils on the main site. The application proposes the use of the car park within the Dinas Powys Bowling Club to allow parents to set down and collect their children. The pupils will then be walked by staff to the Spinney, a distance of some 0.6km. The pedestrian route between the school and bowling club will be bay way of a 'walking bus' which will be managed by school staff and any volunteer parents.

Two staff and two visitor spaces are proposed within the site to serve the school.

PLANNING HISTORY

1994/00267/FUL, Address: The Spinney, Twyncyn, Dinas Powys, Proposal: Proposed pitched roof extension over property- bedroom/ bathroom, garage converted to kitchen, Decision: Approved.

1994/00631/FUL, Address: The Spinney, Twyncyn, Dinas Powys, Proposal: Detached garage with gym/shower within ceiling void positioned alongside existing house, Decision: Approved.

1995/00299/FUL, Address: The Spinney, Twyncyn, Dinas Powys, Proposal: Conservatory, Decision: Approved.

1995/00419/FUL, Address: The Spinney, Twyncyn, Dinas Powys, Proposal: Detached garage/gym, Decision: Approved.

2011/00373/FUL, Address: The Spinney, Twyncyn, Dinas Powys, Proposal: Ground floor rear extensions with replacement of existing fenestration. Decision: Approved.

CONSULTATIONS

Dinas Powys Community Council were consulted and objected on the grounds of highways safety, negative visual impact, potential to generate significant volume of traffic and being detrimental to the character of the neighbourhood.

Councils Highway Development Team were consulted and further to reviewing the revised information, comment as follows:

- 1 information has been provided in respect of the Automatic Traffic Counter (ATC) Data including their location and from the data for ATC 1 there were on average approximately 145 vehicles per day utilising Twyncyn during weekdays and their 85%ile speed was 20mph. The data for ATC 2 indicated that there were on average approximately 83 Vehicles per day utilising Beauville Lane during weekdays and their 85%ile speed was 16mph.

As a result of the low vehicular speeds at ATC 2 then the Highway Authority considers that there would be no benefit in introducing Slow / Araf markings on the road and the cutting back of existing vegetation / trees as due to the current low speeds of vehicles this type of signage would unlikely reduce the speed of traffic further.

- 2 The Technical Note contains a drawing of the proposed layout and swept path showing that a 3.5T vehicle can turn within the confines of the property and the Highway Authority is satisfied with that information
- 3 No information has been provided in respect of the width of the access serving the development, however as a result of the revised proposal that children will now be escorted on foot (walking bus) from the Bowls Club instead of utilising minibuses directly to the property and the ability of children to walk on the grass adjacent to the lane then there is now no requirement to widen the access.
- 4 No information has been provided in respect of the passing bays along the access road serving the development, however as a result of the revised proposal that children will now be escorted on foot (walking bus) from the Bowls Club instead of utilising minibuses directly to the property

and the ability of children to walk on the grass adjacent to the lane then there is now no requirement to provide passing bays along the access road.

- 5 The spaces provided for staff and visitors are satisfactory
- 6 As a result of further information being provided on the location of the drop off point and the route the pupils would now take when being accompanied by a member of staff (walking bus) the Council's Road Safety staff have undertaken a risk assessment of that route in accordance with the Learner Travel Statutory Provision and Operational Guidance June 2014. The risk assessment has highlighted that various actions and recommendations need to be undertaken by the school and is attached for information and action.
- 7 The Road from Twyncyn to the 'Spinney' is a private lane and as a result has not been included within the Learner Travel Statutory Provision and Operational Guidance Assessment. It is a matter for the School to undertake a risk assessment and to consider the Health and Safety requirements of that private lane.

Further to the above the Highway Authority is now happy that a Risk Assessment has been undertaken by the School. However, it is pointed out that the Highway Authority is not the owner or responsible for the risk assessment produced by the school.

Shared Regulatory Services (Pollution) were consulted and have and the following comments

- 1) No comments from a contamination perspective.
- 2) Have appraised the noise report submitted in support of this application and have stated that the findings satisfy concerns regarding the affect this proposal would have on neighbouring noise sensitive premises and no adverse comments are raised regarding this proposal.

Dinas Powys Ward Members were consulted :

Cllr Robertson has responded and strongly objects to the application as the proposal is against the wishes of all the neighbours of the Spinney and is to be applied to a building which has changed use already without planning consent, issues of covenants and rights of way agreements, utilities to the site (sewerage and drainage) and that the site is unsuitable for the safe care of young children (no pavement access). It is requested that the application be brought before Planning Committee for determination.

Cllr Crowley has responded, and in summary states that the proposal involves no set curriculum, and pupils are encouraged to choose their own subjects, or none at all. There will be around 20 pupils who will be located in a building currently used as a recording studio. There are restrictive covenants which state that there can be just one residential dwelling and a garage and cannot be used for business. In addition, the school would impinge on the enjoyment of the neighbours' properties, in relation to privacy, security, noise and, strain on the local utilities.

Cllr Griffiths requested that the application be brought before Planning Committee for determination.

REPRESENTATIONS

The neighbouring properties were consulted on 17 July 2019 and a site notice was also posted.

To date a total of some 38 letters of representation have been received, of which 12 are in support of the application and 26 have raised an objection. Of the objections received, the comments are summarised below:

- Introduction of a school/commercial development would be harmful to the character of this residential area would be out of character
- Noise and disturbance from children and school activities in nearby gardens
- Increase in traffic generation and parking
- Private drive is subject to a restrictive covenant/legal rights of access
- Concerns with children's safety in respect of the proposed "Walking Bus"
- Twyncyn is not appropriate for walking as there are no footways
- Concerns that there are appropriate measures in place to ensure any temporary consent is appropriately enforced.
- Concerns in respect of elements of the Transport Assessment

Comments have also been received from David Melding AM raising the following concerns:

- Site has restricted access
- Property is of a domestic character unsuitable for conversion to business and educational use.
- School on this site may not meet the fire prevention, health and safety requirements of the pupils and staff.

- Potential severe impact on the adjacent residential area.
- Pupils would range from primary school age to secondary (in the near future) which indicates a scale of operation which would be of questionable suitability in this domestic setting.
- The proposed site is not fit for purpose.

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 MG6 – Provision of Educational Facilities
POLICY MG7 – Provision of Community Facilities

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD5 - Development within Settlement Boundaries
POLICY MD7 - Environmental Protection

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales,

The following chapters and sections are of particular relevance in the assessment of this planning application:

Chapter 2 - People and Places: Achieving Well-being Through Placemaking,

- Maximising well-being and sustainable places through placemaking (key Planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking)

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Accessibility

Chapter 4 - Active and Social Places

- Transport
- Living in a Place (housing, affordable housing and gypsies and travellers and rural enterprise dwellings)
- Activities in Places (retail and commercial development)
- Community Facilities

4.1.57 Planning applications for developments, including changes of use, falling into

the categories identified in TAN 18: Transport must be accompanied by a Transport Assessment. In addition, in areas where the transport network is particularly sensitive, planning authorities should consider requiring Transport Assessments for developments which fall outside of the thresholds set out in TAN 18. Transport Assessments can be required for any proposed development if the planning authority considers that there is a justification or specific need. Transport Assessments provide the basis for negotiation on scheme details, including the level of parking, and measures to improve walking, cycling, and public transport access, as well as measures to limit or reduce levels of air and noise pollution. They should cover the transport impacts during the construction phase of the development, as well as when built and in use.

4.4.1 Community facilities perform various functions which cover a broad range of activities and services that can be delivered by the public, private and third sectors. Community facilities contribute to a sense of place which is important to the health, well-being and amenity of local communities and their existence is often a key element in creating viable and sustainable places. They can include schools, cultural facilities, health services, libraries, allotments and places of worship.

Chapter 6 - Distinctive and Natural Places

- Recognising the Environmental Qualities of Places (water and flood risk, air quality and soundscape, lighting, unlocking potential by taking a de-risking approach)

Technical Advice Notes:

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

- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)

- Technical Advice Note 18 – Transport (2007)

Supplementary Planning Guidance:

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

- Parking Standards (2019)
- Residential and Householder Development (2018)
- Travel Plan (2018)

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

Background

The Planning Statement outlines the concept of the school. "The Awen Project" is to provide an autonomous, free to attend, democratic school which enables children to not only choose their path of learning and shape their futures but to have a direct input into the design and construction of their learning space and the school curriculum. The vision is that each new year of pupils will contribute to the development of the school structure and teaching methods, allowing constant evolution and enabling the school, pupils and teachers to respond rapidly to changing society.

The first intake from September 2019 comprises 20 children, ages 10 to 12 years old, who will be taught in two classrooms provided at ground and first floor levels of the annexe building at The Spinney. The first year of the school will be in a temporary space and given the temporary nature of this new school, it is stated that it has always been the intention during its first year to gauge the success of the innovative system and its acceptability to students and parents.

The Planning Statement states that it is the intention that every year the school will 'grow up and down' by a year to eventually teach pupils ranging from 3 to 16 years old. Supporting information has been submitted stating that there is an urgency to commit to an alternative site as pupil roll numbers will increase. It is stated that the existing building is at capacity for current pupil numbers and is therefore self-limiting to a single year's use, given that under Estyn rules, a school would not be able to operate at over-capacity.

It adds that of the 20 children attending, two currently live at the application property whilst the remaining 18 are largely from the Vale of Glamorgan region. Being an independent school, the Awen Project is not bound by catchment areas or financial income. Travel distance does however have a direct correlation with attendance at the school and it is stated that students will travel much further to attend than the current intake.

The hours of operation of the school are deferred compared to standard school hours in order to avoid peak traffic hours and minimise travel times for the children, where teaching starts from 10am with the school day ending at 4:30pm.

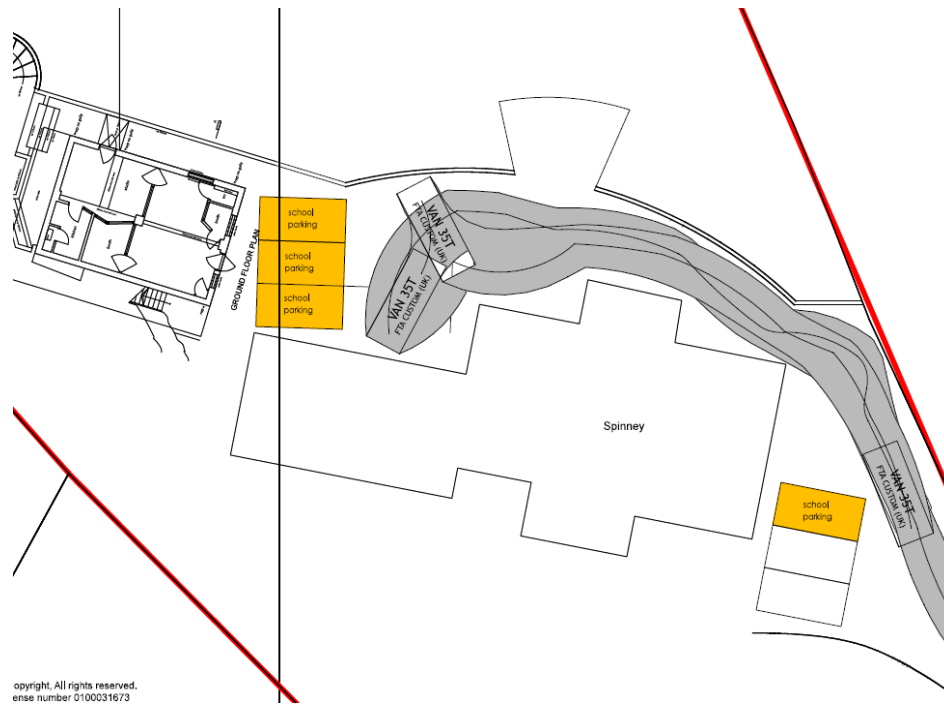
On the basis of the above, the applicant is committed to ceasing the use of the site as a school at the end of the current school year, 17th July 2020, although the application description states that this will be 31st July 2020.

The main issues in the assessment of this application relate to access considerations relating to traffic generation, parking, pedestrian and road safety issues, and the impacts on the amenities of neighbouring occupiers in respect of noise and disturbance as a result of the use of the site as a school. Consideration should also be given to the impacts of the physical works to change the use of the building for a school.

Access and Parking

The application has been supported by a Travel Plan, Technical Note and Walking Bus Route Risk Assessment Form.

In respect of Trip Generation, the Travel Plan (TP) states that both teachers would travel to work separately by car. There will be no ancillary staff employed. School meals will not be provided and as such no catering staff trips will be generated. Staff would access the site to park, for which two dedicated on-site parking spaces will be provided, in addition to two visitor spaces, as shown below.



Proposed On-site parking layout – for staff and visitors

It is stated that parents/guardians would not be permitted access to the private drive and pupils would not be arriving by minibus, and will only be permitted to be set down/pick-up at the Dinas Powys Bowls Club, St. Andrews Road, where they will walk from the Bowling Club to the site as a 'walking bus', which will be managed by school staff and any volunteer parents.

As part of the teaching curriculum, it is stated pupils would go on a school trip to a local place of educational interest such as museums, places of historic significance, science workshops etc. These trips would take place at a similar frequency to state schools (and not more than twice per month). School trips would require the hire of a minibus, which would collect and drop off at the Bowls Club.

The proposed school is relatively small with a capacity for 20 pupils and whilst the requirements of Parking Standards (see below) are noted, the applicant does not wish to attract vehicles to the site or the adjacent road network, as it is stated that this is not considered appropriate due to the suburban/semi-rural location and the standard of highway infrastructure.

However, it is recognised that pupils will require a means of accessing the school safely and it is proposed that pupils are collected from a suitable meeting point (or points) on the public highway or public land.

Therefore during the consideration of this application, the applicant has agreed terms with the Dinas Powys Bowling Club to allow parents to use the car park to set down and collect their children. Furthermore a detailed plan has now been submitted showing the layout of the parking area at the Bowls Club.

The Council are also in receipt of a signed "Car parking Licence" between the applicant and The Dinas Powys Bowling Club. In summary, the licence permits the applicant (the Licensee's) use of the Car Park for the parking of cars for the purpose of dropping and collecting children attending the Licensee's school at The Spinney, subject to standard clauses. It is noted that the Licence shall expire on the earliest of (a) 31 July 2020; or (b) the Licensor giving notice to the Licensee to terminate this Licence with immediate effect.

The Bowling Club Car park has now been included within the application site and as such the use of the carpark can be controlled under the terms of the planning permission. The submission of a signed copy of the licence also provides certainty that an agreement is in place between the applicant and Dinas Powys Bowling Club to provide drop off/pick up parking for the school for the temporary specified period.

Parents will be required to set down children on time every day (except for special circumstances). The children will then walk a pedestrian route between the school and bowling club as a 'walking bus' which will be managed by school staff and any volunteer parents.

The walking bus will depart the Bowls Club at 09:50 and the set down period would be from 09:40 – 09:50. Children will be walked back to the Bowls Club for 4.30pm. It is stated that the school/applicant will not permit children to be collected from any other location.

Full details of the walking route is set out within The Walking Bus Route Risk Assessment Form. In summary, it states that upon arrival pupils at the Bowl Club pupils will be collected in a safe area on the right hand side, inaccessible to cars and there will be no vehicular movement within the car park until the pupils are segregated in the designated 'safe area'. Pupils are accompanied along the route by two adults – one to the front and one to the rear. The children will be visible and in close proximity to at least one adult at all times.



Proposed Walking route from Bowling Club to Site

The proposed 'walking bus' route from the Dinas Powys Bowls Club car park, to the site is approximately 0.6km in length, using the footpath on St Andrews Road and into Twyncyn, where there is no footpath. It is stated that sight lines are sufficient to provide advance warning to drivers and pedestrians and that there are sufficient "step off" areas on LA adopted verges on both sides, which are mainly grass and gravel and include resident driveways. The Risk Assessment notes that there are a number of crossing points at Merevale on St Andrews Road and at northern end of Twyncyn crossing King's Ride and Beauville Lane.

The application has been supported by a traffic count and speed assessment taken at two locations, ATC 1 (top of Twyncyn) and ATC 2 (junction of Beauville Lane and Twyncyn), over a 7 day period (24 hours a day).

The Transport Technical note states that the data demonstrates that the greatest number of trips on any one weekday was 82 northbound and 85 southbound. During the school AM peak hour (0900-1000), six vehicles were recorded travelling northbound and five southbound. Assuming these vehicles are evenly profiled across the hour, this would equate to one vehicle every 10 minutes. The Technical Note therefore considers that as a worst case, the walking bus could encounter one vehicle on Twyncyn on their journey to school.

The highway engineer has considered the proposed scheme, and following an on-site meeting and the review of supplementary information, states that given the low vehicular speeds at ATC 2 (junction of Beauville Lane and Twyncyn) does not consider that there would be any benefit in introducing Slow / Araf markings on the road or the cutting back of existing vegetation / trees, as this is unlikely to further reduce the speed of traffic.

In respect of on-site parking provision, the Parking Standards SPG states that schools should be provided with the following levels of parking provision.

- 1 commercial vehicle space;
- 1 space per each member of teaching staff;
- 1 space per 2 ancillary staff;
- Visitor spaces (to include 1 space for disabled people); and
- Bus parking as required.

However given the nature of the use, limited pupil numbers and two members of staff, the Highway Engineer is satisfied with the provision of two spaces provided for staff and two for visitors.

Whilst information was originally sought in respect of the width of the private access (shared private drive) serving the development, given that children will now be escorted on foot (walking bus) from the Bowls Club instead of utilising minibuses directly to the property and the fact that children can walk on the grass adjacent to the lane, the highway Engineer has stated that there is no requirement to widen the access. Similarly, whilst passing bays along the private access road were originally requested, on the basis that a minibus will not be used to access the site, there is no longer a requirement to provide any passing bay.

As a result of further information being provided on the location of the drop off point and the route the pupils would take when being accompanied by a member of staff (walking bus), the Council's Road Safety Team have undertaken a risk assessment of that route in accordance with the Learner Travel Statutory Provision and Operational Guidance June 2014. The risk assessment provides a detailed assessment of the risks associated with the proposed walking route, to pedestrians, drivers, cyclists in a road traffic incident or collision, and considers hazards, route conditions, crossing point, traffic, risks, traffic flows, collision history, footpath and lights.

The Risk Assessment considers what measures are already in place, what further action is necessary, who should action the measures (applicant or VOGC) and the timescales for action. Of the recommendations made within the Risk Assessment, the agent has produced their own updated School Risk Assessment which has been reviewed by the Highway Authority/ Road Safety Team who are happy that a Risk Assessment has been undertaken by the School, but stresses that the Highway Authority is not the owner or responsible for the risk assessment produced by the school and any comments made are purely observations only.

It should also be noted that the road from Twyncyn to the 'Spinney' is a private lane (shared private drive) and as a result has not been included within the Learner Travel Statutory Provision and Operational Guidance Assessment in any Risk Assessment. It is a matter for the school to undertake a risk assessment and to consider the Health and Safety requirements of the private lane.

In summary, there are no highway objections to the scheme in respect of on-site parking provision to serve the school. Having regard to pupil safety, there are no objections to the proposed walking route, and it is the responsibility of the subject to ensure this activity is carried out in accordance with their Risk Assessment. Furthermore, the license agreement that is in place with the Bowls Club also provides certainty that there is an appropriate agreement in place for the pick-up and drop of car parking.

Given the above, and the access arrangements proposed and reviewed, it is considered necessary to condition any planning permission to ensure the following:

- Pupil(s) shall only enter or leave the site (The Spinney) by foot (except when car sharing with any one of two members of staff) and at no time shall any pupil(s) be brought onto/leave the site using motorised transport. (**Condition 3** refers)
- All pupil(s) shall only be dropped off/picked up at the Dinas Powys Bowls Club car park. (**Condition 4** refers)
- The use of the site (at The Spinney) as restricted under Condition 6 as a school shall not be carried out outside the hours of 10:00 to 16:30 Monday to Friday and not at any time on Saturdays and Sundays. (**Condition 5** refers)

Noise Impacts

The Noise Assessment prepared by Acoustics & Noise Ltd, assesses the potential noise impact from the proposed development based on criteria provided by the Councils Neighbourhood Services Officer.

The site is in a semi-rural area, bounded by residential properties to the north, south and east. The site is located at the boundary of the course at Dinas Powys Golf Club, 50m to the north. The report states that subjectively, the acoustic climate at the site was characterised by distant road traffic with regular instances of golfers using the golf course including striking the ball and audible voices. During the survey, the use of machinery with a perceptible tone was also in use at the golf course for extended periods, possibly associated with the green keeping operation. Additional sources of noise were from intermittent birdsong, occasional local vehicle pass-bys, overhead aircraft, distant train horns, residential activity and dog barking.

To determine the potential impact from noise from the children during a typical school day, the following three scenarios were considered for this assessment:

- A maximum of 20 children located within the school building with the windows closed.
- A maximum of 20 children within the school building with the windows open.
- A maximum of 20 children outside within the external garden area at the northern extent of the site.

A 3D acoustic model was constructed to predict the noise emissions from the proposed facility and the results were assessed against the criteria detailed above. The modelling procedures adopted a worst-case approach to determine the maximum impact at the neighbouring properties. In the absence of any specific guidance, the noise emissions from children was determined using a prediction model.

The results of this assessment indicate that the noise emissions from the proposed development will be significantly below the required criterion of 50 dB LAeq,1hr and result in a very low impact at all sensitive receptors surrounding the development.

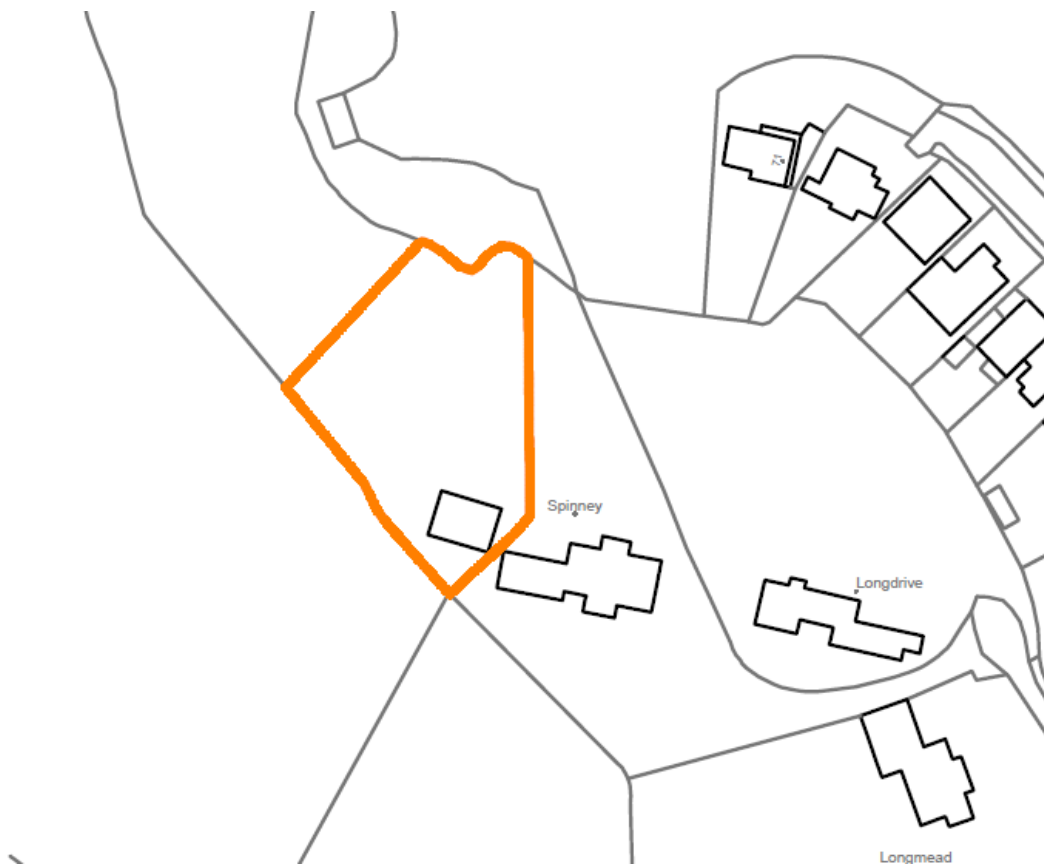
The absolute noise levels will be significantly below the levels at which the World Health Organisation would expect the majority of people to start to be moderately annoyed. Even though the noise levels are significantly below the criteria level, the children would still be occasionally audible, but will be at levels that only the most sensitive receptors would possibly find disturbing. To place this in context, the absolute noise levels predicted at the sensitive receptors is at most 38 dB LAeq,1hr and would be lower than those expected in a quiet office and approaching levels experienced within a library.

At the beginning and end of the school day, all attending children are collected and returned to a collection point located off site. Access to the site will be via the common site entrance driveway which passes the curtilage of the neighbouring property. It is anticipated that the entrance and exit activity will last no longer than 5 minutes in any one day and any noise impact will be minimal. Any noise emissions will be effectively controlled by the supervising staff during these times.

Having appraised the noise report submitted in support of this application, the Councils Neighbourhood Services Officer states that the findings satisfy his concerns regarding the affect this proposal would have on neighbouring noise sensitive premises and has no adverse comments to make regarding this proposal.

Whilst the noise assessment shows that there would be no unacceptable noise levels on any nearby residential occupiers, the agent has nevertheless submitted a plan (as shown below) "Land Area Associated with School Use" which shows the area of the application site within which the school activities would be restricted to, which relate to the annex and the garden area to the north. Limiting the use of the school to this area would reduce any impacts on neighbouring properties moving the operational land further away from the nearest dwellings of Longdrive and Longmead, which has been agreed by the applicant and shall be secured by condition (**Condition 6** refers).

Furthermore the physical delineation of the land used in connection with school will also be required given that the boundary line shown through the garden is an arbitrary line (particularly along its north-west and east boundaries). The agent has confirmed that the applicant's garden associated with the use of the temporary school at The Spinney will be demarcated with posts and visible tape, which can be removed at the end of use. The wooden posts will be set at 4m intervals and will be 1.5m high and the tape will comprise two lines and will be set at 0.75m and 1.5m high and attached to each post forming the perimeter of the accessible area for the school, thereby excluding the pupils from the remainder of the garden area. It is considered that the means of enclosure is considered acceptable which shall be secured by condition (**Condition 8** refers)



Plan showing Land Area Associated with School Use

Limitation on further operations as a school

The application as amended, is seeking a consent until 31st July 2020. During the application process the agent was requested to provide supporting information in terms of the future growth for the school, given the concerns raised by neighbouring occupiers that the applicant may seek to continue to use the site as a school, beyond the terms of any temporary planning permission.

The Planning Statement does contain some detail stating that the applicant is currently engaged in seeking a new school site for use from September 2020, for which a short list of sites has been made, which are not site specific for contractual and legal reasons. However, a further supporting letter has been submitted by the agent with a commitment from the client to cease the use of the site as a school at the end of the current school year (17th July 2020). The letter states that whilst an alternative site has not yet been secured, it does provide assurance that a search is ongoing, for which the process is part of the school curriculum and enables the pupils to have a greater amount of control over their school environment.

It is stated that the current proposal is a 'stop-gap' measure which provides a partial realisation of the principles of the applicant's Awen project, providing pupils with greater autonomy and control over their learning processes. This initial 'test' year will provide valuable information regarding the needs parameters for this type of school.

As outlined in the Planning Statement accompanying the application, the applicant has already considered a number of sites for the next school year and beyond. These are:

- A former hotel on Cathedral Rd, Cardiff;
- A site that has previously been used for the provision of additional learning needs education in Barry;
- A former lawn bowls club and green in Cardiff;
- A farm with forest land in Cardiff; and
- A former hospital in Cardiff.

It is stated that there is an urgency to commit to an alternative site because the pupil roll numbers will increase for the next school year as additional school years above and below the existing one will be incorporated into the system. The existing building is at capacity for current pupil numbers and so is self-limiting to a single year's use. Under Estyn rules a school would not be able to operate at over-capacity.

Furthermore, reference is made to two legally binding documents supporting the application:

- a Unilateral Undertaking relating to school operating procedures; and
- a car parking licence between the school owners and the Dinas Powys Bowling Club Ltd.

Given that the conditions as set out above will only allow the dropping of and picking up with the Bowls Club park, for a limited period (to expire on 31 July 2020), the expiration of the car parking licence agreement would also mean that the school could not lawfully operate as it would be in breach of Condition 4 in the absence of a parking area/drop-off site for the pupils.

Whilst a Unilateral Undertaking has been submitted, which shows a commitment from the applicant in respect of cessation the use of the site as a school, it is not considered that a Unilateral Undertaking is necessary given that a planning condition would be the appropriate means to secure a time limited planning permission.

On the basis of the above, it is considered that any temporary consent can be appropriately controlled by condition to ensure that the use of the annex building and any associated land as a school shall cease to operate on or before 30th July 2020, after which time the use of the building and land shall revert back to ancillary/incidental use of the main dwelling. (**Condition 2** refers)

On the basis of the above, it is considered that the condition imposed in addition to the temporary license with the Bowls Club for the parking area, provides sufficient comfort that the site could not operate beyond the permitted date (30th July 2020). Furthermore from an operational point of view, it is noted that any further expansion of the school at The Spinney would not in any case be able to operate under Estyn school rules, as it would not be able to operate at over-capacity.

Visual Impact

The application relates primary to a change of use of the outbuilding and associated use of the land, however in order to accommodate the use, external changes have been made to the annex. These relate to relatively minor alterations to with the removal of the existing entrance door to the front and the installation of two pairs of bi-fold doors, a set of bi-fold doors to the rear and pedestrian door to the side. In addition, a flat roof covered canopy is proposed over the existing external staircase to the side, to provide a covered way from the secondary new entrance door to the site to the first floor of the building. The proposed changes to the annex would have no impacts on the amenities of the area and given the distance of the annex to any residential dwelling would not result in any additional overlooking or overbearing impacts as a result of the proposed work.

Other Matters

Several of the letters of representation received, particularly those from the adjoining neighbours who share the private access drive, have states that the access rights are shared and that the application does not have the rights to use the access for any means other than accessing The Spinney as a dwelling. The applicant and agent are both aware of these matters. The application, as amended has served notice on the other owners of the land which form part of the application site. However, any legal rights of access or covenant are matters which are outside of the scope of a planning application and it is the responsibility of the applicant to ensure that in undertaking development, all other covenants, licenses and agreements etc are in place.

However, it is considered necessary to advise the applicant, by way of an informative that any planning permission does not convey or grant any legal rights of access onto or over any land.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

RAC-8510_Location Plan (amended)
636.01.02.10.11 Site Plan
636.03 proposed elevations and 636.04 Proposed floor plans
Walking bus_risk_audit vers 2.0
Amended Noise report vers.02 Final
RAC-8510_Location Plan with walking bus route (amended)
RAC-8510_Land associated with school use only (amended)
Planning Statement The Spinney School - Final vers 1.1
Parking layout - Bowls Club
DWT197 - Travel Technical Note
DWT197 - Travel Plan
email from agent setting out enclosures received 11/11/2019

Reason:

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

2. The use of the annex building and any associated land as a school shall accommodate no more than 20 pupils (as set out within the application documents) and shall cease to operate on or before 30th July 2020, after which time the annex building and land shall only be used for purposes ancillary to the residential use of The Spinney.

Reason:

To ensure that local amenities are safeguarded and to enable the authority to maintain control over the use of the dwelling within this residential area and to ensure the development accords with Policies SP1 (Delivering the Strategy), MD1 (Location of New Development), MD2 (Design of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

3. Pupil(s) shall only enter or leave the site (The Spinney) by foot (except when car sharing with any one of two members of staff) and at no time shall any pupil(s) shall be brought onto/leave the site using motorised transport.

Reason:

In the interest of highway and pedestrian safety and to ensure a satisfactory form of access 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.

4. Pupil(s), in connection with the use of the site as a school, shall only be dropped off/picked up at the Dinas Powys Bowls Club car park, St Andrews Road.

Reason:

To ensure that satisfactory vehicle parking facilities are provided and to ensure pupil safety and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

5. The use of the site (at The Spinney) as restricted under Condition 6 as a school shall not be carried out outside the hours of 10:00 to 16:30 Monday to Friday and not at any time on Saturdays and Sundays.

Reason:

To ensure that pupil safety is safeguarded and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

6. The use of the school and associated activities shall be strictly limited to the area defined within the orange land shown on Plan ref. RAC/8510/1 "Land Area Associated with School Use".

Reason:

To ensure that the amenities of the area are safeguarded and to ensure appropriate controls over the use of the land/building used in connection with the school and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

7. The staff and visitor parking areas as shown in Fig 6 of the Planning Statement shall be available at all times during the permitted hours of operation for the specified use, which be retained for the period as set out within this temporary consent under Condition 2.

Reason:

To ensure that satisfactory vehicle parking 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.

8. The boundary shown in orange on Plan ref. RAC/8510/1 "Land Area Associated with School Use" shall along its north-west and east/south-east boundaries, be enclosed in accordance with the approved details (email from agent setting out enclosures received 11/11/2019) which be retained at all times for the operational period of the school.

Reason:

To ensure that the amenities of the area are safeguarded and to ensure appropriate controls over the use of the land/building used in connection with the school and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1 – Delivering the Strategy, SP10 – Built and Natural Environment, MG6 – Provision of Educational Facilities, MG7 – Provision of Community Facilities, MD1 - Location of New Development, MD2 - Design of New Development, MD5 - Development within Settlement Boundaries and MD7 - Environmental Protection, the temporary use of the site as a school, subject to conditions to limited its operations, is considered acceptable having regard to its impact on the amenities of nearby residential occupiers and highway impacts, including pedestrian safety and visual impact.

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. **This consent does not convey any authorisation that may be required to gain access over or onto land not within your ownership or control.**

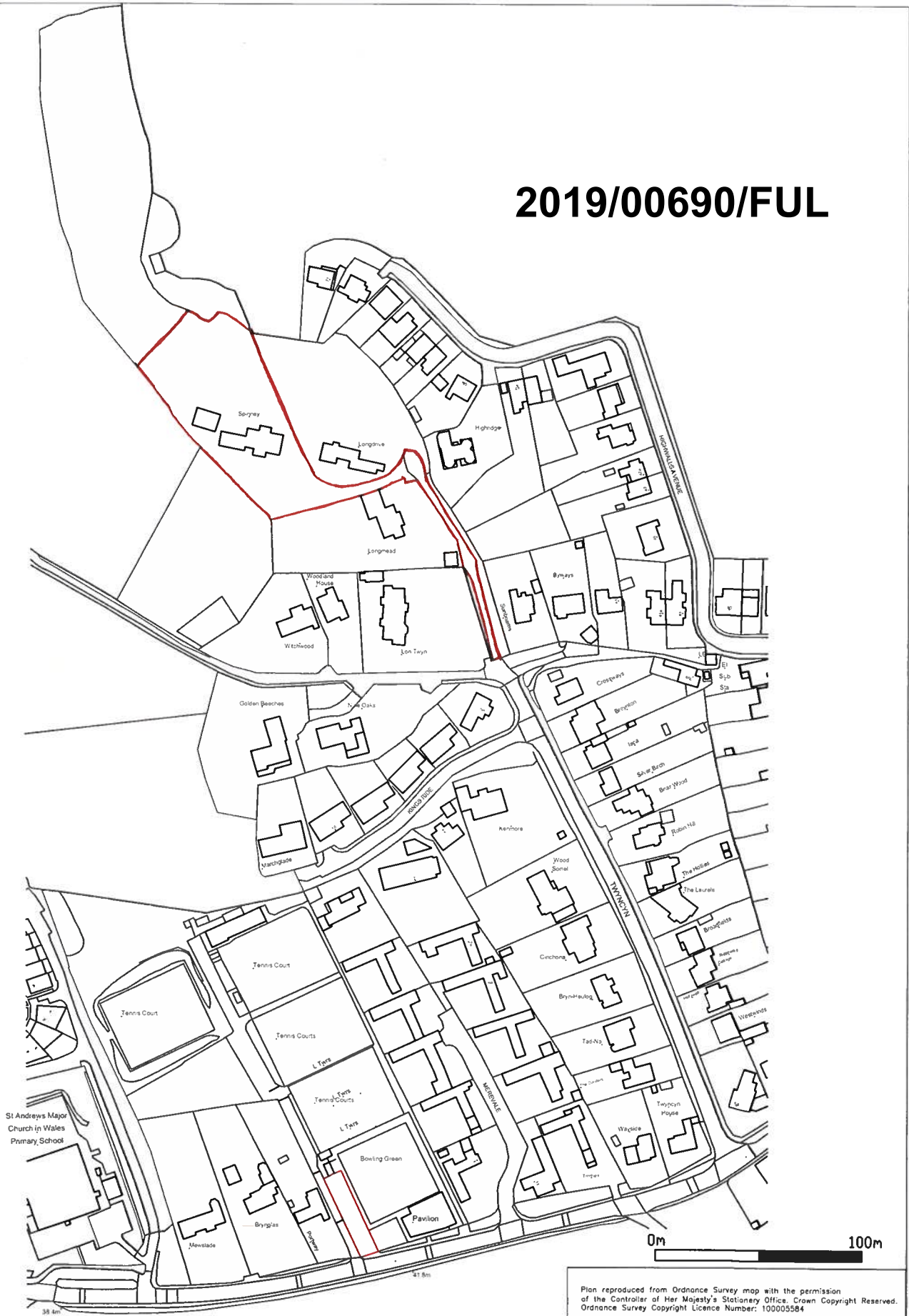
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual 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.

2019/00690/FUL



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Drawing title Location Plan	Ref. RAC/8510/1	Rev.				Reading Agricultural Consultants Ltd Gate House Beechwood Court Long Toll Woodcote RGB DRR 01491 684233 www.readingagricultural.co.uk  READING AGRICULTURAL CONSULTANTS
Contract THE SPINNEY, TWYNCYN, DINAS POWYS, VALE OF GLAMORGAN	Drawn by AGM	Checked by IDW				
	Scales 1:2,500@A4	Date SEPT 2019 P.100	Rev.	Comment	Date	

Applicant: Mrs. Katie Thomas The Meadows, Station Road, Peterston Super Ely, Vale of Glamorgan, CF5 6NE

Agent: Mrs. Emma Langmaid Prospero Planning, The Gate, Keppoch Street, Cardiff, CF24 3JW

The Meadows, Peterston Super Ely

Demolition of the existing dwellings and associated out buildings. Replacement dwelling with new ancillary buildings and open air swimming pool

REASON FOR COMMITTEE DETERMINATION

Cllr M. Morgan requested that this application be determined by the Planning Committee because of public interest in the proposal.

EXECUTIVE SUMMARY

It is proposed to demolish the existing buildings and to build a replacement house, a detached garage/store, an annexe and an outdoor swimming pool.

Excluding the connected annexe, the replacement house would have a footprint of roughly 260 square metres, and would create roughly 513 square metres of internal floor space. It would be (roughly) 22 metres wide, 13 metres long, 6.6 metres tall at its eaves and 9.4 metres tall at the top of its roof. It would be (roughly) 27 metres from the site's north-eastern boundary, 11 metres from the south-western boundary, 15 metres from the north-western boundary, and 16 metres from the south-eastern boundary.

External materials would include slate (roof), lead (dormers), stone, timber (doors, window frames and projecting plant room) and powder-coated aluminium (rainwater goods).

The site is in the countryside, the Ely Valley & Ridge Slopes Special Landscape Area (SLA), a Mineral Safeguarding Area (limestone, category 2) and Flood Zone A (little or no risk of flooding from rivers and the sea).

The planning authority's technical advisers do not object to the proposal, but two members of the public have expressed concern over the proposal's effect on visual amenity and residential amenity, amongst other things.

Officers conclude that the development proposal is acceptable in principle and would have an acceptable effect on visual amenity, residential amenity, highway safety, a European protected species, the risk of flooding in the area, and mineral resources.

It is recommended that planning permission be granted with conditions.

SITE AND CONTEXT

Roughly 2,750 square metres in area, the application site consists of a bungalow, an annexe, a detached garage and front and back gardens. The property is located near to several houses, with 'Dalton House' to the south and 'The Mount' to the east. The northern, western and southern boundaries of the site adjoin undeveloped agricultural land. A shared access lane connects the site to the adopted highway (known as 'Station Road') to the east.

For policy purposes, the site is in the countryside, the Ely Valley & Ridge Slopes Special Landscape Area (SLA), a Mineral Safeguarding Area (limestone, category 2) and Flood Zone A (little or no risk of flooding from rivers and the sea).



DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission to demolish the existing buildings and to build a replacement house, a detached garage/store, an annexe (connected to the house by a glazed corridor) and an outdoor swimming pool.

Associated works would include the creation of a gravel area in front of the house and the carrying out of 'hard' and 'soft' landscaping. The redeveloped site would have a new entrance near its south-eastern corner. The existing shared access lane (which, according to the application documents, is owned by the applicant) would connect this entrance to Station Road.

Proposed site layout



Replacement house

The replacement house would have three storeys and six bedrooms. It would consist of a main section and two wings, with each section having a hipped roof. It would have two dormers on its front elevation and two dormers on its rear elevation.

Excluding the connected annexe, the replacement house would have a footprint of roughly 260 square metres, and would create roughly 513 square metres of internal floor space. It would be (roughly) 22 metres wide, 13 metres long, 6.6 metres tall at its eaves and 9.4 metres tall at the top of its roof. It would be (roughly) 27 metres from the site's north-eastern boundary, 11 metres from the south-western boundary, 15 metres from the north-western boundary, and 16 metres from the south-eastern boundary.

External materials would include slate (roof), lead (dormers), stone, timber (doors, window frames and projecting plant room) and powder-coated aluminium (rainwater goods). The back garden – an area which is taken to exclude the swimming pool but to include a grassy area next to the house’s south-eastern elevation – would be greater than 600 square metres in area.



Connected annexe

The annexe (excluding the attached plant shed) would have a footprint of roughly 47 square metres. It would provide a gym, a WC and a changing area. It would be (roughly) 3.6 metres tall at the top of its flat roof. Its external materials would more or less match those of the replacement house.

Detached garage/store

The detached garage/store would be single storey and provide two parking spaces (each roughly 3.35 metres wide and 5.7 metres long) and storage areas for bins, plant and small vehicles. It would have a footprint of (roughly) 80 square metres, and would be (roughly) 4.8 metres tall at the top of its gabled roof. Its external materials would include timber cladding and clay roof tiles.

Swimming pool

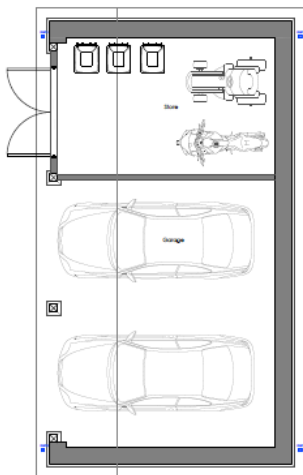
According to the application documents, the outdoor swimming pool would be (approx.) two metres lower than the ground floor of the replacement house. It would be (approx.) 11 metres long and 5 metres wide.

Supporting documents

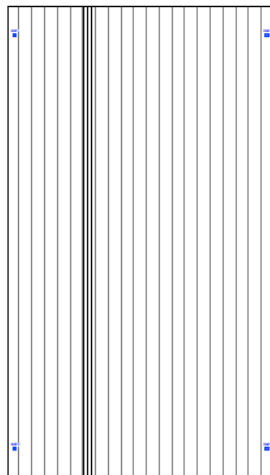
The planning application includes the following supporting documents:

- Bat survey;
- Information about the extent of the application site;
- Landscape and visual impact assessment (LVIA);
- Planning, design and access statement;
- Tree survey.

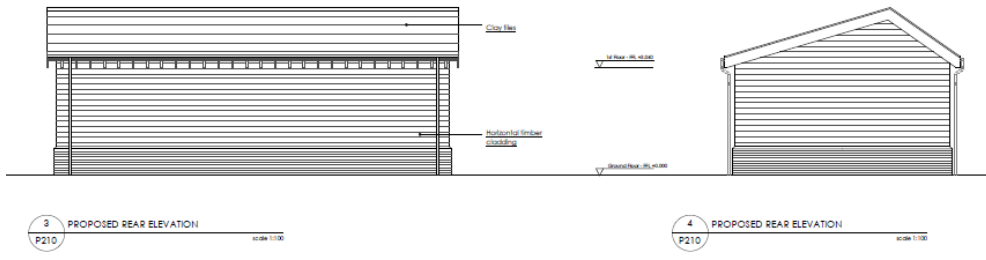
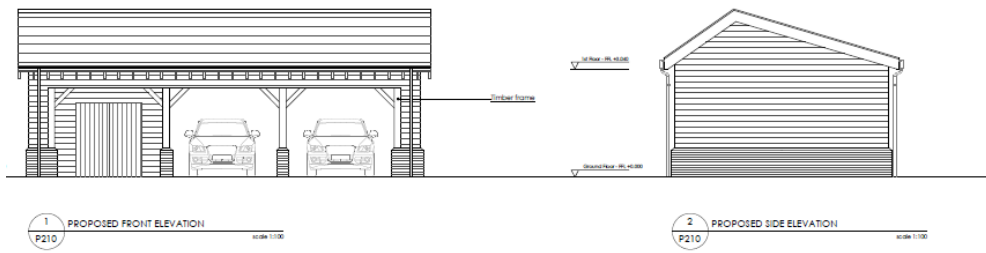
Proposed garage/store



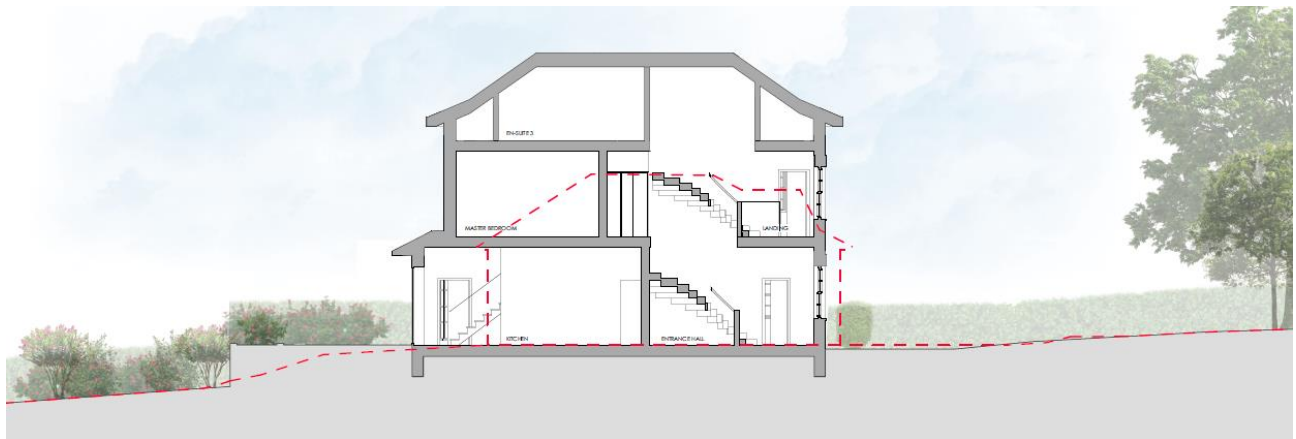
1 PROPOSED GROUND FLOOR
P200 scale 1:100



2 PROPOSED ROOF PLAN
P200 scale 1:100



Ground levels and building heights: comparison of existing bungalow and replacement house



(Note: The red dashed line indicates the existing house’s outline and ground level.)

PLANNING HISTORY

- 1985/00658/FUL: Proposed bedroom and dining area extension to existing house – decision: approved
- 1988/00215/FUL: Extension to existing kitchen – decision: approved

CONSULTATIONS

Peterston-super-Ely Community Council was consulted and did not object to the proposal. It did, however, suggest that the proposal should include nesting boxes for birds.

The **highway authority** was consulted and neither objected to the proposal nor recommended that planning permission carry conditions.

Councils Drainage Team were consulted and did not object to the proposal and stated that the applicant (or any subsequent developer) would need to apply for 'SAB approval' (approval from the SuDS Approval Body (SAB)) through a separate (non-planning) procedure.

Council Environmental-health officers (Shared Regulatory Services (Pollution)) were consulted and recommended that planning permission carry conditions about unforeseen contamination, imported soil, imported aggregates and the use of site-won materials, and a note about contamination and unstable land.

Councils Ecology Officer was consulted and recommended that:

- The planning authority subject the proposal to the three 'derogation tests'; and
- Planning permission carry a note about European protected species (bats) and a condition requiring the installation of a bird box on the replacement house.

Councils Landscape Architect was consulted and recommended that planning permission carry conditions to ensure to the submission of a comprehensive landscaping scheme and protection of existing trees.

Dwr Cymru-Welsh Water was consulted but did not comment on the proposal.

Natural Resources Wales (NRW) was consulted and did not object to the proposal. It did, however, advise the planning authority to subject the proposal to the three 'derogation tests'. It also recommended that planning permission carry a note about European protected species (bats).

Peterston-super-Ely ward members were consulted, and Cllr M. Morgan requested that the application be determined by the planning committee because of public interest in the proposal.

REPRESENTATIONS

The neighbouring properties were consulted on 12 August 2019, and a site notice was displayed on 02 August 2019.

The planning authority received **seven** letters of representation (sent by occupants of two neighbouring houses) in which concern was expressed over:

- The size of the replacement house;
- The effect of the proposal on the landscape;
- The extent of the application site (the suggestion being that some development would take place in the countryside as opposed to an established residential planning unit);

- A loss of trees and hedges (including a hedge and several trees owned, it is claimed, by the occupants of Whitewells Farm);
- The proposal's effect on privacy and amenity at neighbouring houses (including Dalton House);
- The effect of light pollution (from the replacement house and cars entering and leaving the site) on occupants of Dalton House;
- The grassed area of the garden being too small for the house;
- The proposal's effect on highway safety (e.g. additional traffic, the use of a shared entrance (on Station Road) which has poor visibility, and the use of the shared access lane by drivers of large vehicles);
- The accuracy of the plans showing the private access lane;
- Whether the proposal complies with policies on design, visual impact, replacement dwellings, residential amenity and highway safety;
- The proposal's effect on biodiversity;
- A lack of volumetric details about the existing bungalow and the replacement house;
- Whether the application documents allow the planning authority to compare the existing bungalow and the replacement house, particularly in terms of ground levels, the levels of eaves and roofs, and overall visual impact;
- Ownership of some parts of the application site and the fact that the applicant has not signed Certificate B of the application form.

(Note: Some of the letters of representation predate the amended plans which reduced the extent of the application site.)

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy
 POLICY SP9 – Minerals
 POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG17 – Special Landscape Areas
 POLICY MG22 – Development in Minerals Safeguarding Areas

Managing Development Policies:

POLICY MD1 – Location of New Development

POLICY MD2 – Design of New Development

POLICY MD7 – Environmental Protection

POLICY MD9 – Promoting Biodiversity

POLICY MD12 – Dwellings in the Countryside

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 10, 2018) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales,

The following chapters and sections are of particular relevance in the assessment of this planning application:

Chapter 2 – People and Places: Achieving Well-being Through Placemaking,

- Maximising well-being and sustainable places through placemaking (key Planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking)

Chapter 3 – Strategic and Spatial Choices

- Good Design Making Better Places
- Sustainable Management of Natural Resources
- Placemaking in Rural Areas
- Accessibility
- Previously Developed Land
- Development in the Countryside (including new housing)

Chapter 4 – Active and Social Places

- Living in a Place (housing, affordable housing and gypsies and travellers and rural enterprise dwellings)

Chapter 6 – Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)
- Recognising the Environmental Qualities of Places (water and flood risk, air quality and soundscape, lighting, unlocking potential by taking a de-risking approach)

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 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 20 – Planning and the Welsh Language (2017)
- Technical Advice Note 21 – Waste (2014)

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG is relevant:

- Biodiversity and Development (2018)
- Design in the Landscape
- Minerals Safeguarding (2018)
- Model Design Guide for Wales
- Parking Standards (2019)
- Residential and Householder Development (2018)

(Note: The following guidance about outdoor amenity space affects not only the residential amenity of occupants but also the layout and appearance of a development site.)

Section 10 (Amenity Space) sets out targets for outdoor amenity space. Paragraph 10.1 says that ‘amenity space associated with residential properties includes front gardens and private rear gardens’. The box beneath paragraph 10.2 says that a house should have at least 20 square metres of outdoor amenity space for each occupant, and much of this outdoor space should be private garden space. It goes on to say that a typical two-bedroomed house would have three occupants, while a typical house with three or more bedrooms would have four occupants.

- Sustainable Development - A Developer's Guide
- Trees, Woodlands, Hedgerows and Development (2018)

Paragraph 5.10.1 states the following about unprotected trees:

Where development proposals affect unprotected trees, the Council's preference will always be to retain all trees on site measuring over 75 mm in diameter when measured 1.5m above ground level (as illustrated in Figure 1 below) and applicants should seek to incorporate them within the site design and layout. Further advice is provided in section 6 below.

Paragraph 7.3.3 states the following about retaining trees:

Trees which are protected by a TPO or classified within retention category A [high quality or value] or B [moderate quality or value] in a BS5837: 2012 survey should be retained on the site. If it is proposed to remove any A or B category trees, then the Council will require the applicant to demonstrate how the removal is necessary and outline any mitigation measures to be provided [emphasis added]. Each site will be considered on its individual merits, giving consideration to the surrounding landscape and existing tree canopy cover.

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 issues in this assessment are the extent of application site, the principle of development, visual impact, impact on neighbours, highways, ecology, minerals and drainage.

Preliminary issue: extent of application site

Before discussing the principle of development, the planning authority should consider objectors' concerns over the extent of the application site. It has been suggested that the proposal would:

- Bring about a change in the use of agricultural land (the north-western corner of the site);
- Make use of a shared, privately owned access track which the applicants do not own but instead have a right merely to use; and
- On the site's north-western boundary, remove sections of a hedgerow owned by the occupants of Whitewells Farm.

Officers will consider these points in the same order.

A change in the use of agricultural land

Objectors' position

Objectors contend that the north-west corner of the site is not a part of the established residential planning unit. They suggest that it is, and has always been, agricultural land, with animals grazing the land and taking shelter in the railway carriages. Their evidence includes personal observations, photographs and an extract from sales particulars for The Meadows.

Applicant's position

The applicant has stated that the land is *within the residential curtilage of the site but has become very overgrown over the years*. The planning, design and access statement also provides photographs of a fence which appears to separate the application site and the adjacent land.

The planning authority's own records (e.g. geographic information system (GIS) and planning history plans suggests that the north-west corner of the site is part of the established residential planning unit.

Assessment

The applicant's explanation is noted. A garden, or part of a garden, may become overgrown and all but unusable as a garden, but that does not mean that it ceases to be a garden for planning purposes. Perhaps animals did graze the land in the past, taking shelter in the railway carriages, but this would not prove that the land never was, or had ceased to be, part of a residential planning unit. Furthermore, the piece of land is relatively small, being roughly 210 square metres in area, and it is partly enclosed by sections of fencing and what appear to be the remnants of a wall. It does not, in other words, look like a part of the adjacent field.

The available evidence indicates, on the balance of probabilities, that the north-western corner of the site has been a part of the residential planning unit for many years. Officers therefore believe that the proposal *would not* bring about a change in the use of agricultural land.

The use of a shared, privately owned access track

The application documents, including a Land Registry map, indicate that the applicant owns the access lane next to the site's north-eastern boundary and the applicant has signed Certificate A of the application form (declaring sole ownership). Furthermore, Map 2 of the appendix to the PDAS makes it clear that the shared access lane is in the application site but would not form part of the residential planning unit. This means that the proposal would not in any case bring about a change in the use of the lane.

For the above reasons, officers believe that planning procedures have been followed correctly. Any further dispute over land ownership or access rights would not be a material planning consideration.

Sections of a hedgerow purportedly owned by the occupants of Whitewells Farm

Amended plans indicate that the development proposal, including the removal of trees and/or hedges next to the site's north-western boundary, would be confined to land owned by the applicant. Officers do not believe that the proposal would directly affect the neighbours' trees or hedges. Any further dispute over the ownership of, or possible damage to, trees and hedges outside the application site would not be a material planning consideration.

Principle of development

Overview of policy requirements and guidance

LDP Policy SP1 (Delivering the Strategy) seeks to protect and enhance the built, natural and coastal environments (see criterion 6).

Policy MD1 (Location of New Development) says that new development on unallocated sites should have no unacceptable impact on the countryside (criterion 1), have access to or promote the use of sustainable modes of transport (criterion 5), 'benefit from existing infrastructure provision or, where necessary, make provision for new infrastructure without any unacceptable effect on the natural or built environment' (criterion 6), and, where possible, 'promote sustainable construction and make beneficial use of previously developed land and buildings' (criterion 7).

Policy MD12 (Dwellings in the Countryside) says:

Proposals for the replacement of an existing dwelling in the countryside will be permitted where:

- 1. The dwelling has an established lawful residential use;*
- 2. It would not result in the loss of a dwelling which contributes significantly to the rural character of the area, unless it can first be demonstrated that the building is structurally unsound and repairs are economically unviable or existing physical or environmental site constraints restrict the ability to appropriately extend the existing property;*
- 3. The replacement dwelling would, by reason of its scale, siting, design, materials, landscaping and external appearance, be compatible with the surrounding built and natural environment and have no materially greater impact on the landscape; and*
- 4. The proposal does not necessitate an unacceptable extension to the residential curtilage.*

Assessment

The replacement dwelling would be built on previously developed land, and it would either use existing infrastructure (the site already has supplies of water and electricity, and a mains sewer would dispose of the site's foul water) or be able to create new infrastructure without seriously affecting its surroundings (if need be, occupants of a single house could obtain their own supplies of gas). Furthermore, it would not bring about a substantial increase in car-based journeys. Public transport does not appear to be available near the site, but the development proposal would not make the current situation any worse in health or environmental terms. For these reasons, the proposal complies with the relevant strategic parts of policies SP1 and MD1.

Policy MD12 (Dwellings in the Countryside) is particularly relevant to this proposal. Criterion 3 is best considered in the section on visual impact (below), but the other criteria are considered here.

The dwelling has an established lawful residential use

Planning records for 'The Meadows' date back to 1985, and the dwelling has been listed for council tax since records began in 1993. Although the bungalow appears to have been vacant since 2016 (the annexe has been occupied instead), there is nothing to suggest that the residential use has been abandoned. Officers therefore have no reason to doubt the lawful residential use of the site.

It would not result in the loss of a dwelling which contributes significantly to the rural character of the area

The existing bungalow contributes very little, if anything, to the rural character of the area. and is distinctly suburban in terms of its design. Therefore its demolition would not result in a loss of a dwelling which would have any contribution to the rural character of the area

The proposal does not necessitate an unacceptable extension to the residential curtilage

For the reasons set out above, in 'Preliminary issue', officers do not believe that the (amended) proposal would bring about an extension of the established residential planning unit.

In respect of Criterion 3, which states *The replacement dwelling would, by reason of its scale, siting, design, materials, landscaping and external appearance, be compatible with the surrounding built and natural environment and have no materially greater impact on the landscape*, this forms the main part of the assessment of this application as detailed below.

Visual impact

LDP Policy SP1 (Delivering the Strategy) seeks to protect and enhance the built, natural and coastal environments (see criterion 6). Policy SP10 (Built and Natural Environment) says that development proposals must preserve and, where appropriate, enhance the 'rich and diverse built and natural environment and heritage of the Vale of Glamorgan'. This objective applies to special landscape areas, amongst other things.

Policy MG17 (Special Landscape Areas) says that development proposals in SLAs will be permitted 'where it is demonstrated that they would cause no unacceptable harm to the important landscape character of the area'.

Policy MD1 (Location of New Development) says that new development on unallocated sites should have no unacceptable impact on the countryside (criterion 1).

Policy MD2 (Design of New Development) says that development proposals should:

- Be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest (criterion 1);
- Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix, and density (criterion 2); and
- Incorporate sensitive landscaping, including the retention and enhancement where appropriate of existing landscape features and biodiversity interests (criterion 10).

Policy MD12 (Dwellings in the Countryside) says that a replacement dwelling will be permitted in the countryside so long as it would:

... by reason of its scale, siting, design, materials, landscaping and external appearance, be compatible with the surrounding built and natural environment and have no materially greater impact on the landscape.

The supporting text says the following about the visual impact of replacement dwellings (see paragraph 7.67):

*[A] replacement dwelling will be expected to make a positive contribution to the local environment, and have **no materially greater impact on the landscape than the dwelling it replaces** [emphasis added]. In this respect, the **replacement dwelling should not be disproportionate in size to the dwelling being replaced, nor be of a scale that would materially affect the residential character of properties in the area** [emphasis added]. In addition, the exterior design and materials of the new dwelling shall be compatible with the local environment. Additionally, planning conditions may be imposed to restrict permitted development rights in respect of additional extensions and alterations. This is intended to allow the Council to maintain control over future minor extensions / alterations to the new dwelling which need to be sensitive given the rural setting.*

Size of replacement house

The following table compares the main dimensions and features of the existing bungalow and the replacement house:

Dimension/feature	Existing bungalow	Replacement house	Difference (unit)	Increase (%)
Bedrooms	3	6	3	100
Height (excluding chimneys) (metres)	5 – 5.5	9.4	3.9 – 4.4	71 – 88
Footprint (square metres)	170	260	90	53
Internal floor space	165	513	348	211

It is necessary to consider the application site in its wider context, as to how the replacement dwelling will relate to the existing surrounding landscape and how it relates to the size and scale of the dwellings in the immediate locality which it would relate to.

It should be noted that several neighbouring houses have large footprints and two or more storeys, and particular regard should be given to the scale and massing of these dwellings and the impacts they have on the wider landscape.

Dalton House (previously known as 'Brynheulog') to the south, has been substantially extended in the past, is 7.2 metres tall (excluding chimneys), with eaves roughly 5.1 metres above ground level, where the north elevation of Dalton House would face the application site.



Existing North Elevation to Dalton House (under ref. 2007/01361/FUL)

The Goldings located some 170m to the north has three storeys, and planning records indicate that the replacement house at Whitewells Farm (some 280m to the north-west) is 9.1 metres tall at its ridge, with eaves 5.4 metres above ground level.

On the basis of the above, the immediate surrounding area is one which comprises of large detached dwellings which forms the landscape character of this area.

As to the replacement house, the central section's eaves would be (roughly) 6.6 metres above ground level. The flanks' eaves would be (roughly) 5.8 metres above ground level. Crucially, the tallest section of the house, seen from the front or the back, would be 8 metres wide. The roof of the central section of the house would then fall to the eaves, and the adjacent wings would be (roughly) 1.4 metres lower than the central section. These design features would reduce the house's overall visual impact not only on the site but on the landscape.

The existing bungalow due to its limited ridge heights, siting and enclosures, has little impact on the existing landscape. The application has been supported by a Landscape & Visual Impact Assessment (LVIA). The LVIA shows that the replacement house would be visible from a limited number of locations, where existing trees and hedges would greatly reduce the overall visual impact.

The most noticeable change would be when viewed from the public right of way to the west, where it crosses the track leading to Whitewells Farm. Following the loss of the two tall trees (as considered below), the site's north-western corner would be more exposed, and users of the PROW would, very briefly, have a clear view of the house. Even so, the replacement house, seen be viewed against a backdrop of tall trees and in context with Dalton House, and as such would not have an unacceptable effect on the landscape. Furthermore, replacement planting, secured through a landscaping condition, would help to compensate for the loss of the taller trees.

The application documents indicate that the house would be built at the same level as the bungalow. The ground level behind the house would change slightly, with the creation of a patio and steps leading down to the garden, but this would not harm the landscape. Nevertheless, to ensure that the proposal would maintain the overall character of the area, the planning authority should use a condition to obtain more information about existing and proposed ground levels and the levels of floors, eaves and roofs (including those of the house, the annexe and the garage) (**Condition 7** refers).

The replacement house would be 71 – 80 percent taller (5.5m to 9.4m) than the existing bungalow. Whilst the difference between the buildings' footprints is not so great, the existing bungalow's internal floorspace is 165 sq m and the replacement dwelling's would be 513 sq m. However, the starting point for a replacement dwelling is severely restricted by the size of the existing bungalow and the important point is that the replacement house would have no materially greater impact on the landscape.

The replacement house, for the reason set out above, would not look out of place amongst other large houses in the area. Whilst its central section may be taller than some of the nearby dwellings, its overall massing and arrangement of its elevations would not materially affect the residential character of properties in the area.

Design and layout

As stated above, houses near the site vary in architectural style and appearance and materials and finishes with a mix of stone walls and rendered walls, roofs and red-brown tiled roofs. The application documents state that the replacement house, will have a slate roof, stone elevations and timber windows as its main materials, which would be in keeping with its surroundings. The wings would provide relief and subordinate elements from the larger central section, reducing the massing of the replacement dwelling. It is considered necessary to use a condition to obtain high-quality images and/or samples of the external materials, which shall include the provision of a sample panel of stonework. (**Conditions 3 and 4** refer).

Permitted-development rights

Any future extensions and alterations should make a positive contribution to the character and appearance of the site and its surroundings. To prevent the house and the site from becoming overdeveloped and less attractive, the planning authority should use a condition to remove standard 'householder' permitted-development rights for any further extensions.

Trees, landscaping and boundary features

The application has been supported by an Arboricultural Assessment. The supporting documents indicate that five trees would be removed from the site. Two of these – a birch and beech, each roughly 20 metres tall – fall into category C ('trees of low quality'). The other three, which are fruit trees, each between 6 and 8 metres tall, fall into category B ('trees of moderate quality or value').

The application documents indicate that only one tree (species unknown) would replace the birch and the beech in the site's north-western corner. They also suggest that smaller trees and/or hedges would be planted on certain sections of the site's boundaries.

The Trees, Woodlands, Hedgerows and Development SPG states that category B trees should, where possible, be retained on a development site. It also says that 'the Council's preference will always be to retain all trees on site measuring over 75 mm in diameter when measured 1.5m above ground level'.

According to the applicant's tree survey, the fruit trees have stem diameters of 45 cm. They should, therefore, be removed only with good reason. In this case, the fruit trees could be retained in their current positions if the proposed driveway were made much smaller. The application documents indicate that each of the fruit trees would be moved slightly to the east or, if necessary, replaced.

The landscape architect recommends that planning permission carry a landscaping condition requiring the applicant to 'provide a comprehensive landscape scheme (Planting plan) to ensure that the development is appropriately integrated with the SLA landscape, particularly when viewed from the south / [north-west]'.

Officers believe that new planting should go beyond what is shown on the application documents. For instance, to make a clear distinction between agricultural land and residential land, trees and hedges should, so far as possible, line the site's boundaries instead of being merely dotted along them and would supplement a post and wire fence to delineate the established garden area and the agricultural land beyond (**Condition 14**). The south-western and south-eastern boundaries are especially important, since there are no adjacent neighbour-owned hedges to create the desired screening effect. Furthermore, the hedge which lines other sections of the public right of way could die, become diseased or be removed.

The planning authority should, therefore, use a landscaping condition (**Condition 5**) to secure an acceptable form of development, and another condition to ensure that the trees to be retained would be protected during the demolition and construction phases of the project (**Condition 7**).

'Hard' landscaping and boundary features:

A patio area is proposed to the rear of the house, while a large driveway would be created in front of it. To ensure that the proposal would make a positive contribution to the appearance of the site and its surroundings, the planning authority should also use the landscaping condition to obtain more information about the materials to be used for the hard surfaces.

Amenity Space

According to the Residential & Householder SPG, a dwelling should have at least 20 square metres of outdoor amenity space for each occupant, and much of this outdoor space should be private garden space. It adds that a typical two-bedroomed house would have three occupants, while a typical house with three or more bedrooms would have four occupants.

The replacement house would have six bedrooms. Although a three-bedroomed house might have four occupants, a typical six-bedroomed house is unlikely to have eight occupants. The planning authority may reasonably suppose that as many as six people might live in the house. The house should, therefore, have at least 120 square metres of amenity space, much of which should take the form of a private garden.

The application documents indicate that the replacement house's back garden (an area which is taken to exclude the swimming pool but to include a grassy area next to the house's south-eastern elevation) would be greater than 600 square metres in area. The grassed area, alone, would be roughly 430 square metres in area and the rear garden area would be private.

Part of a field, roughly 25 metres wide, would separate the garden and Dalton House's north-western boundary, and no other neighbours would overlook the land (The Mount, The Goldings and Whitewells Farm are roughly 40 metres, 150 metres and 260 metres from the site, respectively).

Summary and conclusion

The development proposal, controlled by several conditions (landscaping, external materials, ground levels, permitted-development rights and enclosures), would be compatible with the surrounding built and natural environment and would have no material greater impact on the landscape and the wider Special Landscape Area.

Impact on neighbours

The Residential & Householder Development SPG says that the windows of opposing habitable rooms should be at least 21 metres apart. To prevent harmful overlooking, the planning authority usually requires habitable-room windows to be at least 10 metres away from neighbours' back gardens.

The nearest dwellings are Dalton House, Whitewells Farm, The Mount, and The Goldings. The replacement house would be roughly 45 metres from Dalton House and 40 metres from its nearest boundary. It would be roughly 280 metres from Whitewells Farm and roughly 235 metres from the nearest (residential) boundary. It would be roughly 63 metres from The Mount and roughly 25 metres from its nearest boundary. Finally, it would be roughly 170 metres from the Goldings and roughly 40 metres from its nearest boundary. These distances would ensure that neighbours continued to have acceptable outlooks and levels of natural light, privacy and general residential amenity.

The relocated site entrance and the creation of two additional bedrooms on the site would not have a substantial effect on noise and day-to-day activity on or near the site.

An objector expressed concern over light coming from the houses' windows and the headlights of cars entering and leaving the site. Being bigger and having more rooms, the replacement house *may* give off more artificial light through its windows than the existing bungalow does (or would do if it were occupied). However, the difference would not be so great as to harm the residential amenity of any neighbours. Similarly, the flash of headlights of a car being driven along the shared access track would be a brief and infrequent event. The effect would not amount to substantial harm in planning terms.

Highways

Access

The application documents indicate that the proposed entrance on the shared access track would provide a clear view in each direction. The shared entrance on the adopted highway would not change as a result of this proposal. Moreover, the proposal would not have a substantial effect on comings and goings from the site.

With the existing use in mind, the highway authority has not expressed any concern over the proposed access arrangements. Officers therefore conclude that the proposal would have an acceptable effect on highway safety.

Parking

The Parking Standards SPG recommends that a house have one parking space for every bedroom, up to a maximum of three spaces. Having three bedrooms, the existing bungalow is already at the upper limit of parking requirements. In its current configuration, the site has more than enough room for three cars. The replacement house would have six bedrooms, making no difference to the overall requirement for off-street parking spaces. Nevertheless, the redeveloped site would have more than enough space for three cars.

The highway authority has not expressed any concern over the proposed parking arrangements.

Ecology

The applicant's bat survey report confirms the presence of a bat roost in the existing bungalow. It also suggests that common pipistrelle bats occasionally visit the building. To compensate for the loss of the roost, it recommends that roost space be created in the roof of the replacement house, perhaps in the form of a 1FR Schwegler bat tube. External lighting near the roost's entrance(s) should also be sensitively designed.

The ecology officer recommends that the planning authority subject the proposal to the three 'derogation tests', and that planning permission carry a note about European protected species (bats) and a condition requiring the installation of a bird box on the replacement house.

Natural Resources Wales (NRW) advises the planning authority to subject the proposal to the three 'derogation tests'. It also recommends that planning permission carry a note about European protected species (bats).

Derogation tests

In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the planning authority must subject the proposal to the following 'derogation' tests:

1. Development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
2. There is no satisfactory alternative; and
3. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

The planning authority may consider these tests in the same order.

First test

The replacement dwelling would be an acceptable form of development in the countryside, and it complies with the development plan, read as a whole. The

proposal is not needed to preserve public health or safety. Nor would it have 'beneficial consequences of primary importance for the environment'. Nevertheless, the public interest is served not only by allowing people to replace existing houses with better houses, but also by managing development in accordance with the development plan.

For the above reasons, officers conclude that the proposal passes the first test.

Second test

The application documents say the following about the condition of the existing bungalow:

The [bungalow] is uninhabitable in its current state. It has no heating, running water or radiators. There is also significant water damage and damp within the ceilings and walls.

The size of the replacement house suggests that the existing bungalow would not meet the applicant's requirements even if it were renovated. People other than the applicant might be willing to live in a renovated bungalow, but a renovation project could prove prohibitively expensive for some. If it were to remain vacant for some time, the bungalow's condition would deteriorate still further, resulting in harm to the character and appearance of the site and its surroundings. The effect would be the same if the applicant were to take the 'do nothing' approach, which, in this case, would be to leave the bungalow vacant and in its current condition. This would be a waste of a housing site and previously developed land (PDL) in the Vale. By contrast, the development proposal would simultaneously reuse PDL, improve the appearance of the site and its surroundings, and create a new long term roost for a European protected species.

For the above reasons, officers conclude that there is no satisfactory alternative to the development proposal.

Third test

Neither the ecology officer nor NRW expressed concern over the favourable conservation status of a European protected species. Officers therefore conclude that the proposal passes the third test.

Summary

The development proposal passes all three 'derogation' tests and would, therefore, have an acceptable effect on the favourable conservation status of a European Protected Species. Planning permission would, moreover, carry a note advising the applicant of the need to obtain a European Protected Species licence.

In addition to the above, a scheme of biodiversity enhancement shall be secured by Condition (**Condition 9**)

Minerals

The application site is in a Mineral Safeguarding Area (limestone, category 2). Policy MG22 (Development in Mineral Safeguarding Areas) states that 'new development will only be permitted in an area of known mineral resource where it has first been demonstrated that':

1. *Any reserves of minerals can be economically extracted prior to the commencement of the development;*
2. *Or extraction would have an unacceptable impact on environmental or amenity considerations; or*
3. *The development would have no significant impact on the possible working of the resource by reason of its nature or size; or*
4. *The resource in question is of poor quality / quantity.*

The extraction of limestone on the application site would have an unacceptable effect on the residential amenity of existing occupants and neighbours (criterion 2). In addition, the replacement house and the associated buildings would occupy only (roughly) 400 square metres of land. It would not, therefore, have a 'significant impact on the possible working of [a mineral] resource' (criterion 3).

Drainage

Surface water

The application documents indicate that a sustainable drainage system would dispose of the site's surface water. Despite the lack of detail in the documents, such a system is acceptable in principle.

Drainage officers made the following observations:

This site is not located within a DAM at risk of tidal or fluvial flooding and NRW maps indicate that there is a very low risk of surface water flooding to the site.

New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.

The applicant would need to seek SAB approval through a separate (non-planning) procedure, for which the applicant shall be advised by way of an Informative.

Foul water

The application documents indicate that a mains sewer would dispose of the site's foul water. Since the proposal involves a replacement dwelling rather than a new one, the planning authority need not use a condition to obtain more information.

Other Matters

The comment made by the Council Environmental-health officers (Shared Regulatory Services (Pollution)) in respect of unforeseen contamination, imported soil, imported aggregates and the use of site-won materials, and a note about contamination and unstable land are noted and shall be secured by condition/Informative.

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:

- 19/682/E001 Rev C (Existing Site Location Plan);
- 19/682/P001 Rev F (Proposed Site Location Plan);
- 19/682/P002 Rev I (Proposed Site Block Plan);
- 19/682/P003 Rev B (Proposed Access and Boundary Treatment);
- 19/682/P100 Rev G (Proposed Ground Floor and Pool House Plans);
- 19/682/P101 Rev G (Proposed First Floor Plan);
- 19/682/P102 Rev D (Proposed Second Floor and Roof Plans);
- 19/682/P110 Rev F (Proposed Coloured Front & Rear Elevations);
- 19/682/P111 Rev E (Proposed Side Elevations);
- 19/682/P112 Rev B (Proposed Front and Rear Elevations);
- 19/682/P120 Rev B (Proposed Section A-A to Show Level Alterations);
- 19/682/P200 Rev B (Proposed Ground Floor & Roof Plan – Garage);
- 19/682/P210 Rev B (Proposed Ground Floor Plan – Garage).

Reason:

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

3. Notwithstanding the submitted details, a schedule (consisting of high-quality images and/or samples) of materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details before the approved replacement house is occupied.

Reason:

To safeguard local visual amenities, as required by policies SP1 (Delivering the Strategy), MD2 (Design of New Development), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas) and MD12 (Dwellings in the Countryside) of the Local Development Plan.

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

Reason:

To enable the quality of the stonework, coursing and pointing to be inspected in the interests of the visual quality of the work and to accord with the objectives of Policies SP1 (Delivering the Strategy), MD2 (Design of New Development), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas) and MD12 (Dwellings in the Countryside) of the Local Development Plan.

5. No above-ground development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - i) Earthworks showing existing and proposed finished levels or contours;
 - ii) Means of enclosure and retaining structures;
 - iii) Other vehicle and pedestrian access and circulation areas;
 - iv) Hard surfacing materials;
 - v) Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.); and
 - vi) Water features.

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

The approved landscaping scheme must be carried out in full before the approved replacement dwelling is occupied.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MD1 (Location of New Development), MD2 (Design of New Developments) and MD12 (Dwellings in the Countryside) of the Local Development Plan.

6. No development, demolition works or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of a scheme for the protection of trees shown to be retained on drawing number 19/682/P002 Rev I (Proposed Site Block Plan). The approved scheme shall be carried out during the demolition of the buildings and throughout the course of the development.

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), MG17 (Special Landscape Areas), MD1 (Location of New Development), MD2 (Design of New Developments) and MD12 (Dwellings in the Countryside) of the Local Development Plan.

7. Notwithstanding the provisions of schedule 2, Part 1, Classes A, B, and C of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the development hereby approved shall not be altered or extended in any way not expressly authorised by this permission, and no buildings shall be erected other than those expressly authorised by this permission.

Reason:

To enable the Local Planning Authority to control the scale of development and to ensure compliance with policies SP1 (Delivering the Strategy), MG17 (Special Landscape Areas), MD2 (Design of New Developments) and MD12 (Dwellings in the Countryside) of the Local Development Plan.

8. No development shall commence until details of existing ground levels within and adjacent to the site, proposed finished ground and floor levels, and existing and proposed levels of eaves and roofs (for all buildings) 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 protect the character and appearance of the site and its surroundings, including the Ely Valley & Ridge Slopes SLA, in accordance with policies SP1 (Delivering the Strategy), MG17 (Special Landscape Areas), MD2 (Design of New Development) and MD12 (Dwellings in the Countryside) of the Local Development Plan.

9. Before the approved replacement dwelling is occupied, a scheme for enhancing biodiversity on the site must be submitted to, and approved in writing by, the planning authority. The approved scheme must be implemented in full before the replacement dwelling is occupied. After that, the approved biodiversity-enhancement measures must be retained and

maintained at all times in accordance with the approved details.

Reason:

To enhance biodiversity on the site, in accordance with policy MD9 (Promoting Biodiversity) of the Local Development Plan.

10. 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.

11. 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.

12. 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.

13. 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) / MD7 (Environmental Protection) of the Local Development Plan.

14. Notwithstanding the submitted plans, details of a means of the enclosure between the application site and the agricultural land lying beyond (which shall be a post and wire/rail fence) shall be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure shall be completed in accordance with the approved details prior to the first beneficial use of the replacement dwelling and thereafter retained.

Reason:

To safeguard local visual amenities, as required by policies SP1 (Delivering the Strategy), MD2 (Design of New Development), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas) and MD12 (Dwellings in the Countryside) of the Local Development Plan.

REASON FOR RECOMMENDATION

The decision to recommend that planning permission be granted has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that a planning application be determined 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), SP9 (Minerals), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MG22 (Development in Minerals Safeguarding Areas), MD1 (Location of New Development), MD2 (Design of New Development), MD7 (Environmental Protection), MD9 (Promoting Biodiversity) and MD12 (Dwellings in the Countryside), the development is considered acceptable and would have an acceptable effect on visual amenity of the area and the Special Landscape Area, residential amenity, highway safety, European protected species, the risk of flooding in the area, and mineral resources.

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. New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.**

Further information of the SAB process can be found at our website or by contacting our SAB team: sab@valeofglamorgan.gov.uk

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

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

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

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

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.

NOTES

THIS DRAWING IS THE COPYRIGHT OF THE ARCHITECTS AND MAY NOT BE REPRODUCED WITHOUT PERMISSION

THE CONTRACTOR IS RESPONSIBLE FOR CHECKING DIMENSIONS, TOLERANCES AND REFERENCE TO DIMENSIONS TO BE CHECKED WITH THE ARCHITECT BEFORE PROCEEDING WITH THE WORKS

WHERE AN ITEM IS COVERED BY DRAWINGS TO DIFFERENT SCALES, THE LARGER SCALE DRAWING IS TO BE WORKED TO

DO NOT SCALE FROM DRAWING, FIGURED DIMENSIONS TO BE WORKED TO AT ALL TIMES

ALL WORK AND MATERIALS TO BE IN ACCORDANCE WITH THE BUILDING REGULATIONS AND TO COMPLY WITH THE RELEVANT CODES OF PRACTICE AND BRITISH STANDARDS



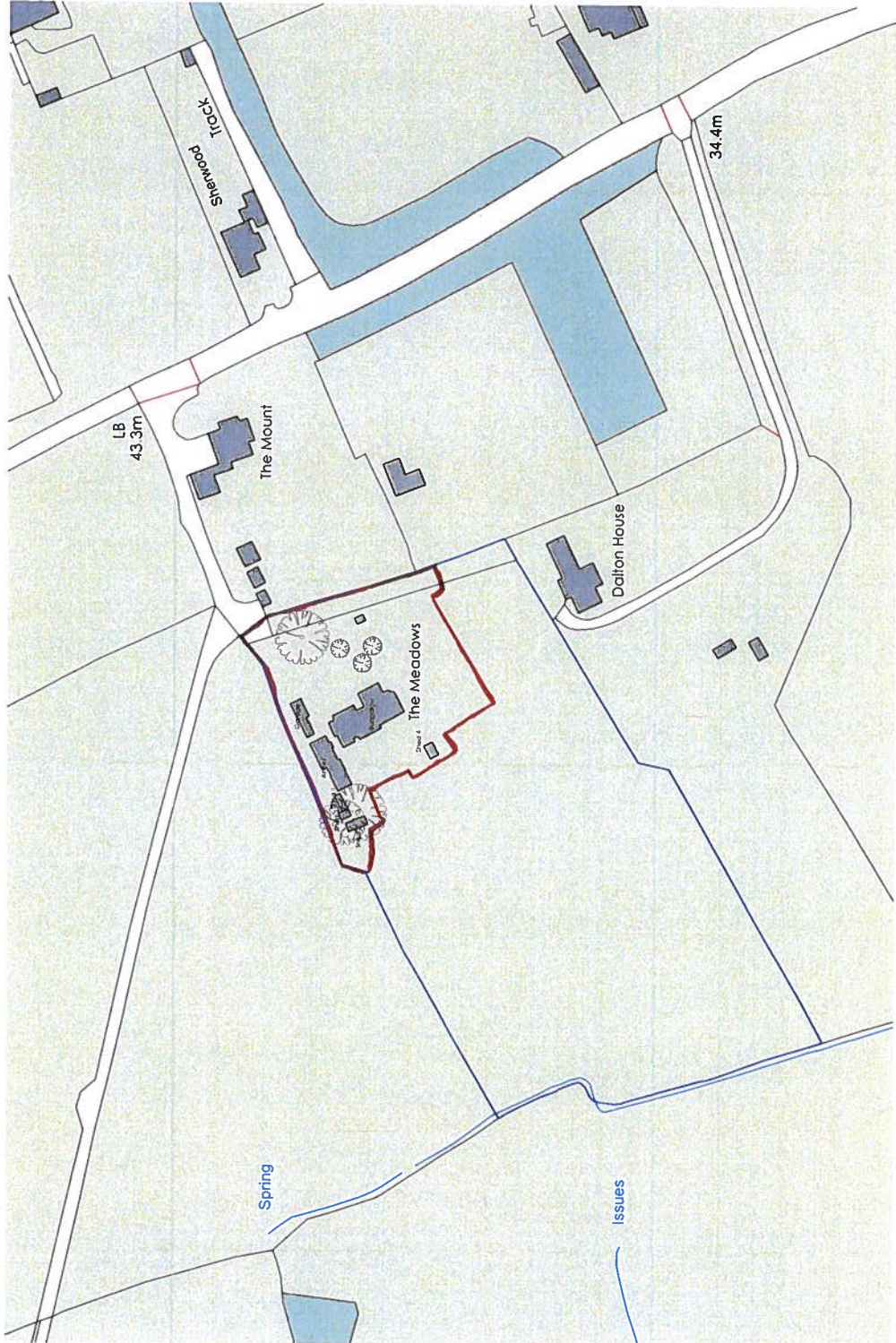
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Client	RICHMOND HILL ARCHITECTS LTD
Location	CASTLE CHAMBER, CASTLE STREET, SALISBURY SP1 3SP
Scale	1:1250 B A3
Date	19/08/2020
Drawn By	...
Checked By	...
Project No	...

THE MEADOWS
EXISTING SITE LOCATION PLAN

Scale	1:1250 B A3
Date	19/08/2020
Drawn By	...
Checked By	...
Project No	...

RICHMOND HILL ARCHITECTS LTD
CASTLE CHAMBER, CASTLE STREET,
SALISBURY SP1 3SP
TEL: 01753 514 815

2019/00796/FUL



1 EXISTING SITE LOCATION PLAN
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