

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **28 MARCH, 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:

2018/0647/BN	A	38, Minehead Avenue, Sully	Rear single storey extension
2018/1261/BN	A	Coach House, Adjacent to 37 Salop Place, Penarth	Conversion of existing coach house into private use art studio space with storage mezzanine. To include WC and kitchenette facilities
2019/0082/BN	A	41, Masefield Road, Penarth	Change of bathroom to shower room
2019/0095/BN	A	60, Marine Drive, Barry	Replace 2 no. existing windows and central brick pillar on the front of the house with one large picture window, matching existing window design
2019/0129/BR	AC	Llangan Village Hall, Heol Lliidiard, Llangan	Proposed storeroom extension
2019/0137/BN	A	8, Paget Road, Penarth	Upstairs bathroom, extension over side return, remove three internal walls, put in sliding door and window, increase size of openings for windows upstairs on first and second floor
2019/0138/BN	A	17, Carys Close, Penarth	Porch including W.C.

2019/0147/BN	A	Bryn Coed, Graig Penllyn, Cowbridge	Conversion of existing garage into a utility room and W.C./shower room
2019/0149/BN	A	Danesacre, Claude Road West, Barry	Opening up existing openings with universal beams at rear of house to make one large kitchen and diner
2019/0151/BR	AC	Lane End, Michaelston Le Pit, Dinas Powys	Construction of new barn
2019/0152/BN	A	58, Cornerswell Road, Penarth	Single storey side extension to create open plan living/kitchen and use front room as new bedroom
2019/0155/BN	A	16, Cherwell Road, Penarth	Single rear and double side extensions
2019/0157/BR	A	26, Ivy Street, Penarth	Demolish existing conservatory. Proposed single storey rear extension
2019/0161/BN	A	77, Tennyson Road, Penarth	EWI
2019/0162/BN	A	73, Tennyson Road, Penarth	EWI
2019/0163/BN	A	71, Tennyson Road, Penarth	EWI
2019/0164/BN	A	70, Tennyson Road, Penarth	EWI
2019/0165/BN	A	68, Tennyson Road, Penarth	EWI
2019/0166/BN	A	64, Tennyson Road, Penarth	EWI
2019/0167/BN	A	53, Tennyson Road, Penarth	EWI
2019/0168/BN	A	49, Tennyson Road, Penarth	EWI
2019/0169/BN	A	41, Tennyson Road, Penarth	EWI

2019/0170/BN	A	39, Tennyson Road, Penarth	EWI
2019/0171/BN	A	24, Tennyson Road, Penarth	EWI
2019/0172/BN	A	12, Tennyson Road, Penarth	EWI
2019/0173/BN	A	96, St. Lukes Avenue, Penarth	EWI
2019/0174/BN	A	95, St. Lukes Avenue, Penarth	EWI
2019/0175/BN	A	94, St. Lukes Avenue, Penarth	EWI
2019/0176/BN	A	93, St. Lukes Avenue, Penarth	EWI
2019/0177/BN	A	5, Tower Hill Avenue, Penarth	Conversion of g/f empty space to W.C with wash basin. Retile existing floor area
2019/0178/BN	A	80, Monmouth Way, Boverton	Internal alteration for steel beams between kitchen and rear extension, involving former rear wall of property
2019/0181/BN	A	9, Robinswood Close, Penarth	Flat roof renewal
2019/0182/BN	A	113, Porthkerry Road, Barry	New roof
2019/0183/BN	A	92, St. Lukes Avenue, Penarth	EWI
2019/0184/BN	A	91, St. Lukes Avenue, Penarth	EWI
2019/0185/BN	A	90, St. Lukes Avenue, Penarth	EWI
2019/0187/BN	A	88, St. Lukes Avenue, Penarth	EWI
2019/0188/BN	A	87, St. Lukes Avenue, Penarth	EWI

2019/0190/BN	A	86, St. Lukes Avenue, Penarth	EWI
2019/0191/BN	A	85, St. Lukes Avenue, Penarth	EWI
2019/0192/BN	A	84, St. Lukes Avenue, Penarth	EWI
2019/0195/BN	A	93a, Westbourne Road, Penarth	Single storey outbuilding to consist of shed, gym and play room
2019/0207/BN	A	23, Suran y Gog, Pencoedtre, Barry	Convert integral garage to living accommodation. The garage door will be replaced with brick/window, and internally the floor will be raised, the ceiling redone and walls insulated and plastered. Ceiling lights, sockets and radiator will be installed, and an internal partition wall installed to create a cupboard. There is already an access door from the hallway
2019/0208/BN	A	2, Mill Lay Lane, Llantwit Major	First floor balcony with doors, ground floor Bifolds, new windows front and rear (grey aluminium). New roof tiles and wood cladding on the dormer.
2019/0209/BN	A	3, Coates Road, Penarth	Double/single rear extension and internal alterations
2019/0212/BN	A	7, Kemeys Road, Rhoose	2 Storey side and rear extension
2019/0213/BN	A	Glen Usk, Wick Road, St Brides Major, CF32 0SF	Single storey ground floor extension on the rear of the house
2019/0216/BN	A	47, Baron Road, Penarth	New roof
2019/0217/BN	A	7, Maes Glas, Barry	Conservatory with tiled warm roof

2019/0218/BN	A	96, Dochdwy Road, Llandough	Proposed single storey extension to rear with flat roof to enlarge kitchen / dining room
2019/0219/BN	A	Rectory House, Peterston Super Ely	Repairs to the property following a fire. Includes a roof replacement (includes structural) and rewire of attic space
2019/0221/BN	A	7/8, Croft John, Penmark	Install treatment plant
2019/0222/BN	A	Old Cogan Hall, Sully Road, Penarth	Internal works. Knocking through one load bearing and one non-load bearing wall and converting three small rooms into one large room
2019/0223/BN	A	19, Hill Street, Barry	Supply and fit a fire door and frame
2019/0224/BN	A	39, Dyfan Road, Barry	Partial rewire to property
2019/0225/BN	A	20, Elm Grove, Barry	Complete renewal of wet room
2019/0226/BN	A	22, Longmeadow Court, Cowbridge	Renew kitchen and wet room. Take down of ceilings and renew and skim. Removal of a wall and rewire property
2019/0227/BN	A	99, Phyllis Street, Barry	Removal of kitchen and bathroom asbestos ceilings and re-skim. Supply and fit a fire door and frame
2019/0228/BN	A	15, Parkland Walk, Barry	Supply and fit a fire door and frame to the kitchen
2019/0229/BN	A	17, St. Johns View, St. Athan	Renovation of a thermal element
2019/0230/BN	A	2, Longmeadow Drive, Dinas Powys	Proposed ground floor extension
2019/0231/BN	A	39, Heol Tre Forys, Caversham Park, Penarth	Single storey rear extension

2019/0232/BN	A	83, Heol Collen, Wenvoe	Rear extension and change of integral garage to habitable room
2019/0240/BR	AC	25, Murch Crescent, Dinas Powys	Single storey rear extension
2019/0242/BN	A	Gwynfa, 34, Penlan Road, Llandough	Demolition of rear conservatory and erection of new rear extension
2019/0244/BN	A	The Bear Hotel, High Street, Cowbridge	Replacement fire escape

(b) Building Regulation Applications - Reject

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

2019/0154/BR	R	Ty Dyfan Care Home, St. Brides Way, Barry	Flat roof to balcony change of use
2019/0158/BN	R	12, Murch Crescent, Dinas Powys	Single storey side and rear extension
2019/0214/BN	R	13, St. Davids Avenue, Llantwit Major	Single storey extension to enlarge kitchen and fit washroom
2019/0238/BN	R	Arkstone, 25, Mountjoy Avenue, Penarth	Single storey side and rear extension plus associated works

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

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

2019/0018/AI	A	1, Caynham Avenue, Penarth	Single storey extension
2019/0019/AI	A	9, Maughan Terrace, Penarth	Proposed single storey rear infill extension, works to include material alterations to structure, controlled services, fittings and thermal elements
2019/0020/AI	A	22, Main Road, Ogmore by Sea	First floor extension and alterations new room in roof construction

2019/0021/AI	A	Bellavista Nursing Home, 106-108 Tynywedd Road, Barry	Extensions and alterations with associated works
2019/0022/AI	A	Ivy Cottage, Gileston	Proposed two storey side extension , works to include material alterations to structure, controlled services, fittings and thermal elements
2019/0023/AI	A	1, St. Martins Close, Penarth	Proposed single storey rear extension, works to include material alterations to structure, controlled services, fittings and thermal elements
2019/0024/AI	A	24, Georges Row, Dinas Powys	Dormer loft conversion and associated works
2019/0025/AI	A	2, Countess Place, Penarth	Dormer loft conversion with hip to gable and associated works
2019/0026/AI	A	Greggs, 2, The Precinct, Llantwit Major	Internal and external refurbishment works
2019/0027/AI	A	Hendre Alcam, Wick Road, Llantwit Major	Proposed replacement sewerage treatment plant
2019/0028/AI	A	147, Redlands Road, Penarth	Single storey rear extension and internal alterations
2019/0029/AI	A	3, Lee Close, Dinas Powys	Proposed replacement of conservatory roof with warm roof system (works to include material alterations to structure, controlled services, fittings and thermal elements)

(d) Section 32 Building Act, 1984

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

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

2016/0197/BR

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 28 MARCH, 2019

REPORT OF THE HEAD OF REGENERATION AND PLANNING

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

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

Decision Codes

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

2014/01079/6/N MA	A	St. Lythans Park, (Former ITV Studios), Culverhouse Cross, Cardiff	Non Material Amendment - To regularise that built on site - amend the brick previously indicated on the garages for plots 28/29 and that used on the house type for plot 47. All bricks proposed have been approved previously but not specifically on these plots. Hanson Red Multi Brick for garages for plots 28/29 and Forterra Nottingham Red Rustic from plot 47. Forterra Oakthorpe Buff Multi was previously specified for both: Planning permission ref. 2014/01079/RES :
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			Proposed residential development for 224 new dwellings, associated highways and landscaping (NMA)
2016/00078/1/N MA	A	Mill Barn, 1, Mill Road, Boverton	Non Material Amendment : Additional window opening, (retaining an existing opening). Lean to roof angle on extension increased to 16 degrees and slate (rain screen) roof finish. Powder coated aluminium external joinery throughout instead of mix on powder coated aluminium and hardwood. Planning Permission 2016/00078/FUL Change of use and extension of existing barn to create residential dwelling
2016/00397/1/N MA	A	1, Seaview Court, 90, Fontygary Road, Rhoose	Changes to wording of Conditions 3, 4, 6, 10, 11, 17, 18 to regularise all matters in regard to Planning Permission ref. 2016/00397/FUL
2016/00778/5/C D	A	Chapel Terrace, Twyn Yr Odyn	Discharge of Condition 7 - Details of garden sheds and bin store area. Planning Permission 2016/00778/FUL residential redevelopment for 15 affordable homes and associated works
2016/00809/11/C D	A	Land to the rear of Westgate, Cowbridge	Discharge of Condition 18 - Cycle Parking - Redevelopment to form 37 apartments for the elderly
2016/00809/12/C D	A	Land to the rear of Westgate, Cowbridge	Discharge Condition 16 - Traffic Regulation Order amendments - Redevelopment to form 37 apartments for the elderly

2016/00809/9/C D	A	Land to the rear of Westgate (East of Eagle Lane), Cowbridge	Discharge of Conditions 8 - Levels and 10 - Drainage - Redevelopment to form 37 apartments for the elderly
2016/00833/1/C D	A	Land to the rear of No. 5, Westgate, Cowbridge	Discharge of Conditions 2- Bat licence and 3- Restoration of site - Permission 2016/00833/CAC- Redevelopment to form 37 retirement apartments for elderly and associated works
2016/01070/1/C D	A	Waterfront Retail Park, Heol Ceiniog, Barry	Discharge of Condition 9 - Details of finished levels of site. Planning Permission ref. 2016/01070/FUL :
2017/00112/1/C D	A	8, Cliff Parade, Penarth	Discharge of Condition 3- Schedule of Materials - planning permission 2017/00112/FUL for replacement dwelling
2017/00112/1/N MA	A	8, Cliff Parade, Penarth	Non Material Amendment - Omission of garage window, pedestrian door to garden, bin store, external spiral stair. Reduced garden paving. Amended kitchen east window position. Front garden planters to ground level. Garden wall changed to fence
2017/00385/1/C D	A	36, Pencoedre Road, Barry	Discharge of conditions 3, 4, 6, 7, 8, 9, and 10
2017/00564/2/N MA	A	St. Athan Northern Access Road	Non Material Amendment- The following amendments are proposed to planning condition 10 (additional text underlined and deleted text struck through): Following the construction of the development and prior to

			<p>the new road being opened for public use, the developer shall carry out any repairs to the adopted highway identified as being necessary in the second survey required by Condition No. 9 above. The repair works, if required, are to be completed within 5 months following construction of the new road. Planning Permission 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</p>
2017/00594/1/N MA	A	Dinas Powys Library and Activity Centre, Fair Oaks, Dinas Powys	<p>Enlargement of existing window on rear (north) elevation and minor alterations to the approved internal layout of the space. Planning ref:2017/00594/FUL. Alterations and Glazed Extension to front elevation of existing library to create Dinas Powys Library and Activity Centre</p>
2018/00214/1/N MA	A	19, Robinswood Close, Penarth	<p>Non Material Amendment – Reduction in size of windows; re-position dormer; omit glazed gable; retain existing windows in extended dormer; render in place of hanging tiles; French doors to lounge;</p>

			new roof; and block up one side window - Planning permission 2018/00214/FUL - Proposed works to existing bungalow
2018/00279/1/C D	A	Rear of 2, Stanwell Road, Penarth	Discharge of Condition 4 - Ground Levels- Planning permission 2018/00279/FUL - pair of semi-detached 2 bedroom dwellings
2018/00330/1/N MA	A	The Stables, Redway Road, Bonvilston	Non-material Amendment to increase the size of the previously approved utility/day room - ref: 2018/00330/FUL to renew planning permission for the use of land for the stationing of caravan (with tourer) for residential purposes for one Gypsy pitch and associated works
2018/00398/1/C D	A	Brecon Court, Barry	Discharge of Condition 10 - Construction Environmental Management Plan (CEMP). Planning permission ref. 2018/00398/RG3 : Proposed residential development comprising 28 dwellings along with associated parking, highway and ancillary works
2018/00607/1/C D	A	Penllyn Estate Farm, Llwynhelig, Nr. Cowbridge	Discharge of Condition 10 - Landscape Details and 12 - Programme of Archaeological Work of Planning Permission reference No: 2018/00607/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 access track is a replica of information already provided to Council and being considered under a different planning application, it exits the A48 off the proposed new roundabout at Penllyn Estate Farm, Llwynhelig, Nr. Cowbridge
2018/00735/1/C D	A	Land at Nant Rhydhalog, Cowbridge Road, Talygarn	Discharge of Conditions 5 – Car Parking, Condition 6 – Entrance Gates and Condition 7 – Landscaping, of Planning Permission 2018/00735/FUL – Proposed new cattery
2018/00735/1/N MA	A	Land at Nant Rhydhalog, Cowbridge Road, Talygarn	Non-Material Amendment - Move proposed isolation pens nearer to cat kennels. Relocate bin store. Change materials to windows and doors to upvc, colour Chartwell Green. Planning permission ref. 2018/00735/FUL - New cattery and grooming parlour
2018/00826/FUL	A	20, Cedar Road, Eglwys Brewis	Proposed single storey extension to rear of property. Proposed single storey extension to include garage and utility room to side of property
2018/00860/FUL	A	37, Cornerswell Road, Penarth	Rear extension, internal remodelling and external bike shed and store
2018/00982/FUL	A	Land to the East of St. Nicholas	Replan of Plots 51-55 inclusive of 2015/00249/FUL

2018/01009/FUL	A	Rhostyn, Coldbrook Road West, Barry	Proposed outbuilding to accommodate garage for caravan, storage space and gym
2018/01078/FUL	A	23, Rhodfa Sweldon, Barry	New conservatory style porch area
2018/01116/FUL	A	17, Cwm Barry Way, Barry	Single storey wrap around extension. Partial demolition of rear conservatory
2018/01125/FUL	A	The Hawthorns, St. Brides Road, St. Brides Super Ely	Material alteration to scheme previously approved 2017/01285/FUL including alterations to windows in East Elevation, extended canopy over entrance, air source heat pump
2018/01164/FUL	A	38, Purcell Road, Penarth	Two storey rear extension with Juliet balcony and two dormer extensions
2018/01192/FUL	A	The Hawthorns, 9, Kymin Terrace, Penarth	The erection of a single garage
2018/01220/FUL	A	22, Uppercliff Close, Penarth	Retrospective planning application for the retention of engineering works including the raising of ground levels to create a rear garden and patio, boundary walls and fencing and proposed additional trellis fencing along the neighbouring boundary wall
2018/01228/FUL	A	Lignia Wood Company Ltd., Unit 10, Atlantic Trading Estate, Barry	Construction and operation of two wood drying kiln blocks, a boiler house, bunded tanks for resin and water storage and ancillary works
2018/01233/FUL	A	32, Drylla, Dinas Powys	Proposed first floor extension above existing

			previously approved side and rear extension to include additional bedroom and en-suite bathroom
2018/01251/FUL	A	Former St. Cyres Lower School, Murch Road, Dinas Powys	Retention of substation associated with residential development approved via planning permission reference: 2017/01136/HYB
2018/01267/FUL	A	Store rear of 12-14, Railway Terrace, Penarth	Change of use from B8 Builders storage and distribution yard with detached office to a Class D1 physiotherapy clinic, and a Class D2 Pilates studio, plus external alterations.
2018/01294/FUL	A	43, Plas Taliesin, Penarth	Proposed balcony to first floor
2018/01311/LBC	A	Chantry House, Burial Lane, Llantwit Major	To re-build a small section of boundary wall (approx.. 1.6msq)
2018/01337/FUL	A	25, Fonmon Park Road, Fontygary, Rhoose	Demolition of side garage and erection of two storey side extension
2018/01338/FUL	A	19, Afal Sur, Barry	Extend existing detached garage in height and use as granny annex
2018/01350/FUL	A	3, Coates Road, Penarth	Single/double storey rear extension
2018/01352/LBC	A	29, High Street, Cowbridge	Change of canopy and additional sign
2018/01355/FUL	A	Claygate House, Sully Road, Penarth	Proposed new replacement dwelling
2018/01369/FUL	A	16, Heol Dewi Sant, Barry	Demolition and removal of existing concrete block/timber/steel garage, incl. floor slab and foundations. Removal of

			existing steel storage shed. Construction of new insulated steel garage, including new floor slab and foundations
2018/01370/FUL	A	107, Wordsworth Avenue, Penarth	Proposed single storey extension and detached store/gym to the rear of the property
2018/01374/FUL	A	Pen Y Bryn, 13, Cae Rex, Llanblethian, Cowbridge	New garage and gym space extension to side of property
2018/01377/FUL	A	105, Monmouth Way, Boverton, Llantwit Major	Removal of a single storey garage, construction of a two storey side extension and alterations to porch
2018/01381/FUL	A	Rock Cottage, Tair Cross, Ewenny	Demolition of existing sectional garage and proposed erection of new timber frame garage. New kitchen extension to side of dwelling
2018/01385/FUL	A	32, Hastings Avenue, Penarth	Hip to gable roof extension and loft conversion with rear dormer
2018/01386/FUL	A	22, Britway Road, Dinas Powys	Proposed loft conversion with side and rear dormers and single storey rear extension
2018/01388/FUL	A	The Old Barn, A48, Bonvilston	Material alterations to the facade and roof, including feature extension
2018/01390/FUL	A	22, Heol Pentre Felin, Llantwit Major	Single storey extension to the rear elevation
2018/01391/FUL	A	52, Llanmead Gardens, Rhoose	Proposed single storey side and rear extension
2018/01393/FUL	A	7, Alberta Place, Penarth	Internal alteration as well as double storey extension to the back of the property to square off rear elevation.

			Existing garage door to be removed and replaced with 2 new timber doors. Existing redundant chimney to be removed. Existing windows to be replaced with new powder coated aluminium windows and doors
2018/01400/FUL	A	Countisbury, St. Lythans Road, St. Lythans	Proposed two storey side and rear extension
2018/01401/FUL	A	28, Hawthorn Road, Barry	Retention of single storey orangery to rear of property
2018/01405/FUL	A	5, Glanmor Crescent, Barry	Double storey side extension, proposed porch to the front and alteration to vehicle access
2018/01406/FUL	A	23, Westbourne Road, Penarth	Demolition of existing rear lean to structure at rear of the house, and rebuild in rendered concrete block work. New structure at approximately 1.25sqm larger
2018/01407/FUL	A	Plas Hen, Bonvilston	Ground floor rear and side extension
2018/01411/FUL	A	Pen Y Garth Mansion, 2, Stanwell Road, Penarth	Retention of amended parking layout, widened access and gates to Rectory Road, and gates to Stanwell Road
2018/01415/FUL	A	Glen Usk, Wick Road, St. Brides Major	Single storey extension to the rear of the existing property
2018/01422/FUL	A	Valegate Retail Park, Culverhouse Cross, Cardiff	External refurbishment, including removal of existing entrance structures, with replacement entrances, new signage zones and with all other associated works

2018/01423/FUL	A	The Quad, Sheepcourt Barns, A48, Bonvilston	Demolition of dilapidated outbuilding. Extensions to main barn to form larger bedroom / ensuite bathroom, garaging and ancillary accommodation within new courtyard
2018/01424/FUL	A	Greystone House, Llanmaes	New indoor pool extension to existing garage and stable block, and terraces
2018/01425/FUL	A	Gwel Y Don, Southerndown	Removal of pre cast concrete garage, and lean-to utility room to create extension to house consisting, kitchen, utility room and storage shed
2018/01426/FUL	A	Cwrt Yr Ala Cottage, Michealston Le Pit Road, Michaelston Le Pit	Extension
2018/01428/RG3	A	1, Castle Green, St. Georges Super Ely	Structural refurbishment of existing dwelling including demolition and reconstruction of external walls, demolition and replacement of existing rear extension, alterations to the existing fenestrations and removal of chimney
2018/01429/RG3	A	2, Castle Green, St. Georges Super Ely	Structural refurbishment of existing dwelling including demolition and reconstruction of external walls, demolition and replacement of existing rear extension, alterations to the existing fenestrations and removal of chimney.
2018/01430/RG3	A	4, Castle Green, St. Georges Super Ely	Structural refurbishment of existing dwelling including demolition and reconstruction of external walls, demolition and replacement of existing

			rear extension, alterations to the existing fenestrations and removal of chimney.
2019/00001/FUL	A	The Croft, Burdons Hill Lane, Wenvoe	Construction of garage
2019/00008/FUL	A	2, Countess Place, Penarth	Hip to gable roof extension
2019/00011/FUL	A	Rogerstan, 15, Smithies Avenue, Sully	Single storey front extension, alterations to existing flat roof dormer plus internal alterations and all associated works
2019/00013/FUL	A	23, Cae Garw, Dinas Powys	Proposed two storey extension
2019/00015/FUL	A	11, Matthew Road, Rhoose	Single storey side extension, garage conversion and adaptations, including Juliet balcony to rear
2019/00018/FUL	A	Dunnock House, Chapel Road, Broughton	Single storey extension to rear of property
2019/00019/HR	A	Coslech Sewage Treatment Works, Dwr Cymru Welsh Water, Peterston Road, Groesfaen, Pontyclun	Hedgerow Removal
2019/00024/FUL	A	77, Westbourne Road, Penarth	Conversion of integral garage to a bedroom. Construction of bay window and gable to ground floor elevation
2019/00026/FUL	A	88, Greenacres, Barry	Demolition of playroom, proposed two storey extension
2019/00028/FUL	A	17, Tudor Place, Llantwit Major	Single storey extension to the rear of the property for kitchen and dining room with window and bi-folding doors

2019/00031/LAW	A	43, Gwern Close, St. Lythans	Rear single storey extension within residential curtilage
2019/00033/FUL	R	Cwmeldeg, Llancadle	Extension to front of property to provide double garage and games room/bedroom
2019/00036/FUL	A	60, Redlands Road, Penarth	Garage conversion and refurbishment. External alterations to existing property
2019/00039/FUL	A	25, Field View Road, Barry	Two storey side extension and alteration works
2019/00040/FUL	A	Holly Barn, East Aberthaw	Retrospective planning to retain gas tank in its present location. The gas tank is presently visible from the public highway. Proposal is to provide an appropriate screen by planting laurel trees at 50cm intervals, each laurel being 60cm in height adjacent to the road within the property boundary
2019/00044/PNA	A	Yard at Brynsych, Morfa Lane, Llantwit Major	Temporary round liquid fertiliser store 2.5m high x 12m diameter
2019/00053/FUL	A	11, Cwrt-Y-Vil Road, Penarth	Front Elevation - Remove front elevation single glazed timber sashes and replace with new Hardwood double glazed
2019/00074/OBS	B	Land East of the A48, (Crack Hill) Brocastle, Bridgend	Approval of details for condition 3 of P/18/237/RES

2019/00102/OBS	B	Special Areas of Conservation <ul style="list-style-type: none">•Pen Lleyrn a'r Sarnau SAC•Carmarthen Bay and Estuaries SAC•Pembrokeshire Marine SAC•Menai Strait and Conwy Bay SAC•Cardigan Bay SAC	Natural Resources Wales Application for All Wales Marine Benthic Invertebrate / Sediment Grab Sampling Programme 2019-2021
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THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **28 MARCH, 2019**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2018/01137/FUL
Appeal Method: Written Representations
Appeal Reference No: D/19/3222586
Appellant: Mr. Jason & Paula Thomas
Location: Greendown, Bonvilston
Proposal: Construction of various extensions and remodelling of existing dwelling, including new entrance gates, driveway, swimming pool enclosure and external works
Start Date: 27 February 2019

L.P.A. Reference No: 2016/01160/OUT
Appeal Method: Written Representations
Appeal Reference No: 19/3223102
Appellant: Mr. Nicholas Rubenstein
Location: Woodside Hamlet, Ham Manor, Llantwit Major
Proposal: Proposed tourist (Tree Tent) accommodation development on land adjacent to Woodside Hamlet, with associated parking, wash up and toilet facilities
Start Date: 7 March 2019

L.P.A. Reference No: 2018/01099/FUL
Appeal Method: Written Representations
Appeal Reference No: D/19/3223307
Appellant: Mr. D. Lewis
Location: 22, Plas Pamir, Portway Marina, Penarth
Proposal: Installation of first floor balcony
Start Date: 7 March 2019

(b) Enforcement Appeals Received

L.P.A. Reference No: ENF/2016/0123/PC
Appeal Method: Public Local Inquiry
Appeal Reference No: C/19/3221531
Appellant: Mr Gareth Williams

Location: Land at Tir Y Llwyfenni (adjacent to Ty Isaf), Peterston Super Ely
Proposal: Without planning permission, the construction of a dwellinghouse and outbuilding and the material change of use of the Land from agriculture to a mixed use for agriculture and a residential use
Start Date: 1 March 2019

L.P.A. Reference No: ENF/2018/0347/PC
Appeal Method: Written Representations
Appeal Reference No: 19/3223343
Appellant: Mr. Kameljit Singh Dhesi & Mrs. Parmjit
Location: 371, Barry Road, Barry
Proposal: Breach of condition 4 of planning permission 2017/00320/TPO - Re-planting of two replacement trees
Start Date: 26 February 2019

(c) Planning Appeal Decisions

L.P.A. Reference No: 2018/00641/FUL
Appeal Method: Written Representations
Appeal Reference No: D/18/3218803
Appellant: Mrs. Charlotte Cope
Location: 3, Norman Cottages, Michealston Le Pit Road, Michaelston Le Pit
Proposal: Application to retain the property as built - Fully render the property due to damage to existing finish during building works which meant we were not able to retain the existing finish and replace existing roof tiles with different tiles due to a roof leak and no availability of roof tiles to match the existing roof
Decision: Appeal Dismissed
Date: 18 February 2019
Inspector: Richard Duggan
Council Determination: Committee

Summary

The Inspector considered the main issues to be the effect of the development on the character and appearance of the street scene, and whether the proposed development would preserve or enhance the character or appearance of Michaelston Le Pit Conservation Area (CA).

The appeal property is part of seven pairs of inter war houses located within the Michaelston Le Pit Conservation Area. The Inspector noted that the Conservation Area Appraisal and Management Plan (CAAMP) identifies these dwellings as Rural District Council (RDC) houses and that they have been recognised as 'positive buildings' in the CAAMP.

The Inspector noted that Norman Cottages are of the same design and form, and retain much of their original character and features. This includes original roof clay pantiles and painted brickwork. Accordingly, he agreed with the CAAMP that the row of properties along Norman Cottages makes a positive contribution to the character and appearance of the CA.

The Inspector saw the new two storey side extension, which has been finished with a smooth cement render matching the façade of the main part of the dwelling, resulting in the loss of the original brickwork. He also saw the roof of the dwelling stripped of its original clay pantiles and replaced by larger dark grey concrete tiles.

With regard to the works that have been undertaken, the Inspector agreed that the size and thickness of the slate tile is in stark contrast to the tiles on the roofs of the adjoining dwellings. He said that this creates pronounced horizontal ridges across the roof plane which is not characteristic of the other roofs found along Norman Cottages. He said that the larger and darker tiles have, therefore, introduced an alien and discordant feature within this row of properties.

He also found the smooth rendered finish to be at odds with the painted brick finish found on the other RDC houses within the village, including the adjoining dwelling. As such, he was of the view that the alterations to the appeal property have severely unbalanced the pair of properties and represents a visually intrusive form of development within the street scene.

The Inspector considered that the small clay pantiles on the roofs and the brickwork facades of the RDC dwellings are a significant heritage asset within the CA and, as such, they worthy of retention and protection in order to preserve the character and appearance of the area. In this context, he stated that the loss of these features would significantly disrupt one of the distinctive attributes of the area. He considered that the incremental and cumulative loss of these original features adversely affects the CA and the heritage asset as a whole. He found that the works by virtue of the use of inappropriate materials and the loss of original features represents a visually intrusive form of development that causes material harm to the character and appearance of the street scene.

Having regard to the duty imposed by Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the Inspector found that the works have led to the loss of heritage assets that neither preserve nor enhance the character and appearance of the CA. For these reasons, he considered the development to be contrary to LDP Policies SP1, SP10, MD2, MD5 and MD8.

Members will recall that, along with the recommendation to refuse the application subject of the above appeal, authorisation was also sought at committee on 27 September, 2018, to issue an enforcement notice in respect of the unauthorised works. Whilst Committee authorised the action proposed, the Notice was not issued pending the determination of this appeal. In view of the appeal decision, the notice will now be issued, as authorised.

L.P.A. Reference No: 2018/00730/FUL
Appeal Method: Written Representations
Appeal Reference No: 18/3217062
Appellant: Mr David Reade
Location: **6, Salmons Wood, Graig Penllyn**
Proposal: New dwelling within rear garden of 6, Salmons Wood including access and parking
Decision: Appeal Dismissed
Date: 13 February 2019
Inspector: Richard Duggan
Council Determination: Committee

Summary

The main issues were considered to be the effect of the development on the character and appearance of the area, and whether the proposal would conflict with policy requirements relating to affordable housing provision.

Character and appearance

The appeal site forms part of the rear garden serving No 6 Salmons Wood, which is a large detached bungalow occupying a spacious plot on the edge of the village. The Inspector considered the area to be characterised by substantial detached properties, which are built in a linear form and set back from the main road.

The Inspector found that the overriding character of this part of the village is defined by dwellings having a strong frontage and linear presence in the street scene. He thought that this characteristic is strengthened by the spaciousness of plots generally, which have matured to give an attractive and distinctive sylvan quality. Whilst the Inspector noted the presence of some backland development in the area, he was of the view that Salmons Wood is a frontage development, and so considered the development of an area of rear garden land, in a line of dwellings which all have substantial rear gardens, would be counter to the prevailing pattern of development.

The Inspector was concerned that the development would extend the built form into the attractive open lawn area and that it would undermine the sense of spaciousness and rurality that currently characterises the rear of the property. As such, he was of the view that the dwelling would represent an undesirable form of backland development, which would unacceptably intrude into an area of land that, together with adjoining garden areas, are attractive and largely devoid of buildings. The Inspector was also of the view that the development would be in a prominent position visible from short and long distant viewpoints along nearby public footpaths. As such, he found that the development would also have a harmful visual impact on the Upper & Lower Thaw Special Landscape Area (SLA).

In conclusion the Inspector considered the development to be inappropriate, in an elevated and visually prominent location, at odds with the linear built form of Salmons Wood, with consequent harm to the character and appearance of the area and the SLA. Accordingly, he found conflict with LDP Policies SP1, SP10, MG17, MD1, MD2 and MD5.

Affordable Housing

The Inspector noted that unilateral undertaking that was submitted with the appeal, which would satisfy the Council's requirement for a contribution for off-site affordable housing provision. Whilst he considered this to be a benefit of the scheme, he did not think that this outweighed the harm described above.

Other matters

The Inspector considered all other matters raised by the appellant, including other appeal decisions brought to his attention and the appellant's representations with regard to the Council's consideration of the application subject of the appeal, but did not consider these matters relevant to his determination of the merits of the particular proposal before him.

(d) Enforcement Appeal Decisions

None

(e) April 2018 – March 2019 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (to measure performance)	W	19	7	26	-
	H	2	1	3	-
	PI	-	-	-	-
Planning Total		21 (70%)	8 (30%)	29	-
Committee Determination		2 (50%)	2 (50%)	2	-
Other Planning appeals (inc. appeal against a condition)		-	1	1	-
Enforcement Appeals	W	-	-	-	-
	H	1	-	1	-
	PI	-	-	-	-
Enforcement Total		1	-	1	-
All Appeals	W	19	8	27	-
	H	3	1	4	-
	PI	-	-	-	-
Combined Total		22 (71%)	9 (29%)	31	-

Background Papers

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

Contact Officer:

Mrs Justina M Moss, Tel: 01446 704690

Officers Consulted:

HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **28 MARCH, 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

2018/01207/TPO	A	Cwrt Y Cadno, Llancarfan	Work to trees covered by TPO No. 24 of 1973
2018/01384/TPO	A	14, Le Sor Hill, Peterston Super Ely	Work to trees covered by TPO No 6 of 2012 - 30% all over crown reduction to three sycamore trees
2019/00003/TPO	A	Adjacent to Plot 43, St Lythans, Culverhouse Cross, Cardiff	Work to tree covered by TPO No.7 of 2012 - Work to T20 mature oak
2019/00016/TCA	A	42, Victoria Road, Penarth	Work to trees in Penarth Conservation Area - Reduce crown of sycamore and re-pollard two lime trees
2019/00021/TCA	A	Ashdene, St. Nicholas	Work to tree in St Nicholas Conservation Area - Reduction 15-20% of a mature silver birch, back to previous reduction points

2019/00034/TCA	A	Highfields, Bradford Place, Penarth	Work to trees in Penarth Conservation Area - Removal of two Monterey Cyprus trees
2019/00035/TCA	A	Hundred House, Church Street, Llysworney	Work to Trees in Llysworney Conservation Area - Crown reduction to No.1 Apple and No.1 Goat Willow and removal of No.1 Ash

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **28 MARCH, 2019**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. ENFORCEMENT ACTION

I) LAND AND BUILDINGS AT LAND TO THE SOUTH OF SIGINGSTONE

Background

1. A complaint was received by the Local Planning Authority on 30 October 2017, alleging that a river boat is being stored in an agricultural building on a parcel of land to the South of Sigingstone.
2. The Land is located approximately 300m south of the rural village of Sigingstone, outside of the settlement boundary. The building subject of the complaint is contained within a large parcel of land approximately 4.7Ha in area.



Details of the Breach

3. Following an initial site inspection it was noted that the agricultural barn is being used for the storage of a river boat rather than for an agricultural use. It also appeared that some works of repair were being undertaken to the boat. There did not appear to be an agricultural use of the barn taking place at the time of the site visit. It is understood that the use of the agricultural barn for this purpose commenced in November 2017, based on the photos that have been submitted with the complaint.
4. As noted from the planning history below, the planning permission was granted in 2013 for the construction of a barn on the site. The 2012/00916/FUL permission is subject to a condition that seeks to limit the use to of the building to an agricultural use. Whilst the current use of the building would be in breach of that condition, an inspection of the site has revealed that the building constructed on site does not accord with the approved scheme of development as it has been rotated by approximately 90 degrees. Consequently the 2012 permission has not been implemented. As such, enforcement action cannot be pursued in respect of the use condition. The building itself is considered to be lawful but having been designed and built for the purposes of agriculture, that is considered to be the lawful use of the building.
5. Notwithstanding the above, the use of the agricultural barn for the storage and repair of a river boat amounts to a B2 use which would constitute a material change of use of the barn under section 55 of the Town and Country Planning Act 1990 (as amended). Planning permission has not been granted for this use and, as such, the use is unauthorised and in breach of planning control. The photograph below shows the river boat in situ.



Action Pursued to Date

6. On receipt of the complaint, contact was made with the land owner and the site was visited to inspect the agricultural barn. It was noted that the barn was being used for the storage and repair of a river boat. The land owner was advised that this would constitute an unauthorised change of use of the building for which he, as the land owner, would be liable. The land owner has cooperated in the investigation of the matter, but has been reluctant to take action himself to move the river boat which he has suggested belongs to a friend.

Planning History

7. The site benefits from the following planning history:
 - **2012/00916/FUL:** Field parcel 110 to the south of Sigingstone - Construction of a replacement agricultural storage barn - Approved 21/02/2013.

Policy

Local Development Plan:

8. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Managing Development Policies:

POLICY MD1 - LOCATION OF NEW DEVELOPMENT

POLICY MD2 – DESIGN OF NEW DEVELOPMENT

POLICY MD11 - CONVERSION AND RENOVATION OF RURAL BUILDINGS

POLICY MD14 - NEW EMPLOYMENT PROPOSALS

POLICY MD17 - RURAL ENTERPRISE

Planning Policy Wales:

9. National planning guidance in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the consideration of the issue subject of this report.

Technical Advice Notes:

10. The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:
 - Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)

Supplementary Planning Guidance:

11. In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:
 - Conversion and Renovation of Rural Buildings

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 24/97 - Enforcing Planning Control
- Welsh Government Development Management Manual – Section 14 Annex “Enforcement Tools”

Well Being of Future Generations (Wales) Act 2015:

12. 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.

Reasons for Serving an Enforcement Notice

13. The building subject of this report is a modern and large agricultural building that is suitable for various modern agricultural activities. Whilst the building on site does not benefit from the 2012, permission, that permission would have been granted for the building on the basis of there being an agricultural need for the development (under the policy background of the former Unitary Development Plan). Having regard to the current activity within the building, the agricultural use of the building has been relatively short lived and, whilst the use has not changed the external appearance of the building, it has resulted in the loss of a modern agricultural building. Accordingly, the current use may give rise to the need for a replacement agricultural building, in conflict with criterion 1 of Policy MD11, as supported by the SPG on the Conversion and Renovation of Rural Buildings.
14. The current use for storage would fall within use class B2 of the Town and Country Planning (Use Classes) Order 1987. Whilst LDP policy MD17 supports small scale employment uses that promote rural enterprise, it is noted that the building is only used for the B2 use and there is not understood to be any other rural enterprise at the site. As such, the use cannot reasonably be considered to be a diversification of a rural enterprise benefitting from the provisions of Policy MD17.

15. In addition to this, LDP policy MD14 encourages such employment uses to be located within existing or allocated employment sites, as identified on the LDP proposals map. The policy allows such uses elsewhere providing compliance is achieved with one of three criteria, namely:
1. *It is located within or adjacent to an existing settlement boundary, where the scale and type of employment use is complementary to its location and neighbouring uses; or*
 2. *Where the proposal is for an agriculture, forestry or rural enterprise where a need for a rural location is justified; or*
 3. *Where it is clearly demonstrated that the nature of the business necessitates a location away from existing settlements and/or employment areas in order to mitigate impact on amenity.*
16. In the first instance, the site is divorced from any settlement boundary and is in a relatively isolated location. Secondly, the use is not connected to agriculture, forestry or a rural enterprise and a rural location is certainly not required for the storage and repair of a boat. Finally, the storage use does not necessitate a location away from other employment uses or settlements. Accordingly, there is no justification for the current location of this storage use and, as such, the use does not comply with or benefit from the provisions of LDP policy MD14. Compliance is also not achieved with criterion 2 of Policy MD1 as the isolated rural location conflicts with the principle of reinforcing and supporting existing settlements, including existing employment areas.
17. In addition to the above, policy MD1 criterion 6 states that '*New development on unallocated sites should.....Benefit from existing infrastructure provision or where necessary make provision for new infrastructure without any unacceptable effect on the natural or built environment*'.
18. From the details of the complaint it would appear that the delivery of the river boat has damaged the lane in the process of accessing the site. The delivery of the riverboat was also on a large lorry manoeuvring in a narrow country lane. If the storage and repair use continues, this will result in further movement of boats or other large items. Such activity if uncontrolled would have an impact on highway safety with the existing highway network being insufficient to accommodate such traffic. This results in conflict with policy MD1 as well as the highway safety considerations of policy MD2, criterion 6.
19. With regard to national planning guidance, paragraph 3.2.3 of TAN6 advises that care should be taken in circumstances where there may be an abuse of the planning system. It refers to cases where new farm buildings are constructed with the benefit of permitted development rights with the intention of early conversion to another use. Such consideration should be given to the building in this case. There is clearly local policy objection to the change of use. The advice in TAN6 seeks to avoid a circumvention of the proper planning process to avoid, amongst other issues, a proliferation of buildings within the countryside. The current use is, therefore, considered to be in conflict with TAN 6 as supported by PPW.

20. Finally, under the Well-being of Future Generations (Wales) Act 2015 the Council not only have a duty to carry out sustainable development, but must also take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. It is considered that the recommendation complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the 2015 Act.

Conclusions

21. In summary, the storage and repair of a river boat in the unauthorised constitutes a material change of use which would require the benefit of planning permission, as no such permission has been approved the storage of the boat is a breach of planning control. The maintenance of this use is considered to be contrary to Policies MD1, MD2, MD11, MD14 and MD17 of the LDP as well as national guidance in the form of PPW and TAN6.
22. In view of the issues identified in the paragraphs above, it is considered expedient to pursue action.

Resource Implications (Financial and Employment)

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

Legal Implications (to include Human Rights Implications)

24. If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).
25. The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.

Equal Opportunities Implications (to include Welsh Language Issues)

26. None.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:

- (i) Cessation of the use of the building for a use falling within use class B2 of the Town and Country Planning (Use Classes) Order 1987 including the storage and repair of a river boat.
- (2) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- (1) The material change of use of the building to a use falling within use class B2 of the Town and Country Planning (Use Classes) Order 1987, including the storage and repair of a river boat, is not considered to be a diversification of a rural enterprise benefitting from the provisions of Policy MD17 – Rural Enterprise of the Vale of Glamorgan Adopted Local Development Plan 2011-2026. The use is considered to result in an unsustainable form of development that has an unacceptable impact on highway safety; fails to reinforce the role of existing settlements and allocated employment areas; and may give rise to the need for replacement buildings resulting in a proliferation of development in this undeveloped rural location. Such a use is, therefore, contrary to Policies MD1 - Location of New Development, MD2 – Design of New Development, MD11 – Conversion and Renovation of Rural Buildings and MD14 – New Employment Proposals of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, as well as the Council’s adopted Supplementary Planning Guidance on the Conversion and Renovation of Rural Buildings, and national planning guidance in the form of Planning policy wales (Edition 10) and Technical Advice Note 6 on Planning for Sustainable Rural Communities.
- (2) 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.

Background Papers

Enforcement File Ref: ENF/2017/0311/PC

Contact Officer - Mr Ewan Lawless, Tel: 01446 704304

Officers Consulted:

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

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **28 MARCH, 2018**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. ENFORCEMENT ACTION

II) LAND AND BUILDINGS AT CHANTRY HOUSE, CHURCH LANE, LLANTWIT MAJOR

Background

1. A complaint was received by the Local Planning Authority on 4 October 2018, regarding the demolition of a boundary wall at Chantry House, Church Lane, Llantwit Major. Chantry House was designated as a Grade II listed building on 16 December 1952. The wall in question forms a means of enclosure to this Listed Building.
2. The site is approximately 60m south of the Church of St Illtud. Dating from circa 1600, the application building was much altered and rebuilt in the nineteenth and early twentieth century.
3. The site is also within the Llantwit Major Conservation Area and is also a County Treasure.

Details of the Breach

4. Following an initial site inspection it was noted that a section of the stone boundary wall had been demolished. The owner has stated that wall was damaged by a delivery lorry and partly removed to make it safe. The stone from the wall has been stored on site in anticipation for its rebuilding.



Boundary wall

5. The wall subject of the application is not a listed building in its own right. However, section 1(5) of the Act defines “listed building” as:

“...a building which is for the time being included in a list compiled or approved by the Secretary of State under this section; and for the purposes of this Act-

- (a) any object or structure fixed to the building;
- (b) any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948,”

6. It is, therefore, considered that the wall forms part of the listed building. As such, any works to the wall that affect the character of the building as one of special interest would require the benefit of Listed Building Consent.
7. The stone boundary wall contributes to the character of this historical streetscene and forms an important element within the wider medieval landscape. Furthermore, the wall forms part of the listed building and is protected for its special historical interest.
8. Whilst it is acknowledged that the partial demolition of the wall was not intentional, nevertheless the accident and the subsequent works to make it safe have resulted in an alteration to the listed building that is considered to affect the special character of the building.
9. Those works have been carried without the consent of the Council. As such, an offence is considered to have been committed. In addition to any legal proceeding the Council may bring, it is also open to the Council to issue a Listed Building Enforcement Notice. As the alteration to the wall was an accident, it is not considered reasonable to bring legal proceedings in this case. This report does, however, recommend action that would mitigate the harm caused by the accident.

Action Pursued to Date

10. The owner was notified that the wall was Listed and that Listed Building Consent would be required for the rebuilding. A listed building application was subsequently submitted and approved for the re-building of the wall on 6 February 2019. The works to reconstruct the wall have not, however, taken place to date.

Planning History

11. The site benefits from the following planning history:
- 2018/01311/LBC, Address: Chantry House, Church Lane, Llantwit Major, Proposal: To re-build a small section of boundary wall (approx 1.6msq), Decision: Approved.
 - 2017/00111/FUL, Address: Chantry House, Church Lane, Llantwit Major, Proposal: Renovation to the existing Grade 2 listed cottage and adjacent stone outbuilding within its curtilage. Extension of the existing

dwelling to provide single story living and sleeping accommodation & associated landscaping, Decision: Approved

- 2017/00189/LBC, Address: Chantry House, Church Lane, Llantwit Major, Proposal: Renovation to the existing Grade 2 listed cottage and adjacent stone outbuilding within its curtilage. Extension of the existing dwelling to provide single story living and sleeping accommodation & associated landscaping, Decision: Approved

Legislation and Guidance

Legislation:

12. Section 7 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 (the Act) establishes the requirement for consent to undertake works affecting Listed Buildings. Section 9 of the same Act identifies contraventions of Section 7 as an offence.
13. Section 16(1) of the Act, imposes a duty on the Council with respect to listed buildings, where *special regard shall be paid to the desirability of preserving the listed building, its setting or any features of architectural or historic interest it possesses.*

Planning Policy Wales:

14. There is no requirement under the above-mentioned legislation to consider the Local Development Plan for the area. Regard must, however, be had to National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW). 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:
15. 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)
16. Chapter 3 - Strategic and Spatial Choices
 - Good Design Making Better Places
 - Placemaking in Rural Areas
17. Chapter 6 - Distinctive and Natural Places
 - Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)

Technical Advice Note 24 – The Historic Environment (2017):

18. The Welsh Government has provided additional guidance in the form of Technical Advice Note 24. Paragraph 5.33 states: “When faced with a breach of listed building control, local planning authorities will need to consider whether to take enforcement action or to prosecute or both. Enforcement may be desirable for the benefit of the building in question, while the work entailed by enforcement may represent a sufficient response to the offence without the additional need for prosecution”.

Reasons for Serving a Listed Building Enforcement Notice

19. As set out in paragraphs 4 to 9 above, whilst it is accepted that the partial demolition of the curtilage wall to Chantry House was unintentional, this alteration to the wall requires the benefit of the consent of the Council. That consent has, of course, not been granted. Listed Building consent has, however, been granted for the works to reconstruct the wall, although there is no mechanism within that consent to require the implementation of the consent and the re-built of the wall. This can only be achieved via a Listed Building Enforcement Notice. Before issuing such a notice, section 38 of the 1990 Act requires the Council to consider whether or not such action is expedient.
20. In considering the expediency of pursuing formal enforcement action, regard is to be had to section 16(1) of the 1990 Act in that *‘special regard shall be paid to the desirability of preserving the listed building, its setting or any features of architectural or historic interest it possesses’*.
21. In this regard the guidance provided in paragraph 1.25 of Technical Advice Note 24 is noted, and states: *‘The setting of an historic asset includes the surroundings in which it is understood, experienced, and appreciated embracing present and past relationships to the surrounding landscape. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. Setting is not a historic asset in its own right but has value derived from how different elements may contribute to the significance of a historic asset’*.
22. The wall delineates the curtilage of the Listed Chantry House and the historical boundary of the site with the adjoining highway. It previously ended with a pillar that would have supported the gates across the narrow entrance to the site, directly adjacent to Chantry House itself, as shown in the street view photograph below. It is considered to be a feature of interest, not only in view of its function, as it separates the historic curtilage and private land serving the dwelling from the adjoining public land (the highway), but also as it is close to the listed building itself and it demarks the main point of access to the curtilage of the building. In view of this, the wall has a clear connection to

the building and is considered to make a positive contribution to the significance of the Listed Chantry House.



23. The partially demolished wall has been left in a particularly ruinous state. The incident that left the wall in its current appearance caused notable harm to the interest of this feature and the contribution it makes to the significance of the listed building. The rebuilding of the wall, as approved by virtue of the 2018/01311/LBC consent, will mitigate the harm that has been caused. Accordingly, in view of the special architectural and historic interest of the building itself, the rebuilding of the wall is considered necessary to protect this heritage asset.

24. Whilst the owner of the property has indicated that the works will be undertaken shortly, there is no guarantee that these works will be undertaken. The owner has been asked when he intends to undertake the works to repair and rebuild the wall. It is recommended that the notice, if authorised, is only issued in the event that the works are not undertaken within the timeframe suggested by the owner.

25. In view of the above, and having regard to the duty imposed under section 16(1) of the 1990 Act, it is considered expedient to issue a listed building enforcement notice to require the repair and reinstatement of the boundary wall in the manner approved by virtue of the 2018/01311/LBC consent in the event that these works are not voluntarily undertaken in a timely manner.

Resource Implications (Financial and Employment)

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

Legal Implications (to include Human Rights Implications)

28. If a Listed Building Enforcement Notice is served, the recipient has a right of appeal under Section 38 of the Listed Building and Conservation Area Act 1990.
29. S9(1) Planning (Listed Buildings and Conservation Areas) Act 1990 creates an offence if s7 of the Act is contravened. Section 7 provides:
- ‘Subject to the following provisions of this Act, no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised.’*
30. A person guilty of an offence is liable on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding £20,000; or on conviction on indictment, to imprisonment for a period not exceeding two years or a fine, or both.
31. Given the scale and nature of the offence, officers are not minded to pursue action in the Courts at present, having regard to the owners’ willingness to submit a Listed Building application and the proposed enforcement action set out below to remedy the offence. This position may be reconsidered at any time if the matter is not satisfactorily remedied.

Equal Opportunities Implications (to include Welsh Language Issues)

32. None.

Wellbeing of Future Generations (Wales) Act 2015

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

34. The works subject of this report are considered to cause unacceptable harm for the reasons set out above.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to issue a Listed Building Enforcement Notice under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to require:
 - (i) Within 3 months of the date of this notice, the reinstatement of the boundary wall in accordance with the details approved under Listed Building Consent reference 2018/01311/LBC.

- (2) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- (1) The stone boundary wall formed part of the land and is, therefore, a feature of the building. By virtue of section 1(5) of the Planning (Listed Building and Conservation Areas) Act 1990, the feature is to be treated as part of the listed building for the purposes of the 1990 Act.

- (2) The stone boundary wall formed an important feature of the building, being a curtilage structure to the main roadside frontage of the site. Accordingly, this feature was of special architectural and historic interest and made a positive contribution to the significance of Chantry House..

- (3) Having regard to the duty imposed under section 16(1) of the 1990 Act, the partial demolition of the wall causes harm to the interest of this feature and the contribution it makes to the significance of the listed building, in conflict with the guidance provided in Planning Policy Wales (edition 10) and Technical Advice Note 24 on The Historic Environment. In addition, the unauthorised works represent an alteration to the building in such a manner as to affect its character as a building of architectural or historic interest, within the meaning of section 7 of the 1990 Act.

- (4) 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.

Background Papers

Enforcement File Ref: ENF/2018/0289/CLL

Contact Officer - Mr. S. Zahoor, Tel: 01446 704608

Officers Consulted:

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

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **28 MARCH 2018**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. ENFORCEMENT ACTION

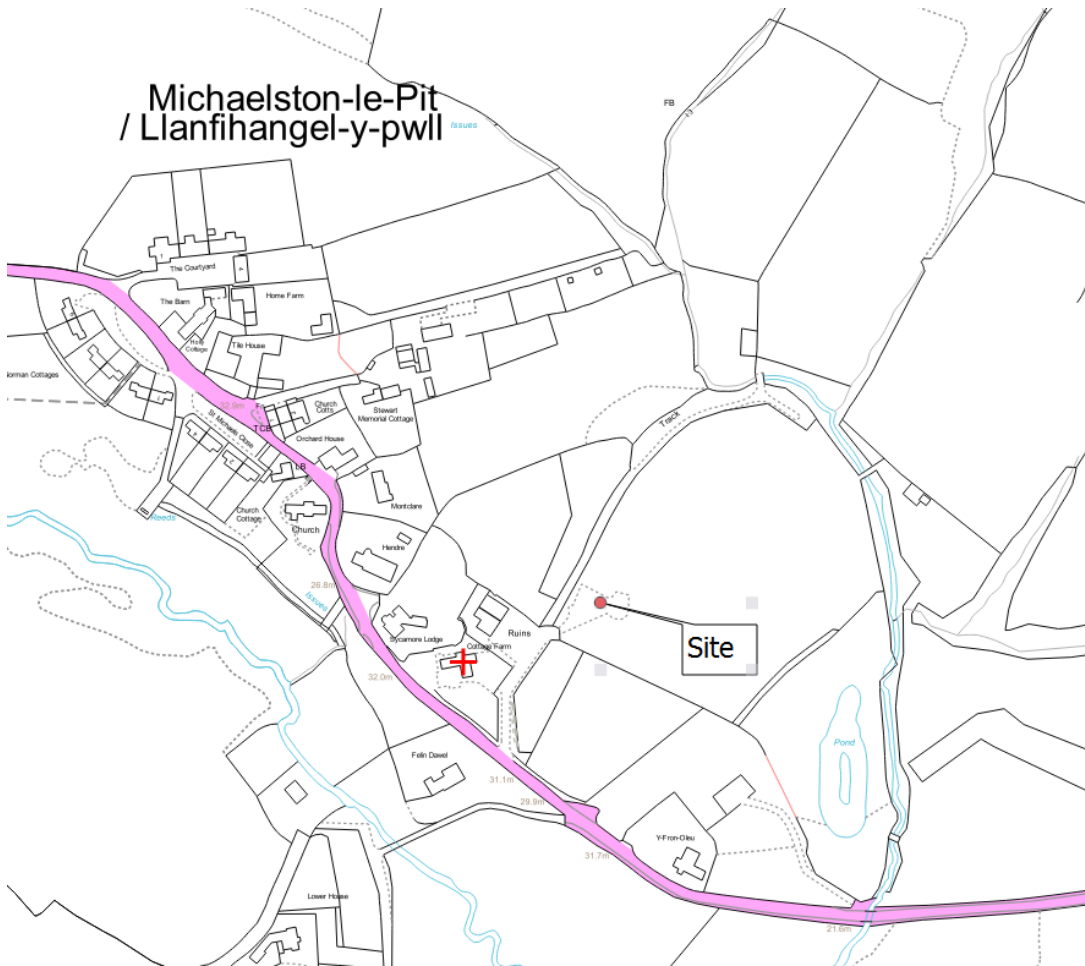
III) LAND AT COTTAGE FARM, MICHAELSTON-LE-PIT

Executive Summary

1. This report seeks authorisation to issue an Enforcement Notice under section 174 of the Town and Country Planning Act 1990 (as amended) in respect of the depositing of hardcore/re-profiling of land and construction of hard surfacing. The principle issues are considered to be the impact on the visual amenities of the countryside and the Cwrt-yr-Ala Basin Special Landscape Area.
2. The report recommends that an Enforcement Notice is issued requiring the removal of the deposited hardcore material and bring the land back to its former level and condition. Authorisation is also sought to pursue legal proceedings in the event that the Enforcement Notice is not complied with.

Background and Site Description

3. A complaint was received by the Local Planning Authority on 20th January 2019, regarding the depositing of waste material on land at Cottage Farm, Michaelston-Le-Pit and levelling of land to create a hard surfaced area.
4. The land is located adjacent to the dwellings at the former Cottage Farm complex. Planning permission was granted in 2015 for the demolition of stables and the construction of a work/live dwelling adjacent to the application site. This dwelling has now been constructed and the land subject of the unauthorised works is directly adjacent to this dwelling.
5. The context of the site is formed by the village of Michelston-le-Pit to the west and north-west and undeveloped open countryside generally to the east. The land slopes to a watercourse to the east of the site and, as such, the site can be viewed from the public right of way no. 12 to the east.
6. The site is located directly adjacent to the Michaelston Le Pit Conservation Area and is within the Cwrt-yr-Ala Basin Special Landscape Area. Part of the site falls within a mineral safeguarding zone for sand and gravel.



Details of the Breach

7. Following an initial site inspection it was noted that soil excavated from the adjoining site in connection with the new dwelling at Cottage Farm was used to re-profile grazing land. Furthermore road cuttings and rubble had also been deposited to increase the level of the land and create a large hard standing area.
8. The land relates to an agricultural field located within the open countryside. The owner of the land has intimated that he would like to construct stables on the land and will require hard standing for the associated parking.
9. Part 6 of the General Permitted Development Order 1995 provides permitted development rights for agricultural holdings. The keeping and stabling of horses does not constitute agriculture and it has been confirmed on site that there is no agricultural holding or use at this site. The land is not part of the residential curtilage of the adjoining dwelling and, therefore, does not benefit from any householder permitted development rights. The depositing of hardcore and re-profiling of the land, therefore, requires the benefit of planning permission.
10. A photograph of the land taken from private drive serving Cottage Farm to the west and the public right of way to the east of the site and aerial photographs of the land are shown below:



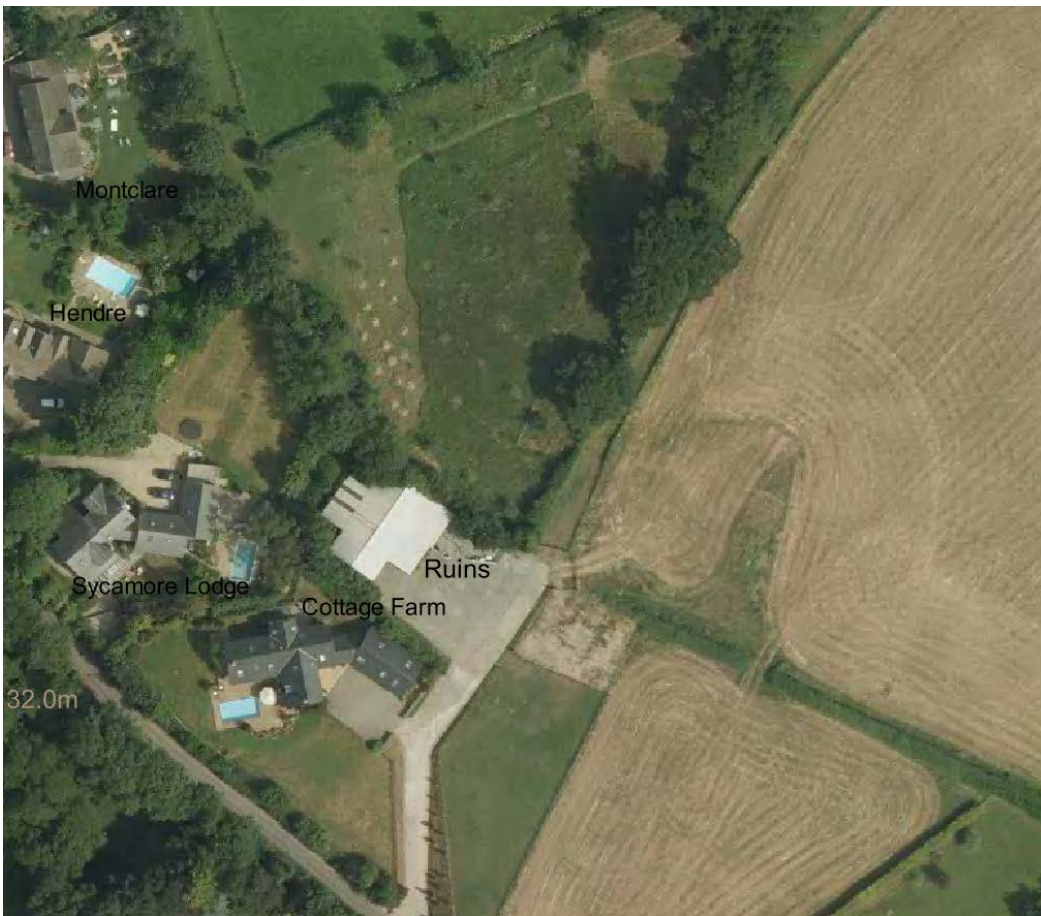
VIEW FROM PUBLIC RIGHT OF WAY TO EAST



VIEW OF HARD SURFACING



3D GOOGLE IMAGES OF SITE PRIOR TO WORKS



AERIAL VIEW OF SITE IN 2013



AERIAL VIEW OF SITE 2017 – showing the area of hard surfacing

Action Pursued to Date

11. The Council's Planning Enforcement Officers have been in contact with the owner of the site and his architect, requesting the removal of the hard surfacing or the submission of a planning application. No application has been submitted to date and a site visit on 5th March 2019 confirms that the hard surfacing remains in situ.

Planning History

12. The site benefits from the following planning history:
 - **2018/00957/FUL** : Cottage Farm, Michaelston Le Pit - Convert triple garage/loft over into retirement residential unit - Withdrawn 10/01/2019
 - **2015/01358/CAC** : Cottage Farm, Michaelston le Pit Road, Michaelston le Pit - The demolition of existing offices/stables and construction of a detached live/work unit - Refused 24/03/2016
 - **2015/01341/FUL** : Cottage Farm, Michaelston le Pit Road, Michaelston le Pit - The demolition of existing offices/stables and construction of a detached live/work unit - Refused 24/03/2016
 - **2010/00566/FUL** : Cottage Farm, Michaelston-Le-Pit - Demolish existing office/stables. Construct one detached dwelling/office - Approved 06/11/2012
 - **2010/00566/2/NMA** : Cottage Farm, Michaelston Le Pit - Non Material Amendment - Condition 7-Provision of nest box scheme and 8-Provision of site section.

Demolish existing office/stables. Construct one detached dwelling/office -
Approved 25/08/2016

- **2010/00566/1/NMA** : Cottage Farm, Michaelston-Le-Pit - Non-Material Amendment - Removal of Conditions 9, 10 and 11 of original consent, which relate to the Code for Sustainable Homes. Planning permission ref. 2010/00566/FUL: Demolish existing office/stables. Construct one detached dwelling/office - Approved 08/06/2016
- **2010/00566/1/CD** : Cottage Farm, Michaelston Le Pit - Demolish existing office/stables. Construct one detached dwelling/office discharge of conditions 7 and 8 a nest box scheme and a site section showing existing/proposed levels - Withdrawn 21/06/2016
- **2010/00564/CAC** : Cottage Farm, Michaelston-Le-Pit - Demolish existing office/stables - Approved 01/04/2011
- **2007/00506/FUL** : Cottage Farm, Michaelston-Le-Pit - Proposed extension/granny annexe to cottage farm and replacement office building - Approved 20/07/2007
- **2007/00433/CAC** : Cottage Farm, Michaelston Le Pit - Demolition of existing building used as offices/stable (260sqm) and its replacement with a new office building (140sqm) to match existing property on site - Approved 20/07/2007
- **2001/00466/FUL** : Cottage Farm, Michaelston-Le-Pit - Single storey link block between existing house and garage block - Approved 15/06/2001
- **2001/00027/FUL** : Site at Cottage Farm, Michaelston-Le-Pit - Amendment to location of garage block - Approved 12/04/2001
- **2000/00783/FUL** : Site at Cottage Farm, Michaelston-Le-Pit - New two storey dwelling and separate garage block - Approved 24/11/2000
- **1999/00652/FUL** : Cottage Farm, Michaelston-Le-Pit - Change of use and conversion of stables into Class B1 user - Refused 03/09/1999
- **1999/00567/FUL** : Cottage Farm, Michaelston-Le-Pit - Change of use and conversion of part barn and part dwelling into one dwelling - Refused 14/07/1999
- **1998/01322/FUL** : Cottage Farm, Michaelston-le-Pit - Change of use and conversion of part barn and part dwelling into 1 no. dwelling - Refused 19/03/1999
- **1997/01019/FUL** : Cottage Farm, Michaelston-Le-Pit, Dinas Powys - Demolition of barns/sheds - construction of three dwellings and associated works - Withdrawn 15/07/1998
- **1996/01007/LAW** : Cottage Farm (previously Y Bwthyn), Michaelston Le Pit - Removal of agricultural occupation condition - Approved 23/05/1997

Policy

Local Development Plan:

13. 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 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

Planning Policy Wales:

14. National planning guidance in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the matters considered in this report.

Technical Advice Notes:

15. The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:
 - Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)

Supplementary Planning Guidance:

16. In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:
 - Biodiversity and Development
 - Design in the Landscape

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 24/97 - Enforcing Planning Control
- Welsh Government Development Management Manual – Section 14 Annex “Enforcement Tools”

Well Being of Future Generations (Wales) Act 2015:

17. 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.

Reasons for Serving an Enforcement Notice

18. The main issue to consider in this report is the impact the depositing of hardcore materials/re-profiling and hard surfacing of this parcel of land has on the character and appearance of this rural area which is recognised for its landscape value. Consideration is also given to matters of biodiversity and loss of agricultural land.
19. Having considered the use of the land it is considered that the most relevant policies to consider the appropriateness of development in this countryside location are MG17(Special Landscape Areas), MD1 (Location of New Development) and MD2 (Design of New development). The relevant principles of these policies are supported by the Strategic LDP policies SP1 (Delivering the Strategy) and SP10 (Built and Natural Environment). Policy MG17 requires development proposals to demonstrate that they would not cause harm to the important landscape character of the area whilst Policies MD1 and MD2 amongst other criteria require new development to have no unacceptable impact on the countryside/context of the site.
20. The site is visible from the adopted highway and wider rural landscape. The engineering works have a significant impact on the visual amenity and character of the wider area which forms a special landscape area. The residential development on site in the form of barn conversions and new dwellings are all contained within the historic agricultural footprint/courtyard of the former farm. However the engineering works subject to this report have resulted in an intrusion of built development into the adjoining agricultural field and results in an unacceptable extension of development into the countryside in a highly visible location.
21. In addition, the site is visible from a public right of way (No 12) and, given its siting at the brow of the land, the works are considered to have seriously harmful impact on the visual amenity of the wider rural setting and Cwrt-Y Ala Special Landscape Area and as a result would be contrary to Policies SP1, SP10, MG17, MD1 and MD2 of the LDP.
22. Notwithstanding the conclusions above, the aims of the Council's Design in Landscape SPG supports this view by requiring development to reduce, and wherever feasible, reverse the erosion of locally distinct rural character which results in suburbanisation, it is considered the works subject of this report work counter to this aim.
23. In addition to the above, LDP policy MD9 requires new development to conserve and, where appropriate, enhance Biodiversity. This is supported by the Council's SPG on Biodiversity and Development and the recently updated PPW. Although the area is not understood to have any identified biodiversity interest, it is only reasonable to assume that the unauthorised works (i.e. the covering of a large area of an undeveloped field parcel with hard surfacing) have had nothing but a negative effect on any biodiversity that exists in this

locality. In the absence of any assessment of the biodiversity value of the site and/or proposed measures to mitigate the impact of this development, it is concluded that the unauthorised development is in conflict with LDP policy MD9, the related SPG, and PPW.

24. Finally, the development has resulted in the loss agricultural land. Policy MD7 requires development proposals to demonstrate that they will not result in the unacceptable impact on, *inter alia*, the best and most versatile agricultural land. This is supported by national planning guidance in the form of PPW and TAN6. The predictive Agricultural land Classification for this area indicates that the site is likely to be classified as grade 3b, which is not considered to be the best and most versatile. Accordingly, the development is not considered to conflict with Policy MD7 or national planning guidance in this regard. This matter is not, however, to be regarded as a benefit of the scheme and does not impact upon the negative assessment of the development, as set out above.

Conclusions

25. The depositing of hardcore and erection of hard landscaping is considered to cause significant harm to the visual amenity of this rural location and the Cwrt-yr-Ala Basin Special Landscape Area. In the absence of any assessment of the impact upon biodiversity in the area, the development is assumed to have had a negative impact upon any biodiversity in the locality.
26. In view of the issues identified in the paragraphs above, it is considered expedient to pursue action requiring the removal of all deposited materials from the site and bringing the land back to its former condition.

Resource Implications (Financial and Employment)

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

Legal Implications (to include Human Rights Implications)

28. If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).
29. The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.

Equal Opportunities Implications (to include Welsh Language Issues)

30. None.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
 - (i) The removal of the deposited material in its entirety and restoration of the land to its former condition prior to the unauthorised works being undertaken.
- (2) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- (1) The deposit of hardcore, re-profiling of land and creation of a hardstanding area is inappropriate development in the countryside that results in serious detrimental impact on the unspoilt rural character of the surrounding area, recognised for its special landscape value. In the absence of any assessment of the impact the development has had upon biodiversity in the area, the development is assumed to have had a negative impact upon any biodiversity in the locality. As such, the works are considered to be contrary to policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG17 (Special Landscape Area), MD1 (Location of New Development), MD2 (Design of New development) and MD9 (Promoting Biodiversity) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, as well as the Council's Adopted Supplementary Planning Guidance on Design in the Landscape and Biodiversity and Development, and national policy and guidance contained within Planning Policy Wales (Edition 10, 2018) and Technical Advice Note 6 Planning for Sustainable Rural Communities.
- (2) 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.

Background Papers

Enforcement File Ref: ENF/2019/0016/PC

Contact Officer - Mr. S. Zahoor, Tel: 01446 704608

Officers Consulted:

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

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 28 MARCH, 2019

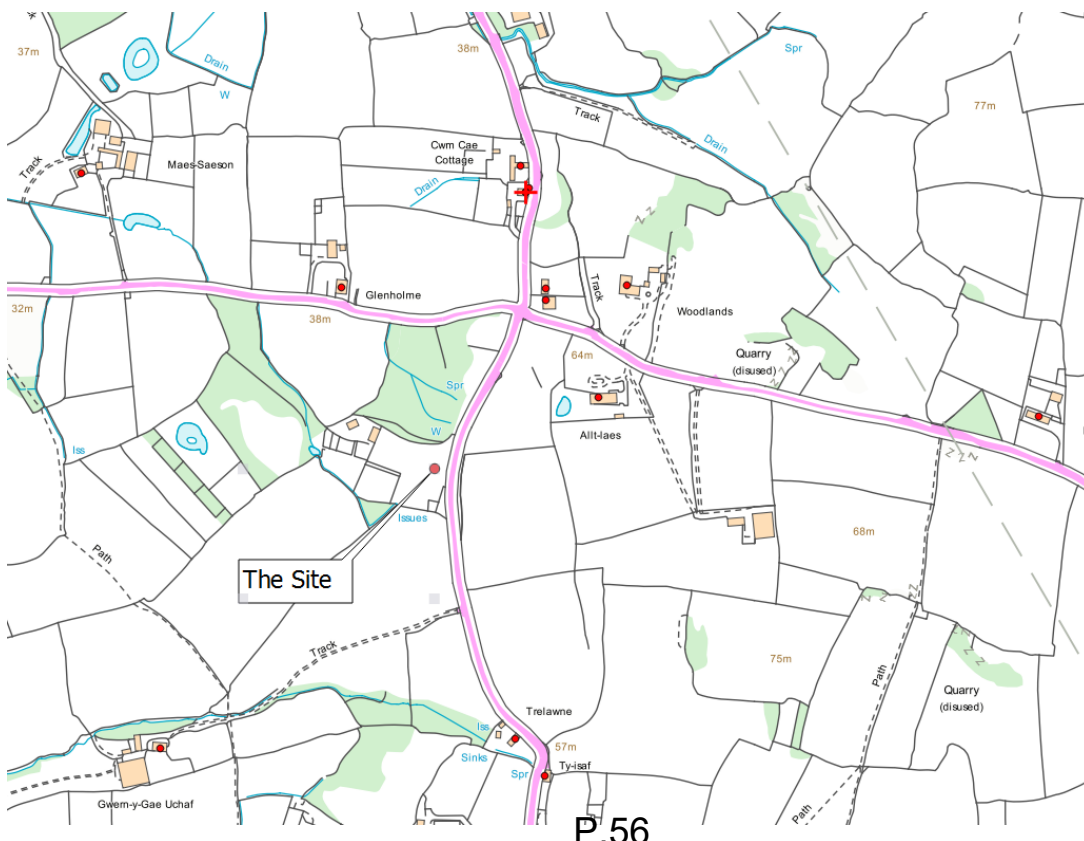
REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. ENFORCEMENT ACTION

IV) LAND AND BUILDINGS AT GREENFIELDS FARM (ALLT ISAF ALPACAS),
PETERSTON SUPER ELY

Background

1. Planning permission was granted on appeal on 20th January, 2015, for the construction of a temporary dwelling on land known as Greenfields Farm, Peterston Super Ely. The site is also known as Allt Isaf Alpacas. The permission was granted for a temporary period of 3 years. That period expired on 20th January, 2018. The dwelling, constructed in accordance with the 2012 permission, is still in situ and is, therefore, on site in breach of planning control.
2. The dwelling in question has been erected on a field parcel of approximately 1.5 Ha and is accessed from the main highway from the village of Peterston Super Ely (to the south) to the M4 and Groes-Faen (to the north). The occupier of the site is also understood to own or control and area of woodland adjacent and to the north of the field parcel. The dwelling is located close to the eastern boundary of the site, close to the adopted highway.



Details of the Breach

3. The dwelling in question is a single storey timber building with a centrally ridged roof.
4. As noted above, the building was constructed following the grant of a temporary planning permission at appeal. The dwelling was permitted as a rural enterprise dwelling and, as such, a condition was imposed restricting its occupation to a person solely or mainly working on the rural enterprise at Greenfields Farm.
5. Condition 4 of the planning permission states as follows:
 4. *The building hereby approved and any associated paraphernalia / chattels associated with its use including any fencing delineating the curtilage of the building shall be removed from Greenfields Farm in their entirety on or before three years from the date of this permission. The land shall be restored to its former condition within 90 days of the three year period specified in this Condition.*
6. This condition meant that the permission expired on 20th January, 2018. As the permission has expired and no further application has been submitted or approved for the retention of the building, the breach of planning control in this case is the dwelling (i.e. operational development) as a whole.

Action Pursued to Date

7. The owner/occupier of the site has been contacted and advised of the breach and the need for planning permission, should he wish to retain the dwelling. No application has been submitted to date.

Planning History

8. The relevant planning permission for the site is as follows:
 - **2012/00956/FUL:** Allt Isaf Alpacas, Peterston Super Ely - Temporary dwelling for a rural worker - Refused 17/01/2014. Allowed at appeal 20/01/2015.
 - **2012/00956/1/CD:** Allt Isaf Alpacas, Peterston Super Ely - Discharge of Condition 9. Temporary dwelling for a rural worker - Approved 05/12/2016.
9. In addition to the above, an enforcement Notice was issued on 12th June, 2014, in respect of a wind turbine and solar panels and in respect of the use of the land for residential purposes by virtue of the siting and occupation of a caravan (Council Reference ENF/2013/0361/A). An appeal was also made against this notice. That appeal was dealt with alongside the planning appeal, referred to above. The enforcement notice was upheld at appeal on 20/01/2015 and the caravan, wind turbine and solar panels were subsequently removed from the land in compliance with the Notice.

Policy

Local Development Plan:

10. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – DELIVERING THE STRATEGY

Managing Growth Policies:

POLICY MG17 – SPECIAL LANDSCAPE AREAS

Managing Development Policies:

POLICY MD1 - LOCATION OF NEW DEVELOPMENT

POLICY MD2 - DESIGN OF NEW DEVELOPMENT

Planning Policy Wales:

11. National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the matters considered in this report.
12. 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.
13. The following chapters and sections are of particular relevance in the assessment of this matter:
14. 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)
15. Chapter 3 - Strategic and Spatial Choices
 - Good Design Making Better Places
 - Promoting Healthier Places
 - Sustainable Management of Natural Resources
 - Placemaking in Rural Areas
 - Accessibility
 - Previously Developed Land
 - The Best and Most Versatile Agricultural Land
 - Development in the Countryside (including new housing)
 - Supporting Infrastructure
 - Managing Settlement Form –Green Wedges

16. 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
- Recreational Spaces

17. 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)
National planning guidance in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

Technical Advice Notes:

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

- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010) (TAN6)

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 24/97 - Enforcing Planning Control
- Welsh Government Development Management Manual – Section 14 Annex “Enforcement Tools”

Well Being of Future Generations (Wales) Act 2015:

19. 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.

Reasons for Serving an Enforcement Notice

20. Chapter 4 of TAN6 sets out the policy and guidance that permits the construction of rural dwellings that are required for, and connected to, rural enterprises. Suitable rural enterprises are, of course, supported by national and local planning policy and guidance in view of their benefit to the rural economy. TAN6 allows for the construction of permanent dwellings associated with established rural enterprises, as well as temporary dwellings associated with new rural enterprises. This is provided that the applicant can satisfy both a functional and financial test set out in the guidance. The functional test is similar for a proposed dwelling on both new and established enterprises, whereas the financial test is less onerous for a dwelling on new enterprises. The reason being that many new rural enterprises can only become established and proven to be financially sound if they are initially supported by a worker who lives on site. For such enterprises the guidance suggests a three year temporary permission, this being a reasonable period for a new enterprise to become sufficiently established to support a permanent dwelling.
21. As noted from the planning history, the dwelling on site was granted for a temporary period. The appeal Inspector considered there to be sufficient evidence to satisfy the TAN6 functional and financial test for a new rural enterprise, on the basis that the dwelling was constructed and occupied in association with the enterprise at Greenfield Farm.
22. The rural enterprise considered at the appeal comprised of 47 alpacas (including 16 breeding females), saddleback sows, "micro-pig" sows, breeding pygmy goats and free range poultry.
23. The three year temporary permission expired over a year ago. Accordingly, if the dwelling is still required to support the rural enterprise at Greenfields farm, the owner of the property must submit an application for planning permission together with the necessary evidence to satisfy the functional and financial tests for a permanent dwelling set out in TAN6. In doing so the owner must firstly demonstrate that there still is a functional need for him to be on site 24/7. This would include the submission of details of how the enterprise has developed since the appeal; details of stock levels and turnover of stock over this period; and details of how the enterprise now operates in comparison with the situation considered at appeal.
24. With regard to the financial test, this is usually assessed via the submission and consideration of the accounts for the enterprise. If it is the case that the enterprise has operated since the appeal, the owner should be in a position to provide actual running accounts for the enterprise, as opposed to a business forecast that is usually considered for temporary dwellings on new rural enterprises and would have been submitted and considered at the appeal.

25. In the absence of the necessary application and information that would be submitted to satisfy the functional and financial tests set out in the TAN6 guidance, it cannot be concluded that the dwelling is still required in connection with any rural enterprise at Greenfield Farm. If this situation remains unresolved and the development becomes lawful, an unfettered dwelling will remain in a location that would otherwise have been considered unsustainable as a location for a new dwelling. Furthermore, it would not be possible to ensure that the dwelling remains available for occupation at a cost that can be afforded by a rural enterprise worker. It would also not be possible to ensure that, in the event that a rural enterprise worker cannot be found to occupy the dwelling, the dwelling would fulfil any local need for affordable housing (the condition for rural enterprise dwellings recommended in Circular 16/2014 allows for the occupation of such dwellings as Affordable Housing in the event that there is no rural enterprise worker to occupy the dwelling).
26. In addition to the above, in the absence of a planning permission to control the development, it would not be possible to control the alteration and extension of the dwelling, or the construction of any outbuildings granted by virtue of The Town and Country Planning (General Permitted Development) Order 1995 (as amended) that may otherwise have a harmful appearance in this rural location, identified for its landscape value, or render the dwelling unaffordable for a rural enterprise worker.
27. In view of the above, the dwelling without the control afforded by an extant planning permission results in a form of development that is in conflict with LDP policies SP1, MG17, MD1 AND MD2, as supported by PPW and TAN6.

Conclusions

28. There is no evidence at present that the dwelling is required in connection with the Rural Enterprise at Greenfields Farm and that it complies with the relevant tests set out in Technical Advice Note 6: Planning for Sustainable Rural Communities for Rural Enterprise Dwellings.
29. Furthermore, if the dwelling remains on site without the benefit of planning permission, it is not possible for the Council to have any control over the occupancy of the dwelling or the permitted development rights granted under The Town and Country Planning (General Permitted Development) Order 1995 (as amended) that would allow for the alteration or extension of the dwelling or the construction of outbuildings and structures within the curtilage of the dwelling.
30. Accordingly, the dwelling is considered to be an unjustified and unsustainable form of development that causes unnecessary harm to this rural location, recognised for its landscape value, without there being any benefit associated with its controlled occupation by a rural enterprise worker or a person qualifying for Affordable Housing in this area. As such, the development is considered to conflict with LDP policies SP1, MG17, MD1 AND MD2, as supported by PPW and TAN6.

31. In view of the issues identified in the paragraphs above, it is considered expedient to pursue action to require the removal of the dwelling and the return of the land to its former condition.
32. It is considered that the decision would comply 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.

Resource Implications (Financial and Employment)

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

Legal Implications (to include Human Rights Implications)

34. If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).
35. Notwithstanding this, the planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process for the Council to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development ought to be allowed.
36. In view of the conclusions reached in respect of the sustainability of this development and the potential impact of the unauthorised development on the amenity of the area, the actions proposed are considered to be in the public's interest and outweigh any rights the individual has under the 1998 Act.

Equal Opportunities Implications (to include Welsh Language Issues)

37. None.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
 - (i) The cessation of the use of the land for residential purposes.
 - (ii) The removal from the land of the dwelling.
 - (iii) Works necessary to return the land to its former condition.

- (2) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- (1) There is no evidence at present that the dwelling is required in connection with the Rural Enterprise at Greenfields Farm and that it complies with the relevant tests set out in Technical Advice Note 6: Planning for Sustainable Rural Communities for Rural Enterprise Dwellings. Furthermore, if the dwelling remains on site without the benefit of planning permission, it is not possible for the Council to have any control over the occupancy of the dwelling or the permitted development rights granted under The Town and Country Planning (General Permitted Development) Order 1995 (as amended) that would allow for the alteration or extension of the dwelling or the construction of outbuildings and structures within the curtilage of the dwelling. Accordingly, the dwelling is considered to be an unjustified and unsustainable form of development that causes unnecessary harm to this rural location, recognised for its landscape value, without there being any benefit associated with its controlled occupation by a rural enterprise worker or a person qualifying for Affordable Housing in this area. For these reasons the development is considered to conflict with policies SP1 – Delivering the Strategy, MG17 – Special Landscape Areas, MD1 – Location of New Development, and MD2 – Design of New Development of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, as supported by Planning Policy Wales (edition 10) and Technical Advice Note 6 - Planning for Sustainable Rural Communities (2010).
- (2) 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.

Background Papers

Enforcement File Ref: ENF/2019/0072/CMP

Contact Officer - Mrs. Justina M. Moss, Tel: 01446 704

Officers Consulted:

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

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **28 MARCH 2018**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. ENFORCEMENT ACTION

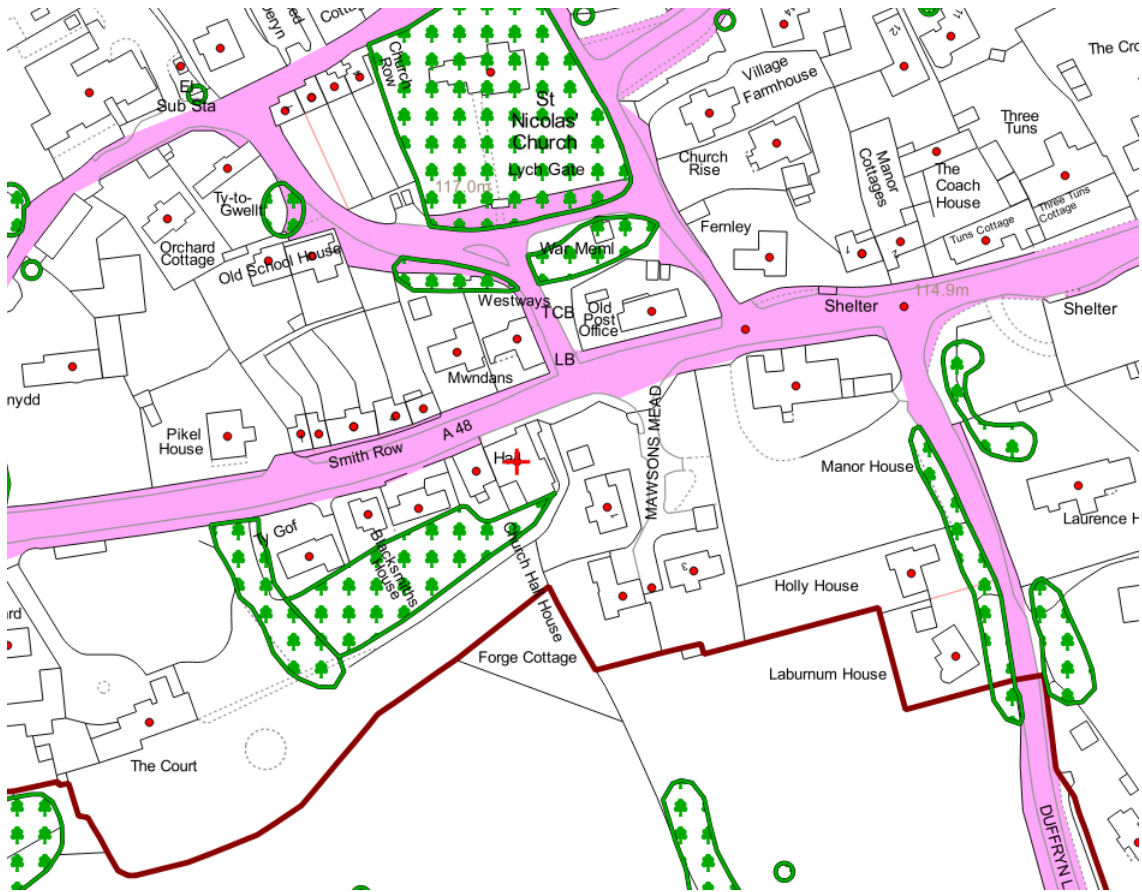
V) LAND AND BUILDINGS AT TINKINS HALL, ST. NICHOLAS

Executive Summary

1. This report seeks authorisation to issue an Enforcement Notice under section 174 of the Town and Country Planning Act 1990 (as amended) in respect of the unauthorised use of the building as a dwellinghouse (C3). The principal issues are considered to be the principle of residential development, any impact from the loss of a community facility, the effect on neighbouring and general residential amenities; and any detriment to highway/pedestrian safety.
2. The report recommends that an Enforcement Notice is issued requiring the cessation of the use of the building as a dwelling. Authorisation is also sought to pursue legal proceedings in the event that the Enforcement Notice is not complied with.

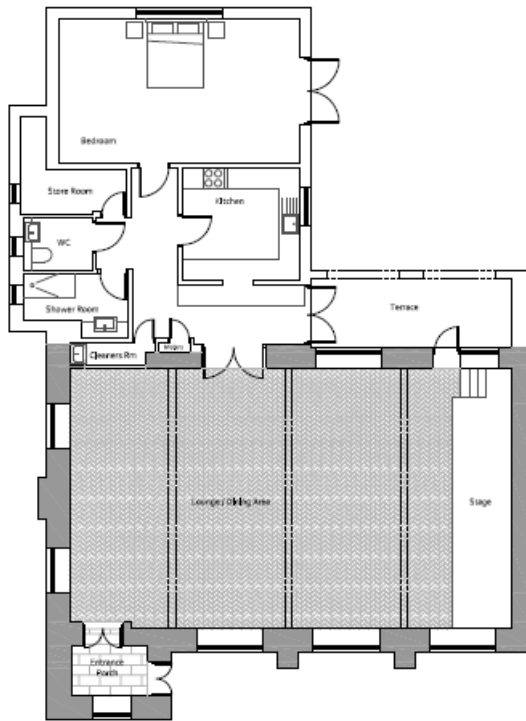
Background and Site Description

3. A complaint was received by the Local Planning Authority on 11 October 2018, regarding the use of the community hall as a residential dwelling at the St Nicholas Community Hall.
4. The building on site relates to a single storey semi-detached building located on the A48 within the settlement of St Nicholas. The property is bound by residential property to the sides and a residential garden to the rear with a number of trees close to the boundary subject to Tree Preservation Orders (TPO). There is also an electricity substation located adjacent to the side boundary of the property. The property is separated by the properties opposite by the A48.
5. The property is Grade II Listed, a county treasure and located within the St Nicholas Conservation Area.
6. The site plan below shows the context of the site. The green areas represent Tree Preservation orders and the Brown Line is the limit of the defined Settlement Boundary.



Details of the Breach

7. Following an initial site inspection it was noted that the dwelling was being occupied by the owner of the property as a residential dwelling. The existing hall had been subdivided with insulation boards to form a smaller living room and furnished with a sofa and tv, a room to the rear of the building was furnished with bedroom furniture, and the buildings wc's had been fitted with a shower.
8. The owner of the property had advised the Council's Enforcement Officer that he had recently purchased the property and had been residing at the property with his partner.
9. The Town and Country Planning (Use Classes) Order 1987 (as amended) places uses in various categories and allows changes between uses in some instances without the need for planning permission. The community hall subject to this report falls within a D1 use class, a dwellinghouse falls within a C3 use class. There are no permitted changes allowed from a D1 use to C3 and therefore the material change of use requires planning permission.
10. The floor plan below shows the use of the building as a C3 dwelling.



Ground Floor Plan

Action Pursued to Date

11. The Council's Planning Enforcement Officers have been in contact with the owner of the site, requesting cessation of the use. A retrospective application to retain the use was submitted on 5th December 2019. This application was due to be considered at this planning committee with a recommendation for refusal, but was withdrawn on 18th March 2019.

Planning History

12. The site benefits from the following planning history:

1991/00903/FUL, Address: The Church Hall, St. Nicholas, Proposal: Extension to hall to form parish room/toilets/kitchen and ancillary works, Decision: Approved

1991/01020/CAC, Address: The Church Hall, St. Nicholas, Proposal: Demolish substandard flat roof toilet block to the rear of hall, Decision: Approved

1992/00108/LBC, Address: The Village Hall, St. Nicholas, Proposal: Demolish single storey flat roofed toilet, construct new toilets/kitchen and parish room. Walls in facing brick to match existing, roof in plain tiles to match existing, Decision: Approved

1994/00323/TPO, Address: The Court, St. Nicholas, Proposal: Remove 1 limb from sycamore, fell 3 beech, Decision: Approved

1997/00938/TPO, Address: The Court, St. Nicholas, Proposal: Fell one beech and reduce height of one beech, Decision: Approved

2001/01002/TPO, Address: The Court, St. Nicholas, Proposal: Remove one sycamore, Decision: Approved

2016/00028/PRE, Address: The Church Hall, St. Nicholas, Proposal: Conversion of the church hall to residential, Decision: Pre-Application Response

Policy

Local Development Plan:

13. 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 MG1 – HOUSING SUPPLY IN THE VALE OF GLAMORGAN
POLICY MG4 – AFFORDABLE HOUSING
POLICY MG7 – PROVISION OF COMMUNITY FACILITIES

Managing Development Policies:

POLICY MD2 - DESIGN OF NEW DEVELOPMENT
POLICY MD4 - COMMUNITY INFRASTRUCTURE AND PLANNING OBLIGATIONS
POLICY MD5 - DEVELOPMENT WITHIN SETTLEMENT BOUNDARIES
POLICY MD8 - HISTORIC ENVIRONMENT

Planning Policy Wales:

14. National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the matters considered in this report.
15. 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.
16. The following chapters and sections are of particular relevance in the assessment of this case:

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Sustainable Management of Natural Resources

- Placemaking in Rural Areas
- Accessibility
- Previously Developed Land
- The Best and Most Versatile Agricultural Land
- Development in the Countryside (including new housing)
- Supporting Infrastructure
- Managing Settlement Form –Green Wedges

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
- Recreational Spaces

Technical Advice Notes:

17. The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:
- Technical Advice Note 2 – Planning and Affordable Housing (2006)
 - Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
 - Technical Advice Note 11 – Noise 1997
 - Technical Advice Note 18 – Transport (2007)
 - Technical Advice Note 24 – The Historic Environment (2017)

Supplementary Planning Guidance:

18. In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:
- Affordable Housing (2018)
 - Conservation Areas in the Rural Vale
 - Conversion and Renovations of Rural Buildings (2018)
 - Planning Obligations (2017)
 - Parking Standards (Interactive Parking Standards Zones Map)
 - Residential and Householder Development (2018)
 - St Nicholas Conservation Area Appraisal and Management Plan

Other relevant evidence or policy guidance:

- Manual for Streets 1 & 2

- Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building, its setting, and any features of special architectural or historic interest which it possesses.
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where '*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*'.
- Welsh Government Guidance: Development Management Manual.

Well Being of Future Generations (Wales) Act 2015:

19. 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.

Reasons for Serving an Enforcement Notice

20. The main issues to consider in this report is the principle of residential development in this location, the loss of community facility, the impact on the surrounding area, including the impact on the St Nicholas Conservation Area and the Listed Building and setting, any detriment to highway/pedestrian safety, the effect on neighbouring and general residential amenities and S106 obligations.
21. As aforementioned, the property relates to a single storey community hall building previously serving the St Nicholas settlement. The property was marketed by the previous owners as a community hall, with potential for conversion subject to the necessary consents. The marketing also included a copy of a pre application enquiry in which the Council suggested that the loss of a community use would need to be fully justified should an application for a change of use be submitted. The site was purchased in June 2017 and occupied as a residential dwelling without first obtaining planning consent.

The Principle of the development and Loss of community facility:

22. The site is located within the settlement boundary of St Nicholas and, as such, the use of the property as dwellinghouse in this location would be in general accord with the principles of LDP policy MD1. Notwithstanding this, policy MD5 (Development within settlement boundaries) of the LDP outlines that new development within these settlements will be permitted where the proposed development:

- 1) *Makes efficient use of land or buildings;*
- 2) *Would not prejudice the delivery of an allocated development site;*

- 3) *Is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality;*
- 4) *The proposal would not result in the loss of natural or built features that individually or cumulatively contribute to the character of the settlement or its setting;*
- 5) *Would not result in the unacceptable loss of public open space, community or tourism buildings or facilities;*
- 6) *Has no unacceptable impact on the amenity and character of the locality by way of noise, traffic congestion and parking; and*
- 7) *Makes appropriate provision for community infrastructure to meet the needs of future occupiers.'*

23. Whilst it is accepted that the change of use would comply with many of the criterion set out in policy MD5, including making efficient re use of the building within a sustainable location, regard should be had to the impact of the loss of the community facility that results from the change of use. In addition to this, policy MD2 of the LDP requires development proposals, amongst other requirements, to *'where appropriate, conserve and enhance the quality of, and access to, existing open spaces and community facilities'*.
24. The LDP defines community facilities as *"Facilities used by local communities for social, leisure, recreational and cultural purposes. They include such amenities as community centres and meeting places, community halls, places of worship, libraries, life centres, leisure centres, allotments and burial land. Community facilities include non-commercial and not for profit facilities, however a local 'pub' could be regarded as a community facility especially where it is the only communal building in a small settlement."* (LDP, p.152, 2017). Based upon this definition it is considered the function and lawful use of the property meets the definition of a community facility as defined by the LDP. It is important to note that the protection of such facilities afforded by Policy MD5 exists regardless of whether or not the facility is in active use for its lawful purpose.
25. The importance of community facilities are recognised at both a local and national level. The supporting text of policy MG7 states: *'Community facilities such as community halls, libraries, schools and leisure centres are essential to the social and physical well-being of residents and are key components in maintain the vitality and viability of community life in both urban and rural settlements'*. Furthermore policy MD4 seeks to ensure that all new developments are supported by appropriate services and facilities to meet the need of the existing community. Whilst the policy is primarily aimed at securing community facilities through planning obligations. The aims of the policy are consistent with the boarder aims of the LDP.
26. This view is supported by PPW 10, paragraph 3.21 states:
- 'The planning system must consider the impacts of new development on existing communities and maximise health protection and well-being and safeguard amenity. This will include considering the provision of, and access to, community and health assets, such as community halls, libraries, doctor's surgeries and hospitals.'*

27. Paragraph 4.4.1 of PPW (Edition 10) 2018 states:

'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.'

28. In view of the above, it is considered that facilities, such as that at Tinkins Hall, are essential in contributing towards meeting the needs of local communities. As a result, its loss should be resisted as set out in policies MG7, MD2 & MD4. The retention of the conversion could potentially deprive the local community of such a facility.

29. In order to consider whether the loss of this facility is appropriate, the supporting text of Policy MD5 is noted. It states: *'Where proposals involve the loss of open space, community or tourist facilities the Council will require robust evidence that demonstrates the facilities are no longer required or such a loss would not have a detrimental impact upon local service provision.'*

30. Whilst the application that was submitted to retain the residential use was withdrawn, a planning statement was submitted with the application, which makes reference to a marketing exercise carried out by the owner. This was in the form of a leaflet drop in the vicinity offering the property for sale at £300,000. No further details have been provided in respect of this. Notwithstanding this, the property was purchased by the applicant months prior to the marketing exercise for £110,000.

31. The supporting statement concludes that, given that no offers came forward and that the applicant has lived at the property for 18 months without a community use, a community facility provided by this building is not required. It goes further to suggest that the sale by the previous owners reinforces this view.

32. No details were provided as to where the leaflet drop took place and what, if any, enquiries were made as a result. Notwithstanding this, this type of marketing is extremely limited and the marketed price at some 273% above the purchase price would appear to be highly unrealistic given that the previous marketing agents valued the property at £110,000. With any speculative purchase there is a certain amount of financial risk hence the applicant's acceptance of a purchase price of £110,000, which would suggest the real value of the site would be in the same region.

33. The fact that the property has been used for 18 months as a dwelling and that no purchaser has come forward after the very limited marketing that has taken place is not considered to be sufficient to demonstrate that there is no need for this community facility. Furthermore, the sale by the previous owners also does not demonstrate the lack of need.

34. Notwithstanding the, criterion 5 of policy MD5 does not prohibit the loss of all community facilities. It only prohibits the loss if that loss is unacceptable. In this regard, the supporting text of Policy MD5 is noted. At paragraph 7.35 it states:

“Where proposals involve the loss of open space, community or tourist facilities the Council will require robust evidence that demonstrates the facilities are no longer required or such a loss would not have a detrimental impact upon local service provision. For the purposes of the Policy, Community Facilities are as defined in the Glossary of Terms at Appendix 1. Development proposals will therefore need to be supported by evidence which demonstrates that community buildings or facilities are either no longer required for their original purpose or, in the case of commercial enterprises, no longer economically viable. Statements of justification could include evidence that alternative provision is available within close proximity to the proposal site, the use of which is preferable to that which would be lost and satisfies local needs.”

35. Having regard to the supporting text above, consideration should be given to the existing community facility provision in the locality and whether this is sufficient to serve the community without the facilities provided at the site.
36. The Council undertook an Authority wide community facilities assessment to inform the Local Development Plan (LDP) in 2013. The study was used to plan for the provision of new or enhanced community, leisure and library provision. It was important for the Council to have accurate information on the current levels of provision and the likely requirement for additional community infrastructure to serve the planned growth within the Vale of Glamorgan over the plan period, up to 2026.
37. The Community Facilities Background Paper assessed the need for community facilities at Ward level, the settlement of St Nicholas is located within the Ward of Wenvoe which has an existing community facility floorspace of 805sq.m. It should be noted that the Church Hall was omitted from the assessment, although this is considered to be an error.
38. The report concluded that the Ward of Wenvoe benefits from an excess of community facilities of 372sq.m. Therefore, the inclusion of the Church Hall within the assessment would have resulted in a greater excess of community facilities within the ward. The Community Facilities background paper concluded that the Ward had sufficient community facilities to accommodate the growth expected in the plan period.
39. Whilst the conclusions of this assessment are noted, the report was prepared for the purpose of identifying where contributions secured under planning obligations were needed to meet the needs of the growth planned in the LDP. The assessment considered the need on a ward by ward basis and the need for strategic provision across each ward. It did not consider the type of community facility provision referred to in LDP policy MD5 or whether there would be a shortfall or surplus of that type of facility in individual settlements as a result of the LDP housing allocations.

40. For the purposes of this case and in order to consider the appropriateness of the development in the context of criterion 5 of policy MD5, it is considered appropriate to assess the facilities at settlement level, particularly given the location of St Nicholas a significant distance from the settlement of Wenvoe and some 1.7 km from the neighbouring settlement of Bonvilston.
41. The LDP allocates 117 residential units within St Nicholas over the plan period and based upon past build rates within St Nicholas it is estimated 30 windfall residential units will come forward during the plan period.
42. Table 1 below details the result of the updated community facility assessment for St Nicholas in January 2019. The assessment shows two scenarios which detail how the loss of the existing community facility would impact upon the provision in St Nicholas over the plan period.

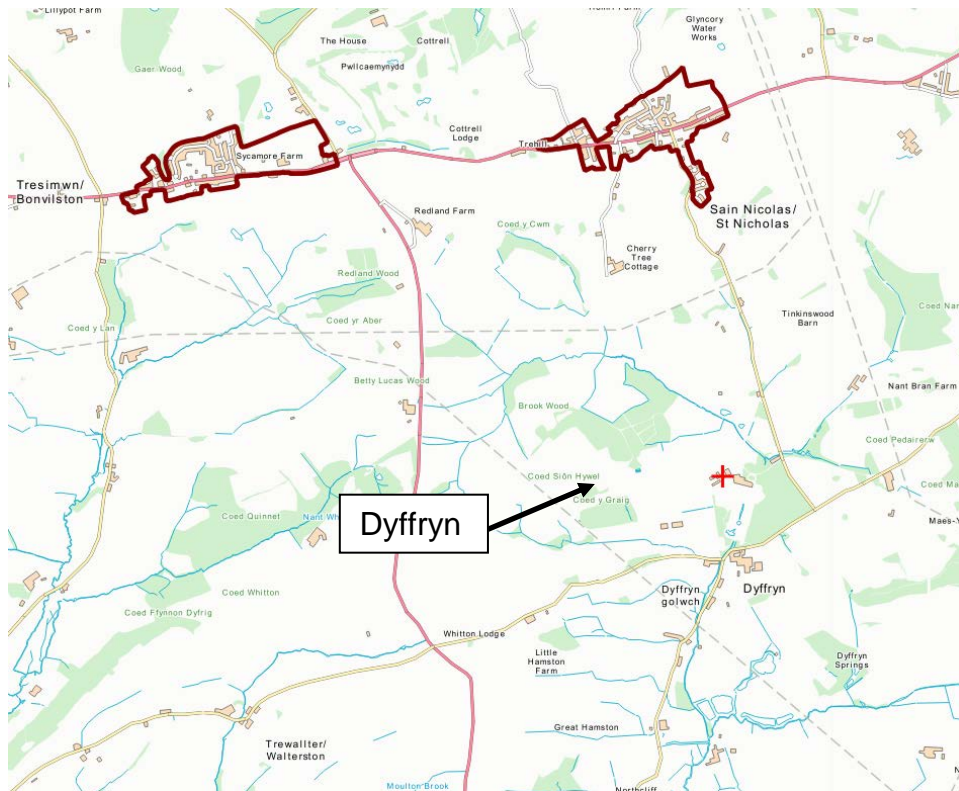
Table 1: St Nicholas Community Facility Assessment (2019)

Scenario 1: St Nicholas Community Facility Provision (accounting for loss of existing community facility)							
St. Nicholas Population (2011 Census Built Urban Area definition)	Existing Community Space	2011 Community space Provision @ 0.17sq.m per person	Existing Excess or Deficit (existing space minus 2011 provision)	Allocated Housing (2011 - 2026)	Windfall Housing Development (2011 - 2026)	Future need @ 0.4sq.m per dwelling	Provision requirement for 2026 (Existing excess or deficit minus future provision)
417	0	71	-71	117	30	59	-138
Scenario 2: St Nicholas Community Facility Provision (including existing facility)							
St. Nicholas Population (2011 Census Built Urban Area definition)	Existing Community Space	2011 Community space Provision @ 0.17sq.m per person	Existing Excess or Deficit (existing space minus 2011 provision)	Allocated Housing (2011 - 2026)	Windfall Housing Development (2011 - 2026)	Future need @ 0.4sq.m per dwelling	Provision requirement for 2026 (Existing excess or deficit minus future provision)
417	175	71	+104	117	30	59	+45

43. The community facilities assessment (2019) confirms that the loss of the community hall would result in a deficit of 138sq.m. of community facilities within the settlement of St Nicholas.
44. Notwithstanding the above, it is noted that there are 2 churches within the settlement of St Nicholas. Whilst it is accepted that these would fall within the definition of community facilities, as defined in the appendix of the LDP, these do not provide facilities that are comparable to the Community Hall that is subject of this report. Trehill Chapel provides a small meeting room for hire whilst St Nicholas Anglican Church does not provide any facilities for meetings or gatherings. In this regard, these facilities do not provide an appropriate or comparable alternative to the facilities that the hall would provide. Furthermore, it would not be reasonable to conclude that these facilities are preferable to that which would be lost in the site.
45. In terms of other alternatives, the rural settlement of Bonvilston is the closest neighbouring settlement to St Nicholas and does have a comparable community facility in the Reading Rooms. This facility is accessible by a cycle path and by public transport along the A48, but is not within a reasonable walking distance of St Nicholas, being some 2.2KM from the westernmost boundary of the St Nicholas Settlement. Notwithstanding this, Bonvilston is subject to significant growth with LDP housing allocations of some 120 units (plus windfall), many of which have already been built and occupied. It is, therefore, likely that any surplus of community facility capacity in Bonvilston

that could have been identified at the start of the Plan period has now been taken up with the Bonvilston LDP housing allocations.

46. The supporting statement submitted and further representations by the owner concern the Council's decision to carry out a new assessment and the decision to carry out settlement only focus. Comments also refer to a community facility at Dyffryn Gardens and details of a mixed new primary school/community facility proposed in St Nicholas.
47. The map below demonstrates the relationship between Bonvilston, St Nicholas and Dyffryn.



48. The community facility at Dyffryn Gardens is located some 1.8km from the southernmost boundary of the St Nicholas Settlement, along an unlit country lane. Having contacted Dyffryn Gardens it has become evident that this facility is mainly used in association with activities carried out at Dyffryn Gardens and rarely available for wider community use. The lane to access the site is located long an unlit country lane with no public transport services available to the site. As such, it is difficult to travel to the facility without a motor vehicle. This is not, therefore, considered to be an acceptable, comparable or preferable alternative to the community all to be lost in this case.
49. In terms of the proposed school/community facility, this is a number a years away from being constructed or operated and it is, therefore, considered premature to consider this to compensate the loss of the facility provided within the site.

Summary on the Principle of the development and loss of community facility:

50. In light of the above, it has not been satisfactorily demonstrated that there is no longer a need for the community facility use within the building subject of this report, or that there is sufficient alternatives to mitigate the loss of this facility. Accordingly, the proposal is considered to be contrary to policy MG7, MD2, MD4 & Planning Policy Wales (2018).

Highway and Pedestrian Safety:

51. Criterion 5 of Policy MD2 of the LDP requires that the development meets the Council's standards to provide a safe and accessible environment for all users, giving priority to pedestrians, cyclists and public transport users on amenity and space, access, car parking and servicing.
52. The Council's Parking Standards require 1no vehicle parking space per bedroom, on this basis the residential use would require 1no off road parking space.
53. The building subject of this report does not benefit from any on-site car parking. It was noted during site visits that the owner parks his vehicles on the pavement outside the property. This is not understood to be in the ownership or control of the occupier of the Hall. This land does not, therefore, make adequate provision for off street parking to serve this dwelling. In addition to this, the use of this area for parking may well have highway safety implications for drivers exiting from the adjoining Mawsons Mews small housing estate and for pedestrians using the footway. The parked vehicle(s) are within the visibility splay for the Mawsons Mews access and, therefore, obstruct views to the east from this access. Accordingly, the dwellinghouse at Tinkins Hall results result in a need for on street parking within the vicinity of the site.
54. In this regard, it is noted that the highway adjoining the site (A48) is a classified road marked with double white lines at the centre of the road. As such, it is illegal to park on this section of the highway, unless for dropping off and picking up. These incidents in themselves would increase with a residential use and would cause a highway safety issue as a result. Parking would have to be found elsewhere.
55. In addition to the above, that parking demand could well increase when one considers the floorspace provided by the existing building. Whilst the proposal is for a one bedroom dwelling, the 155 sq. metres of floorspace within the building could easily be adapted to provide additions bedrooms. There is also sufficient height within the building to accommodate a mezzanine floor. Additional bedrooms within the building will result in additional demand for parking.
56. The Council's Highway Officer objected to the development that was subject of the now withdrawn planning application, citing the lack of parking serving the dwelling and the resultant pressure to use the adopted highway for parking provision. He notes the lawful use of the site, but recognises that the building would have been used by locals walking to the site, and given that there are no appropriate parking areas available to the development, the only other alternative location to park would be in the lane opposite the development.

57. It is considered that the lane is not an appropriate location for vehicles to park due to the width of the road and the lack of a footway. Should a vehicle park at that location it would make two vehicles passing difficult resulting in a road safety issue, especially to vehicles turning into the lane from the heavily trafficked A48. It is also noted that without a footway, it is likely that pedestrians / children /. Wheelchair users would be forced to walk in the middle of the road if there was a car parked at that location. The issues raised above would create a road safety hazard and as a result the highway authority objects to the development on road safety grounds.
58. Notwithstanding the above, it is considered appropriate to consider the lawful fall back position in terms of the traffic and parking demands that would be generated by the use of the building as a community hall. It is accepted that, ordinarily, a community hall use would generate a demand for more parking than a residential dwelling. However, given this buildings location in a rural settlement and its siting at the heart of the settlement it would serve, one would expect the vast majority of users to be local residents travelling to the site in a sustainable manner. All dwellings within the settlement boundary are within a 600 metre radius of the building. This includes the new housing allocations in the north east of the settlement.
59. It is understood from representations on the planning application that, historically, users of the site would park their vehicles adjacent to the church and walk across to the hall, should they travel by car. Accordingly, it is considered in this case that the lawful use of the site would have generated very little demand for parking and any parking demand would have been accommodated in a way that would not cause an unacceptable risk to highway safety.
60. The unauthorised residential use has clearly demonstrates that there are different needs for a residential use when compared to a community facility in this particular location, highlighted by the need for the applicant to park his vehicles on the pavement. Occupiers of a dwelling are more likely to need/want to park within close proximity to the dwelling, particularly for unloading shopping or children, or simply for the sake of convenience. Whilst the number of vehicle movements to the building will be less if used as a dwelling, they are likely to result in more incidents of inappropriate parking on the adjoining highway, when compared to how the parking arrangements operated for the previous use.
61. In this regard, the development is considered contrary to criteria 5 & 6 of Policy MD2 of the LDP, PPW, TAN18 and the Manual for Streets guidance documents as it would provide no parking for vehicles and would result in pressure for anti-social parking along the adopted highway or classified road. Whilst having an adverse impact on highway and pedestrian safety.

Impact on the Listed Building and Conservation Area:

62. The St Nicholas Conservation Area Appraisal and Management Plan (July 2009) identifies the Church Hall as a County Treasure, in addition to its

Statutory Listing as a Grade II Listed Building. Accordingly, the Church Hall is considered to be a key building within St Nicholas Conservation Area.

63. Policy MD8 requires proposals to protect the qualities of the built and historic environment of the Vale of Glamorgan, specifically:
1. *Within conservation areas, development proposals must preserve or enhance the character or appearance of the area.*
 2. *For Listed and locally Listed buildings, development proposals must preserve or enhance the building, its setting and any features of significance it possesses.*
64. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building, its setting, and any features of special architectural or historic interest which it possesses.
65. In the wider context of the Conservation area, the duty imposed under Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 is noted. It relates to any buildings or other land in a conservation area, and requires that '*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*'.
66. The use of the building has not resulted in any external or internal alterations/extension. On this basis, the proposal does not raise any concerns in relation to the historic asset or harm to the amenities or privacy of neighbouring properties.

Noise:

67. A residential use is considered to be a noise sensitive development, as defined in national planning guidance, TAN11 on Noise. Depending on the noise levels from an existing noise source experienced within a new development, the TAN recommends that permission be refused or that mitigation measures are put in place to reduce the level of noise experienced. With regard to noise, LDP policy MD7 requires that development demonstrates that it does not have an unacceptable impact on people and residential amenity from noise.
68. The building is adjacent to the busy A48 and, as such, any occupiers of the dwelling are subjected to the noise from traffic on that highway. The Council's Environmental Health section were consulted on the planning application that sought retention of the residential use and expressed concern that the noise levels from the road experienced within the former hall would exceed what is considered acceptable, resulting in an unacceptable impact on the amenity and/or health of the occupiers of the dwelling. They requested the submission of a noise assessment to establish the noise levels experienced from within the hall, which would have guided their final comments and recommendations on the application, in accordance with the TAN 11 Guidance.

69. In the absence of the assessment, it is considered appropriate to regard the development as having an unacceptable impact on the health and/or amenity of the occupiers of this dwelling, in conflict with TAN11 and LDP policy MD7. The Environmental Health Officer's concerns with regard to the impact of noise on the occupiers of the dwelling are legitimate, having regard to the proximity of the living space to the A48. This approach is consistent with that taken in respect of the new housing allocation developments to the east of the site, where conditions were imposed requiring the dwellings facing the A48 to be constructed using specialist noise minimising glazing.
70. On an enforcement notice it is not possible to impose conditions requiring the submission of a noise assessment or the submission of details of noise mitigation measures. Accordingly, on the matter of noise it can only be concluded that the development as it exists is unacceptable.

Affordable Housing:

71. In this case policy MG4-Affordable Housing is relevant to the proposal. This requires new residential developments in St Nicholas to make provision for 40% affordable housing, however, in the case of conversions of existing buildings this is only applicable where there is a net gain of 2 or more dwellings. In this case, there is only a net gain of 1, on this basis there would be no requirement for affordable housing.

Neighbouring and residential amenity:

72. The building has not been externally altered or extended to achieve the residential use. As such, the residential use if not considered to result in any harm to the amenities or privacy of neighbouring properties.
73. The building does benefit from a small rear courtyard garden. Given the size of the dwelling, the private amenity space proposed is considered to be in keeping with the prevailing pattern of development in the area. The development is not, therefore, considered to conflict with the amenity principles in LDP policies MD2 and the SPG on Residential and Householder Development.

Conclusions

74. The use of the building as a residential dwelling and the subsequent loss of a community building is considered detrimental to the well-being of the local community and results in the loss of a facility that played an important role in social cohesion of the settlement of St Nicholas. It is also considered to be harmful to highway and pedestrian safety and unacceptable in terms of the impact of noise from the traffic on the A48 on the health and/or amenity of the occupiers of the dwelling.
75. In view of the issues identified in the paragraphs above, it is considered expedient to pursue action requiring the cessation of the use of the church hall as a dwellinghouse.
76. Under the Well-being of Future Generations (Wales) Act 2015, the Council not only have a duty to carry out sustainable development, but must also take

reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act, in recommending the service of an Enforcement Notice, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Resource Implications (Financial and Employment)

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

Legal Implications (to include Human Rights Implications)

78. If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).
79. Notwithstanding this, the planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process for the Council to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development ought to be allowed.
80. In view of the conclusions reached in respect of the unacceptable impact of noise, harm caused to highway safety and by the loss of a community facility, the actions proposed are considered to be in the public's interest and outweigh any rights the individual has under the 1998 Act.

Equal Opportunities Implications (to include Welsh Language Issues)

81. None.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
- (i) The cessation of the use of the building as a residential dwelling.
- (2) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- (1) The unauthorised change of use of the building to a dwelling results in the loss of a local community facility in a rural location, which is considered to be detrimental to the well-being of the local community and results in the loss of a facility that played an important role in social cohesion of the settlement of St Nicholas. In this regard the use of the building as a dwelling is contrary to

policies MG7 (Provision of Community Facilities); MD2 (Design of New Development) and MD5 (Development within Settlement Boundaries) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, as well as Planning Policy Wales Edition 10 (2018) & the Well-being of Future Generations (Wales) Act 2015.

- (2) The unauthorised residential use is not served with on-site parking provision and relies upon on-street parking that, in this location, is considered to be detrimental to highway/pedestrian safety. The use of the building as a dwelling is, therefore, considered contrary to Policies MD2 (Design Of New Development) & MD5 (Development within Settlement Boundaries) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; the Council's adopted Supplementary Planning Guidance on Parking Standards; and national guidance contained in Planning Policy Wales (2018), Manual for Streets 1&2, Technical Advice note 18 on Transport and the Well-being of Future Generations (Wales) Act 2015.
- (3) The change of use of the building to a residential use is considered to be noise sensitive development. In the absence of an assessment on the noise experienced within the building from traffic on the A48 and the ability to require the submission of noise mitigation measures, the residential use is considered to have an unacceptable impact on the health and/or amenity of the occupiers of the dwelling, contrary to policy MD7 (Environmental Protection) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and national guidance contained in Planning Policy Wales (2018) and Technical Advice Note 11 Noise.

Background Papers

Enforcement File Ref: ENF/2018/0303/PC

Contact Officer - Mr. S. Zahoor, Tel: 01446 704

Officers Consulted:

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

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **28 MARCH, 2019**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

6. PLANNING APPLICATIONS

Background Papers

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

2018/01023/FUL Received on 14 September 2018

Applicant: Mr. T. Harris Jehu Group and Hafod Housing Association, 1, Waterton Park, Bridgend

Agent: Mr Geraint John Geraint John Planning Ltd., Office 16 (House 1, 2nd Floor), The Maltings, East Tyndall Street, Cardiff, CF24 5EA

Land North of Leckwith Road, Llandough

Proposed residential development comprising 40 affordable units (comprising a mix of 1 and 2 bed apartments) along with associated parking, highway and ancillary works

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application is of a scale and / or nature not covered by the scheme of delegation, whilst a request has also been received from the local ward member for the application to be determined by the Planning Committee.

EXECUTIVE SUMMARY

The application site relates to scrub land measuring approximately 0.6 ha adjacent to residential dwellings on Leckwith Road and opposite Penarth Motor Company. The site falls within the Llandough settlement boundary and was allocated for residential development under LDP Policy MG 2(33). The site lies adjacent to the Cwrt-yr-Ala Basin Special Landscape Area (SLA) and the site lies with a SINC designation.

The proposal (as amended) seeks to develop the site for a residential development of 40 affordable apartments comprising 34 no. 1 bed and 6 no. 2 bed apartments arranged in three 'blocks' with a single access point off Leckwith Road and 37 car parking spaces predominantly accommodated on a raised plateau to the rear.

At the time of writing this report approximately 76 letters of representation and details of a meeting held by residents had been received objecting on grounds including ecological impacts, development out of place with the context, poor landscaping and poor choice of materials; overdevelopment of the site, traffic and inadequate parking provision, noise pollution, lack of adequate local infrastructure and amenities to serve future occupiers, drainage issues, and impact upon amenity of neighbouring residential properties. Llandough Community Council have also objected to the proposals.

The primary issues in consideration of this application are the principle of development; visual impact; impact upon amenity of neighbouring residential properties; ecological impact; drainage issues; highways; noise; amenity and open space provision; impact upon trees and S106 issues. The application is recommended for Approval.

SITE AND CONTEXT

The site falls within the Llandough settlement boundary. The site is adjacent to the Cwrt-yr-Ala Basin Special Landscape Area (SLA) and the whole site lies with a 'Sites of Importance for Nature Conservation' (SINC) designation. The application site is allocated for residential development under policy MG2 'Housing Allocations' of the Local

Development Plan. The site is identified as site MG2(33) 'land to the north of Leckwith Road' with a 0.6ha site being allocated for 8 dwellings.

The application site relates to scrub land measuring approximately 0.6 ha adjacent to residential dwellings on Leckwith Road and opposite Penarth Motor Company. It has a road frontage along its southern boundary, countryside to the north and west and residential dwellings fronting onto Leckwith Road immediately to the south. The site is located on a ridge, with the land falling away to the rear. As such it has a prominent elevated position and can be viewed from some distance to the north e.g. from Cardiff (Penarth Road area) and the link road (A4232). It also has a prominent position locally, being one of the first parcel of land within the settlement of Llandough as one approaches the village from the west.

DESCRIPTION OF DEVELOPMENT

The proposal, as amended, seeks to develop the site for a scheme of residential development, comprising 40 apartments comprising 34 no. 1 bed apartments and 6 no. 2 bed apartments arranged in three 'blocks'. The applicant indicates that these would be affordable housing units, as the application is made by Jehu Group and Hafod Housing Association.

The submissions as revised indicate the provision of a single central access point off Leckwith Road and the provision of a total of 37 car parking spaces predominantly located to the rear of the blocks, accommodated on a raised plateau that would require the raising of levels by up to approximately 7 metres. A site layout plan of the proposals is shown below:



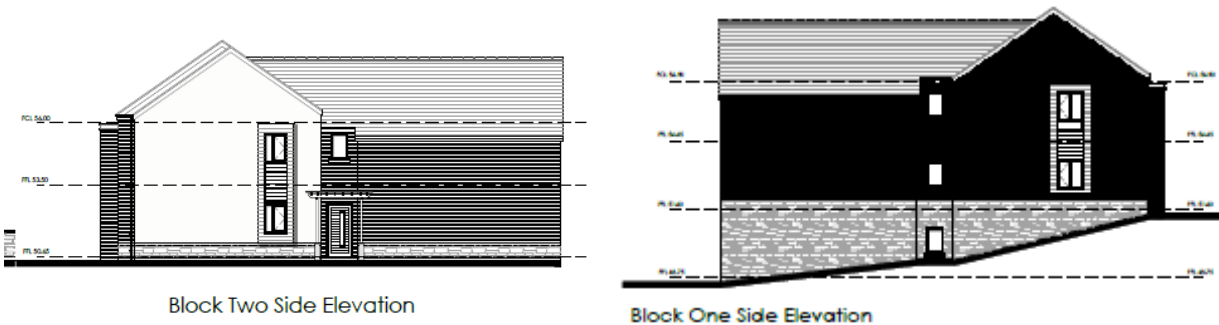
The three blocks would be a mix of two storey when viewed from the front (Leckwith Road side), whilst to the rear the blocks would be three storey in height. From the front, each of

the blocks would have heights of approximately 8.6 – 8.8 metres, although given the levels of the site, the height would increase to the rear projecting wings with heights of 11 – 11.2 metres.

Street scene elevations of the proposals and elevations of each block from the rear are shown below:



Street scene elevation (top) and 'Pavement level' perspective street scene elevation (middle) and front and rear elevations of block two (bottom).



The blocks will be finished in a mix of brick and render and concrete roof tiles.

PLANNING HISTORY

1991/00894/OUT, Address: Leckwith Road, Llandough, Proposal: Five individual residences, Decision: Refused

2014/01401/OUT, Address: Leckwith Motor Company, Leckwith Road, Llandough, Penarth, Proposal: Proposed residential development of 21 dwellings on land to the north and south of Leckwith Road, (including land at Leckwith Motor Company) and associated ancillary works. The application was reported to Planning Committee on 1 October 2015, at which time Members resolved to approve the application, subject to the applicants first

entering into a section 106 legal Agreement. However the applicants never entered into a Legal Agreement and the application was Finally Disposed of on 15 November 2017

CONSULTATIONS

Llandough Community Council were consulted and objected to the proposals stating the proposals would be an overdevelopment of the site; poor design; unneighbourly; inadequate local facilities in Llandough; inadequate parking provision and amenity space; drainage issues arising from the site and that proposals are out of keeping with surrounding development; highway safety issues; issues relating to refuse collection. They also indicate that S106 contributions should be sought to improve local infrastructure.

The Council's Highway Development section was consulted with regard to the original proposals requesting that the proposals be served by a single point of access to provide stagger with accesses opposite; any such access to allow for refuse vehicles to manoeuvre within the site and exit in a forward gear; provision of adequate car parking; alteration to existing traffic regulation order to front of the site to provide adequate traffic calming.

Following further negotiation and the amendment of the scheme to one point of access, the Highways Engineer has no objection to the proposals subject to a number of conditions. Suggested conditions include the provision of visibility splays; no obstructions within visibility splays; gradient of internal access roads; provision of segregated footway/cycleway along the frontage of the site; details of the movement of the Gateway feature on Leckwith Road and associated Traffic Regulation Orders; suitable turning facilities within the site; no surface, roof water or other deleterious material from the site shall discharge into the adopted highway; Construction Traffic Management Plan and details of wheel cleansing.

Additionally they request that amended parking levels are provided and indicate that there is a requirement for 48 parking spaces in total (40 residents and 8 visitor spaces).

The Council's Education Section has provided comments with regard to capacity with local schools and this is discussed within the body of the report.

The Council's Ecology Officer initially raised concerns to the proposals due to their position within a Site of Importance for Nature Conservation (SINC) particularly the position of the pumping station and drainage apparatus within high biodiversity value land and the removal of a number of trees outside of the application site. As such they conclude that *'the current application takes from an existing SINC, with recently cleared habitat, with the application to further clear more habitat and submits no mitigation or compensation for the loss of a priority habitat and protected site. Therefore we have no option but to fully object to this application.'*

Following receipt of further information they confirmed that the *'applicant has provided justification for the loss of habitat, and has provided, in principle avoidance and compensation measures... As a result, we remove our objection'* subject to the inclusion of a condition requiring further details of a scheme of biodiversity enhancement and conservation.

The Council's Operational Manager for Highways and Engineering (Drainage) was consulted and indicate that the site falls outside of a DAM zone or flood zone identified on TAN15 maps. They request that a condition be attached to any permission given requiring a scheme of surface water drainage to be submitted.

The Council's Housing Strategy section was consulted and state that they '*support this development as it will meet the need for one and two bedroom affordable accommodation*'. They do however offer advice with regard to the relative number of 1 and 2 bedroom units.

Shared Regulatory Services (Pollution Control) were consulted and provide comments with regard to the application indicating that the site falls within TAN11 Noise Exposure Categories B & C and as such a noise survey should be undertaken. They also request that a condition requiring a Construction Environmental Management Plan be attached to any consent given, including control over working hours.

Shared Regulatory Services (Contaminated Land) provide comment with regard to the application and request that conditions be attached to any permission given with regard to ground gas protection; unforeseen contamination; imported soil; important aggregates; use of site won materials.

Glamorgan Gwent Archaeological Trust have responded and state that 'it is unlikely that significant archaeological material will be encountered during the course of the works' and have no objections to the positive determination of the application.

Dwr Cymru Welsh Water was consulted and indicate that they have assessed the foul drainage solutions proposed by the applicant and indicate that option 1 is unsuitable due to its proposed connection and further information is provided in support of option 2. They indicate that they have no objection to the proposed discharge of surface water flows into an existing ditch via swale. They request that a condition be attached to any consent given requiring a drainage scheme to be submitted.

South Wales Police Crime Prevention Design Advisor was consulted and indicate that they have no objection to the development although make a number of recommendations to ensure community safety.

Natural Resources Wales was consulted and state that they '*have no objection to the proposal as submitted*' although offer advice with regard to protected species.

Llandough Ward member was consulted with regard to the proposals and request that the application be reported to planning committee. Cllr Carroll raises a number of concerns with regard to the density of development; the proposals being out of character and being of an excessive density; the proposals would result in access and parking issues and result in road safety issues; lack of suitable public transport and other amenities including schools to serve future residents; impact upon amenity enjoyed by occupiers of neighbouring properties and drainage issues relating to the site.

REPRESENTATIONS

The neighbouring properties were consulted on 24 September 2018, site notices were also displayed on 26 September 2018 and the application was advertised in the press on 8 October 2018. Approximately 70 letters of objection were received as part of this initial

consultation process. Further letters were sent to neighbouring properties on 23 January 2019 following submission of amended plans and approximately 30 further letters of representation were received as a result. At the time of writing this report a total of approximately 100 letters of representation and details of a meeting held by residents had been received raising the following:

- Proposals contrary to the allocation of the site within the Development Plan
- Ecological impact (including bats)
- Lack of need for 1 or 2 bedroom flats in the area
- 3 storey flatted development out of place in this context and upon entry to Llandough from the west
- Poor landscaping and lack of trees proposed
- Wider visual impact
- Poor choice of materials
- Overdevelopment of the site including when compared to LDP allocation
- Previous refusals of similar applications in Llandough
- Proposals represent ribbon development extending the village boundary
- Impact upon woodland and loss of trees on site
- Traffic, impact upon highway infrastructure and inadequate parking provision
- Highway safety issues arising from access and position adjacent to gateway feature
- Noise pollution
- Lack of adequate local infrastructure and amenities to serve future occupiers (including lack of school places, GP surgery capacity, public transport, shops)
- Cuts to bus service
- Drainage issues including foul sewerage capacity issues
- Disturbance due to position of garden/amenity area next to neighbouring dwellings
- Vermin arising from site clearance
- Issues relating from refuse collection
- Concerns regarding extent of consultation undertaken
- Negative impact upon property values
- Impact upon amenity of neighbouring residential properties

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy
POLICY SP3 – Residential Requirement
POLICY SP4 – Affordable Housing Provision
POLICY SP7 – Transportation

POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan

POLICY MG2 – Housing Allocations

POLICY MG4 – Affordable Housing

POLICY MG17 – Special Landscape Areas

POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species

Managing Development Policies:

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD3 - Provision for Open Space

POLICY MD4 - Community Infrastructure and Planning Obligations

POLICY MD5 - Development within Settlement Boundaries

POLICY MD6 - Housing Densities

POLICY MD7 - Environmental Protection

POLICY MD9 - Promoting Biodiversity

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

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 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 (2018)
- Public Art in New Development (2018)
- Residential and Householder Development (2018)
- Travel Plan (2018)
- Trees, Woodlands, Hedgerows and Development (2018)

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

Principle of Development

In policy terms, the development plan for the area is the Local Development Plan (LDP) formally adopted in June 2017. In assessing the scheme, it is noted that criterion 1 of policy SP1-Delivering the Strategy seeks to provide a range and choice of housing to meet the needs of all sectors of the community, whilst criteria 7 and 8 seek to promote opportunities for recreation and healthy living. In addition MG1 relates to Housing Supply in the Vale of Glamorgan, and makes provision for new dwellings which will be met in a variety of ways, including allocated sites.

The application site is allocated for residential development under LDP policy MG2 'Housing Allocations'. The site is identified as site MG2(33) 'land to the north of Leckwith Road' with a 0.6ha site being allocated for 8 dwellings.

The future development of this allocated site is therefore required to meet the scale of growth required in Vale of Glamorgan to meet the projected future populations and housing need over the plan period to 2026, and forms an integral part of the LDP's 5-year land supply. The suitability of the site including in sustainability terms has therefore been assessed fully in the allocation of the site for residential development within the Development Plan.

The site lies within the settlement boundary for Llandough/Penarth as defined in the LDP. Policy MD5 of the LDP allows for new development within the settlement boundary subject to certain criteria, including, criterion 3, that the scale, form, layout and character is sympathetic to, and respects its immediate setting and the wider surroundings, and does not unacceptably impact upon the character and appearance of the locality. This is in line with national guidance, embodied within Planning Policy Wales (PPW).

Members should also note that there was a resolution to grant planning permission under 2014/01401/OUT for the application site and the site to the south for the construction of 21 dwellings. This consent was in outline with 8 dwellings proposed at the application site. However this application was disposed of as the legal agreement had not been signed.

Furthermore there is a significant, identified need for the provision of affordable housing within the Vale of Glamorgan, with policy SP4 'Affordable Housing Provision' identifying a

target for the delivery of up to 3,252 affordable units during the plan period. There is acute affordable housing need in Llandough and this is a significant consideration in favour of the development. The 2017 Local Housing Market Assessment determined that 576 additional affordable housing units were required each year to meet housing need in the area. The need is further evidenced by the following figures from the council's Homes4U waiting list in the Penarth and Llandough area as shown below:

Penarth & Llandough	
1 BED	407
2 BED	236
3 BED	82
4 BED	17
5 BED	2
Total	744

Noting this it is considered that the development would make a significant contribution towards meeting the identified need within the local area.

Being mindful of the above, it is considered that the principle of residential development at the site and the need for affordable housing is clearly established subject to careful consideration of the proposals against over policies of the development plan.

Density

As aforementioned, the 0.6ha site has been allocated within the development plan for 8 dwellings, whereas the proposals as amended indicate the provision of 40 flats at a density of approximately 67 dwellings per hectare. Policy MD6 'Housing Densities' of the Development Plan' requires that residential development proposals within Primary Settlements such as Llandough should achieve a minimum net density of 30 dwellings per hectare.

It is noted that a number of letters of representation have raised concern with regard to the level of development proposed at the site. However policy MD6 does state that higher densities will be permitted where they reflect the character of the surrounding areas and would not unacceptably impact upon local amenity. The LPA would therefore have no objection in principle to the increase in density at the site, however this should not be at the detriment of design and visual impact and how the development relates to its wider context, which will be assessed within the following report.

Visual impact

The existing street scene is mixed in its immediate character with a car sales garage situated opposite the site and a wooded area to the west, whilst to the east is an established residential street scene of largely two storey development fronting onto Leckwith Road. The application site has recently been cleared and is currently covered by scrubby brush vegetation. Noting its position at the western edge of the village, the site falls at a sensitive interface between the settlement and the adjacent countryside and any proposals should be designed to respond to this context.

The original proposals indicated the provision of 50 units in blocks up to three/four storeys in height, as set out below.



Despite the supporting analysis provided by the applicant, with a number of the exemplar developments cited by the applicant, these were not comparable sites and much more urban in their context.

Significant concern was raised by officers that the scale and massing of the blocks would have been wholly out of keeping with the wider street scene and in particular given the fact that the site is located at the edge of the settlement of Llandough. The applicant was advised to reduce the scale of development to better reflect its context.

Noting the above, an amended scheme was submitted reducing the number of units from 50 to 40 and the scale of development to appear 2 storey in height at the front and 3 storey to the rear.

The proposed buildings are of a relatively traditional form when viewed from the front with two storey mass beneath a pitched roof, although with contemporary window detailing. The buildings would be prominent from close range views on approach from both the east and west. The revised massing of the buildings is considered to result in a form of development that proportionately 'steps' up from the existing two storey dwellings to the northern side of Leckwith Road.

The street scene has a degree of variety in terms of house designs and massing, and the proposals are broken up into three distinct blocks that would appear from the front as small rows of terrace houses. This assists in breaking up the general mass and bulk of the units and maintains visual permeability through the site. However, given the level of development proposed, the blocks would be relatively deep and would project beyond the rear building line of existing dwellings. Given this and the positioning of the blocks within the site, side elevations particularly of the easternmost 'block three' would be visible on approach from the east. The applicant has sought to add interest to these elevations through a set down of the rear wing and introduction of detailing within the side elevations.

Regard should also be given to the fact that there was a resolution to approve outline planning permission for four pairs of semi detached houses (see below), which given the height parameters and sections, would have likely resulted in two and half storey dwellings with additional accommodation in the rear, which when viewed from Leckwith Road would have appeared similar to the scale and massing of the current proposals.



Noting the above, it is considered that the general mass and bulk of the units, as amended is considered to be acceptable when viewed from Leckwith Road.

Given the height, massing and position of the dwellings within the site, the rear elevations would be clearly visible from wider view from the industrial estates to the north, the A4232 and Cardiff beyond. Distant views of the skyline towards Llandough are already punctuated to some degree by existing dwellings including the more recent split level, three storey rear dwellings to the east of the application site.

The proposals would undoubtedly be visible from wider view given their mass and their position within the site and the general topography of the area. However, it must be acknowledged that the site has been allocated for residential development within the Local Development Plan, and a resolution to grant outline planning permission for dwellings of a commensurate height under planning permission 2014/01401/OUT. It is however noted that the current proposals are larger in terms of their mass and bulk and accommodation proposed and would be set back further within the site including a raised parking area at the rear changing the ground levels by approximately 7m. Whilst distant views of the application site would be possible, the site itself does not fall within a Special Landscape Area, although it is noted that land to the north and west of the site do fall within the Cwrt-Yr-Ala Basin Special Landscape Area as the settlement boundary demarks the boundary of the SLA in this location. The focus of this SLA is towards the Cwrt-Yr-Ala valley, some way to the north of the site and the area to the north is a treed escarpment wedged between existing development to the north and south.

Noting this it is considered that the proposals would not result in the unacceptable degradation of the wider landscape designation or the adjacent escarpment, whilst a suitable scheme of landscaping to the north of the site would assist in softening any impact. The layout plan shows soft landscaping around the perimeter of the site and there is scope for new trees to the rear of the buildings which will be controlled by way of condition (**Conditions 17 and 18 refers**).

In terms of materials, it is proposed to finish the units in a mix of render and brick. There is a degree of variety of materials within the immediate street scene, although predominantly dwellings are finished in render and brick and as such the proposals would reflect this. As such the proposed material palette is considered to be appropriate and proposed **Condition 3** requires samples of materials to be approved, and this will give the Local Planning Authority control over their quality and appearance.

Highways issues and parking

The application as originally submitted indicated the provision of two separate access points to the development. Following consultation with the Council's Highways Development Section, they raised an objection to the access arrangements and requested that the site be served by a single point of access to the site. Amended proposals have subsequently been received that indicate the provision of a single point of access to the front of the site. The proposals would also include the movement of the 'gateway feature' at the south-eastern site boundary, 110m to the west of the site and the associated extension of the 30mph speed limit. The proposals also indicate that footpath along the front of the site will be widened to 3.5 metres to encourage active travel.

Following further consultation with the Council's Highways officer and the provision of amended plans they have confirmed that they have no objection to the amended proposals subject to a number of conditions including the provision and maintenance of visibility splays serving the access; the provision of footway and gateway feature on Leckwith Road and provision of suitable turning facilities within the site, all of which can be achieved and shall be secured by condition, where it relates to works within the site.

Therefore whilst noting a number of letters of objection have raised concern with regard to access issues, the Council's Highway Development section raise no objection to the amended access arrangements, subject to condition, and as such this does not represent a reason to refuse permission in this instance.

However, the Highway Development section indicate that they would want to see the provision of a total of 48 parking spaces (40 residents and 8 visitor spaces). The Council's adopted Parking Standards SPG indicates that for a development of this size in this location would require 1 space per bedroom (up to a maximum of 3 per unit) and 1 visitor space per 5 units. The amended proposals would therefore require as a starting point an overall provision of 46 resident spaces and 9 visitor spaces. The proposals as amended indicate the provision of a total 37 parking spaces to serve future occupiers of the development, including 4 visitor spaces that would evidently fall short of the aspirations of the Council's Highways Engineer.

Notwithstanding this, Members are reminded that the standards in the SPG are 'maximum' and it is necessary in every case to consider whether a reduction below that standard is considered appropriate. The guidelines recognise that in certain developments such as student accommodation and housing association developments, where there is evidence of low car ownership levels, a relaxation of the parking requirements may be considered. Indeed within the Council's adopted Parking Standards SPG (page 15, point 5) states "*for developments where clear evidence has been supplied that car ownership levels will be lower than normal, a more flexible approach to numbers of parking spaces may be taken*".

The application has been supported by a Transport Statement that indicates that a reduction in parking requirements should be afforded due to the proximity of frequent bus services to Cardiff; proximity to Llandough Primary School; provision of secure cycle parking (36 Sheffield stands proposed) and affordable housing being associated with lower levels of car ownership.

The application have also provided a Technical Note supplementary to the planning statement that points towards 2011 census data suggests that 54% of social rented households in the Vale of Glamorgan have no access to a car with 42% of social rented households within the ward having no access to a car. As such they argue that '*Census figures clearly demonstrate that car ownership amongst social rented households is significantly lower than average. It is perfectly reasonable therefore for developments of this type to have lower parking provision than would be expected of other types of residential development*'.

Using the car ownership figures derived from the census, the statement suggests that the proposed development would have a peak parking demand of 28 parking spaces. Furthermore they provide evidence of parking surveys undertaken by Newydd Housing Association of similar affordable housing developments. This survey found that average parking demand per unit across the surveyed sites was 0.43 parking spaces per unit, which would equate to a required provision of 17 spaces in this instance. Whilst therefore noting the concerns raised by local members of the public and from the Council's Highways Engineer, it must be noted that the Council's adopted Parking Standards are maximum standards and that the evidence indicates that lower parking demand arises from such developments. Such an approach has been applied and accepted in other similar developments within the Vale of Glamorgan and as such it is considered, on balance, that the parking provision proposed is acceptable.

Whilst it is noted that a number of letters of objection have been received with regard to the sustainability of the site, this has been assessed fully in the allocation of the site for residential development under the Local Development Plan and its inclusion within the

settlement boundary. For the reasons set out above, it is considered that the level of proposed parking is acceptable in this location (and to serve this tenure type) and that the development would not result in an unacceptable pressure for parking off site that would detrimentally affect highway safety or the free flow of traffic. This is consistent with local and national policy which seeks to reduce reliance on the private motor vehicle and in sustainable locations such as this it is considered that lower levels of parking should be encouraged.

Public open space and amenity provision

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

Amenity space is essential and provides a number of important functions that contribute towards a resident's enjoyment of a property

The guidance contained within this policy notes that for flats between 12.5 sq.m. and 20 sq.m of amenity space per person should be provided, depending on the size of development. Moreover the guidance states that communal areas of amenity space may be acceptable, but these must be directly accessible for all occupiers.

Given the topography of the site, re-profiling works to provide the car parking area and the provision of ecological mitigation, much of the land to the north of the site could not strictly be considered as useable amenity space for the purposes of the SPG. Similarly landscaped areas to the front of the site would be unlikely to be suitable to be utilised as amenity. Nevertheless these areas and their associated landscaping would provide a significant degree of visual amenity for future occupiers of the development.

The proposed layout (as shown below) would however still provide a number of useable areas of amenity around the buildings, in particular the formalised seating area located between the blocks.



Furthermore the limited on site space must be weighed against the positive impacts of the development; in this case principally the provision of much needed affordable units. The provision of an area of public open space or private shared amenity space would significantly impact on the number of affordable units that can be provided and the viability of the scheme. In light of the importance to be placed upon affordable housing provision and given the close relationship the site has with the nearby public open space, it is considered that the outdoor amenity needs of the occupiers can, on balance, be reasonably met in this way.

There are refuse stores to the rear of the buildings, which can be readily accessed from the units and from the highway at collection times. It is considered that this represents an appropriate means of waste storage. Furthermore, there is also provision for cycle storage for the residents.

Impact upon amenity of neighbouring residential properties

As aforementioned, the street scene is mixed in its character situated on the fringe of the settlement of Llandough with woodland to the west, a commercial car garage on the opposite side of the road and an established industrial estate at the foot of the escarpment to the north. In light of this, the proposals will not impact negatively upon the amenity enjoyed by residential occupiers to these aspects. It is however acknowledged that there are established residential properties to the south and east of the site that may be affected by the proposals.

The immediately neighbouring property to the east of the site is Camrose, which has an external staircase and 3 no. side facing windows fronting towards the application site. The proposals would introduce additional built form within approximately 5.6 metres of the shared boundary between the properties with a separation of approximately 6.8 metres to the dwelling itself. The front elevation of 'Block Three' of the proposed development would project beyond the front elevation of the neighbouring property by approximately 1.5 metres, whilst to the rear this block would project by approximately 8 metres.

Given the relatively modest level of projection to the front and the fact that this will be adjacent to the front garden/drive of the neighbouring dwelling, it is considered that the proposals would not result in unacceptable harm to the amenity enjoyed by neighbouring occupiers to the front of the property.

The projection to the rear of the property would undoubtedly be visible from rear facing openings and the rear garden of the neighbouring property with the introduction of a building up to 11 metres in height to the ridge within approximately 5.6 metres of the boundary. Whilst noting this, the natural aspect of windows within the rear of the property is away from the development site towards the north-east. With regard to potential overbearing impacts on the rear garden, given the maintenance of a separation from the boundary and the design of the roof of the rear projection with a lower eaves, it is considered on balance that the proposals would not appear as an unduly overbearing form of development when viewed from the neighbouring residence and certainly not to a degree to warrant refusal of planning permission.

In terms of the side facing windows, two of these openings would appear to be secondary windows or windows serving non-habitable rooms. Notwithstanding this, it is considered in light of the separation from these openings that the proposals would not appear unduly overbearing or result in an unacceptable loss of light from these openings.

The nearest residential property on the opposite side of Leckwith Road is Ty Newydd, with the nearest block, 'Block Three' being set approximately 20 metres from the front boundary of the neighbouring property. Given the orientation of Ty Newydd and this separation it is considered that the proposals would not result in an unacceptable overlooking impact from the proposed windows within the front elevation.

It is noted that concerns have been raised with regard to potential disturbance of neighbouring residential properties from use of amenity areas serving the proposed flats. Whilst noting these concerns, it is noted that the proposals relate to residential development with the main areas of usable amenity space being situated away from the boundary. Conditions requiring a scheme of landscaping (17 and 18), levels (4) and enclosures (5) are recommended to ensure that the areas used for amenity space would not have any impacts on neighbouring occupiers.

Overall, it is considered that the proposals would not result in unacceptable detriment to the amenity enjoyed by neighbouring residential properties.

Ecological impact

Policy MD9 'Promoting Biodiversity' requires that new development should conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that the need for development outweighs biodiversity value of the site and the impacts can be satisfactorily mitigated.

The site forms part of the Factory Wood, a Site of Importance for Nature Conservation (SINC). As such policy MG21 'Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species' would be of relevance in determination of the application. This is a criteria based policy that states that proposals likely to have an adverse impact upon such areas will only be permitted where it can be demonstrated that:

1. The need for the development clearly outweighs the nature conservation value of the site;
2. Adverse impacts on nature conservation... can be avoided;
3. Appropriate and proportionate mitigation and compensation measures can be provided; and
4. The development conserves and where possible enhances biodiversity interests.

The application as originally submitted was supported by a Biodiversity Strategy dated March 2018; Reptile Mitigation Strategy dated February 2018 and Reptile Clearance dated 25th June 2018 note prepared by David Clements Ecology LTD. Following initial consultation with the Council's Ecologist it was indicated that whilst much of the application site has been cleared and is of relatively low value, the application site does include land of high biodiversity value to the north-west of the site, in the position of the cycle storage and pumping station and the drainage attenuation in the woodland to the north-west of the site. Due to inadequate mitigation provided within the submitted documents, the Council's ecologist initially objected to the proposals and requested that the applicant reconsider the development in terms of impact upon biodiversity and as such would be contrary to policy MG21 above.

Following further negotiation, additional information was received from the applicant, to demonstrate how the proposals comply with the requirements of the above policy and to satisfy the concerns raised by the Council's Ecologist. In consideration of the proposals, against the criteria of policy MG21 (as detailed above) it is considered that:

1. The proposals relate to the development of a site allocated for residential development by the Local Development Plan and the provision of affordable housing to meet an identified need.
2. The majority of the site is considered to be of low ecological value and the impacts upon higher value areas as noted by the ecologist cannot be avoided largely due to issues relating to foul and surface water drainage arising from the development of the site.
3. The amended details submitted by the applicant include a number of mitigation and compensation measures. These include the removal of scrub soil and replacement in undeveloped parts of the site and retention of scrub within undeveloped parts of the site and additional tree planting to the northern boundary of the site.
4. The applicant now proposes a number of conservation and enhancement measures as part of the scheme including bird boxes; bat boxes within the neighbouring woodland and boundary trees; appropriate lighting of the site to reduce light spill and appropriate fencing to be used to periphery of the site to allow animals to utilise retained scrub within the site from the adjacent SINC. The applicant also indicates that the swale to be provided as part of the site represents an ecological enhancement whilst Japanese Knotweed will be removed from the site.

Following receipt of the additional information, the Council's ecologist is satisfied that the applicant has provided sufficient justification for the loss of habitat and in principle avoidance and compensation measures, that subject to condition, would ensure that there is no net biodiversity loss arising from the development.

As such the Council's ecologist has requested a condition requiring the submission of a scheme of biodiversity enhancement to be provided (**Condition 8 refers**).

Natural Resources Wales were also consulted with regard to the proposals and confirm that they have no objection to the proposed development as submitted subject to the Council's Ecologists satisfaction with regard to protected species. No objections have been received from the Council's Ecologist with specific regard to protected species.

Noting the above, it is considered that subject to suitable conditions, that the applicant has demonstrated that the proposals would not cause an unacceptable impact upon biodiversity interests within the site or the with SINC. As such the proposals are considered to comply with the requirements of policies MD9 and MG21.

Drainage and flood risk

Foul sewerage

The application is supported by a Drainage Strategy Report prepared by Spring Design dated September 2018 that provides an overview of drainage issues affecting the site and proposed solutions. The proposals indicate that foul discharge will either be to an existing sewer in land adjacent to the eastern boundary of the site or to the existing sewer on Leckwith Road should the gravity outfall to the sewer to the east of the site not be acceptable. The second method of foul drainage would require the provision of a pumping station (as shown on the site layout plan).

Dwr Cymru Welsh Water (DCWW) indicate that they have considered the proposed solutions and indicate that the potential connection to the east of the site would likely be unsuitable given the size of the pipe to which the proposals would connect (100mm). They indicate that whilst further details of foul sewerage is required, they 'offer no objection in principle to these latest amended plans' although request that a condition requiring a comprehensive scheme of drainage be attached to any permission granted (condition 7 refers).

Surface Water Drainage

The site is not located within a Development Advice Map flood zone and within an area identified by NRW as being of very low flood risk. The submitted Drainage Strategy indicates that it is proposed to discharge all highway and rooftop runoff to existing outfall located to the west of the site that in turn outfalls to the Ely River. The statement indicates that the proposed solution would restrict surface water flow and runoff from the site through use of oversize pipes and above ground storage through landscaping solutions. DCWW have no objection in principle to discharge surface water flows in this manner. Comments have also been received from the Council's Drainage section indicating that some further information would be required including construction details and ongoing maintenance of the system. They recommend a condition should be attached to any consent granted requiring details of surface water drainage (condition 7 refers).

Noting the above, the proposed development is, therefore, considered acceptable in terms of drainage and water resources, in accordance with Policy MD7 of the LDP and TAN 15.

Noise

During the course of the application, concern was raised by the Council's Shared Regulatory Services (SRS) with regard to noise exposure of future residents of the site.

Technical Advice Note 11: Noise (1997) (TAN11) provides guidance for consideration of noise in the determination of planning permission for residential development depending upon which of the four noise exposure categories (A-D) the application falls.

SRS indicate that during the night, the site falls within Noise Exposure Category (NEC) B, whilst during the day 75% of the site would fall within NEC B and to the eastern end of the site 25% of the site would fall within NEC C.

With regard to development within NEC B, TAN11 indicates that 'Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection'.

TAN11 states that with regard to development within NEC C: '*Planning permission should not normally be granted. Where it is considered that permission should be given, for example, because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.*'

In response to these concerns, the applicant has submitted a technical note prepared by Acoustic Consultants LTD indicating the noise attenuation measures that would be installed within any affected rooms within the property including wall, roof and window construction measures in addition to the use of standard trickle vent. The submitted details indicate that the experienced noise levels within any potentially affected rooms would fall within acceptable levels.

Notwithstanding the submitted details, further details of the noise mitigation measures within the building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development which shall be secured by condition (**Condition 19 refers**). The submitted scheme shall ensure that all rooms achieve an internal noise level of 35dBA by day and 30dBA by night and that a L_{Amax} of 45dB is not exceeded. The mitigatory measures identified shall be implemented in accordance with the approved details prior to the beneficial occupation of the dwellings and therefore retained at all times.

Contaminated Land

Whilst having no objection in principle, given the proximity of the site to former quarry site, the Council's Shared Regulatory Services section have requested further information be provided with regard to land contamination, ground gas and the importation of aggregates and soils and use of site won materials. They indicate however that these details can be secured by way of condition attached to any planning permission granted and appropriate conditions are proposed (conditions 10, 11, 12, 13 and 14 refer).

Planning Obligations

At the Council's Cabinet meeting of the 5th September 2016, there was a resolution approved to waive the requirement to seek financial obligations on 100% affordable housing sites of twenty-five units or less, where the development is made by the Council or the four housing associations zoned by Welsh Government to develop in the Vale.

Accordingly, the section 106 contributions for this development have been calculated based on the number of units over 25, i.e. 15 units.

It is noted that a number of objections have been received with regard to the lack of capacity within local schools to cater future occupiers of the development. The Council's Education Section also indicate that there is lack of capacity within local schools to serve the development. Members are however advised that the proposals primarily relate to 1 bedroom units that would not ordinarily be occupied by families. With only 8 no. 2 bedroom units, being consistent with the approach adopted to other, similar developments within the Vale of Glamorgan, the proposals would not require the provision of a S106 contribution towards education.

Noting this, the development is of a size where the Council would typically consider the merits of financial contributions to mitigate impacts in respect of Sustainable Transport, Public Open Space and Public Art.

The applicant has submitted viability information which concludes that the development cannot viably deliver any form of Section 106 contribution at the site, due to a number of abnormal site costs that need to be addressed. The submitted costs have been considered by the Council's Quantity Surveyor and he has concluded that the costs are reasonable. For Members' information, the full Section 106 contributions (in line with the guidance in the Council's Supplementary Planning Guidance would have been:

- Sustainable Transport = £34,500
- Public Art = 1 % build costs
- Public Open Space = £40,020

It is accepted that the site is located in a highly sustainable location and the development itself would result in significant benefits, in terms of the level of affordable housing provision which would help to address an identified shortfall. It is, therefore, considered that there are material considerations in this specific case, given the viability issues raised and the level of affordable housing being provided, that support the adoption of a flexible approach in terms of these issues. Accordingly, contributions are no longer sought in this case in respect of sustainable transport, public open space and public art.

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

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

In this case the applicant has confirmed that the proposals would be occupied as affordable housing and therefore, in line with the above advice, it is considered that a condition rather than a legal agreement is appropriate to secure the affordable housing tenure of the scheme.

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:

2093/601 'Bin Store- Residential for Block 1 & 2'; 2093/602 'Bin Store - Residential for Block 3'; 2093/603 'Cycle Store Details' Design and Access Statement dated September 2018; Pre-application consultation statement dated September 2018; Tree Survey prepared by Treescene; Design Strategy Report dated September 2018; Reptile Mitigation Strategy prepared by David Clements Ecology LTD dated February 2018; letter from David Clements Ecology LTD dated 25th June 2018 received 14 September 2018

Technical Note prepared by Acstro; 2093-401 Rev D 'Street Scene Elevations Coloured'; 2093-405 'Street Scene Elevation Pavement Level'; 2093-501 Rev B 'Sketch Site Sections 01'; 2093-502 Rev C 'Sketch Site Sections 02'; 'Site Survey' prepared by Senior Surveys; 2093-201 Rev A 'Proposed Block One Floor Plans'; 2093-211 Rev B 'Proposed Block Two Floor Plans'; 2093-321 Rev B 'Block Three Elevations'; 2093-221 Rev A 'Proposed Block Three Floor Plans'; Design and Access Statement Addendum dated January 2019; received 15 January 2019

Ecological Assessment dated January 2019 prepared by David Clements Ecology Ltd

Transport Statement Rev B dated February 2019 prepared by Spring Design received 13 February 2019

Email from agent regarding ecological mitigation; 2093-101 Rev H 'Proposed Site Layout Plan'; 2093-301 Rev C 'Block One Elevations'; 2093-311 Rev D 'Block Two Elevations'; Tree Constraints Plan received 25 February 2019

Letter from Acoustic Consultants LTD dated 28th February 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.

3. Notwithstanding the submitted details, a schedule and sample 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 prior to the beneficial occupation of the respective part of the development.

Reason:

To safeguard local visual amenities, as required by Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD2 (Design of New Development) of the Local Development Plan.

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

Reason:

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

5. All means of enclosure associated with the development hereby approved shall be completed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure shall be completed in accordance with the approved details prior to the first beneficial use of the development.

Reason:

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

6. Prior to commencement of development, a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of the Welsh Government Technical Advice Note 2 on Affordable Housing or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than X% of housing units/bed spaces;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing (if no RSL involved);
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason:

In order to ensure that the site delivers appropriate provision of affordable housing to meet the identified need and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP4 (Affordable Housing Provisions), MG4 (Affordable Housing) and MD4 (Community Infrastructure and Planning Obligations) of the Local Development Plan.

7. Prior to any construction work (excluding site clearance) being undertaken on site, full details of a scheme of foul, land and surface water drainage (including construction details and proposed ongoing management) has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.

Reason:

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

8. Notwithstanding the submitted details, no development shall take place, including site clearance, until a scheme of biodiversity and enhancement has been submitted to and approved in writing by the local planning authority. The wildlife & habitat protection plan shall include (but not exclusively limited to):

- i) Details of sensitive site clearance with respect to reptiles and breeding birds;
- ii) Details of newt/wildlife friendly drainage.
- iii) A plan showing wildlife and habitat protection zones and details of habitat replacement in the identified 'Ecological Area' and northern boundary to replaced loss of woodland floor and scrub (details to include means of mitigation/compensation, planting list, translocation details and protection measures);
- iv) Details of development and construction methods within wildlife and habitat protection zones and measures to be taken to minimise the impact of any works;
- v) Details of the management of ecology features to maximise biodiversity;
- vi) Measures to be undertaken to enhance biodiversity on site;

- vii) A lighting scheme for the site in order to ensure minimal light spillage onto adjoining vegetation; and
- viii) A minimum of 100mm gap at the bottom of all fencing used on site.
- ix) Details of bat and bird boxes (minimum 14 boxes, of which 50% should be swift boxes)

The protection and management plan shall then be completed in accordance with the timings approved by the local planning authority.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity) and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species)] of the Local Development Plan.

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

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii) hours of construction;
- ix) lighting;
- x) management, control and mitigation of noise and vibration;
- xi) odour management and mitigation;
- xi) diesel and oil tank storage areas and bunds;
- xii) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorscheme.org.uk) during the course of the construction of the development; and
- xiii) a system for the management of complaints from local residents which will incorporate a reporting system.

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

Reason:

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

10. Prior to the commencement of any development a scheme to investigate and monitor the site for the presence of gases being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval. Following completion of the approved monitoring scheme, the proposed details of any appropriate gas protection measures which may be required to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

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.

11. 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.

12. 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.

13. 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.

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

Reason:

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

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

Reason:

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

16. Notwithstanding the submitted plans and prior to the commencement of the construction of the site access and internal site roads, further details of:
- the proposed access into the site (including gradients and visibility splays)
 - details of site lighting
 - the 3.5m footway/cycleway along the frontage of the site on Leckwith Road
 - details of the location and design of of the relocated gateway feature on Leckwith Road
 - all surface materials to be used in the parking areas and carriageways within the site,

Shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and maintained in accordance with the approved details.

Reason:

In the interests of highway safety and to ensure compliance with Policies MD1 'Location of New Development' and MD2 'Design of New Development' of the Local Development Plan.

17. No development or site clearance 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 (Delivering the Strategy), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

18. 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 (Delivering the Strategy), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the site (other than those approved under condition 5 of this consent).

Reason:

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

20. Notwithstanding the submitted details, further details of the noise mitigation measures within the buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The submitted scheme shall ensure that all rooms achieve an internal noise level of 35dBA by day and 30dBA by night and that a LA_{maxfast} of 45dB is not exceeded. The mitigatory measures identified shall be implemented in accordance with the approved details prior to the beneficial occupation of the dwellings and thereafter retained and maintained at all times.

Reason:

In the interests of the amenities of future occupiers of these dwellings in accordance with policies MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Development Plan and the advice contained within Technical Advice Note 11: Noise.

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, SP10- Built and Natural Environment, MG1 – Housing Supply in the Vale of Glamorgan, MG4 – Affordable Housing, MD1 - Location of New Development, MD2 - Design of New Development, MD3 - Provision for Open Space, MD4 - Community Infrastructure and Planning Obligations, MD5 - Development within Settlement Boundaries, MD6 - Housing Densities, MD7 - Environmental Protection, MD8- Historic Environment , MD9 - Promoting Biodiversity and MD16- Protection of Existing Employment Sites and Premises of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Planning Policy Wales (Edition 10), Technical Advice Notes 2, 12, 15, 16, 18 and 24, the Council's Supplementary Planning Guidance on Residential and Householder Development, Affordable Housing, Biodiversity and Development , Parking Standards (Interactive Parking Standards Zones Map), Planning Obligations, Public Art and Sustainable Development - A Developer's Guide, the proposed development is considered acceptable in respect of the design, scale and visual impact on the buildings,

impact on residential amenity and privacy, parking, highway safety, traffic, ecology and drainage.

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 onto land not within your ownership or control.**
2. **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.**
3. **CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE**

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.

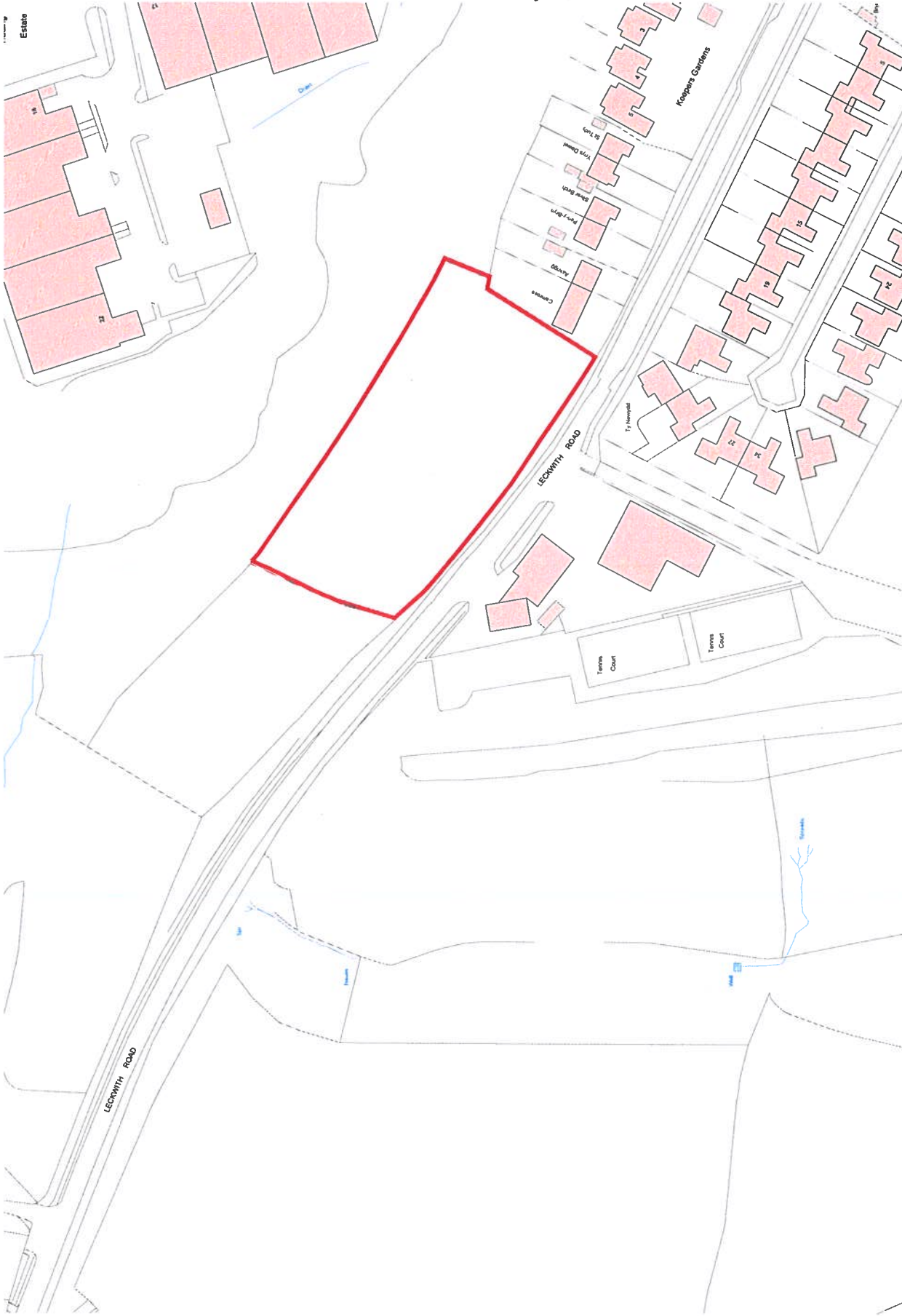
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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

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

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

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

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Status: **PLANNING** rev date description

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by Drawn: SC Client: JEHU Group

Checked: JM Project: Leckwith Road, Llandough

Date: Nov 14 Title: Site Location Plan

Scale: 1:1250 Ref: 2093-100 Rev: -



Unit 3 Chapel Barns | Merthyr Mawr
Bridgend | CF22 0LS | 01656 656267
mail@spring-consultancy.co.uk

2019/00068/FUL Received on 24 January 2019

Applicant: Mr. Gavin Henson Brynawel, St Brides Major, Vale of Glamorgan, CF32 0TA
Agent: Mr. Paul Watkin PDW Building Designs, 7, Blackmill Road, Bryncethin, Bridgend, CF32 9YW

Brynawel, St Brides Major, Bridgend

Proposed access track, stables yard and manege

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because there is a dual recommendation for the refusal of the application and the authorisation of enforcement action.

EXECUTIVE SUMMARY

The application is for a stable building, manege and associated access track and turning area on land to the south of the dwelling known as Brynawel, just outside St. Brides Major. The site lies within the countryside and within the Castle Upon Alun Special Landscape Area. It is also Grade 2 quality agricultural land.

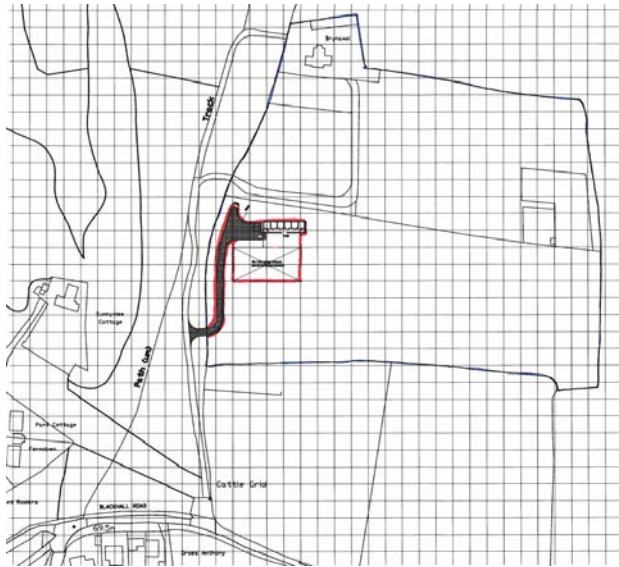
The main issues involved in the assessment of the application are the design and visual impact of the development and the loss of Grade 2 agricultural land. The application is recommended for refusal due to the harm that would be caused to the character of the countryside and Special landscape Area and due to the loss of Grade 2 agricultural land.

Works have already commenced to lay the track and turning area and consequently this report also requests authorisation for officers to take enforcement action to remove the unauthorised elements of the development that have already been constructed/laid.

SITE AND CONTEXT

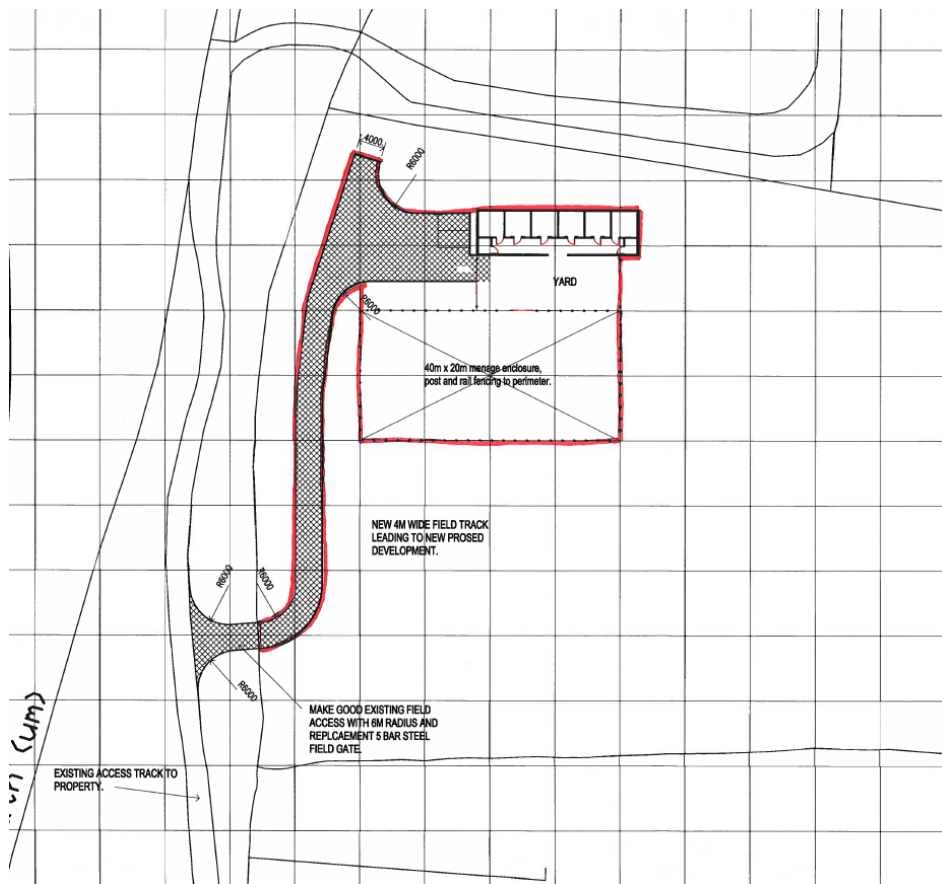
The application relates to a parcel of land located to the south of the detached property, Brynawel, to the north of St. Brides Major. The site is accessed by a gate in the south-west corner of the site, and is listed as grade 2 agricultural land as per the Welsh Government's Predictive Agricultural Land Classification (ALC) maps. The boundary of the site to the west marks the boundary of the Old Castle Down SSSI. To the west of the site, there is a common which has a public right of way running through it.

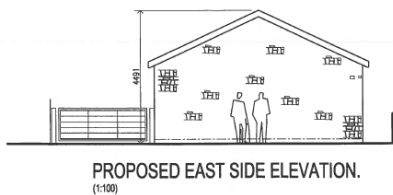
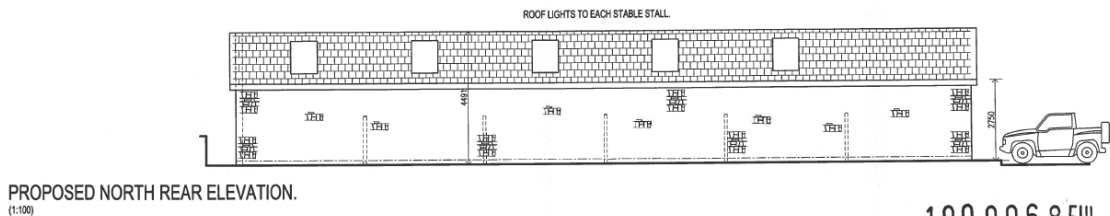
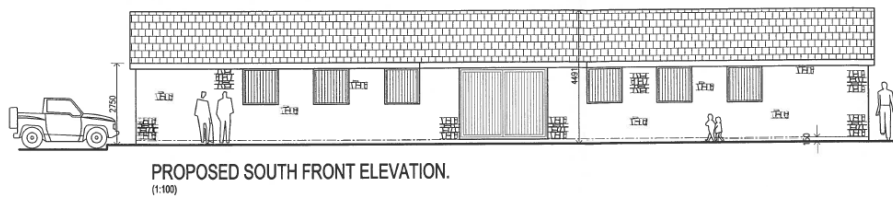
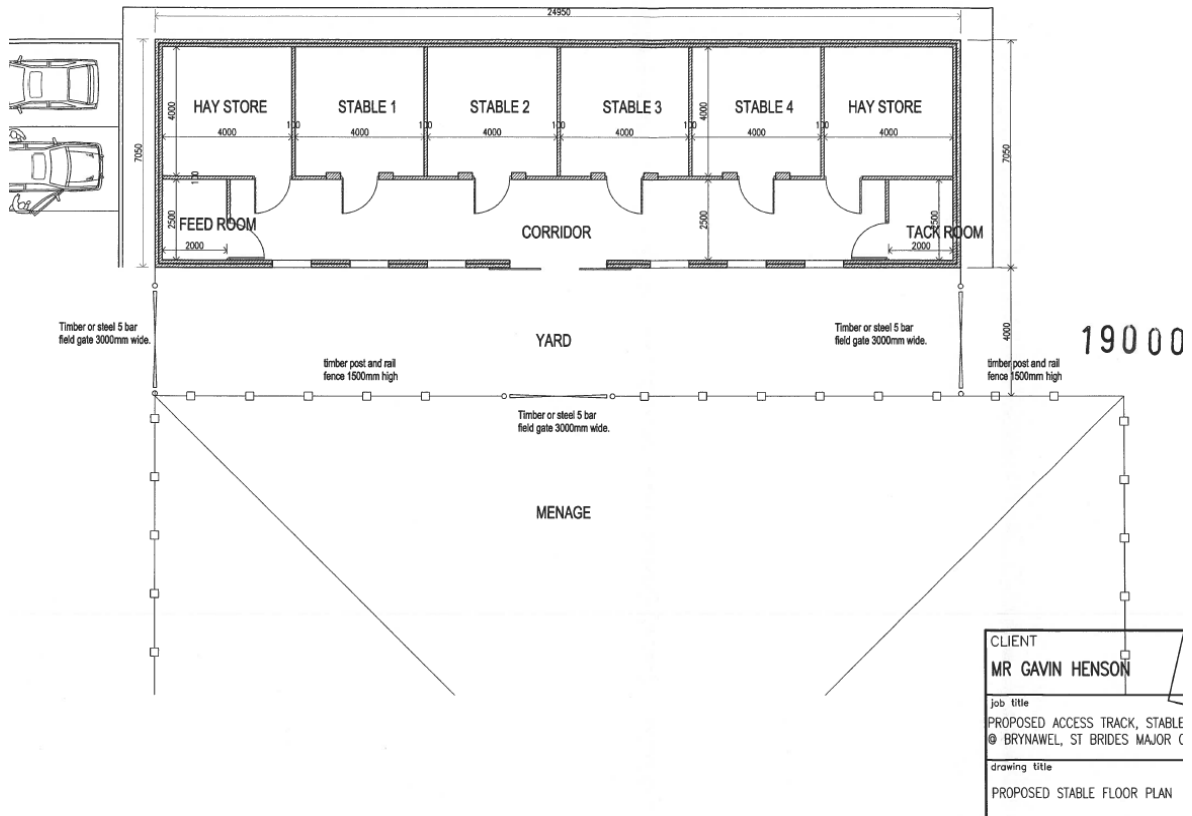
The site is also located within the Castle Upon Alun Special Landscape Area (SLA) and a category one safeguarding zone for Limestone, including dolomite.



DESCRIPTION OF DEVELOPMENT

The application seeks permission for a proposed access track, stables yard and manege.





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RECEIVED
24 JAN 2019
Regeneration
and Planning

CLIENT	MR GAVIN HENSON	
Job title	PROPOSED ACCESS TRACK, STABLES YARD AND MENAGE @ BRYNAWEL, ST BRIDES MAJOR CF32 OTA	
Drawing title	PROPOSED STABLE ELEVATIONS (ALTERNATIVE)	
Job No:	Drawing No:	Scales:

The stable would measure 7m by 25m by 4.5m in height and the proposed manège measures 40m by 20m (to be enclosed by a post and rail fence). The stables would be accessed via the track which runs adjacent to the hedge on the western side of the site, and this measures 4m wide by approximately 70m long. The yard/turning area to the side of the stables measures approximately 10 by 20m.

PLANNING HISTORY

1999/01365/FUL, Brynawel, Blackhall Road, St. Brides Major - Land adjacent to, 4 no. stables, foaling stable and tack room, Approved

CONSULTATIONS

The Council's Public Rights of Way Officer was consulted and commented to state the following:

Public Right of Way No.13 St Brides Major (status – Bridleway) follows the alignment of the existing access track.

Public Right of Way No.13 must be kept open and available for safe use by the public at all times., No adverse effect should result to the Public Right of Way, the applicant should ensure that materials are not stored on the Public Right of Way and that any damage to the surface as a result of the development is made good at their own expense.

The Public Rights of Way Section require the installation of notices at each end of the track warning drivers of the possibility of walkers or horse-riders on the track.

Should the Public Right of Way require temporary closure to assist in facilitating works an order should be sought under the Road Traffic Regulation Act 1984. Temporary closure should not be sought in order to allow construction of permanent obstructions.

A legal diversion or stopping-up order must be obtained, confirmed and implemented prior to any development affecting the Public Right of Way taking place. No barriers, structures or any other obstructions should be placed across the legal alignment of the path.

St. Brides Major Community Council were consulted and to date, no comments have been received.

The Council's Ecology Officer was consulted and to date, no comments have been received.

St. Brides Major Ward members were consulted and to date, no comments have been received.

The Council's Highway Development department were consulted and commented to state the following:

Further to a recent site inspection carried out in relation to the above application, the Highway Authority would advise the Local Planning Authority that there are no objection to the proposals as submitted subject to the following conditionals in the interest of highway / public safety :-

1 *The proposed means of access off Blackhall Road shall be constructed from a bound material for the first 10.0m into the site from the adjacent highway.*

Reason: To prevent loose material being deposited on the adjacent highway, in the interests of highway safety.

REPRESENTATIONS

The neighbouring properties were consulted on 29 January 2019.

A site notice was also displayed on 14 February 2019.

To date, no comments have been received.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy

POLICY SP9 – Minerals

POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG17 – Special Landscape Areas

POLICY MG20 – Nationally Protected Sites and Species

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 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.

3.16 Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for

innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence. In the event of an appeal, in these circumstances, the Planning Inspectorate will need to examine the issues in detail and consider if the proposal meets the objectives of good design including the relationship between the site and its surroundings.

3.54 Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC)¹⁵ is the best and most versatile, and should be conserved as a finite resource for the future.

3.55 When considering the search sequence and in development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.

6.3.3 All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places. Considering landscape at the outset of formulating strategies and policies in development plans and when proposing development is key to sustaining and enhancing their special qualities, and delivering the maximum well-being benefits for present and future generations as well as helping to deliver an effective and integrated approach to natural resource management over the long term. Collaboration and engagement with adjacent planning authorities, Natural Resources Wales (NRW), Cadw and the third sector will be necessary to draw on a wide range of expertise and evidence. This means:

- ensuring Wales contributes to meeting international responsibilities and obligations for landscapes;*
- ensuring statutorily designated sites are properly protected and managed;*
- ensuring that the value of all landscapes for their distinctive character and special qualities is protected; and*
- ensuring the opportunities landscapes provide for tourism, outdoor recreation, local employment, renewable energy and physical and mental health and well-being are taken into account and multiple well-being benefits for people and communities secured.*

6.3.4 Where adverse effects on landscape character cannot be avoided, it will be necessary to refuse planning permission.

Technical Advice Notes:

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

- Technical Advice Note 12 – Design (2016)

Paragraph 2.6 states:

“Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.”

Paragraph 4.5 states:

“In many cases an appraisal of the local context will highlight distinctive patterns of development or landscape where the intention will be to sustain character. Appraisal is equally important in areas where patterns of development have failed to respond to context in the past. In these areas appraisal should point towards solution which reverse the trend.”

Paragraph 4.8 states:

“Appraising “character” involves attention to topography; historic street patterns, archaeological features, waterways, hierarchy of development and spaces, prevalent materials in buildings or floorscape, architecture and historic quality, landscape character, field patterns and land use patterns, distinctive views (in and out of the site), skylines and vistas, prevailing uses and plan forms, boundary treatments, local biodiversity, natural and cultural resources and locally distinctive features and traditions (also known as vernacular elements).”

The character objectives are defined as follows:

- Sustaining or enhancing local character
- Promoting legible development
- Promoting a successful relationship between public and private space
- Promoting quality, choice and variety
- Promoting innovative design

Supplementary Planning Guidance:

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

- Design in the Landscape
- Minerals Safeguarding (2018)
- Parking Standards (Interactive Parking Standards Zones Map)

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

- Agricultural Land Classification background paper (2015) (Also see LDP Hearing Session 1 Action Point 12 response)
- Designation of Special Landscape Areas (2013 Update)

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

The primary issues to consider are the potential impact upon the agricultural land, the character of the property and wider visual amenities, as well as the potential impact upon the amenity of neighbouring residential properties.

Agricultural land

The proposed development would be located on grade 2 agricultural land. Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system are considered the best and most versatile, *"and should be conserved as a finite resource for the future"* (pa. 3.54, PPW). PPW also states that when making decisions, *"considerable weight should be given to protecting such land from development, because of its special importance"* and later suggests that this land should only be developed if there is an overriding need for the development and *"either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade."*

In addition to national policy, local policy also restricts development on agricultural land of a high grade. Criteria 9 of policy MD1 states that development on unallocated sites should not have an unacceptable impact on the best and most versatile agricultural land, whilst policy MD7 states that proposals should demonstrate they would not result in an unacceptable impact from the loss of the best and most versatile agricultural land.

As stated, the site is listed as grade 2 land as per the Welsh Government's Predictive ALC map, which provides a method for assessing the quality of farmland and to enable informed choices regarding its future use. Satellite images of the site (most recent google

maps and the Council's 2013 aerial photos) would indicate that until relatively recently, the site has been used for agricultural purposes- see photos below:

Google maps imagery:



2013 Aerial photographs:



It is considered that the manure, the access track and the stables are a form of development that would fundamentally compromise future use of the land for agricultural purposes and it is highly unlikely that the development would be reversed and the field

returned to its previous use. Therefore, it is considered that the loss of this best and most versatile agricultural land would be harmful to the supply and availability of such, contrary to both local (criteria 9 of MD1 and criteria 7 of policy MD7) and national policy (paragraphs 3.54 and 3.55) all of which seek to ensure that this land is protected.

Design and Visual impact

The proposed stable would be located in the north-western corner of the site, with the access track running along the western boundary. The access track itself is relatively screened from wider views by natural hedgerows which are protected, due to their nature as field hedgerow, albeit it would be partially visible from around the entrance to the site. Therefore, whilst the proposed track would be less visible from wider views, it would be visible at local points near the entrance to the site.

The proposed stables would be located approximately 7-8m south of the hedgerow which forms the northern boundary to the site. The proposed stables would be approximately 25m wide and approximately 7m deep, with a height of approximately 4.5m to the ridge. The proposed stable would be constructed of block work, with 6 window openings to the front, in addition to a large stable door. Internally, the proposed stables would have four stalls, two hay stores, a tack room, a feed room and an internal corridor to link.

The stables are proposed in block work and this type of building would have a heavier and more visually intrusive appearance than, for example, a timber stable, the like of which are common place within the wider rural scene. The specific building in question is of a substantial size and taken together with the proposed materials and general form, it would have the appearance of a building not dissimilar to a residential bungalow (albeit the detailing is not as domesticated).

Whilst the proposed building would not be visible from the north of the site, given its location towards the top of an incline, it would be clearly visible from the footpath and lane to the south-west. From this location, it would clearly affect the existing unspoilt rural landscape and in light of its materials and size, it is considered that it would not have the appearance of a typical agricultural/rural building, failing to assimilate successfully into the landscape.

In this respect, it is considered that the proposal would have a detrimental impact on the character and appearance of this part of the countryside. From those viewpoints to the south, the site is viewed in the context of relatively unspoilt rural views and, while the dwelling is partially visible in that context, there is considered to be a high quality landscape character to those views.

The Castle Upon Alun SLA is considered to be of outstanding value over large areas in the geological, habitat, and visual and sensory aspects. It is characterised by broad plateaus, gentle rolling hills and the Ewenny and Alun River valleys (LDP Designation of Special Landscape Areas background paper). The paper goes on to note that *the form and natural vegetation give the valley a distinctive character complemented by the downs to the south and contrasting with farmed landscape to the north* and that *the strong topography and 'natural' vegetation create a rugged and wild landscape with a strong sense of place and character*.

The visual context of this site very much typifies the kind of wild and rugged character described above and it is considered that a visual intrusion of the kind proposed would be

harmful to the character that this part of the SLA is defined by. Consequently it is considered that the development would be harmful to the countryside and SLA, conflicting with the aims of policy MG17 of the LDP.

Policy MD2 of the Council's LDP states 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*
- *Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix, and density*

Planning Policy Wales also states that the “*landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics*”, whilst paying due regard to the environmental benefits they provide. PPW then proceeds to state that where “*adverse effects on landscape character cannot be avoided, it will be necessary to refuse planning permission*”. In this instance, it is considered that the special characteristics of the SLA would be detrimentally impacted by the proposal and therefore would not comply with paragraph 6.3.3 of Planning Policy Wales.

Taking the above into consideration, it is considered that the proposals would not positively contribute to the context of the surrounding area and its scale / appearance would not respond appropriately to the local context and character. Therefore, the proposals would not comply with criteria 1 of policy MD1, criteria 1 and 2 of policy MD2 of the Council's LDP, and policies SP10 and MG17. In addition, it is also considered that the proposals would fail to comply with paragraphs 2.6 and 4.5 of TAN 12.

It is also noted from the site visit that the levels on site have had to be altered in order to accommodate the proposed works. Given the alterations, a plan showing the levels would have been requested, however given that the application is unacceptable on other grounds this has not been requested in this instance.

Parking and Highways issues

The proposed plans would suggest that two parking spaces would be provided on site, with sufficient manoeuvring space for vehicles and potentially larger vehicles such as a horse box. The Council's SPG does not state a maximum parking requirement for such a use, however, given that the proposed stables and manege would not be open to members of the public, it is considered that the proposed parking would be sufficient to meet the demands of the applicant.

The Council's Highways team have requested a condition which relates to the amendment of materials used on the track for the existing access from Blackhall Road. However, given that this track is outside the applicant's ownership and is existing, it is considered that such a request could not be justified in the context of this proposal.

Rights of Way

The Council's Public Rights of Way (PROW) Officer commented in relation to the footpath and bridleway that runs along the track to the west of the application site. Given that the proposals would be located within the adjoining field, it is considered that there would be

no detrimental impact on the path or indeed the use of this path by pedestrians and horses.

It should also be noted that the PROW Officer has requested that signs are erected along the footpath. However, similarly to that of the above, given that the track is not within the applicant's ownership, it is considered that such a request could not be justified in the context of this proposal.

Impact on neighbours

The proposed track, manege and stables would be located approximately 70-75m away from its closest neighbour, Sunnyview Cottage. Therefore, given the distance it is considered that the proposal would not have a detrimental impact on neighbouring amenities.

Minerals safeguarding

As aforementioned, the site lies within the category one safeguarding zone for limestone and dolomite. Policy MG22 states that new development will be permitted in an area of known mineral resource where it has been demonstrated that:

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;

In this instance, the safeguarding zone is considered as some of the best and most versatile agricultural land in the Vale of Glamorgan and therefore, it is considered that the extraction of such minerals would have an unacceptable impact on environmental considerations, in particular the use of the land for agricultural purposes. Therefore, given that the extraction of such minerals would be to the detriment of the wider area and use of the land for agricultural purposes, it is considered that such a site would not be an acceptable minerals extraction site and therefore, the proposal is not unacceptable in these terms.

REASON FOR RECOMMENDATION

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

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

RECOMMENDATION

REFUSE AND AUTHORISE ENFORCEMENT ACTION

1. That planning permission for the retention and completion of the works as be refused.
2. That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
 - (i) The removal of any works associated with the construction of the development that is the subject of this planning application, including material that has been laid as part of the construction of the track and turning area to the side of the stables.
 - (ii) The re-instatement of the land to its former condition immediately prior to the commencement of the unauthorised works.
3. In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

REASON FOR RECOMMENDATION

1. The proposed stable building, by virtue of its scale, design and materials would have a harmful and visually intrusive impact on the character and appearance of the countryside and it would detract from the landscape quality of the wider Castle Upon Alun Special Landscape Area. The development is therefore contrary to Policies SP1 – Delivering the Strategy, SP10 – Built and Natural Environment, MG17 – Special Landscape Areas, MD1 – Location of New Development and MD2 – Design of New Development of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Supplementary Planning Guidance on Design in the Landscape, Planning Policy Wales (Edition 10, 2018) and Technical Advice Note 12- Design.
2. The proposed access track, stables, yard and manege, by virtue of their scale and design would result in the loss of best and most versatile agricultural land (Grade 2) and would therefore adversely affect the supply and availability of high quality agricultural land in the Vale of Glamorgan. The development is therefore contrary to Policies MD1 – Delivering the Strategy and MD7 – Environmental Protection of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Planning Policy Wales (Edition 10. 2018).

NOTE:

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

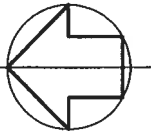
variations from the approved plans immediately so that you can be advised how to best resolve the matter.

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

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

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

NORTH



1900068FUL

RECEIVED

24 JAN 2019

Regeneration
and Planning

CLIENT

MR GAVIN HENSON

job title

PROPOSED ACCESS TRACK, STABLES YARD AND MENAGE
@ BRYNAWEL, ST BRIDES MAJOR CF32 OTA

drawing title

SITE LOCATION PLAN.

job No:

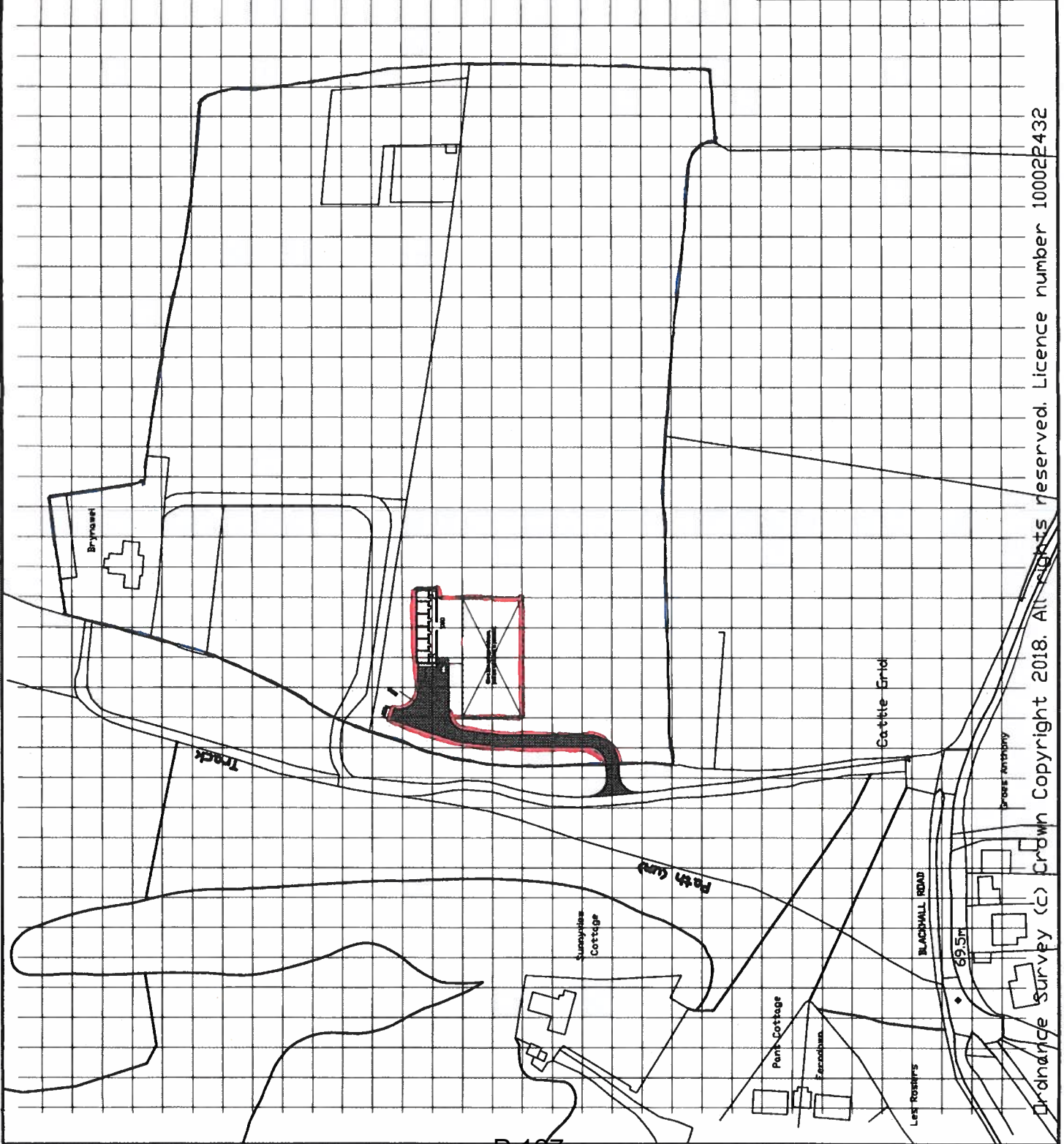
18.94

drawing No:

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scales:

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