

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **3 JANUARY, 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:

2018/0092/BN	A	44, Salisbury Road, Barry	Re-roof
2018/0275/BR	AC	4, Avalon Antiques, Royal Buildings, Stanwell Road, Penarth	Change of use from 1 no. 3 bed maisonette apartment to 2 no. apartments (as amended 18/7/18)
2018/0821/BN	A	30, Heol Broadland, Barry	Orangery extension
2018/0829/BN	A	6, Broadway, Cowbridge	Alterations to ground floor
2018/0897/BN	A	45, Pontypridd Road, Barry	Full bungalow renovation and dormer loft conversion
2018/0933/BN	A	26, Wye Close, Barry	Insert steel beam to form two rooms into one
2018/1194/BR	AC	Nightingale Cottage, Craig Yr Eos Road, Ogmere By Sea	Conversion of garage into residential unit
2018/1196/BR	A	95, Cornerswell Road, Penarth	Widening of an internal door opening to a structural wall
2018/1201/BR	AC	97, Cornerswell Road, Penarth	Loft conversion with hip to gable and rear dormer
2018/1202/BN	A	47, Fairfield Rise, Llantwit Major	Single storey, attached, single garage conversion into reception room.
2018/1203/BR	AC	2, Taynton Mews, North Road, Cowbridge	Single storey dining room extension

2018/1204/BN	A	28, Arcot Street, Penarth	Single storey extension to enlarge kitchen
2018/1206/BN	A	29, Wordsworth Avenue, Penarth	Re-roof with clay tiles
2018/1208/BR	AC	55, Golwg Y Coed, Barry	Conversion of garage to habitable room
2018/1209/BN	A	17, Llys Steffan, Llantwit Major	Kitchen renovation including removing two windows and installing sliding doors system, plus blocking up a side doorway and removing small internal wall
2018/1211/BN	A	28, Liscum Way, Barry	Conversion of garage into habitable room
2018/1212/BN	A	18, Duffryn Crescent, Peterston Super Ely	Over garage extension
2018/1214/BN	A	33, Afal Sur, Barry	Converting existing garage into a dining room
2018/1215/BR	A	284, Holton Road, Barry	To convert existing vacant lock up shop unit to one bed roomed self-contained flat
2018/1216/BR	AC	43, Spencer Drive, Llandough, Penarth	Two storey extension to rear. Part conversion of garage to utility room with first floor extension above
2018/1218/BN	A	17, Carys Close, Penarth	Loft conversion with dormer
2018/1219/BN	A	16, Y Cerigos, Barry. CF62 6YU	Installation of a stairlift to the common staircase
2018/1220/BN	A	33, Purcell Road, Penarth	Erection of a detached building which consists of a gym
2018/1221/BN	A	2, Ffordd Cwm Ciddi, Barry	Widening of doorway
2018/1222/BN	A	15, Wenvoe Terrace, Barry	Re-roof
2018/1223/BN	A	26, Hickman Road, Penarth	Loft conversion

2018/1224/BN	A	129, Redlands Road, Penarth	Re-roof
2018/1225/BN	A	34, Smeaton Close, Rhoose	Reconstruction of damaged garage and to change it to a rehab room for disabled person
2018/1229/BN	A	Woods Edge, Bowmans Way, Cowbridge	knock kitchen and utility room together which will result in a single kitchen/diner room
2018/1234/BN	A	63, St. Lukes Avenue, Penarth	EWI
2018/1235/BN	A	62, St. Lukes Avenue, Penarth	EWI
2018/1236/BN	A	61, St. Lukes Avenue, Penarth	EWI
2018/1237/BN	A	60, St. Lukes Avenue, Penarth	EWI
2018/1238/BN	A	59, St. Lukes Avenue, Penarth	EWI
2018/1239/BN	A	58, St. Lukes Avenue, Penarth	EWI
2018/1240/BN	A	57, St. Lukes Avenue, Penarth	EWI
2018/1242/BN	A	55, St. Lukes Avenue, Penarth	EWI
2018/1243/BN	A	Warren Mill Farm, Pendoylan.	extension to Barn A to form managers accommodation
2018/1245/BN	A	14, Grange Avenue, Wenvoe	New kitchen, new bathroom and partial rewire
2018/1246/BN	A	1, Eifion Close. Barry	New wet room and partial re-wire
2018/1247/BN	A	20, Bedford Rise, Llantwit Major	New bathroom, partial re-wire, reinstate a front door and frame to inside of porch way

2018/1248/BN	A	11, Hafren Road, Barry	Take down three small asbestos ceilings to rear lobby and sheds and reinstate plaster board ceilings
2018/1249/BN	A	302, Barry Road, Barry	New bathroom and partial re-wire
2018/1250/BN	A	183, Cardiff Road, Dinas Powys	re-roof
2018/1252/BN	A	4, Thaw Close, Cowbridge	First floor alterations including the formation of a new WC., to facilitate a disabled occupant, plus all associated works
2018/1254/BN	A	1, Shelley Crescent, Penarth	Two rooms into one
2018/1255/BN	A	83, Sir Ivor Place, Dinas Powys	Wall knock through to create larger living area
2018/1259/BN	A	2, Henry Street, Barry	Fit new kitchen
2018/1263/BN	A	4, The Glades, Penarth	Additional attached single garage and 2 storey extension above of two bedrooms and bathroom

(b) Building Regulation Applications - Reject

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

2018/1230/BN	R	8, The Heathers, Barry	Removal of internal structural wall
2018/1231/BN	R	66, Grove Terrace, Penarth	Single storey kitchen extension

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

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

2018/0177/AI	A	Tolzey Cottage, Penmark, Barry	Proposed single storey rear extension and detached garage. works to include material alterations to structure, controlled services, fittings and thermal elements
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2018/0178/AI	A	Existing ATC building, St. Athan Airfield	Conversion of existing frame room to server room and alterations to first floor office, (works to include material alterations to structure, controlled services, fittings and thermal elements)
2018/0179/AI	A	2, Badgers Brook Rise, Ystradowen	Replacement of existing conservatory roof
2018/0180/AI	A	10, Harbour Road, Barry	Replace conservatory roof with Icotherm tiled warm roof and associated works at ground floor level
2018/0181/AI	A	7, Clevedon Avenue, Sully	Single storey extension, replacement roof to elevation, internal alterations and associated works
2018/0182/AI	A	102-106, Holton Road, Barry	Shop fit-out
2018/0184/AI	A	237, Barry Road, Barry	Replace conservatory roof with Icotherm tiled roof and associated works at ground floor level
2018/0185/AI	A	107, Windsor Road, Penarth	Single storey side extension, works to include material alterations to structure, controlled services, fittings and thermal elements
2018/0186/AI	R	Aston Martin, IT Department, St. Athan	First floor office fit-out
2018/0187/AI	A	15, Wick Road, Ewenny	Single storey side extension, works to include material alterations to structure, controlled surfaces, fittings and thermal elements

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PLANNING COMMITTEE : 3 JANUARY, 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

2012/01048/2/N MA	A	40, Commercial Road, Barry	Non material Amendment to planning consent 2012/01048/FUL-To allow re position of window on side elevation.
2014/00933/3/C D	A	Land at Pentre Meyrick	Discharge of Condition 9 - Landscape details. Planning Permission ref. 2014/00933/FUL : Development of 13 affordable homes, access arrangements and associated works, including off-site highway improvements

2014/00995/2/N MA	A	Land adjacent to Llantwit Major bypass B4265, Boverton	Non-Material Amendment to provide a 1.2m tall stone wall adjacent to the site entrance: Planning permission ref 2014/00995/FUL - Change of use of agricultural land to residential development (C3) including demolition of a disused building and the development of 65 residential dwellings, public open space, landscaping, highway improvements and associated engineering works
2015/00662/4/N MA	A	Land to the east of Mink Hollow, St. Nicholas	Non material amendment - Planning permission ref: 2015/00662/FUL: Proposed residential development for 17 dwellings and associated highway and ancillary works at Land to the east of Mink Hollow, St. Nicholas.
2015/01070/4/C D	A	Land North of the railway line (West), Porthkerry Road, Rhoose	Discharge of Condition 8 - Means of enclosure. Planning ref: 2015/01070/RES
2016/00305/2/N MA	A	Land adjacent A4226, Five Mile Lane, Barry	Non Material Amendment to vary Condition 17 of planning permission 2016/00305/RG3
2016/00571/FUL	A	New Greenway Farm, Greenway Road, Bonvilston	Conversion of two agricultural units to holiday accommodation
2016/01493/1/N MA	A	5, Holms Court, Minehead Avenue, Sully	Non-Material Amendment to planning permission 2016/01493/FUL to reduce the size of the approved decked area

2017/00767/1/C D	A	Home Farm, Hensol	Discharge of Condition 4 - Materials - planning permission 2017/00767/FUL for two storey side annex extension
2017/01269/1/C D	A	Tresilian Wood, Dimlands Road, St. Donats	Discharge of Conditions: Condition 4 - Levels, Condition 5 - Means of Enclosure, Condition 7 - Sustainable Drainage Systems Possible. 2017/01269/FUL : Conversion of part of existing main building to Managers accommodation (Rural Enterprise Dwelling). Proposed new building adjacent to main building as additional amenity facilities and erection of a 2.0 m high fence along the western boundary at The Hide at St. Donats, Tresillian Wood, Dimlands Road, St. Donats
2018/00059/1/C D	A	149, Plymouth Road, Penarth	Discharge of Conditions 3 - External Materials, Condition 4 - Levels and Condition 5 - CEMP of Planning Permission 2018/00059/FUL - Demolish existing house. Construct new dwelling as attached plans
2018/00059/1/N MA	A	149, Plymouth Road, Penarth	Non-material Amendment for Conditions 4 and 5 of 2018/00059/FUL

2018/00180/1/C D	A	Land at the rear of 45, Fontygary Road, Rhoose	Proposed redesign of development site, approved under planning application number 2016/01254/FUL to accommodate a pair of semi detached dwellings conditions 3, 4, 6, 7 and 8
2018/00183/LBC	A	1, Westgate, Cowbridge	Internal renovation and remodelling of commercial premises and second storey apartment
2018/00196/1/N MA	A	1, River View, East Aberthaw	Non Material Amendment amend the specification for a portion of paved parking area that falls outside of the tree root protection area, from a permeable product as specified and approved, to a non- permeable type of paving. The area of parking within the RPA is to remain as that specified. It is also intended to provide a flush drainage to channel to discharge within the site across the width of the opening onto the public highway, thus avoiding rainwater run off onto the public highway: - Planning Permission-Demolition of boundary wall and new vehicle crossing to provide access to a proposed parking area for 2 no. cars
2018/00224/FUL	A	Land at Slon Lane, Ogmore by Sea	Erection of community village hall, incorporating cafe, multipurpose space and the renovation of the existing public toilet block

2018/00272/FUL	A	Tudor Garage, Ystradowen	Proposed extension to existing garage/workshop. Demolition of substandard dwelling and replacement with new energy efficient 4 bed roomed house plus disabled toilet to petrol station
2018/00350/1/N MA	A	16, Lon Fferm Felin, Barry	Non-Material Amendment - Outside finish to be changed from facing brick to match existing to a block and render finish of a neutral colour. Increase number of Velux roof windows from 2 to 3. Planning Permission ref. 2018/00350/FUL : Erect a single storey extension to rear of property
2018/00398/1/N MA	A	Brecon Court, Barry	Non Material Amendment - We are looking to substitute the white brickwork with white render : Planning Permission 2018/00398/RG3 - Proposed residential development comprising 28 dwellings along with associated parking, highway and ancillary works
2018/00417/FUL	A	Greenfields, Church Lane, St. Athan	Proposed change of use of front room for dog grooming parlour

2018/00473/1/N MA	A	168, Westbourne Road, Penarth	Non-Material Amendment - All windows to be in grey UPVC not white as original application. Ground floor bi-fold doors to be in grey aluminium and not in white UPVC. Planning permission ref. 2018/00473/FUL : Proposed two storey rear extension and side garage
2018/00560/FUL	A	15, High Street, Cowbridge	Change of use application to A1/A3
2018/00575/FUL	A	2, Button Ride, St. Nicholas	Loft extension to terraced house. The front of the house which faces the street is proposed to have a pair of roof lights, while the rear of the house is proposed to have a cape dormer with Juliet balcony
2018/00583/FUL	A	20, Cedar Way, Penarth	Two storey ground and first floor rear extension
2018/00696/FUL	A	23, Station Road, Dinas Powys	Replacement garage at rear of property, and works in connection therewith
2018/00731/FUL	A	Tudor Lodge, A48, Bonvilston	Re-opening of existing vehicular driveway access off the A48
2018/00808/FUL	A	Tinkinswood Farm, Duffryn Lane, St. Nicholas	Conversion of redundant single storey agricultural out-building to 2 bed living accommodation, ancillary to the main dwelling
2018/00816/FUL	A	Old Farmhouse, Llandow	Change of use of land to domestic garden and the placement of a Shepherds Hut

2018/00866/FUL	A	21, Cedar Road, Eglwys Brewis	Proposed two storey side and single storey rear extension. Demolition of existing conservatory and construction of new garage - PLEASE NOTE AMENDED DESCRIPTON
2018/00903/FUL	A	Millbrook, 2, Mill Lay Lane, Llantwit Major	First floor balcony with French doors, ground floor bifold doors. New windows front and rear with new material (grey aluminium). New roof with change of materials on tiles and to both front and rear dormers (slate and wood cladding)
2018/00923/OUT	A	Vale Farm, Flemingston	Erection of rural worker's dwelling, bio-disc drainage
2018/00969/FUL	A	6, Button Ride, St Nicholas	Rear double storey extension with Juliet balcony
2018/00970/FUL	A	18B, Holton Road, Barry	Change of use from a one bedroom flat into a storeroom
2018/00972/FUL	A	8, Glas Y Llwyn, Barry	Single storey rear extension to create lounge and store/garage
2018/00975/FUL	A	Cross Cottage, Stallcourt Close, Llanblethian, Cowbridge	Change of windows from white 1980's wooden windows to traditional grey aluminium windows
2018/00983/FUL	A	Danygraig, Sutton Road, Ogmore By Sea	Replace an existing boundary wrought iron fence with a 30 metre stone wall along the front of our property running along Sutton Road and install a 1.5 metre wide gate into one end of the wall for access

2018/00989/FUL	A	Ty Llewes, Hebbles Lane, Coldbrook Road West, Barry	Demolition of existing single storey extension on front elevation, and construction of new two storey side extension and single storey front extension. New two storey extension to include Juliet balcony on rear elevation
2018/00992/FUL	A	Aston Martin Lagonda, Eglwys Brewis Road, St Athan	Build a sub-station to facilitate an increase in electrical supply capacity to the Aston Martin manufacturing facility
2018/01006/FUL	A	Land off Well Lane, St. Nicholas	Construction of a Type 2 Foul Pumping Station, foul water sewer/lateral drain, foul water rising main and foul water manhole
2018/01011/FUL	A	Ael Y Bryn, Victoria Park, Barry	Side garage/stores and associated groundworks
2018/01014/FUL	A	MOD, St. Athan	Installation of an air skills tower, associated access stairs, platforms and foundations
2018/01019/FUL	A	Castle Brook, Llanmaes	Proposed timber framed garden room
2018/01020/RG3	A	Wick and Marcross Primary School, Church Street, Wick	Proposed extension to existing school to provide new classrooms and ancillary rooms. External works to provide additional hard play areas, additional car park spaces and upgrade of surface water drainage system

2018/01024/FUL	A	St. Peters Church, Church Road, Rhoose	Alterations and extension to St. Peters Church, to improve facilities at the church. These include new kitchen, meeting rooms and hall to the North of the church and a new vestry and meeting room to the East
2018/01028/FUL	R	15, Lynmouth Drive, Sully	Proposed alterations to dwelling including construction of new roof with dormer window to front, new vehicle cross-over with new driveway, new location of garage, enlarged roof terrace, new timber cladding, and proposed new decked area
2018/01031/LAW	A	22, Baron Road, Penarth	Proposed loft conversion complete with hip to gable and dormer to rear
2018/01032/FUL	A	Southlands, Town Mill Road, Cowbridge	Proposed alterations and extensions, to include a new two storey side extension with a garage, a new porch, and single storey rear extension
2018/01033/FUL	A	2, Council Houses, Graig Penllyn	Detached garage, studio and hardstanding
2018/01038/FUL	A	1, Twyn Yr Eglwys, Colwinston	Proposed internal and external remodelling of the dwelling, to include a two storey side extension, single storey rear extension and front porch
2018/01039/FUL	A	11, Cwrt Y Vil Road, Penarth	Single storey extension to rear. Additional roof light to front elevation

2018/01040/FUL	A	72, Clos Yr Wylan, Barry	Proposed side extension, 2 storey with accommodation in roof. New boundary treatments to sides, rear and front. Change of render colour to existing dwelling, replace front 1st floor window with bi-fold doors
2018/01042/FUL	A	33, Brenig Close, Barry	Proposed dormer to rear and loft conversion for existing domestic dwelling
2018/01045/FUL	A	Yr Hen Dy Ffarm, Chapel Road, Broughton	Single storey rear extension
2018/01048/FUL	A	23/28, Plas St. Pol De Leon, Penarth	Replacement of timber balustrading on existing balconies with glass
2018/01050/FUL	A	Newton House Farm, Lane, Newton	Removal of old Dutch hay barn and erection of new implement shed
2018/01051/FUL	R	88, Wordsworth Avenue, Penarth	Proposed single storey 1 bed residential unit to rear of house
2018/01055/FUL	A	12, Fairfield Rise, Llantwit Major	Proposed replacement of outbuilding flat roof with pitched roof and other alterations
2018/01057/FUL	A	Waterfront Retail Park, Heol Ceiniog, Barry	InstaVolt are proposing to install two rapid electric vehicle charging stations within the car park of Waterfront Retail Park, Barry. Two existing parking spaces will become EV charging bays, along with associated equipment

2018/01059/FUL	A	The Manse, Llanbethery	New single storey timber garden studio to rear courtyard with garden landscaping and raised patio
2018/01064/FUL	A	7 Uphill Close, Sully, Penarth	New detached single garage
2018/01065/FUL	A	287, Barry Road, Barry	Demolish existing outbuildings adjacent the rear of the house. Construct lean-to single storey extension to rear of property
2018/01068/FUL	A	Osmond Drake Opticians, 107, Glebe Street, Penarth	Upgrade to shop front and traditional Victorian awning (projecting logo sign and signage to be dealt with via Advertisement Consent application)
2018/01069/ADV	A	Osmond Drake Opticians, 107, Glebe Street, Penarth	Non-illuminated aluminium sign tray powder coated in black with white letters and advertisement canopy
2018/01076/FUL	A	Pheasant Acre Plants, Llangan	Erection of glasshouses, polytunnels and a monopitch steel portal framed building
2018/01079/FUL	A	39, Llys Dwynwen, Llantwit Major	Garage conversion - Remove garage door, replace with brickwork and windows (double doors already to rear) damp proof course and insulate
2018/01080/FUL	A	Wernlas, St. Andrews Road, Dinas Powys	Two storey extension at the side of existing dwelling and detached double garage

2018/01082/LBC	A	Penarth Eye Centre, 7, Windsor Road, Penarth	Internal re-model and re-fit, including removal of stair and wall and re-making finished floor levels
2018/01085/FUL	A	Foxglove Cottage, 1, Castle Mews, Llanblethian, Cowbridge	Loft conversion to domestic dwelling - proposed dormer to rear and side
2018/01087/LAW	A	The Bothy, Port Road, Wenvoe	Remove existing porch and replace with single storey extension to the rear of the house to create a new garden room. Materials to match that of the existing house
2018/01088/FUL	A	15, Maes Y Gwenyn, Rhoose	Proposed internal and external remodelling of the dwelling, plus a single storey rear ground floor extension to form a family room and dining area linked with the new kitchen
2018/01089/FUL	A	48, Glyndwr Avenue, St. Athan	Proposed two storey dwelling with minor amendments to existing dwelling
2018/01091/LAW	A	31, Llanmead Gardens, Rhoose	To fit a new window on existing side wall
2018/01092/FUL	A	Springfield, Drope Road, St. Georges Super Ely	Proposed demolition of single storey mono pitched kitchen extension and construction of two storey extension to match existing in materials and design, to provide kitchen to ground floor and bathroom at first floor levels
2018/01096/FUL	A	12, Walker Road, Barry	Proposed single storey extension to rear and off-road parking to front
2018/01098/LAW	A	2, Aubrey Terrace, Cowbridge	Proposed single storey rear extension

2018/01107/FUL	A	St. Lythans Service Reservoir, St. Lythans	Erection of security fencing
2018/01111/FUL	A	Daly and Associates Dental Surgery, 77, Tynewydd Road, Barry	Change of use of previous dentist building (P.T Daly Dentist) into dwelling / house
2018/01122/FUL	A	Efail Y Roper, Mountain Road from Llansannor School to Jct A4222, Aberthin, Ystradowen	Ground floor extension to side elevation, with a new roof terrace at first floor level, and an extension at first floor level on the rear elevation, to provide an additional bedroom
2018/01128/FUL	A	Rose Cottage, Treoes	Alteration/extension
2018/01130/FUL	A	7, Church Avenue, Penarth	Proposed ground floor garage and first floor storage
2018/01133/PNA	A	Treguff Cottage, Treguff	Proposed building for cultivation of mushrooms
2018/01134/FUL	A	Gardd Y Gegin, St Hilary	Two storey extension to front elevation
2018/01135/FUL	A	3, Lavernock Road, Penarth	Demolition of existing single storey lean-to extension to rear of property, to be replaced by the construction of new single storey rear dual-pitched extension
2018/01140/FUL	A	10, Spencer Drive, Llandough	Single storey sunroom extension to rear
2018/01143/LAW	A	10, Royal Close, Penarth	New lean-to conservatory on rear elevation
2018/01145/FUL	A	19, Greenfield Avenue, Dinas Powys	Single storey rear extension
2018/01147/FUL	A	6, Broadway, Cowbridge	Proposed internal alterations and new porch

2018/01163/FUL	A	39, Plymouth Road, Barry	Proposed internal kitchen and bedroom alterations and new windows
2018/01165/FUL	A	Land at 10, Park Road, Penarth	Conversion of basement supporting structure (foundations) to residential use
2018/01167/FUL	A	6, Kymin Terrace, Penarth	Replace 7 existing sliding box sash white wood windows to front of property
2018/01168/FUL	A	30, Timbers Green, Llangan	Division of detached garage into residual storage area at front (including retaining original garage doors) and insulated habitable space at rear to function as a hobby-room/gym. Building work to include installation of 2 no. Velux windows in the roof and a window and patio doors to rear
2018/01179/LAW	A	23, Hillside Drive, Cowbridge	Single storey rear extension
2018/01185/FUL	A	Lansdowne, St Hilary Village, St Hilary	Replacement of an existing flat roof rear extension. Installation of insulated render to the rear single storey building, replacement of external windows to the existing single storey extension together with various internal renovations and variation to the inner `Secondary` front door and glazing
2018/01197/LAW	A	19, Baron Road, Penarth	Extension of existing hipped roof to gable end roof and rear dormer as an attic extension to an existing attic room

2018/01205/FUL	A	Crofta (formerly Fernhill), St. Quentins Close, Llanblethian, Cowbridge	Rear and side extensions, new access point, porch, windows and other minor alterations
2018/01253/OBS	P	Land off Horsefair Road, Waterton Industrial Estate, Bridgend	Variation of conditions 1 and 5 of P/16/472/FUL (Amended Plan Received 25 October 2018)
2018/01281/OBS	B	Land off Parc Crescent, Waterton Industrial Estate, Bridgend	Variation of Condition 2 of P/16/833/FUL to include the storage of soil

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 3 JANUARY, 2019

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. APPEALS

(a) Planning Appeals Received

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
Start Date: 27 November 2018

(b) Enforcement Appeals Received

None

(c) Planning Appeal Decisions

L.P.A. Reference No: 2018/00620/FUL
Appeal Method: Written Representations
Appeal Reference No: D/18/3212739
Appellant: Mr. & Mrs. Osgood
Location: Fern Cottage, Llwyn Nwydog Farm, Cowbridge Road, Ystradowen
Proposal: Proposed alterations to 2 storey extension to existing property
Decision: Appeal Dismissed
Date: 27 November 2018
Inspector: Mr. A. Thickett
Council Determination: Delegated

Summary

The inspector considered the main issues to be the impact of the proposed development on the character and appearance of the area and the privacy of neighbouring residents.

Character and appearance:

The existing property is a converted barn. The Inspector noted the provisions of LDP policy MD11 which relates to the conversion of rural buildings subject

to, amongst other things, that re use can be achieved without ‘*substantial reconstruction, extension or alteration that unacceptably affects the appearance and rural character of the building*’.

With regard to the existing building, the Inspector noted that both the existing lean to and the elevation to which the proposed extension would be added retains the simple form of the original barn. He was of the view that the proposed addition, due to its form and size, would disrupt the plain form of the existing building and would be domestic in appearance. As such, he found conflict with Policy MD11 as the extension would have an unacceptable effect on the appearance and rural character of the building.

The Inspector acknowledged that there are no public views of the building but noted that *“the appeal property is one of a number of converted former farm buildings to Llwyn Nwyddog Farm. Consequently, the resultant building would be seen by residents and visitors and their appreciation of the barn and the group’s origins would be diminished as a result. I conclude that the proposed development would have an adverse impact on the character and appearance of the area and conflicts with Policies MD2 and MD11 of the LDP”*.

Privacy:

The Inspector noted that all bar one of the windows in the neighbouring Primrose Cottage are obscure glazed and that there is intervening space in the courtyard between the two properties that is shared space. As such he stated *“that this would result in standards of privacy below those one would plan for in new build must have been accepted when planning permission was granted for residential use of these buildings”*.

Given that the appellant would accept a condition requiring the dormer windows to be obscure glazed and that there is already close intervisibility between the two properties, the Inspector did not that the proposal would have a detrimental impact on the privacy of neighbouring residents in conflict with policy MD2 of the LDP.

L.P.A. Reference No:	2018/00367/FUL
Appeal Method:	Written Representations
Appeal Reference No:	18/3207973
Appellant:	Mr. Paul Stevens,
Location:	Side garden of Glenview, 99, Penlan Road, Llandough
Proposal:	Variation of Condition 2 of Planning Permission 2018/00055/FUL to alter pitch of roof and to include open gables
Decision:	Appeal Allowed
Date:	23 November 2018
Inspector:	Janine Townsley
Council Determination:	Delegated

Summary

The Inspector considered the main issues to be the effect of amending the condition on the character and appearance of the area.

Character and Appearance:

The appeal proposal sought to change the roof design of the consented new residential development from a hipped roof to a pitched roof with three gable features with an increase of 1.3 metres to the ridge height.

The Inspector noted the Council's concerns that the increase in height, coupled with the introduction of gable features, will increase the bulk and massing of the proposed dwelling to such a degree that it will cause visual harm to the character and appearance of the area. The Inspector accepted that the increased height of the dwelling and the introduction of three gable features to an approved hipped roof would increase the visual bulk of the dwelling, but was of the view that this would not be to any significant degree and due to the variety of built form in the locality and the topography of the surrounding land it would not give rise to a harmful visual impact. On this matter she concluded that, *"overall, I am satisfied that the proposed changes to the roof design represent a form of development which is appropriate at this location"*. She was also *"satisfied that the proposed alterations to the roof design relate well to the local context in terms of both the character of the surrounding area and the topography of the land. In this respect it represents good design and positively contributes to the character of the surrounding built environment in accordance with policy MD2 of the Vale of Glamorgan Local Development Plan"*. The Inspector also stated that *"I am mindful of the advice set out in paragraph 5.11.3 of Technical Advice Note 12 – Design (2016) and I am satisfied that the proposed amendments to the roof design would reflect the local context"*.

Other Matters:

The Inspector then turned to the matter of the Affordable Housing contribution and the Council's concern that the applicant had failed to enter into a section 106 agreement to provide a financial contribution towards off-site affordable housing within the Vale of Glamorgan, contrary to local and national policy.

Relevant to this matter, the Inspector firstly clarified that, contrary to the Council's view, she was of the view that the proposal was correctly made under section 73 of the Town and Country Planning Act 1990 (as amended) which relates to minor material amendments. She then noted that on a previous S.73 application for the same development the Council had not required an Affordable Housing contribution. This was due to the minor changes proposed in that application. She suggested that in requiring a contribution in the appeal case, the Council were taking an inconsistent approach. She said that a requirement to enter into a legal agreement is a discretionary one on the part of the Council and is not automatically triggered by the submission of a Section 73 application.

In conclusion on this matter she stated *“taking all of this into account, I consider that whilst the grant of a Section 73 application results in the grant of a new planning permission, this does not necessarily equate to the development being tantamount to new residential development. For the above reasons, I do not consider that policies adopted since the grant of the 2015 permission which would require the appellant to enter into a legal agreement to make a contribution to off-site affordable housing are of particular relevance to this appeal”*.

(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	12	6	18	-
	H	2	1	3	-
	PI	-	-	-	-
Planning Total		14 (67%)	7 (33%)	21	-
Committee Determination		-	2 (100%)	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	12	7	19	-
	H	3	1	4	-
	PI	-	-	-	-
Combined Total		15 (65%)	8 (35%)	23	-

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 : 3 JANUARY, 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

R - Refused

E Split Decision

2018/00847/TPO	A	18, Le Sor Hill, Peterston Super Ely	Work to Trees covered by TPO No. 6 of 2012 – One Oak tree on rear boundary to have overhanging limb removed. One Oak tree to have 10-20% crown raise the branches overhanging the greenhouse
2018/00962/TPO	A	1, Court Drive, Llansannor	Works to trees protected by TPO No. 11, 1992. Trees within G1 and G2 of the Order to the front and rear of the property
2018/01061/TPO	A	Brooklands Retail Park, Culverhouse Cross, Card	Tree works described as desirable and essential in the attached tree report
2018/01093/TPO	A	Hensol Castle Park North, Hensol	Works to Turkey Oak covered by TPO No. 4, G1 of 2003
2018/01094/TCA	A	4, Coopers Lane, Cowbridge	Remove 2 no. Cypress in front of house and replant with specimen tree
2018/01110/TCA	E	36, Plymouth Road, Penarth	Works to trees in Penarth Conservation Area. Reduce one Copper Beech and one Genko

2018/01120/TCA	A	4, Stanwell Road, Penarth	Work to three trees in Penarth Conservation Area
2018/01121/TCA	A	3, Church Place South, Penarth	Cut branches to reduce height and width of Ash tree. Prune 4 no. apple trees as required. Removal of apple tree No. 2 if dying
2018/01152/TCA	A	Littlemoor Farm, Squire Street, Llysworney	Work to a tree within the Llysworney Conservation Area - Remove lower limb of Willow
2018/01156/TCA	A	4, Park Road, Penarth	Work to Trees in the Penarth Conservation Area: Reduce apple tree in rear garden
2018/01161/TPO	A	Llandough Hospital, Penlan Road, Llandough	Work to trees covered by TPO no.13 of 2006
2018/01172/TCA	A	5, Plymouth Road, Penarth	Works to trees in Penarth Conservation Area - Remove Bay and Laurel from rear garden
2018/01173/TCA	A	13, Plymouth Road, Penarth	Work to Trees in Penarth Conservation Area - Reduce birch in rear garden and lightly reduce upper crown of willow in rear garden
2018/01174/TCA	A	41, Plymouth Road, Penarth	Work to trees in Penarth Conservation Area
2018/01175/TCA	A	43, Plymouth Road, Penarth	Work to trees in Penarth Conservation Area - Remove Cedar and Birch from front garden and cedar from rear garden
2018/01227/TCA	A	34, Victoria Road, Penarth	Works to trees in Penarth Conservation area
2018/01259/TPO	A	Northcliffe Lodge, Penarth	Works to trees in TPO reference No. 11 2015

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 3 JANUARY, 2019

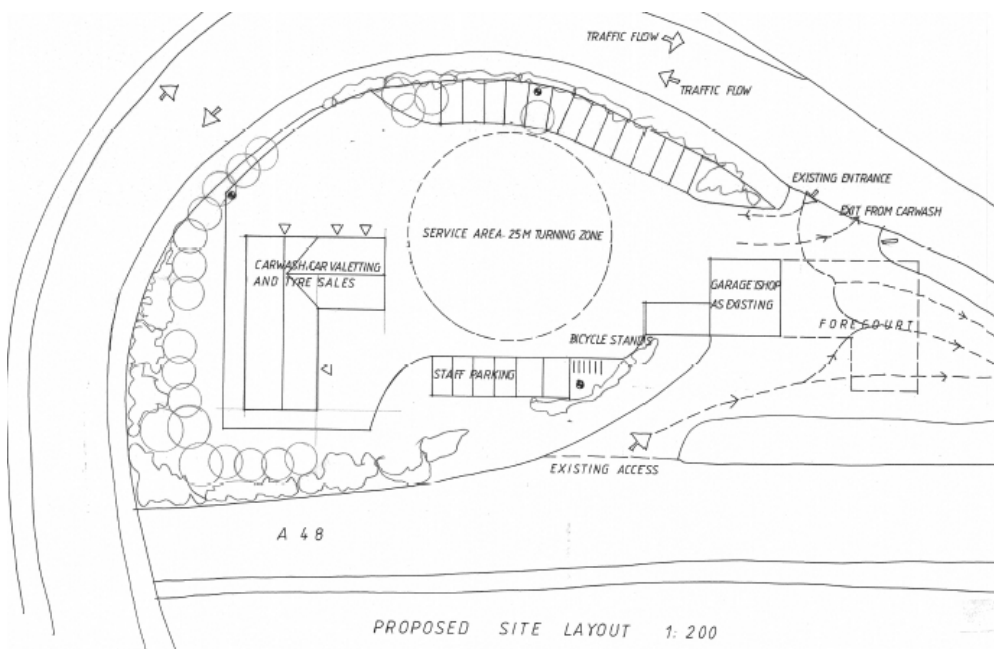
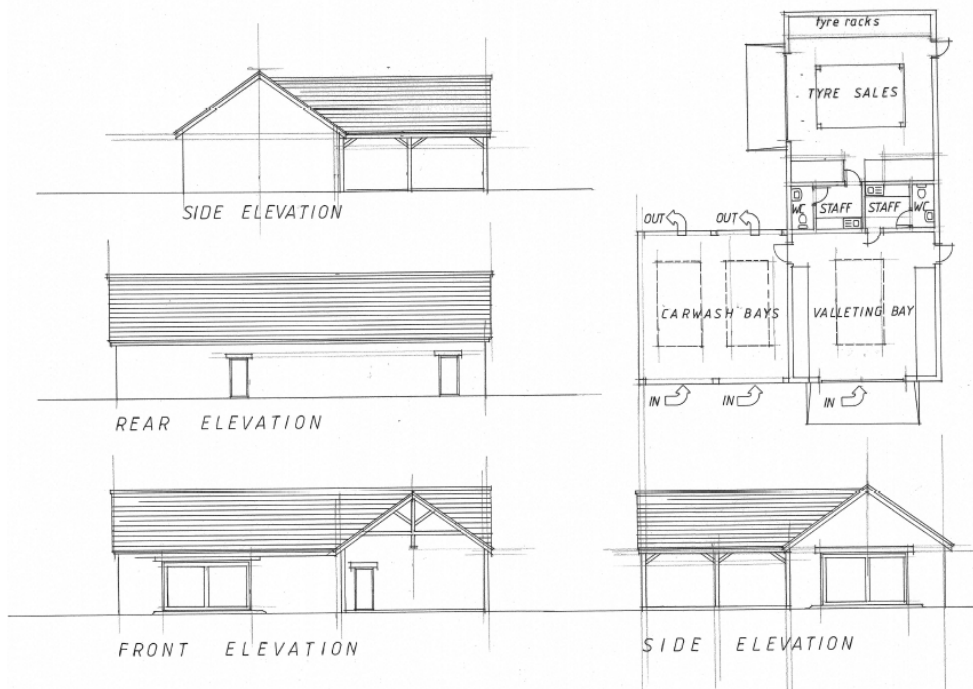
REPORT OF THE HEAD OF REGENERATION AND PLANNING

7. ENFORCEMENT ACTION

LAND AND BUILDINGS AT LAND TO REAR OF STALLING DOWN GARAGE,
STALLING DOWN, COWBRIDGE

Background

1. The Local Planning Authority became aware that a development for a new building for use to complement a tyre sales and car washing business at the rear of Stalling Down Garage, Stalling Down, Cowbridge had not been erected in accordance with the approved plans for planning application 2014/01399/FUL.
2. The site is land at an existing petrol filling station at Stalling Down, near Cowbridge. To the rear of the filling station is an area of land with a part gravel or disrupted tarmac surface which is used to wash cars and sell Christmas Trees in winter. The site is within the countryside, though adjacent to a road junction with the A48. The site also falls within the Upper and Lower Thaw Valley Special Landscape Area.
3. The 2014 planning application was submitted in January, 2015, for a larger 'L shaped' building that would have included a tyre sale area, staff facilities, a valeting bay and car washing bays. The principle of providing such a building was considered acceptable; noting the land to the rear had been used for several years for the washing of cars. It was also proposed to make improvements to the site access, layout and surfacing, whilst allowing for the visual appearance of the site to be further improved through the removal of a shipping crate.
4. The approved plans are illustrated in the following plan extracts:



Details of the Breach

5. A building has been erected on the site in a different location to that of the approved building and is also smaller in size. The building erected on the site is a rectangle shape measuring approximately 20m x 8.3m. It is also single storey, as shown in the photograph as follows:



6. The building has not been erected in accordance with the plans approved by virtue of the 2014/01399/FUL planning application. It has been erected approximately 8m to the north and 3m to the west of the approved location. The building is used for the washing and valeting of cars. It is also understood to have been used for retail purposes and vehicle repairs.
7. As the building does not benefit from the 2014 planning permission granted due to the substantial deviations from the approved plans as noted above. Furthermore, the deviations are not considered to be so minor as to be 'non-material' amendments. As such, the building as a whole is unauthorised and not subject to any of the conditions imposed on the 2014 planning permission.
8. In addition to this, the building and the land associated with the building is being used for hand car washing and valeting. This use is understood to have taken place on the site prior to the erection of the building. This use of the land is also considered to be a breach of planning control either as a stand-alone use or as a use of the building and its curtilage.

Action Pursued to Date

9. The unauthorised nature of the development has been brought to the attention of the site owner on several occasions, firstly in March 2017. There have been extenuating circumstances cited for not submitting an application to seek regularisation of the development, however, considerable time has passed and no such applications have been received to date.
10. An Enforcement Warning Notice was served on 13th September 2017 in respect of the erection of the building. This was not complied with, in that an application for planning permission has not been submitted in an attempt to retain the development.

Planning History

11. The site benefits from the following planning history:

2014/01399/FUL: at Stalling Down Garage, Stalling Down, Cowbridge. - Proposed new single storey detached building for tyre sales and car valeting facilities. Approved 22/12/15

2010/01138/FUL: Downs Filling Station, Stalling down, Cowbridge - Structure to provide car washing facilities, plus extension to existing building - Approved 13/04/2011

2002/00868/FUL: Down Filling Station, Stalling Down, Cowbridge - New car wash/enclosure and plant room - Approved -19/08/2004

2001/00870/ADV: Down Filling Station, Cowbridge By-pass, Cowbridge - 1 x single sided free standing advertising display unit - Refused - 14/09/2001

2001/00674/FUL: Downs Filling Station, Stalling Down, Cowbridge - New car wash and enclosure - Approved -31/08/2001

2000/01428/FUL: Down Filling Station, A48, Stallingdown, Cowbridge - Shop extension, installation of LPG tank and pump - Approved - 02/03/2001

1999/00603/OUT: Land adjacent Down Filling Station, Cowbridge By-pass, Cowbridge - Hot food take-away, opening hours 17.00 p.m. - 23.00 p.m. - Refused -29/07/1999

1999/00508/FUL: Former Service Station, A48, Stalling Down, Cowbridge – To enable the use to continue without complying with condition 4, of 94/00897/FUL – Approved 13 August 1999

1997/00810/LAW: Down Filling Station, Stalling Down, Cowbridge - Retention of steel storage container - Approved -05/09/1997 (case officer - DRT)

1996/00903/ADV: Down Filling Station, A48, Cowbridge - General purpose advertising hoarding - Refused -11/10/1996

1994/00897/FUL – Former Service Station, A48, Cowbridge – General purpose advertising hoarding – Refused 11 October 1996.

1986/00278/ADV: Down Filling Station, Cowbridge - 2 no. gantry signs. Shop fascia. Canopy fascia on north- east, south west and part of north-west elevations - Approved -10/06/1986

1986/00279/FUL: Down Filling Station, Cowbridge - Redevelopment of existing petrol filling station - Approved -10/06/1986

1983/00364/FUL: Down Filling Station, Cowbridge - Car sales area to existing petrol filling station - Refused -05/07/1983 1977/00298/FUL

Policy

Local Development Plan:

12. 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 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 MD14 - NEW EMPLOYMENT PROPOSALS

Planning Policy Wales:

13. National planning guidance in the form of Planning Policy Wales (Edition 10) (PPW) is of relevance to the determination of this matter.

Technical Advice Notes:

14. The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:
- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
 - Technical Advice Note 12 – Design (2016)
 - Technical Advice Note 23 – Economic Development (2014)

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:

15. 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

16. The main issues to consider in this case are the principle of the development and the car washing/valeting use; the design of the development as a whole and its visual impact; highway safety; drainage; and the harm that results from the uncontrolled use.

Principle of the Development:

17. The land to the rear of the filling station has been used for several years for the valeting and washing of cars. This was often done in the open, though there was a shipping crate that had been located at the site for several years. There are also sometimes small temporary marquees positioned within the site in connection with the car washing and the sale of Christmas trees in winter.
18. The principle of the erection of a building and its use for car valeting was considered in the previous 2014 application. It was considered acceptable on the basis of the development and use being appropriate adjacent to the existing petrol filling station; the employment opportunities that may result from the development; and the benefits that would result from development that would bring improvements to the visual amenity of a site. Whilst the current car valeting use will still be complementary to the existing petrol filling station, the principle of the development without the necessary controls necessary to make the scheme as a whole acceptable (as set out below) is not considered to accord with LDP policies SP1 – Delivering the Strategy, MD1 – Location of New Development and MD2 – Design of New Development, as well as the Key Planning Principles in PPW.

Design and Visual Impact and Highway Safety:

19. It is noted that the building constructed is smaller than approved and has been finished with similar materials. It is still considered to be of an acceptable design, size and location, as are the materials used in construction. In this regard the building itself is considered to be acceptable. However, conditions of the planning permission granted under the 2014 scheme required, *inter alia*, the submission and implementation of a landscaping scheme for the site. Whilst the building itself may be acceptable, the wider area used in association with the building (i.e. its curtilage) is still in an unsatisfactory condition. Without the ability to require the landscaping of the site, the

development overall is not considered to be of a high standard of design that positively contributes to the context and character of the surrounding environment.

20. Furthermore, conditions of the 2014 permission also require that the site be laid out in accordance with the approved scheme (including the provision of parking bays and a service area), and that details of the hard surfacing of these areas and cycle parking be submitted to the Council for approval. The ability to impose such requirements is considered necessary to make the development as a whole acceptable in visual amenity terms and in order to ensure that the site provides a safe and accessible environment.
21. Without the mitigation that would result from a properly laid out parking and servicing area and appropriate landscaping, the development as it exists adds nothing to the visual amenity of the area and only contributes to the neglected appearance of the site. Accordingly, the unauthorised and uncontrolled development is considered to be harmful in terms of design, visual amenity and impact upon the wider area. As such, it is considered to conflict with LDP policies SP1 – Delivering the Strategy, MD1 – Location of New Development and MD2 – Design of New Development, as well as the Key Planning Principles in PPW.

Drainage:

22. In addition to the above identified impact, in view of the use of the building and its curtilage for car washing, it is necessary to consider the impact in terms of site drainage and pollution. As the building approved under the 2014 permission was proposed to be used, in part, for car valeting and car washing, it was considered necessary to impose a condition requiring the submission of a drainage scheme for approval. In terms of surface water drainage, the car wash liquid is considered to be a trade effluent, and suitable drainage is required to ensure no contamination of ground water occurs. It has been noted, in consultation with Natural Resources Wales, that the current site drainage is inadequate as the run off is directed to a grass bank adjacent to the site, rather than the cess pit. There have been other issues noted in relation to waste transit record keeping. The issues have arisen from the continued operation of the car wash in the open-air sections of the site and not within the building itself. It is not appropriate to seek enforcement action in relation to the building solely to address a harm unrelated to the unauthorised development itself. However, a suitable scheme of drainage would be considered necessary for any of the prospective uses mentioned above and reasonable to mitigate the impact of the development on surface water drainage and prevent contamination of groundwater. Without the ability to secure a scheme of drainage, the development is considered to conflict with LDP policy MD7 – Environmental Protection.

Uncontrolled Use:

23. Finally, in addition to the car valeting and car wash use of the building, the building is also understood to have been used for a retail use and for vehicle repairs. A condition imposed on the 2014 permission restricted the use to car washing/valeting and tyre sales. A retail use is considered to conflict with the aims of policies MG 12 - Retail Hierarchy and MG 13 - Edge and out of Town Retailing Areas. Without the ability to control the use of the building, any alternative uses of the building, including retail uses, may well result in an

unacceptable impact in terms of non-compliance with the retail hierarchy or an impact on highway safety that may result with increase traffic from certain retail or vehicle repair uses.

Other Matters:

24. On a final matter, it is noted that the building is located within a Limestone Safeguarding Area. The safeguarding of such resources is now a material planning consideration following the adoption of the Council's LDP. The building is however relatively small and located in an area unsuitable for extraction. The development is not considered to conflict with LDP policy MG22 – development in Mineral Safeguarding Areas.

Conclusions

25. From the considerations above, it is clear that the building and its primary use for car valeting and washing is appropriate providing the impact of this development and use can be adequately controlled by way of conditions that can only be imposed on the grant of planning permission. Without the benefit of such a planning permission, this uncontrolled development is considered to be unacceptable in terms of design, visual impact, highway safety and site drainage. The uncontrolled development is, therefore, considered to conflict with LDP policies SP1 – Delivering the Strategy, MG 12 - Retail Hierarchy, MG 13 - Edge and out of Town Retailing Areas, MD1 – Location of New Development, MD2 – Design of New Development and MD7 – Environmental Protection, as well as the Key Planning Principles in PPW.
26. Accordingly, it is considered expedient to pursue action in respect of the building and the use of the land and building for car washing and valeting. As it is not possible to impose the necessary conditions to mitigate the impact of the development on an Enforcement Notice, the only resolution to this breach of planning control would be to require the removal of the building from the site. However, such a notice would not prevent the developer from submitting the necessary planning application to regularise the development, subject to the imposition of appropriate conditions, as set out in this report.

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 building from the land.
 - (ii) The cessation of the use of the land and building for the purposes of car washing and valeting.
- (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) Without the benefit of planning permission and the conditions that could be imposed on such a grant of permission to control the development and mitigate its impact, the unauthorised building and use for car washing and valeting is considered to be unacceptable in terms of design, visual impact, highway safety and site drainage. The development is, therefore, considered to conflict with policies SP1 – Delivering the Strategy, MG 12 - Retail Hierarchy, MG 13 - Edge and out of Town Retailing Areas, MD1 – Location of New Development, MD2 – Design of New Development and MD7 – Environmental Protection of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, as well as Planning Policy Wales (Edition 10).
- (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/2016/0349/PRO

Contact Officer – Mrs Justina Moss, Tel: 01446 704690

Officers Consulted:

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

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **3 JANUARY, 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.

2018/01231/FUL Received on 5 November 2018

Applicant : Messrs Crandon and Newydd Housing Association c/o Agent

Agent : Mr Owain Griffiths GVA, One Kingsway, Cardiff, CF10 3AN

Cwrt Canna, land adjacent to Llangan Primary School, Llangan

Residential-led mixed use development comprising of 13 affordable homes, 2 additional office buildings, a community building and ancillary development including landscaping, drainage, car parking, creation of a new vehicular access and other associated infrastructure

REASON FOR COMMITTEE DETERMINATION

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

EXECUTIVE SUMMARY

The application is for a residential-led mixed use development of 13 social rented affordable dwellings, 2 office buildings, a community building and ancillary development including landscaping, open space, drainage works, car parking and a new vehicular access, on land adjacent to Llangan Primary School.

The residential part of the development would essentially be constructed around a central courtyard, with the commercial and community buildings closer to the site's perimeter. A new vehicular access is proposed along the site's frontage with the adopted highway that runs north to south between Ruthin and Pentre Meyrick. The development also involves blocking up part of the existing layby to the front of the primary school.

One objection has been received from a neighbouring resident, with the grounds relating to the need for the development, highway safety and building on greenfield land. Llangan Community Council has also raised concerns regarding housing need, the need for the offices, the sustainability of the site, education provision and design.

The main issues to consider are the principle of the uses, impact on neighbours, scale and design, parking, traffic, highway safety, amenity space and drainage. The application is recommended for approval, subject to conditions.

SITE AND CONTEXT

The application site is 'Cwrt Canna' and comprises land adjacent to Llangan Primary School. It lies in the countryside, immediately to the south of the rural lane that runs east to west towards Llangan village, as indicated on the plan below:



The land includes open fields, an orchard, a pond and an office located within a converted stone building. Vehicular access to the site is at the north east corner, adjacent to the junction between the rural lane and the main road that runs North to South between Ruthin and Pentre Meyrick. The site is approximately 175m south of the settlement boundary for Fferm Goch, identified as a minor rural settlement in the LDP.

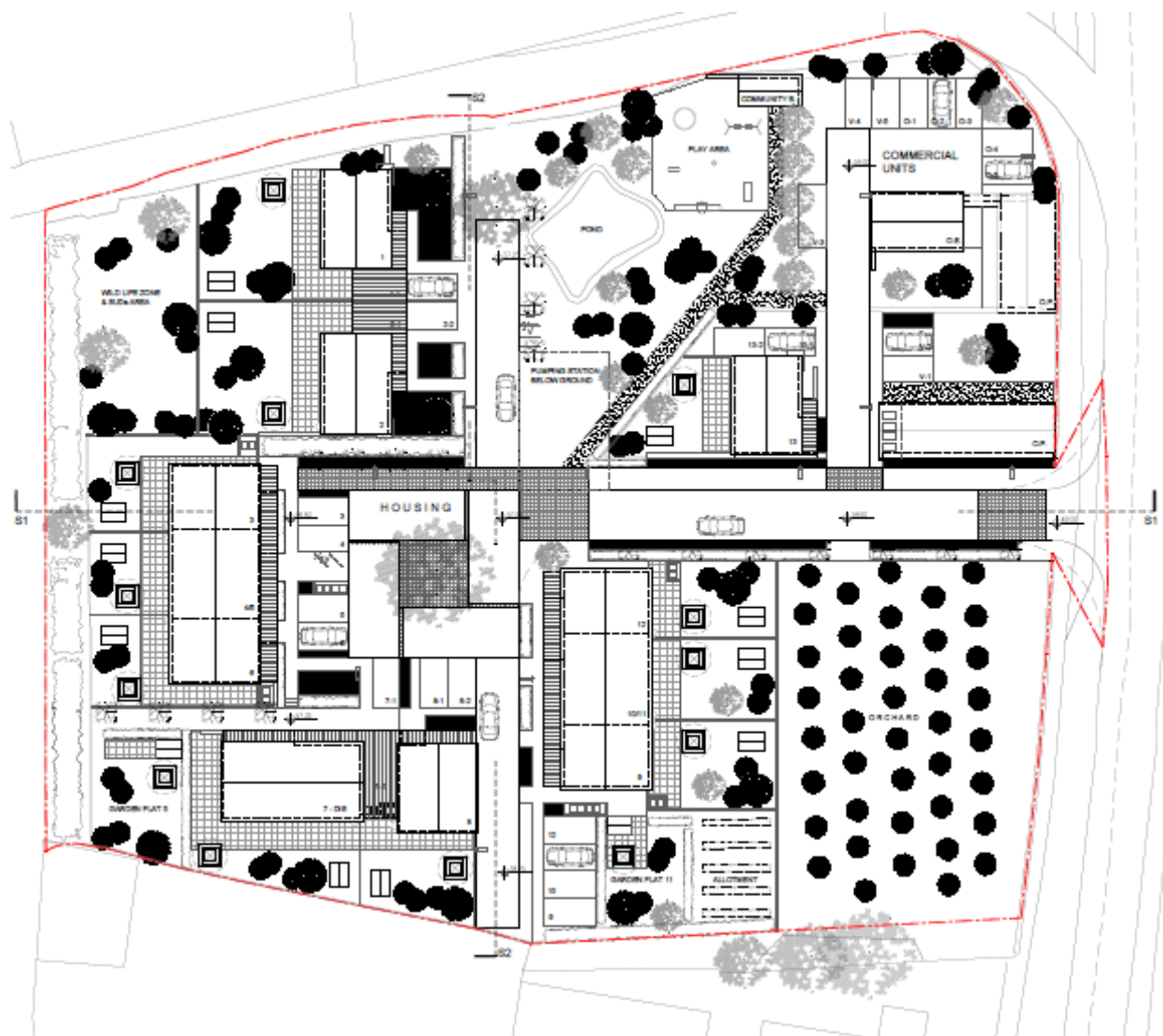
To the north of the junction lies a dwelling named Cherryacre and West Winds Industrial Estate. A further dwelling (Wayside) lies approximately 100m to the west of the site. The site measures approximately 95m x 80m and it has an area of approximately 0.7 hectares. It lies within the Upper and Lower Thaw Valley Special Landscape Area.

DESCRIPTION OF DEVELOPMENT

The application proposes a residential-led mixed use development of 13 social rented affordable dwellings, 2 office buildings, a community building and ancillary development including landscaping, open space, drainage works, car parking and a new vehicular access.

The development would be served by a new vehicular access, centrally along the frontage with the highway that runs north to south past the site. The residential part of the development would occupy the western half of the site, with further units to the south and north of the main access road. The commercial offices would be sited in the north east corner of the site, in a small cluster with the existing office and the community building would be sited adjacent to the Public Open Space along the northern part of the site.

The layout also involves the retention of the existing orchard adjacent to the main road and the provision of an area of public open space with play area adjacent to the pond. A small allotment is shown immediately adjacent to the allotment.



The residential units would comprise 4 x three bedroom houses, 4 x 2 bedroom houses, 4 x 1 bedroom flats and a single two bedroom bungalow (for disabled occupants). The three bedroom units and the bungalow would each be served by two parking spaces and the one bedroom units and the remainder of the two bedroom units would be served by one space each. Five visitor spaces are proposed in the area adjacent to the offices, and those offices would be served by a further 5 spaces.

The plans below show the elevations of some of the proposed dwellings:

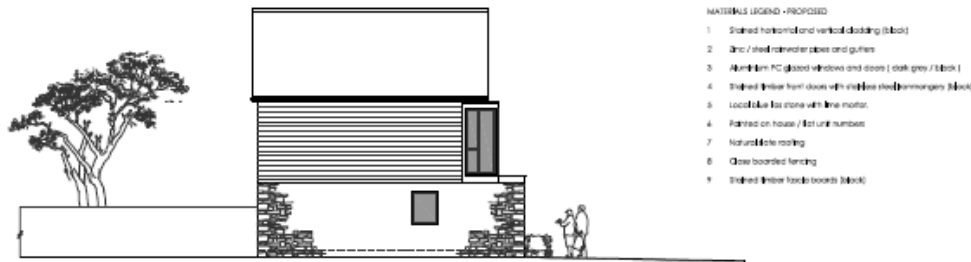
Plots 1 and 2:



Plots 7 and 8:

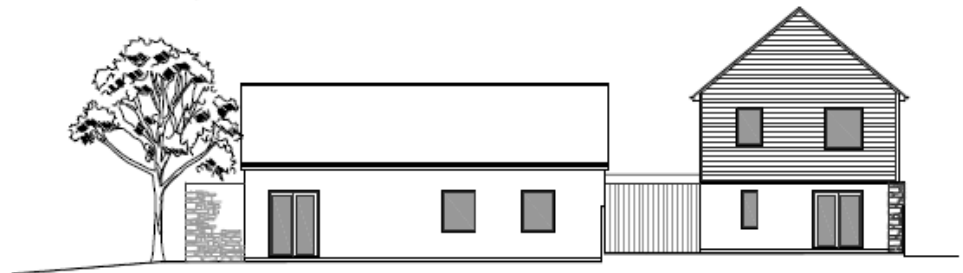


courtyard elevation - plots 7 & 8

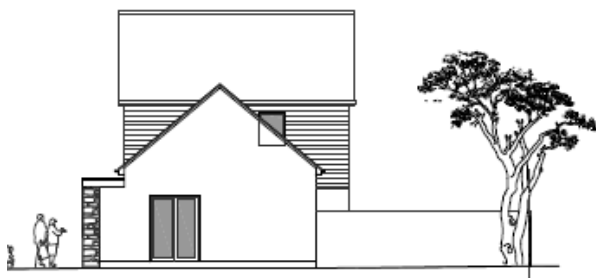


east elevation - plot 8

- MATERIALS LEGEND - PROPOSED
- 1 Stained horizontal and vertical cladding (black)
 - 2 Zinc / steel rainwater pipes and gutters
 - 3 Aluminium PC glazed windows and doors (dark grey / black)
 - 4 Stained timber front doors with vertical steel panhandles (black)
 - 5 Local blue bas stone with lime mortar
 - 6 Painted on house / flat unit numbers
 - 7 Natural stone roofing
 - 8 Close boarded fencing
 - 9 Stained timber fence boards (black)



south elevation - plots 7 & 8

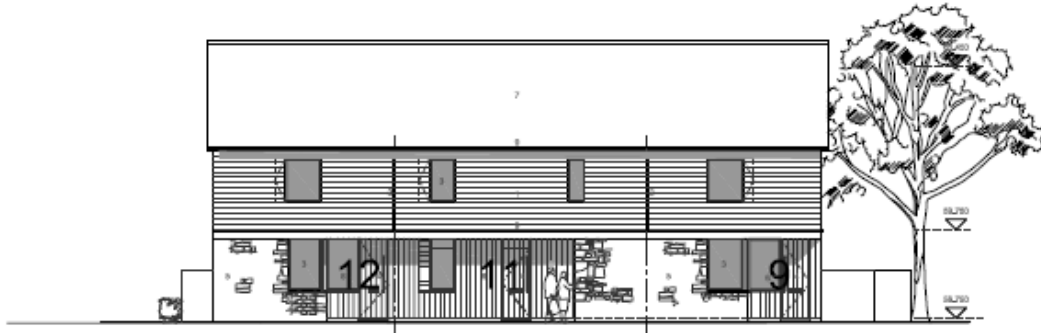


elevation - plot 7

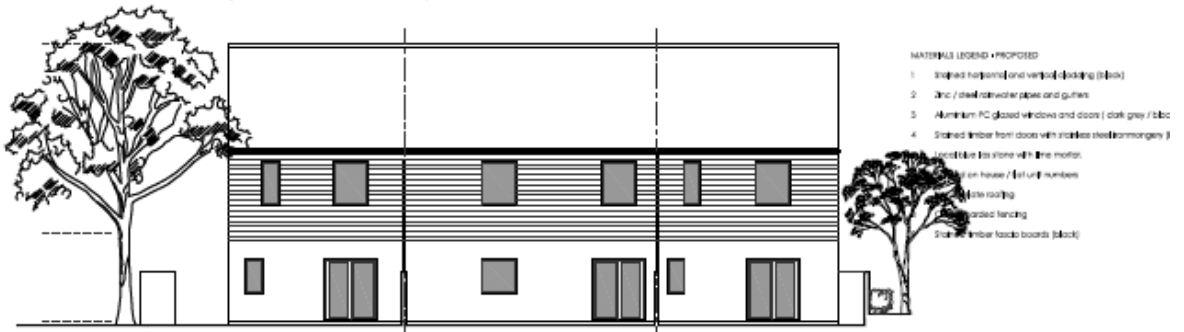


typical section - plot 7

Plots 9-12:

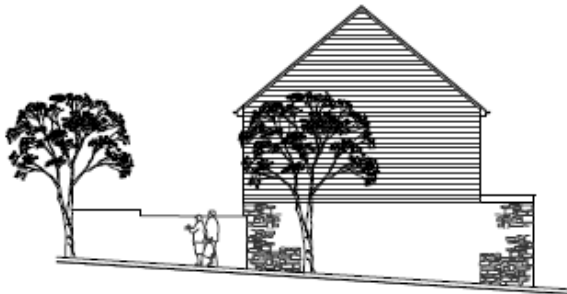


courtyard elevation - plots 9, 10, 11, 12

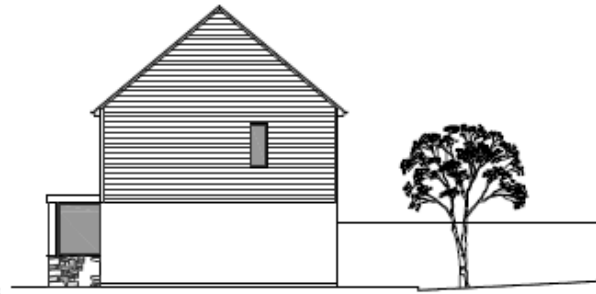


- MATERIALS LEGEND - PROPOSED**
- 1. Striped horizontal and vertical cladding (black)
 - 2. Zinc / steel rainwater pipes and gutters
 - 3. Aluminium PC glazed windows and doors | dark grey / black
 - 4. Stained timber front doors with stainless steel kickplates
 - 5. Solid stone / brick with lime mortar
 - 6. 100mm concrete / 100mm brick / 100mm brick
 - 7. Slate roofing
 - 8. Galvanneal fencing
 - 9. Stained timber facade boards (black)

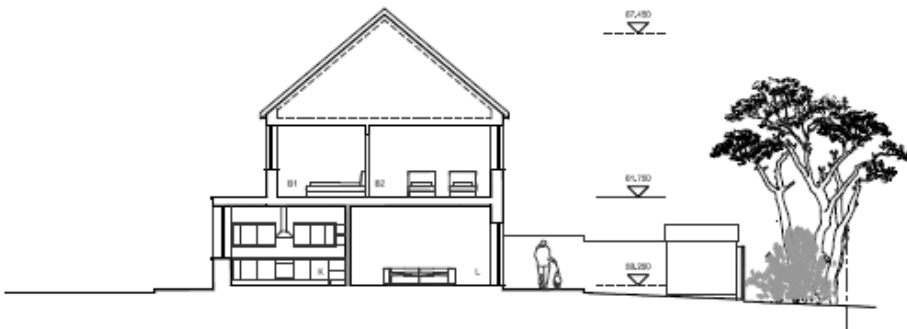
east elevation - plots 9, 10, 11, 12



north elevation - plots 9, 10, 11, 12

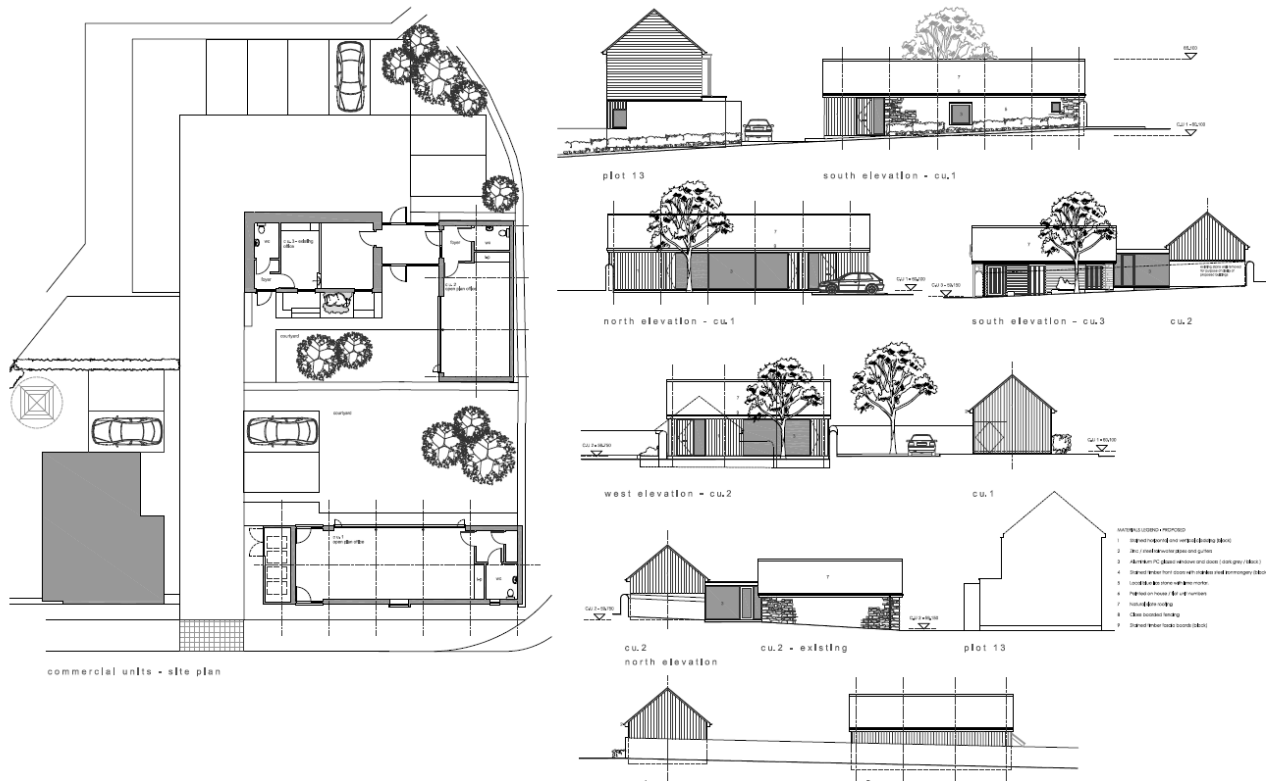


south elevation - plots 9, 10, 11, 12

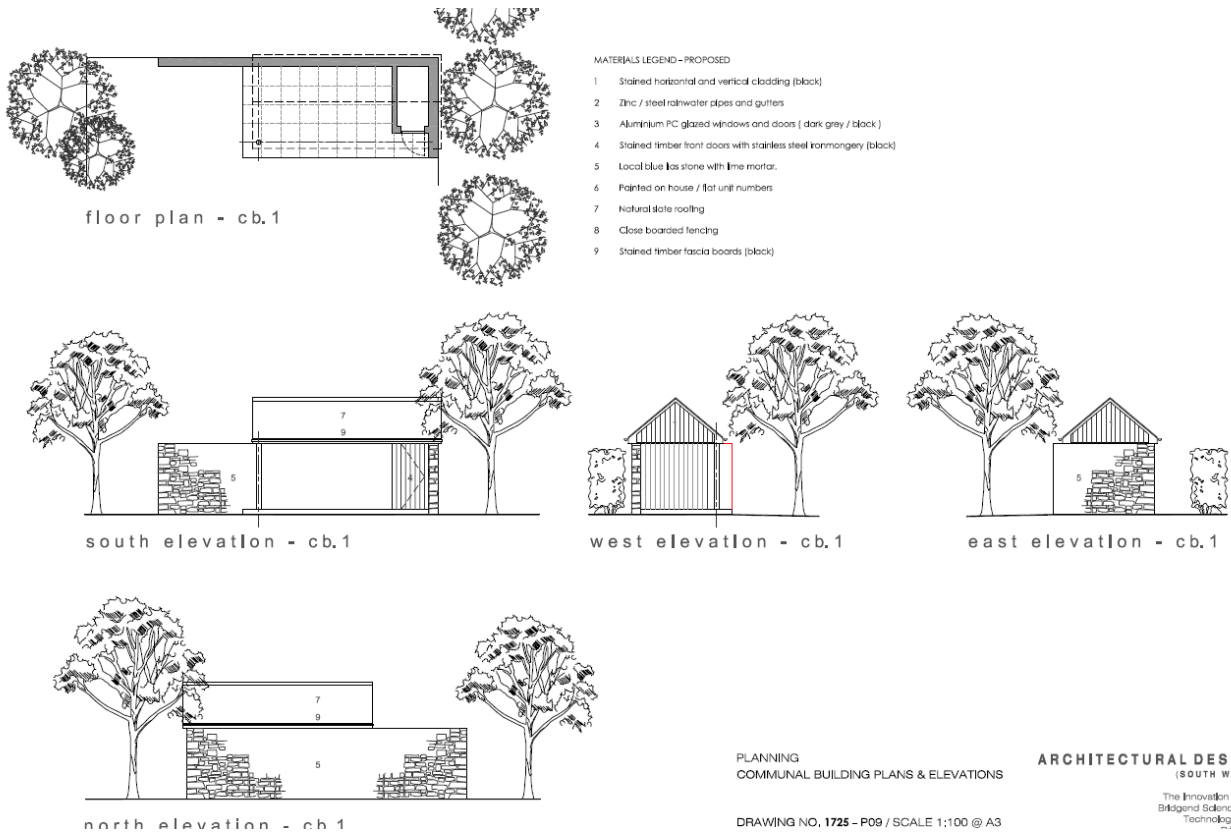


typical section - plots 9 & 12

The plans below show layout and elevations of the proposed office buildings, which are single storey in height (approximately 4.5m-4.8m to the ridge, depending on the ground level).



The proposed community building is as follows:



PLANNING HISTORY

2005/01041/FUL, Address: Llangan Primary School, Llangan - Land adjacent to, Proposal: Conversion of redundant stables to office and construction of new access driveway, Decision: Refused, for the following reasons:

The proposed conversion of the barn to office use would by virtue of the provision of a new access, gates, driveway and car parking/turning area, being located in a prominent location visible from the public highway, would cause demonstrable harm to the setting of this rural building and result in an unacceptable and unjustified encroachment into the countryside detrimental to the rural character of the area. The proposal is therefore considered contrary to Policy ENV7 (Small Scale Rural Conversions) of the adopted Vale of Glamorgan Unitary Development Plan 2005 and the guidance contained in Planning Policy Wales (March 2002).

The provision of a new access would require the removal of a well established, dense and continuous hedgerow and associated high hedge bank and would result in the loss of an important landscape feature contrary to the aims and objectives of Policy ENV10 (Protection of Landscape Features) of the adopted Vale of Glamorgan Unitary Development Plan 2005.

2006/01075/FUL, Address: Land adjacent to Llangan Primary School, Llangan, Proposal: Proposed conversion of redundant stables to offices and associated works, Decision: Refused, for the following reason:

The proposed conversion of the barn to office use would by virtue of the provision of a revised access, gates, car parking/turning area and enclosed grassed amenity areas, being located in a prominent location visible from the public highway, cause demonstrable harm to the character and setting of this rural building and result in an unacceptable and unjustified encroachment into the countryside detrimental to the rural character of the area. The proposal is therefore considered contrary to Policy ENV8 - Small Scale Rural Conversions of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the Conversion of Rural Buildings' Supplementary Planning Guidance and the guidance contained in Planning Policy Wales (March 2002).

An appeal was subsequently allowed in respect of application 2006/01075/FUL.

CONSULTATIONS

Llangan Community Council has forwarded the comments that were submitted to the applicant as part of the statutory pre-application process. These comments cite reservations in respect of housing need, the demand for offices, capacity of the local school, sustainable transport issues and the design of the development. The comments in full are attached as **Appendix A**.

Penllyn Community Council has expressed concerns regarding impacts on privacy (with particular reference to Plot 1) and highway safety. Concerns have been raised regarding the design of the access and the impact of cars in the layby on visibility from the site access.

Highway Development- No objection has been raised, subject to part of the layby being blocked up to improve visibility, and subject to minor amendments to the arrangement at the entrance to the site (to include setting the block work surfacing back into the site and denoting a crossing point).

Education Section- No representations have been received to date.

Highways and Engineering (Drainage)- No objection, subject to conditions relating to the surface water management scheme and a Construction Management Plan.

Shared Regulatory Services (Pollution)- No objection subject to conditions relating to land contamination remediation and verification.

Glamorgan Gwent Archaeological Trust- No objection and no conditions requested.

South Wales Police- No objection.

Local ward members- No representations received to date.

Dwr Cymru Welsh Water- No objection subject to a condition to ensure that no surface water and/or land drainage connects directly or indirectly with the public sewerage network.

Ecology Officer- “No objection” and a condition is requested relating to ecological preservation and enhancement.

Housing Strategy- Advice has been provided on the affordable housing need in the area and the officer has confirmed that the proposed housing mix and tenure type have been agreed with Newydd Housing Association.

REPRESENTATIONS

The neighbouring properties were consulted and the development has been advertised on site and in the press. One letter of objection has been received and the grounds are summarised as follows:

- Insufficient evidence of affordable housing need.
- Highway safety.
- Loss of greenfield land.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

the following policies are of relevance:

Strategic Policies:

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

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan
POLICY MG4 – Affordable Housing
POLICY MG7 – Provision of Community Facilities
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 MD3 - Provision for Open Space
POLICY MD4 - Community Infrastructure and Planning Obligations
POLICY MD6 - Housing Densities
POLICY MD7 - Environmental Protection
POLICY MD8 - Historic Environment
POLICY MD9 - Promoting Biodiversity
POLICY MD10 - Affordable Housing Developments outside Settlement Boundaries
POLICY MD14 - New Employment Proposals

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
- Sustainable Management of Natural Resources
- Placemaking in Rural Areas
- Accessibility
- Development in the Countryside (including new housing)

Chapter 4 - Active and Social Places

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

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 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 23 – Economic Development (2014)

Supplementary Planning Guidance:

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

- Affordable Housing
- Biodiversity and Development
- Design in the Landscape
- Parking Standards (Interactive Parking Standards Zones Map)
- Planning Obligations
- Residential and Householder Development
- Sustainable Development - A Developer's Guide
- Trees, Woodlands, hedgerows and Development

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

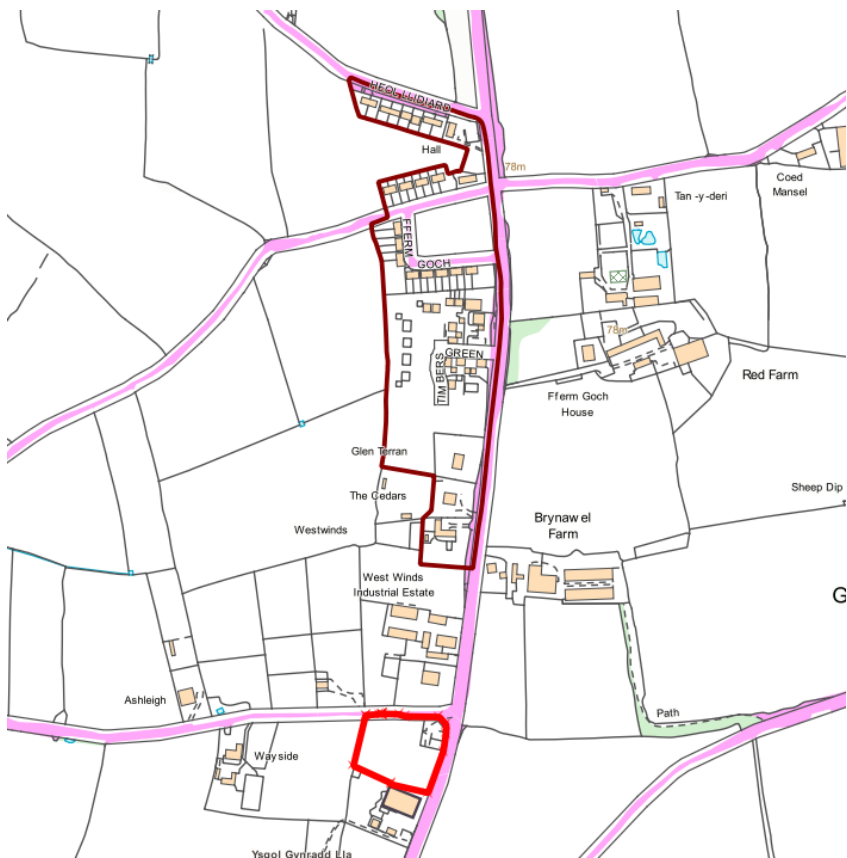
Issues

The principle of the development

Policy MD10 of the Local Development Plan states that small scale affordable housing developments will be permitted outside settlement boundaries where they have a distinct physical or visual relationship with an existing settlement and where it is demonstrated that:

1. The proposal meets an identified local need which cannot be satisfied within identified settlement boundaries;
2. The number of dwellings is in proportion to the size of the settlement;
3. The proposed dwelling(s) will be of a size, tenure and design which is commensurate with the affordable housing need;
4. In cases where the dwelling is to be provided by either a private landlord or the intended occupier, secure mechanisms are in place to ensure the property shall remain affordable in perpetuity; and
5. The development has reasonable access to the availability and proximity of local community services and facilities.

The relationship between the site and the settlement boundary is shown on the plan below:



The application site does not adjoin the settlement, however, the land between the settlement and the site is occupied by a small industrial estate and a dwelling, and immediately to the other side of the site is Llangan Primary School. The land itself has the appearance of countryside, however, it is very closely related to the settlement of Fferm Goch, the school and the industrial estate, and there are no significant gaps between those buildings and the southern boundary of the defined settlement. Therefore, while the built form to the south of the settlement is more loosely knit than the residential areas within the settlement boundary, there is nevertheless a continuance of a linear pattern of development alongside the road in a southerly direction towards the site. The context of the site is therefore distinctly different to something more overtly rural or undeveloped in character.

It is considered that the proposal would consolidate the existing, more sporadic, linear pattern of development and it would strengthen the visual link between the school and the settlement. The development would be viewed within the immediate context of those neighbouring buildings, including the school and industrial units, and it would not result in a significant incursion into the countryside beyond the existing group.

It is acknowledged that the development would fundamentally alter the character of the site itself, and market housing is rarely acceptable in the countryside due to the visual impact. However, the visual impact of such affordable developments must be weighed against the contribution the proposal makes to delivering local affordable housing to meet needs.

The 2017 Local Housing Market Assessment (LHMA) found that 576 additional affordable housing units are required each year to meet housing need in the Vale of Glamorgan. The need is further evidenced by the following figures from the Council's Homes4U waiting list in the ward of Llandow/Ewenny (and in the adjoining ward of Cowbridge):-

LLANDOW/EWENNY	COWBRIDGE	TOTAL	
1 bed	6	77	83
2 bed	5	46	51
3 bed	2	18	20
4 bed	1	4	5
	14	145	159

The proposed development would make an appreciable contribution towards addressing affordable housing need in the local area and that represents a significant material consideration in favour of it. Consequently, and in light of the above appraisal of the location, it is considered that the site has a sufficiently proximate relationship to the settlement (and its fringe buildings) that it represents an acceptable rural affordable housing site in principle (the visual impact of the specific design and layout is considered below).

Taking the criteria of Policy MD10 in turn, firstly it is evident that the identified affordable housing need could not be met within the settlement (without building on the public open space at the crescent of Fferm Goch) (criterion 1). The settlement is not large and thirteen units would not be an insignificant development in the context of it. However, as discussed further below, the proposed layout is closely knit and the development area is modest considering the number of units and the other uses proposed. It is considered that the development would not appear disproportionate to the settlement and consequently criteria 2 is satisfied. The proposed dwellings would be of a size, tenure and design that is commensurate with affordable housing need and the mix has been agreed between the Council's Housing Section and Newydd Housing Association (criterion 3). A secure mechanism is available to ensure the development remains affordable in perpetuity, as required by criterion 4 (see condition 20).

While the site lies outside the settlement, it lies closer to the school than the settlement does and closer to the employment opportunities at West Winds Industrial Estate than the majority of dwellings in the settlement do. It is, therefore, considered that that the development would have adequate access to local community services and facilities (Criterion 5). It should be further noted that the proposal also seeks consent for a community building and further offices, which would render the residential development even more sustainable.

It is, therefore, considered that the site complies with the criteria listed in Policy MD10 of the LDP and the residential development is acceptable in principle. The community building and office uses are considered below.

Offices and community building

Policy MD14 of the LDP states that outside of existing and allocated employment sites, development proposals for B1, B2 and B8 employment uses and complementary ancillary uses will be supported where:

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.

In this case the offices would not be sited within a settlement, however, they would be sited very close to it and they would represent extremely sustainable employment opportunities for residents within the settlement or from the dwellings proposed here. The offices would also be closer to Fferm Goch than other facilities (such as the school) which contributed to Fferm Goch being considered sufficiently sustainable to be recognised as a minor rural settlement in the LDP.

The offices are, therefore, considered acceptable as part of this mixed use development, and they would result in further benefits to the sustainability of the housing development. The applicant proposes to use revenue from the office leases to support the future management and maintenance of the open spaces within the development including the equipped play area, the orchard, public realm landscaping and the drainage system.

It is typically the role of either the housing association or the public sector to 'adopt' the long term responsibility of the management of public open spaces and landscaped areas within such developments. This is often secured by charging tenants management fees and this can negatively impact upon the affordability of the units. It is considered that the proposed cross funding of open space management/maintenance represents a further benefit to the scheme and supports the justification for the mixed use.

The community building is modest in scale but it would represent a positive and potentially valuable facility that would supplement existing facilities within and close to Fferm Goch. Policy MG7 states that proposals which provide new or enhanced multi use community facilities, including the co-location of healthcare, school, library and leisure facilities and other community services in accessible locations will be favoured, and this part of the development would comprise one such facility.

Small rural settlements such as Fferm Goch do not typically sustain a significant range of services and it is considered that this proposal, which comprises a positive mix of uses in principle, would make a positive and meaningful contribution to addressing affordable housing need in the area and developing a sustainable rural community in Llangan/Fferm Goch. The development is, therefore, considered acceptable in principle, and the detail of the scheme is considered below.

Density

Policy MD 6 states that in minor rural settlements, a density of 25 units per hectare is required, in order to ensure the efficient use of land. While this site is not within the settlement, this provides a reasonable basis to assess the density of the development.

The site as a whole measures approximately 0.7 hectares in size, however, the residential element measures approximately 0.55 hectares. Thirteen units across that area would

equate to approximately 25 per hectare, and this accords with the aims of Policy MD6 of the LDP.

Design, layout and visual impact

The above assessment concludes that the principle of residential development is acceptable and this section considers the specific layout and design. Much of the settlement of Fferm Goch fronts towards the main road, and this design approach was considered by the applicant through pre-application discussions. However, ultimately the design team elected for the layout as proposed, which includes a central courtyard with the majority of dwellings fronting onto it. The rationale for this approach is the community interaction that would potentially result from such a layout and the desire to 'place make' a development with a distinct character.

While much of Fferm Goch fronts the main road, the pattern of development throughout the settlement is nevertheless relatively varied and the creation of a distinct courtyard would not be harmfully at odds with the existing settlement. Where the rear of dwellings face towards the road (e.g. units 9-12), they are set well away from the road and the delineation of the rear boundaries to those curtilages would not be particularly prominent. The layout is not unduly dominated by vehicular circulation spaces and the parking strategy is well conceived and sensitively integrated through the open spaces and between buildings. The site would be substantially landscaped and this would soften the visual impact to create an attractive environment. The site currently contains several ash trees at the eastern side and an orchard adjacent to the road. The development would not necessitate the loss of any of the trees and in particular, the retention of the orchard forms an integral part of the proposed layout.

The dwellings themselves are relatively simple in composition and form, with gable ends and traditional pitched roofs. The designs of the dwellings have contemporary elements, particularly in the arrangement of windows and the use of dark grey/black frames. The materials, which include timber cladding, natural slate and stone with lime mortar, make up a high quality palette and, subject to control of samples by condition (see condition 10), these materials would be wholly appropriate for the rural context.

The dwellings are predominantly two storeys, however at 8.4m in height to the ridges (in the case of the largest), they are not particularly significant in size and would not appear over scaled in this location. The development would be clearly visible from along both highways that adjoin the site, but they would not appear visually intrusive from these viewpoints. The application is supported by a landscape impact appraisal, which concludes that the development would not have an unacceptable impact upon the wider landscape. Wider landscape views of the site (away from the immediate highway network) would be relatively limited but from available points including public footpaths to the south east and north, the development would be largely screened and would not hold a prominent position within the landscape. Having regard to this and the fact that the dwellings would be closely visually related to the existing clusters of buildings at Fferm Goch, it is considered that there would not be an unacceptable impact on the character of the special landscape area, in accordance with policy MG17 of the LDP.

The proposed offices and community building would be similar in general character to the dwellings, traditional in form and constructed using the same palette of high quality natural materials. The designs are again considered to be appropriate to the site's rural context and they would reflect the character of the existing office building on site.

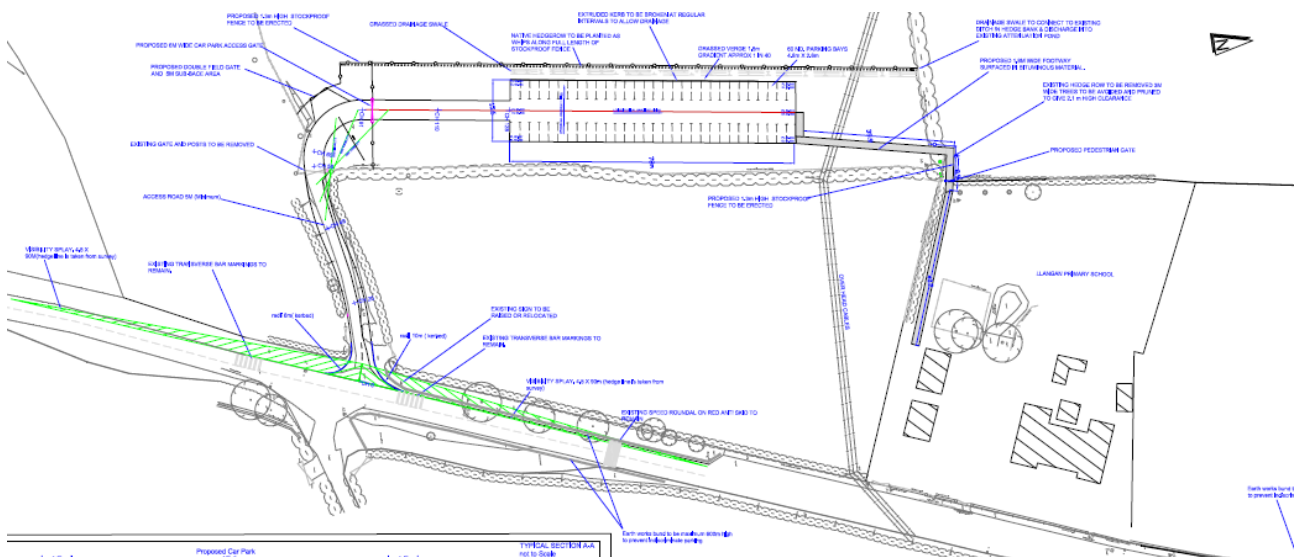
The new site access requires an interruption to the existing stone wall, however, it would not be a significant breach in the context of the wall as a whole and it would not be unduly harmful to the character of the area.

In summary, it is considered the proposed development is of a particularly interesting and high quality design, which would contribute positively to the local built environment. The proposed palette of materials and considered bespoke layout (which has received support from the Design Commission for Wales) demonstrates the applicant's commitment to creating a high quality residential environment. The development therefore accords with Policies MD1 and MD2 of the LDP.

Highways issues and parking

The new access would be sited broadly centrally along the site's frontage and the Highways Engineer has requested visibility splays of 3m x 82m along the highway in both directions. The applicant has submitted a plan which demonstrates that the visibility can be comfortably provided to the left hand side, whereas to the right hand side the splay crosses the layby that lies outside the primary school. When the layby is empty, there is no obstruction to vision, however, parked cars within the northern part of the layby would interfere with an 82m Y dimension.

The purpose of the layby is to accommodate school buses/coaches and it displays signage to prohibit parents dropping off and picking up (between 0800 to 0930 in the AM and 1430 to 1600 in the PM). The school have advised that in addition to the signage, they have regularly attempted to dissuade parents from using the layby (due to safety concerns with the relationship between the layby and the main road), however, this has proved difficult to enforce. A car park has been constructed to the rear of the school and this makes adequate provision for safe drop off and pick up (planning permission 2011/00056/RG3), however, the layby is still regularly used by a proportion of parents. The plan below shows the layout of the approved car park.



Peak hour vehicle movements to and from the site are unlikely to result in significant instances of conflict in the PM, however, there is more scope for conflict in the AM during school drop off times. Consequently, the Highways Engineer has advised that in order for the visibility splay to be adequately protected, access to a portion of the layby would need to be prevented. The layby is currently approximately 140m in length and the necessary works to provide a protected splay would result in 75m being blocked up. This would result in approximately a 65m length of layby remaining. The Council's Highways Engineer and School Transport Manager have advised that there is no objection to this proposal, subject to space for two school buses/coaches remaining. In this case 65m would remain and this is sufficient for at least two buses to park concurrently.

While this would reduce the potential for parents to drop off/pick up in the layby, this is considered to be a positive outcome in its own right, given that the school have sought to prohibit such practices for safety reasons. The Highways Engineer has advised that there are no Traffic Regulation Orders (TROs) affecting this land and, therefore, a TRO would not be required to implement the works to block off access to part of the layby (albeit a TRO may be required in respect of any additional lining on the carriageway). The school have been advised of the proposed works and while no comments have been formally received at the time of writing of this report, it is considered that these works would support the school's aims to ensure parents use the car park to the rear. The works would be carried out at the expense of the applicant and can form part of a Section 278 agreement, alongside the works to make the new access onto the road. Subject to these works, which are required by condition 6, it is considered that the development would be served by a safe access. The proposal would also result in the stopping up of the existing access to the single office unit, which is of concern due to its substandard vision splays and siting adjacent to the junction.

The dimensions and geometry of the internal layout are such that use of the roads would be characterised by low speeds. Sufficient space is available for vehicles to navigate through the layout safely, turn and leave the site in a forward gear. The carriageway widths have been agreed by the Highways Engineer and it is considered that the internal layout would not compromise highway safety. The Highways Engineer has requested amendments to the layout to make provision for the footway on the southern side of the access to turn into the site, a crossing point over the internal site road, and extending the tarmac surfacing further into the site. The applicant has agreed to these points and they can be controlled by condition.

The three bedroom units and the two bedroom bungalow would be served by two parking spaces each, while the remainder of the two bedroom and single bedroom units would be served by a single space each. Five visitor spaces are provided and five further spaces are proposed to serve the three commercial units. The Council's parking standards are maximum standards, however, in a rural context such as this, it is particularly important to ensure that adequate parking is provided. When seeking to establish the appropriate level of parking to provide, the applicant has considered available census data related to vehicle ownership. 2011 data revealed that 54% of social rented households in the Vale had access to no cars, whereas only 8% of social rented households had access to more than one vehicle. While it is likely that reliance on the private car would be higher in a rural location than it would in an urban area such as Barry, it is evident that car ownership levels are significantly lower in affordable (particularly social rented) properties.

On this basis, given that every unit would be served by one or two spaces and given that 5 visitor spaces would be provided, it is considered that the level of parking is appropriate and would not be likely to result in pressure for parking away from the site that would lead to highway safety or traffic problems. The parking provision for the modest commercial units is also considered to be appropriate, given their size and number, and this would again not conflict with the Council's maximum standards. The Highways Engineer has not raised an objection to the level of parking to be provided.

The development would contribute to an increased number of vehicle movements within the local and wider highway network, however, the number of trips associated with a development of this modest size would not appreciably impact upon traffic flows, or result in undue congestion. The development would not necessitate alterations to the existing junction to the north of the site.

Having regard to the above, it is considered that the development would not adversely impact upon highway or pedestrian safety, in accordance with Policies MD1 and MD2 of the LDP, and the Council's SPG.

Impact on neighbours

The site is adjoined by the highway to the east, and there are no neighbours directly opposite. There would be approximately 8m between the development and the boundary with Cherryacre's curtilage to the north and approximately 40m to the dwelling itself. This is a sufficient distance to ensure that there would be no unacceptable overbearing or overlooking impacts. Similarly to the west, Wayside is sited approximately 100m from the application site, also sufficiently far away to ensure the development would not have unacceptable impacts on residential amenity.

The school lies immediately to the south and while there would be first floor windows in the side elevations of 8 units 8 and 9 that would face towards the school (serving a bedroom in the case of unit 8 and a landing in the case of unit 9) these windows would be set well away from the boundary and it is considered that there would be no unacceptable impacts on the functioning or amenity of the school.

None of the dwellings within the development would directly overlook private gardens or habitable room windows of other dwellings in the development, and each has been sited so as not to be unneighbourly or overbearing to another.

The commercial uses would fall within use Class B1 and such uses do not typically result in significant levels of noise, odour or disturbance. While the Council's Environmental Health section would in any case have powers to intervene in activities that result in a nuisance, it is considered that the proposed uses are compatible with the proposed dwellings and those existing dwellings nearest to the site. Similarly, community uses within the proposed community building would be unlikely to result in significant noise, particularly given the modest scale of the building. A Construction Environmental Management Plan condition is recommended to ensure construction impacts are minimised as far as practicable (see condition 11).

In summary, it is considered that residential amenity would be preserved, in accordance with Policies MD2 and MD7 of the LDP.

Amenity space provision

Each of the dwellings (including the flats) would be served by its own garden and, while they would not all meet the levels of space recommended by the Council's Residential and Householder Development Supplementary Planning Guidance, there would be no significant shortfalls and each of the gardens would be of a useable shape and sufficient in size to meet the outdoor functional and relaxation needs of the occupiers. Consequently the aims of the SPG would be satisfied and the development is considered acceptable in this respect.

Public open space

Policy MD3 of the LDP states that where there is an identified need for public open space, new residential development with a net gain of 5 or more dwellings will be required to provide public open space in accordance with the following standards:

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

Llandow/Ewenny ward has a relatively large surplus of outdoor sport provision, whereas available children's play space is very close to what is required by Fields in Trust standards (0.06 hectare surplus at the time of the Local Development Plan Open Space Background paper).

The standards in Policy MD3 and the Council's SPG would require 75m² of equipped play space for a development of this size and 166m² of other play space. The equipped play area shown on the proposed layout plan would be approximately 100m² in size and the remainder of the open space adjacent to it and would measure approximately 200m². This would satisfy the area requirements of Policy MD3 and the Council's SPG and the open space would be appropriately located in a part of the site that is well overlooked and easily accessible to all units. It is, therefore, considered that the proposed development is acceptable in terms of open space provision and Condition 16 requires detail of the layout to be agreed.

Agricultural land quality

The agricultural land quality of the site has been assessed through a desktop study, soil sampling and a geological assessment. The report concludes that the site falls within grade 3b, which is not classed as Best and Most Versatile agricultural land. Consequently, the development satisfies criterion 9 of Policy MD1 of the LDP.

Drainage and flood risk

Dwr Cymru Welsh Water (DCWW) have confirmed that a connection to the public system for foul sewerage is acceptable, and that there is sufficient capacity within the system to deal with the development. A below ground pumping station is proposed due to the topography at the point of connection.

In terms of surface water, the site is not located in Development Advice Maps (DAM) zones at risk of tidal or fluvial flooding and Natural Resources Wales (NRW) maps indicate that there is a very low risk of surface water flooding to the site. However, a low risk of surface water flooding exists to the adjacent highway servicing the development.

The submitted information suggests that surface water for the development will be disposed of via an infiltration trench and deep boreholes. For all new developments, infiltration should be the primary method of surface water disposal, prior to any other method being considered and evidence of on-site infiltration testing has been requested by the Council's Drainage Engineer (by condition) prior to approval of a surface water drainage system. The Engineer has advised that should infiltration techniques be used, evidence of on-site porosity testing will be required, together with the standard of service the system shall provide.

No details have been submitted with regard to the protection of groundwater and prior to the commencement of development, an additional water quality risk assessment is required (see Condition 9), which considers any potential risk the development would pose to groundwater. In addition, a Construction Environmental Plan condition has been requested, to detail measures that will be implemented to mitigate the risk to groundwater during the construction phase of the development.

Subject to these conditions and a condition requiring details of the surface water system (including details of management and maintenance) to be agreed, there is no objection from the Council's Drainage Engineer. DCWW have also confirmed that proposals to discharge surface water flows via a storage tank and infiltration into a deep trench/boreholes would be acceptable in principle.

Through the course of the application there has been discussion between the applicant and the Council's Drainage Engineer and it is possible that the drainage system will evolve to contain more natural features, potentially without need for a storage tank. Notwithstanding this, this matter can be controlled by the above referenced conditions (8 and 9).

Ecology

A Preliminary Ecological Assessment and Great Crested Newt survey have been undertaken and they concluded that there is limited existing ecological value on the site itself. Minor mitigation measures are recommended during construction and subsequent maintenance of the site, including measures to improve the pond habitat. The Council's Ecologist has considered the proposals and accompanying reports, and raises no objection subject to a condition (19) to secure the implementation of ecological preservation and enhancement measures, such as: newt friendly drainage, bird boxes, gaps under fences and native species planting. The development is, therefore, considered acceptable in respect of ecology, in compliance with policy MD9 of the LDP.

Minerals issues

While the application site is located in a mineral safeguarding area, extraction of minerals in this area would be in close proximity to existing residential properties and consequently it would be likely to be harmful residential amenity (see criterion 2 of Policy MG22). On this

basis, the site's location within a mineral safeguarding area is not a barrier to the residential development.

Section 106 issues

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. This is also set out in the approved Planning Obligations SPG. Accordingly, there is no requirement for Section 106 financial contributions with this application.

Other points of objection/concern

While it is accepted that the site and settlement as a whole are less sustainable than many of the larger settlements in the Vale, Fferm Goch is nevertheless sufficiently sustainable to be identified as a Minor Rural Settlement in the LDP Settlement Hierarchy. Residents would have access to a bus stop approximately 500m away and the site is within walking distance of the local school and some local employment opportunities. Cowbridge is located 4km away and occupiers of the development would have access to a very wide range of facilities in reasonably close proximity, without the need for significantly long journeys. It is, therefore, considered that the site is sufficiently sustainable.

Llangan Community Council have queried the need for the development in the context of the approved development at Darren Farm in Cowbridge (applications 2017/00841/RES and 2018/00240/RES), and a neighbouring resident has raised similar queries in light of the approved affordable housing development at Pentre Meyrick (application 2014/00933/FUL).

The development at Pentre Meyrick comprises 13 units of social rented accommodation and the two phases at Darren Farm would provide 190 affordable units (133 of which would be social rented). The Council's Homes4U waiting list contains 14 applicants in Llandow/Ewenny ward and 159 applicants in Cowbridge ward and this proposal, in addition to those referred to above in Cowbridge and Pentre Meyrick would exceed the number of names on the waiting list for those wards.

However, that does not automatically infer that there is no demonstrable need for this development. The Homes4U waiting list does not typically represent the full extent of need in those wards, since not all people/families in need will have registered on the list. The Council's Housing Services Operational Manager has confirmed that this is particularly the case in the rural Vale where many potential applicants in need of accommodation do not register until developments have been approved or are starting to be constructed.

Furthermore, the site at Darren Farm is the single largest housing allocation in the rural Vale and the affordable housing from that site is likely to also meet need from neighbouring wards, where there is less affordable housing being delivered through LDP allocations. Affordable housing provision is rarely likely to be rigidly dictated by ward boundaries, nor should it be, given that a development in a neighbouring ward may still be close enough to realistically be meeting local need. The overall need revealed by the LHMA is 576 units per year and close to 500 of these are social rented. Windfall sites such as this proposal are vital to the Council in addressing as much of that need as

possible, and it is considered that this site is in an appropriate location to address local need.

The Community Council's concerns regarding education provision and capacity of the school have been considered, however, for the reasons given above the Local Planning Authority does not seek financial contributions on developments of this size. In such circumstances, it would be for the Local Education Authority to take the likely impacts of the development into account and to ensure that any necessary works at the school are planned for accordingly.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the following plans:

TDA.2432.02, LLAN/001, 1725-P02, 1725-P03, 1725-P04, 1725-P05, 1725-P06, 1725-P07, 1725-P08, 1725-P09, 1725-P101, 1725-P00, SK003A, SK005A and C1103C-SK006.

The development shall be carried out strictly in accordance with these details.

Reason:

To ensure a satisfactory form of development and for the avoidance of doubt as to the approved plans.

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

Reason:

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

4. The means of enclosure associated with the development hereby approved shall be in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority prior to the first beneficial occupation of any dwelling.

Reason:

To safeguard local visual amenities, and to ensure the development accords with Policies MD2 and MD5 of the Local Development Plan.

5. 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 (to include provision for a pedestrian footway into the site on the southern side of the access and a crossing point across the internal access road) and 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.

Reason:

In the interests of highway safety and to ensure compliance with Policies MD1 and MD2 of the LDP.

6. Prior to the first beneficial occupation/use of any of the dwellings or offices hereby approved, access to the part of the existing layby to the front of Llangan Primary School that lies within an 82m vision splay from the site access (measured at 3m x 82 and as shown on plan C1103 C-SK006) shall be removed/obstructed/prohibited, in accordance with a scheme that shall first be submitted to and approved by the Local Planning Authority.

Reason:

In the interests of highway safety and to ensure compliance with Policies MD1 and MD2 of the LDP.

7. Prior to the first beneficial occupation of any of the dwellings or new offices, a timing plan for the stopping up of the existing vehicular access to Cwrt Canna shall be submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be stopped up in accordance with the approved timescales.

Reason:

In the interests of highway safety and to ensure compliance with Policies MD1 and MD2 of the LDP

8. Full details of a scheme for surface water drainage (including details of the perpetual management of the drainage system) shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented and maintained at all times thereafter in accordance with the approved details. The details shall include an assessment of the potential to dispose of surface and land water by sustainable means and the scheme shall ensure that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason:

To ensure the adequate drainage of the site, and to ensure the development accords with Policies MD2 and MD5 of the Local Development Plan.

9. Prior to the commencement of development, a water quality risk assessment and construction environmental plan, which consider any potential risks to groundwater, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with any recommendations and measures contained in the approved risk assessment and construction environmental plan.

Reason:

In the interests of environmental protection and to ensure compliance with Policy MD7 of the LDP.

10. Notwithstanding the submitted plans and prior to their use in the construction of the dwellings hereby approved, further details and samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out and maintained at all times in accordance with the approved details.

Reason:

In the interests of visual amenity and to ensure the development accords with Policies MD2 and MD5 of the Local Development Plan.

11. No Development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall include construction working hours, and details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated. The CEMP will utilise the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk). The CEMP will include a system for the management of complaints from local residents which will incorporate a reporting system. The construction of the Development shall be completed in accordance with the approved Plan unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure the development accords with Policies MD2, MD5 and MD7 of the Local Development Plan.

12. Prior to the commencement of the development, a detailed contamination remediation scheme and verification shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site

will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and to ensure compliance with Policy MD7 of the LDP.

13. The remediation scheme approved by condition 12 above must be fully undertaken in accordance with its terms prior to the occupation of any part of the development, or in accordance an alternative set of timescales that shall first be approved in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of the commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and to ensure compliance with Policy MD7 of the LDP.

14. In the event that contamination is found at any time when carrying out the development that was not previously identified, it shall be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place (unless otherwise agreed in writing) until a scheme to deal with the contamination found has been approved in writing by the local planning authority. The scheme shall include an investigation and risk assessment and where remediation is necessary a remediation scheme and

verification plan shall be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority, prior to the first beneficial occupation of any of the dwellings approved.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policies MD2, MD5 and MD7 of the Local Development Plan.

15. Any topsoil (natural or manufactured) or subsoil, and any aggregate (other than virgin quarry stone) or recycled aggregate to be imported (and any site won material including soils, aggregates, recycled materials) shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced and to ensure compliance with Policies MD1 and MD7 of the LDP.

16. Prior to the first beneficial occupation of any of the dwellings, a scheme for the provision and maintenance of all public open spaces (including the layout of the children's play equipment, the timing of its provision and any enclosures around the pond) shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the timely provision of the public open space and to ensure compliance with Policies ENV 27 and REC 3 of the Unitary Development Plan.

17. Prior to the first beneficial occupation of any dwelling, a scheme of landscaping (including details of the perpetual management and maintenance of the landscaping areas) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees 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 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 MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

19. Prior to the commencement of development, a scheme for the protection and enhancement of biodiversity on site to be submitted to, and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason:

In the interests of ecology and to ensure the development accords with Policy MD9 of the Local Development Plan.

20. The residential units hereby approved shall be delivered by a Housing Association Partner (Hafod Housing, Newydd Housing, United Welsh Housing or Wales & West Housing) of the Vale of Glamorgan Council and shall only be occupied as affordable housing that meets 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.

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.

REASON FOR RECOMMENDATION

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

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

Having regard to policies, SP1 – Delivering the Strategy, SP3 – Residential Requirement, SP4 – Affordable Housing Provision, SP10 – Built and Natural Environment, MG1 – Housing Supply in the Vale of Glamorgan, MG4 – Affordable Housing, MG7 – Provision of Community Facilities, MG17 – Special Landscape Areas, MG22 – Development in Minerals Safeguarding Areas, MD1 - Location of New Development, MD2 - Design of New Development, MD3 - Provision for Open Space MD4 - Community Infrastructure and Planning Obligations, MD6 - Housing Densities, MD7 - Environmental Protection, MD8 - Historic Environment, MD9 - Promoting Biodiversity MD10 - Affordable Housing Developments outside Settlement Boundaries, MD14 - New Employment Proposals of the Vale of Glamorgan Adopted Local Development plan 2011-2026, and the advice within Planning Policy Wales 10th Edition, Technical Advice Notes 2, 6, 12, 16 and 23, and the Council's Supplementary Planning Guidance on Affordable Housing, Biodiversity and Development, Design in the Landscape, Parking Standards (Interactive Parking Standards Zones Map), Planning Obligations, Residential and Householder Development, Sustainable Development - A Developer's Guide and Trees, Woodlands, hedgerows and Development, the proposed development is considered acceptable in terms of the principle of the uses, design and visual impact, sustainability, highway safety, parking, impact on neighbours, amenity space provision, drainage ecology and open space.

NOTE:

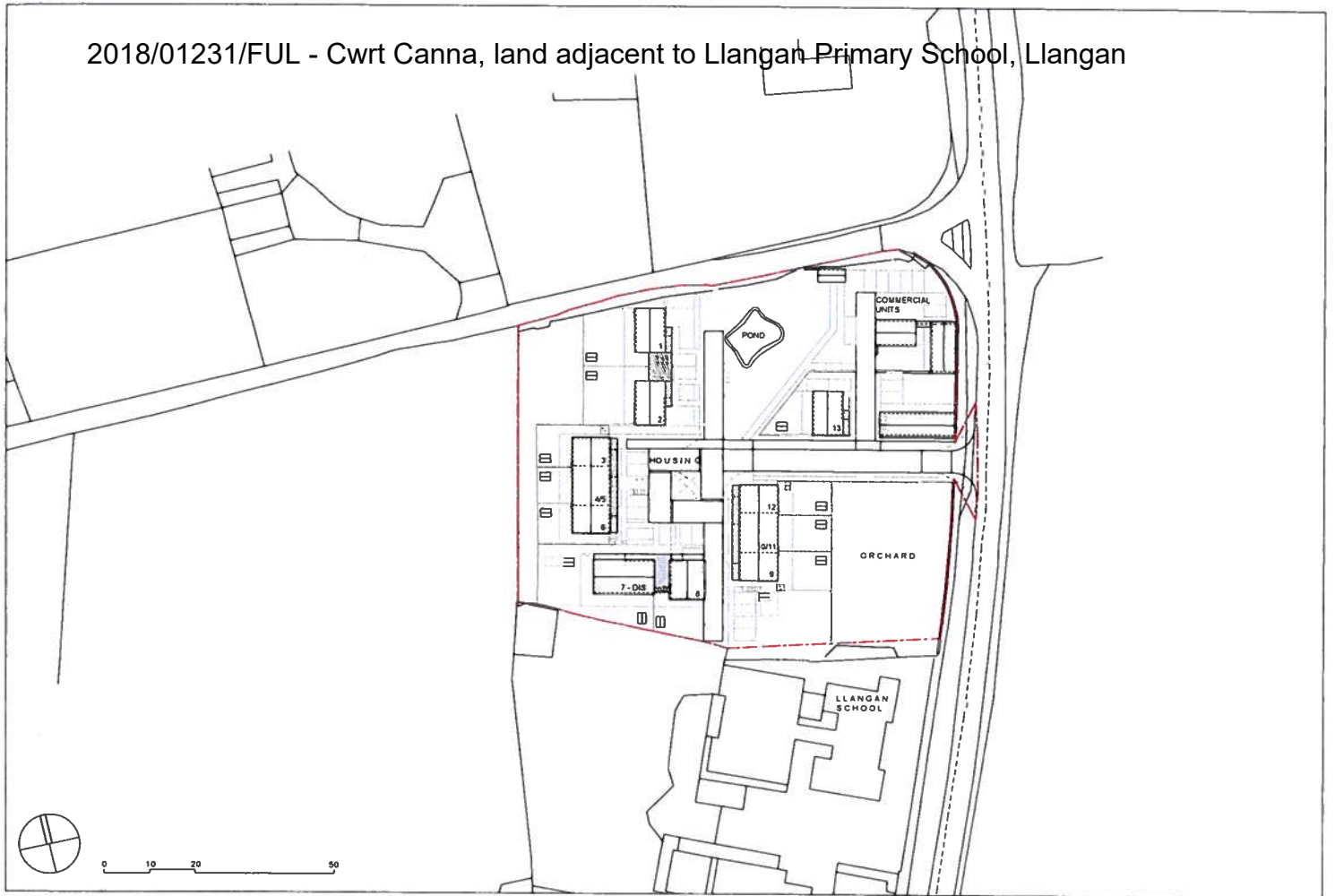
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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

2018/01231/FUL - Cwrt Canna, land adjacent to Llangan Primary School, Llangan



BLOCK PLAN



LOCATION PLAN

CWRT CANNA - LLANGAN
VALE OF GLAMORGAN

PLAN BY
 1988/01231/FUL - Cwrt Canna - Llangan
 1988/01231/FUL - Cwrt Canna - Llangan
 1988/01231/FUL - Cwrt Canna - Llangan



Mr K Protheroe
 Clerk
 Llangan Community Council
 1 White House
 Barry
 CF62 6FB

15th October 2018

Dear Mr Griffiths

**Pre-planning application consultation in respect of:
 Development of land adjacent to Llangan Primary School by Mr Crandon
 and Newydd Housing Association**

I am writing with regard to your letter of 19th September 2018 and your subsequent attendance at Llangan Community Council's Ordinary General Meeting on 2nd October 2018 concerning the above. I have been instructed by the Council to forward the Council's observations; for the reasons we explain below the Council has several reservations:

1. Housing need

- 1.1 The Council fully appreciates the need for affordable housing and would support the provision of such, if the need for it exists. The Council also supports the proposed local lettings initiative to ensure the needs of the community are directly addressed. However, at the meeting the Council was not presented with any housing need evidence to support the scheme or information on how the local lettings scheme would work. We note that your letter states that "identified local housing need" has been established. Therefore, before the Council can consider supporting the scheme it requires sight of this information and the opportunity to review it.
- 1.2 The Council would be particularly interested to know how the unit mix on the scheme will address the needs of the local community, and your proposals for identifying hidden needs, which are all too common in rural areas. The Council was very disappointed that no attempt had been made to discuss local needs with the Council in the eighteen months that you have been developing the scheme – this was an opportunity missed.
- 1.3 Linked to 1.2, it was confirmed at the Council's meeting that all the properties will be for rent. Has any consideration been given to low-cost home ownership properties e.g. incorporating the Welsh Government's Help to Buy Scheme?
- 1.4 Lifetime Homes were raised by you to emphasise the scheme's flexibility in respect of addressing housing needs. Whilst the Council

has no issue in respect of such properties, they would not redress the development of homes that do not match existing local needs e.g. if the pressing need is for older persons' accommodation (a need which the Council believes should be considered addressed) and many of the homes to be provided are family homes.

- 1.5 "Top of the head" weekly rent figures were provided by Newydd HA. The Council would require confirmation of rent levels before it can determine if the scheme is affordable.
- 1.6 The Council was not clear how the housing need for this scheme will dovetail with the large-scale development currently under construction in Cowbridge. The Council requests confirmation of the affordable element of the Cowbridge scheme and if its impact had been considered on housing need in the Llangan area.
2. **The office development:** your letter states that the proposed offices are to meet a "... localised need". The Council was provided with no evidence to support this statement and would appreciate sight of it. It is clearly very important that this need exists as the revenue from the offices will be used, in large part, to maintain the estate's grounds and the associated community amenities and open spaces.
3. **The impact on the local school:** The Council was provided with no evidence that this matter has been considered and members' questions were left largely unanswered. It is essential that this matter is clarified urgently for both the benefit of the school, the potential new residents and the existing community. The proposed scheme will contain several family homes and, therefore, it should be possible to project the impact on the school. It can be assumed that the impact of Universal Credit will mean that the new homes will not be under-occupied. It was also mentioned that there would be access to the school from the development. The Council would need more details on this, particularly around security; there are already 2 gates which need to be secured.
5. **Sustainable transport**
 - 5.1 The Council was not clear how this development supports policies stating the need for sustainable transport. There is no public transport and no safe paths to walk or cycle to get the nearest services (A48 and Pencoed).
 - 5.2 Given that there is no public transport service, it is likely that each house will have 2 vehicles, some of them vans. In the plans there is provision for only one vehicle per house. Where will the other cars be parked? It would be unacceptable for them to be parked on the road, and it is unsafe for them to be parked in the school lay by. Further there is the possibility that the school car park could be used as an overflow which again is unacceptable and unsafe.
 - 5.3 The Council would also suggest that consideration is given to increasing 'safe vision' at the Llangan junction as any new development will inevitably increase traffic-flow at an already difficult and busy junction.
4. **Scheme design principles:** in the limited time available the Council is not able to respond in detail – again it is disappointing that, as the

community's local representative, the Council was not consulted much earlier. You will be aware from the comments at the meeting that the Council was concerned that the scheme was not in keeping with the local area.

I hope the Council's comments prove of assistance and it thanks you, the Vale of Glamorgan Council and Newydd HA for attending the Council's meeting.

Yours Sincerely

Kevin Protheroe
Clerk to Llangan Community Council

2018/00996/FUL Received on 6 September 2018

Applicant :Mr. and Mrs. Graham-Wride c/o Agent

Agent : Andrew Parker Architect, The Great Barn, Lillypot, Bonvilston, Vale of Glamorgan, CF5 6TR

Clawdd Coch, Pendoylan

Proposed demolition of agricultural barn and outbuildings. Proposed new dwelling with detached garage with hobby room over

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Peterston Super Ely Ward Member, Cllr M J Morgan because he wishes the issue of sustainability and new housing in rural areas to be explored by Committee

EXECUTIVE SUMMARY

The application site comprises an area of approximately 0.4 ha, which is occupied by a number of dilapidated agricultural buildings and associated yard area to the north, with pasture land beyond. The site is located in the countryside in the small hamlet of Clawdd-Coch, some 900 metres to the north of the village of Pendoylan. The site lies in the countryside and the Ely Valley and Ridge Slopes Special Landscape Area as defined in the Local Development Plan.

This is an application for full planning permission for the demolition of the existing agricultural buildings and the construction of a detached dwelling and associated garage.

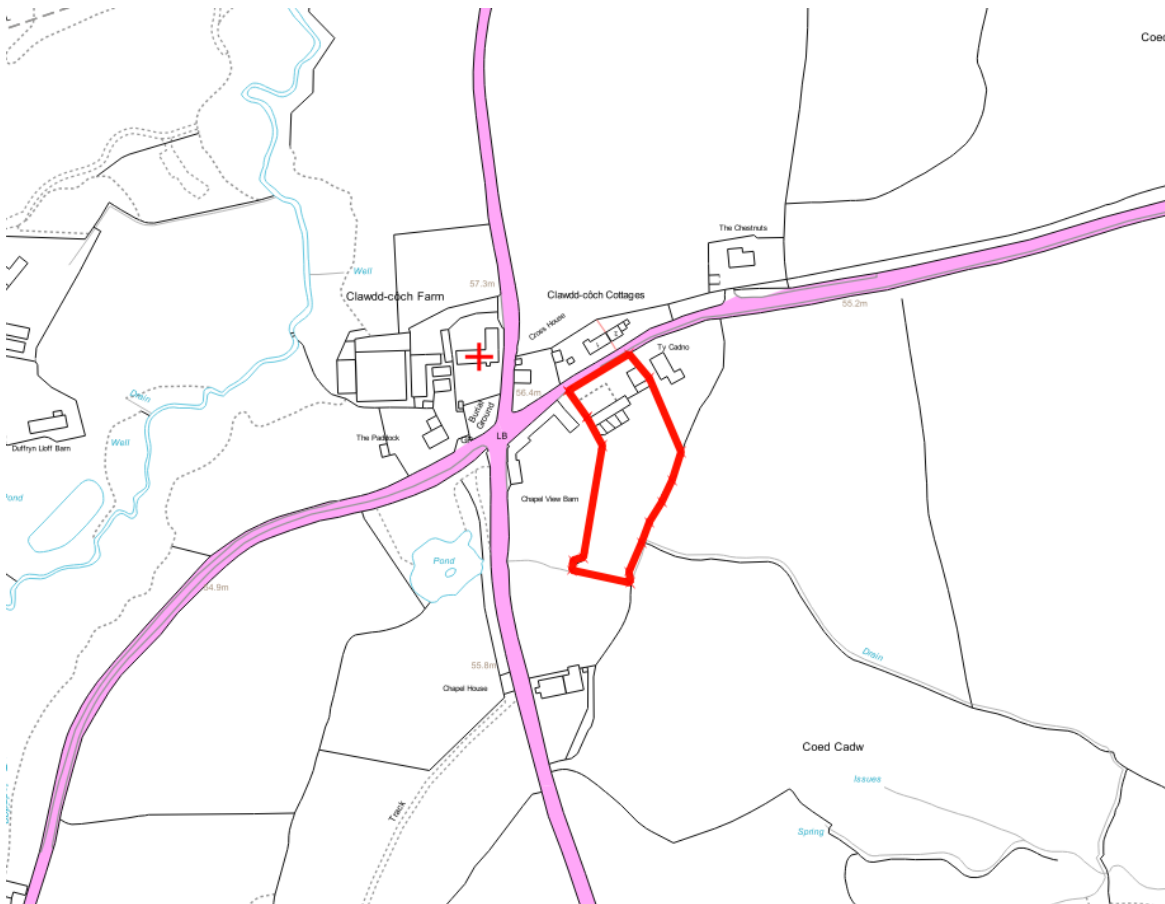
To date no objections to the proposal have been received. Representations of support have been submitted by the occupiers of 'Bryn Bach', 'Clawdd Coch Guest House', 'Chapel View Barn' and 'Duffryn Mawr Farm'; plus local Ward Member Cllr Morgan.

Having regard to both local policy and national guidance, it is considered that the main issues in the assessment of the application include: the principle of new residential development in this location; design and visual impact on the surrounding rural landscape, including the Special Landscape Area; the effect on neighbouring and general residential amenities; any detriment to highway safety; and S106 planning obligations. The planning history of the site is also material to the determination of the application.

It is recommended that the application be REFUSED on the grounds that the proposal represents an unsustainable form of residential development, in the hamlet of Clawdd-Coch, which is not included within the settlement hierarchy of the Local Development Plan. As such the proposal would be reliant on private transport to access services and facilities, contributing to climate change, and placing additional burdens on existing services, contrary to Policies SP1-Delivering the Strategy, and MD1-Location of New Development of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; and national guidance contained in Planning Policy Wales and TAN6-Planning for Sustainable Rural Communities.

SITE AND CONTEXT

The application site as edged in red comprises an area of approximately 0.4 ha which is occupied by a number of dilapidated agricultural buildings and associated yard area to the north, with pasture land beyond. The site is located in the small hamlet of Clawdd-Coch which is classified as falling within the countryside for the purpose of planning policy. The hamlet is located at a cross roads, some 900 metres to the north of the village of Pendoylan via a national speed limit road with no footways.



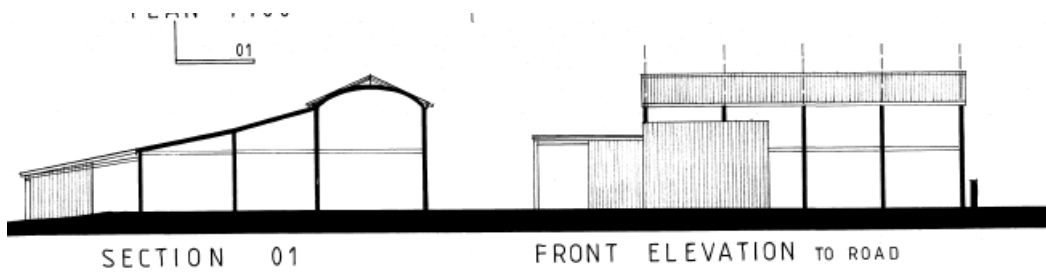
There is an existing vehicular access onto the adopted highway on the northern boundary of the site.

The site lies in the countryside, outside of any settlement, as defined within the Local Development Plan (LDP). The site also lies within the Ely Valley and Ridge Slopes Special Landscape Area (SLA).

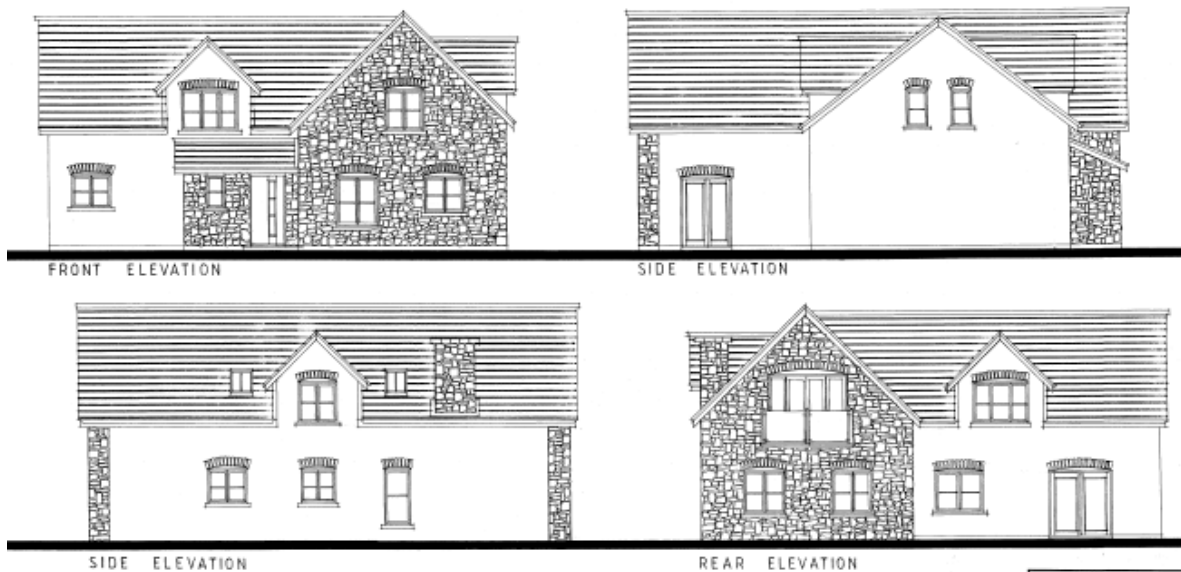
DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the construction of a detached dwelling and associated garage. The proposal entails the following works:-

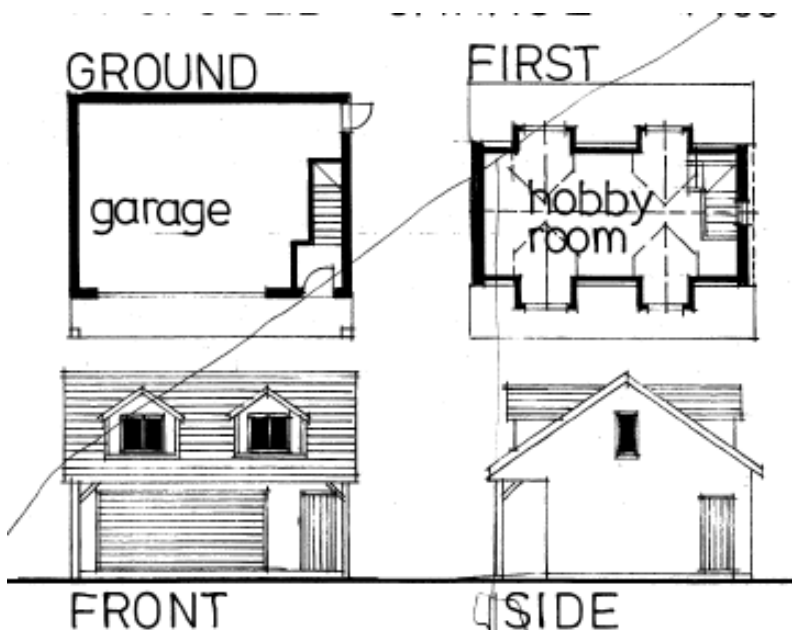
- Demolition of the existing buildings on the site (shown below), including a large hay barn and smaller detached storage sheds.



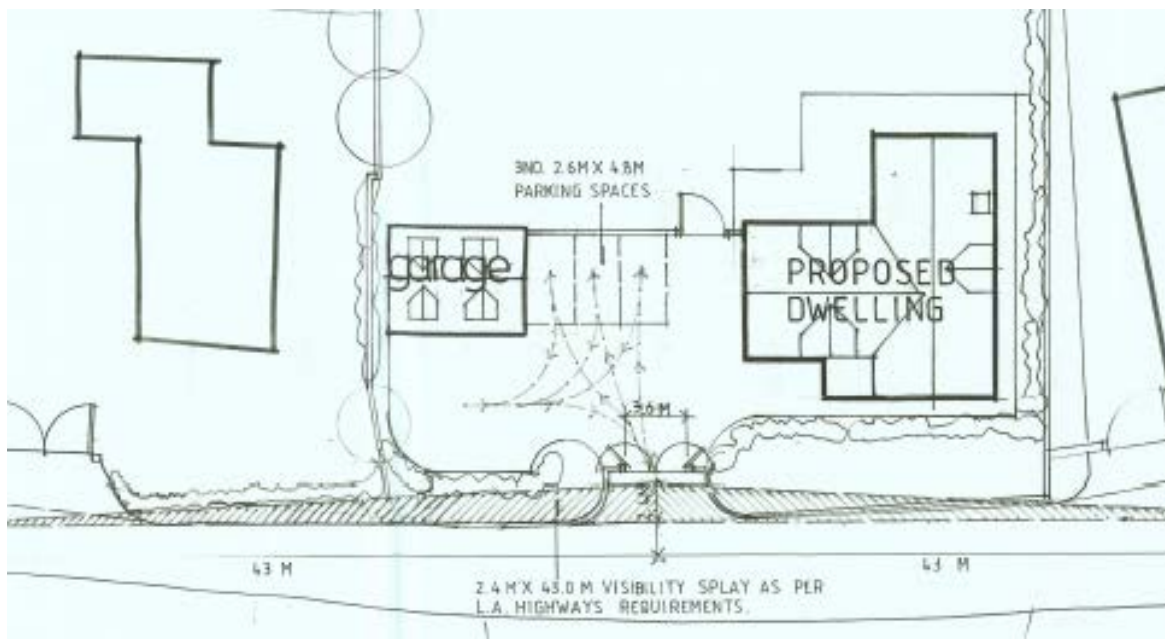
- Construction of a detached, two storey, pitched roof, five bedroom dwelling. The proposed dwelling will be sited within the north-western corner of the plot, close to the boundary with 'Chapel View Barn', and with a frontage to the road. The dwelling will be traditional in design with external finishes of natural stone and render to the walls and a slate roof.



- A detached, two storey, pitched roof garage with hobby room above. The garage will be sited towards the north east corner of the plot close to the boundary with 'Ty Cadno'. The garage will include pitched roof, gabled dormers to front and rear.



- A gated vehicular entrance will give access onto the adopted highway. This will be positioned centrally within the front boundary and will measure approximately 3.6m wide and with a set-back of around 2.4m.



The application is supported by a Planning and Design Statement.

PLANNING HISTORY

2002/01335/OUT - Two pairs of semi-detached cottages – Refused 21 November 2002 for the following reasons:-

- “1. The proposal represents unjustified residential development in a countryside location which would detract from the undeveloped, unspoilt rural character of the area contrary to Policies EV3 and H10 of the South Glamorgan Structure Plan Proposals for Alteration No. 1 1989 and Policies ENV1, HOUS3 and HOUS14 of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1998.
2. The application site cannot provide for adequate visibility to access the proposed dwellings and the proposal will therefore serve to intensify the use of a substandard access all to the detriment of highway safety and the free flow of traffic on the adjacent highway.”

2005/01073/OUT - Construction of one dwelling – Refused 1 September 2005 for the following reason:-

- “1. The proposal, by reason of its location and significant size of site, would represent an unacceptable form of infill development in the countryside outside an identified settlement, that cannot be justified in the interests of agriculture and forestry and would cause demonstrable harm to the established rural character of the locality, which is designated as part of the Ely Valley and Ridge Slopes Special Landscape Area. Accordingly, the proposal would be contrary to Policies ENV1, ENVXXX (Special Landscapes Area), ENV9 and HOUS3 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and Planning Policy Wales (2002).”

CONSULTATIONS

Pendoylan Community Council were consulted and responded with no objection.

Peterston Super Ely Community Council were consulted on 18 September 2018 and no comments have been received to date.

Peterston Super Ely Ward Member (Cllr M Morgan) was consulted and has made the following comments “The proposed residential development would be an improvement on the current derelict buildings. Provided that there are no objections from immediate neighbours I would support this application.” In a further comment he stated: “It seems to me that development of this nature is essential to the sustainability of our rural communities. Clawdd Coch is a small hamlet but a strong community. It is the mutual support of neighbours for one another in rural communities that keeps those communities sustainable. I have previously raised concerns at Homes and Safe Community Scrutiny Meetings about the approach to planning in the Rural Vale and in particular the needs of older residents. This current application will bring a young family back into a community where they can support their parents and neighbours. I have read The Council’s guidance on Sustainable development and refer to the “definition” of Sustainable development: “Development which meets the needs of the present without compromising the ability of future generations to meet their own needs ” This application raises important issues about how the question of sustainability is addressed in our rural communities and it will be of benefit to all for the matter to be aired in the Planning Committee.

Dwr Cymru/Welsh Water were consulted and have stated that as the applicant intends utilising a septic tank facility we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

The Council’s Housing Strategy Team were consulted and have stated that there is an evidenced need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2017 Local Housing Market Assessment (LHMA) which 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 area in the ward of Peterston Super Ely.

PETERSTON S ELY	
1 BED	14
2 BED	4
3 BED	4
4 BED	1
	23

The unit will be a net gain of 1 and therefore we would expect an off-site contribution of AHC x 0.4 of a one bedroom property in zone 5 i.e. £27,770.40.

The Council’s Ecology Team were consulted and have responded with no comments to make on the application.

The Council’s Highway Development Team were consulted and initially requested additional information, including, a plan of the proposed garage and access to a scale of 1:200; details of on-site turning facilities and appropriate track runs; details to show visibility splays of 2.4m x 43m at the access to scale of 1:200 in order to prove the appropriate visibility is achievable.

Further to the receipt of the above information, no objection is raised.

The Council's Drainage section were consulted and have stated that no details have been submitted with regard to surface water drainage for the proposed development. For all new developments, infiltration should be the primary method of surface water disposal, prior to any other method being considered and evidence of on-site infiltration testing should be submitted prior to approval of a surface water drainage system. In addition, no details on the management and maintenance of the proposed drainage system have been included with this application. As such, a condition is requested on any planning permission requiring a detailed scheme for the surface water drainage of the site.

The Council's Shared Regulatory Services (Environmental Health) were consulted and have advised of the use of the 'unforeseen contamination' condition and informative and conditions relating to importation of soils and/or aggregates.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 18 September 2018. In addition a site notice was posted on 28 September 2018.

Letters of support for the application have been submitted by the occupiers of 'Bryn Bach', 'Clawdd Coch Guest House', 'Chapel View Barn', and 'Duffryn Mawr Farm'. These are all available on record to view in full, however, in summary, the main reasons for supporting the proposal relate to:-

- The dwelling would be in keeping.
- Represents an improvement to a derelict site.
- Positive use of the site to provide a family home to maintain the village.
- A refusal would not be justified in light of proposed new road.
- Would prefer a central positioning of dwelling on the plot.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

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

Managing Growth Policies:

POLICY MG1 - Housing Supply in the Vale of Glamorgan.

POLICY MG4 - Affordable Housing.

POLICY MG17 - Special Landscape Areas.

Managing Development Policies:

POLICY MD1 - Location of New Development.

POLICY MD2 - Design of New Development.

POLICY MD4 - Community Infrastructure and Planning Obligations.

POLICY MD7 - Environmental Protection.

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 3 - Strategic and Spatial Choices

- Promoting Healthier Places, in particular paragraph 3.21.
- Placemaking in Rural Areas, in particular paragraphs 3.34, and 3.35.
- Spatial Strategy and Site Search Sequence, in particular paragraph 3.37.
- The Best and Most Versatile Agricultural Land, in particular paragraph 3.54.
- Development in the Countryside, in particular paragraph 3.56.

Chapter 4 - Active and Social Places

- Transport, including Active Travel, in particular paragraph 4.1.36, and Car Parking, paragraph 4.1.51.
- Living in a Place, in particular 4.2.25 and 4.2.26-affordable housing.
-

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places, including Landscape, in particular paragraphs 6.3.3 and 6.3.11.

Technical Advice Notes:

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

- TAN1 - Joint Housing Land Availability Study (2015).
- TAN2 - Planning and Affordable Housing (2006).
- TAN6 - Planning for Sustainable Rural Communities.
- TAN 12 - Design, including paragraphs 2.6, 4.3, 4.5, 4.8, 5.8-rural areas and 5.11-housing design and layout.

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).
- Design in the Landscape.
- Parking Standards.
- Planning Obligations (2018).
- Residential and Householder Development (2018).
- Trees, Woodlands, Hedgerows and Development (2018).

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).
- Affordable Housing Viability Update Report (2014) (Also see LDP Hearing Session 6 Action Point 3 to 9 responses).
- Affordable Housing Delivery Update Paper (2016) (LDP Hearing Session 6 Action Point 2 response).
- Vale of Glamorgan Local Housing Market Assessment (LHMA) 2017.
- LDP Housing Land Supply Trajectory 2011-26 (September 2016).
- (LDP Hearing Session 2 and 3, Action Point 4, 6, 7, 9 and 10 response) Housing Provision Background Paper (2015) (Also see LDP Hearing Session 2 and 3 Action Point 3 and 5 response).
- Housing Supply Background Paper (2013) (Also see LDP Hearing Session 2 and 3 Action Point 5 response).

- Joint Housing Land Availability Study (2014).
- Vale of Glamorgan Housing Strategy - (2015-2020).
- Population and Housing Projections Background Paper (2013).
- Designation of Landscape Character Areas (2013 Update).
- Designation of Special Landscape Areas (2013 Update).
- Designation of SLAs Review Against Historic Landscapes Evaluations (2013 Update).
- Sustainable Settlements Appraisal Review (2016).

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management.
- Welsh Office Circular 13/97 - Planning Obligations.
- Development Management Manual - Revision 2 - May 2017.

Well-being of Future Generations (Wales) Act 2015

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

Issues

In assessing the proposal against the above policies and guidance it is considered that the main issues include, the principle of new residential development in this location; design and visual impact on the surrounding rural landscape, including the Special Landscape Area; the effect on neighbouring and general residential amenities; any detriment to highway safety; and S106 planning obligations. The planning history of the site is also material to the determination of the application.

Principle and background

In policy terms the site is located in the countryside, outside of any settlement boundary defined within the LDP. As such, relevant policies include, SP1-Delivering the Strategy, and MD1-Location of New Development. Policy MD1 seeks to emphasise the importance of protecting the countryside from unacceptable and unjustified new development, and ensure that it contributes positively to the rural economy and the viability and sustainability of rural communities. The policy allows for new development subject to the following criteria:-

“1. HAVE NO UNACCEPTABLE IMPACT ON THE COUNTRYSIDE;

2. REINFORCE THE ROLE AND FUNCTION OF THE KEY SETTLEMENT OF BARRY, THE SERVICE CENTRE SETTLEMENTS, PRIMARY SETTLEMENTS OR MINOR RURAL SETTLEMENTS AS KEY PROVIDERS OF COMMERCIAL, COMMUNITY AND HEALTHCARE FACILITIES;
3. WHERE APPROPRIATE PROMOTE NEW ENTERPRISES, TOURISM, LEISURE AND COMMUNITY FACILITIES IN THE VALE OF GLAMORGAN;
4. IN THE CASE OF RESIDENTIAL DEVELOPMENT, SUPPORT THE DELIVERY OF AFFORDABLE HOUSING IN AREAS OF IDENTIFIED NEED;
5. HAVE ACCESS TO OR PROMOTE THE USE OF SUSTAINABLE MODES OF TRANSPORT;
6. BENEFIT FROM EXISTING INFRASTRUCTURE PROVISION OR WHERE NECESSARY MAKE PROVISION FOR NEW INFRASTRUCTURE WITHOUT ANY UNACCEPTABLE EFFECT ON THE NATURAL OR BUILT ENVIRONMENT;
7. WHERE POSSIBLE PROMOTE SUSTAINABLE CONSTRUCTION AND MAKE BENEFICIAL USE OF PREVIOUSLY DEVELOPED LAND AND BUILDINGS;
8. PROVIDE A POSITIVE CONTEXT FOR THE MANAGEMENT OF THE WATER ENVIRONMENT BY AVOIDING AREAS OF FLOOD RISK IN ACCORDANCE WITH THE SEQUENTIAL APPROACH SET OUT IN NATIONAL POLICY AND SAFEGUARD WATER RESOURCES; AND
9. HAVE NO UNACCEPTABLE IMPACT ON THE BEST AND MOST VERSATILE AGRICULTURAL LAND.”

This approach is supported by national guidance, including PPW which suggests that development in the countryside may be appropriate in certain circumstances. However, this is subject to full consideration of all factors, including the landscape context and the character of the area. Paragraph 3.56 states:-

“Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.”

It will be noted from the planning history of the site that there have been earlier applications for the residential re-development of the site, which have been refused. These include, 2002/01335/OUT for two pairs of semi-detached cottages, refused in 2002, and a single dwelling under 2005/01073/OUT, refused September 2005. The reasons for refusal have included, unjustified residential development in the countryside; harm to the established rural character of the area; and detriment to highway safety due to lack of adequate visibility and intensification of use of a substandard access.

Since these earlier decisions the policy context has changed both nationally, and locally with the adoption of the LDP. Despite this, the site remains an unsustainable one, outside of any identified settlement. PPW notes at paragraph 3.35:-

“For most rural areas the opportunities for reducing car use and increasing walking, cycling and use of public transport are more limited than in urban areas. In rural areas most new development should be located in settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole. Development in these areas should embrace the national sustainable placemaking outcomes and, where possible, offer good active travel connections to the centres of settlements to reduce the need to travel by car for local journeys.”

The LDP settlement hierarchy, which was informed by the Sustainable Settlements Appraisal Background Paper (Feb 2016 update), identifies sustainable settlements which

are considered to be capable of accommodating additional development during the Plan period. The Study identified 4 main categories of settlements grouped according to their size, role and characteristics, including the key settlement of Barry; service settlements of Cowbridge, Llantwit Major and Penarth; primary settlements of Dinas Powys, Llandough (Penarth), Rhoose, St Athan and Wenvoe; and minor rural settlements of Aberthin, Bonvilston, Colwinston, Corntown, Culverhouse Cross, East Aberthaw, Ewenny, Fferm Goch, Graig Penllyn, Llancarfan, Llandow, Llanmaes, Llysworney, Ogmored by Sea, Pendoylan, Penllyn, Peterston Super Ely, Sigingstone, Southerndown, St Brides Major, St Nicholas, Treoes, Wick and Ystradowen.

Clawdd-Coch has not been included within the settlement hierarchy due to its isolated location and lack of basic services and facilities, similar to many other small hamlets and rural settlements within the Vale of Glamorgan. The lack of amenities, employment opportunities and limited public transport services means that inhabitants are more likely to be reliant on private cars for travel, making them unsuitable and unsustainable locations for further additional residential development.

It is acknowledged that Clawdd-Coch does have a bus service which operates every 2 hours Mondays to Saturdays (320 service). It is noted that the nearest village identified within the LDP settlement hierarchy is the Minor Rural Settlement of Pendoylan, which is located some 925m away. Pendoylan includes a primary school, public house and post box.

Whilst the road linking Clawdd-Coch to Pendoylan is a classified road, it is not served by any footways or lighting. As such it is considered that the road is not suitable as a safe walking route, which together with the distance of the site to Pendoylan, would highly likely result in the dependence on private vehicles to access basic shops, services and facilities needed on a regular basis from the site.

It must therefore be concluded that due to the isolated position outside of any defined settlement boundary and given the distance and general absence of comprehensive pedestrian/alternative modal links to the nearest settlement, the site is considered to be in an unsustainable and unsuitable location where the proposed dwelling would be remote from day to day amenities/services and any future occupiers would be over-reliant on the private car.

In policy terms, new residential development outside of the settlement hierarchy can be considered acceptable in certain circumstances, in particular where they meet the requirements of either policy MD10-Affordable Housing Developments Outside Settlement Boundaries, or MD11-Conversion and Renovation of Rural Buildings. This follows national guidance contained in PPW, which states at paragraph 3.56:-

“Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity.”

However, even in such cases, such sites still need to be accessible and sustainable and have a relationship to a settlement. The proposal does not entail the conversion of an existing rural building, neither does it relate to affordable housing.

Thus, it is considered that the current proposal for market housing would be contrary to the LDP and national guidance set out in Planning Policy Wales.

Agricultural Land

Another issue in relation to the acceptability of the principle of the proposed development is that would have no unacceptable impact/loss of the best and most versatile agricultural land, as set out under criterion 9 of Policy MD1 and Policy MD7. This is in line with national guidance, including paragraph 3.54 of PPW which states:-

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

The Council's Agricultural Land Classification records shows the land classified as Grade 3, although, with no survey work undertaken, it is not clear whether this is the higher Grade 3a. Although the application site extends to the south, and includes the currently undeveloped pasture land, the proposed built development is restricted to the frontage of the site in the existing yard area. The application is accompanied by a Planning and Design Statement, which includes a Supporting Statement from the applicant at Appendix F, which outlines the farming background to the proposal. This identifies that the yard is now redundant to the current farming operations, which have shifted from a dairy herd and chickens to beef cattle and barley. The farm buildings are now located at The Paddocks on the opposite side of the crossroads, where movement of animals is easier in relation to passing traffic. Although it is not clear how the southern paddock would be accessed following development of the frontage, it is accepted that an alternative could be made available. As such, it is not considered that a refusal of the application on the grounds of the loss of high quality agricultural land would be justified.

Personal circumstances of the applicant

It is also noted that the supporting statement makes reference to the personal circumstances of the applicant. Section 38 of The Planning and Compulsory Purchase Act 2004, requires that the Council determine an application in accordance with the development plan unless material considerations indicate otherwise. The Development Management Manual (DMM) provides guidance on the nature of material considerations, noting that factors taken into account must be planning matters, i.e. they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The DMM notes at paragraph 9.4.3:-

“Material considerations must also be fairly and reasonably related to the development concerned. The Courts are the final arbiters of what may be regarded as material considerations in relation to any particular application, but they include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The effects of a development on, for example, health, public safety and crime can also be material considerations, as, in principle, can public concerns in relation to such effects.”

In addition, under the requirements of the Human Rights Act 1998, the Council must protect an individual's rights and paragraph 9.4.18 of the DMM states:-

“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 LPA to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to proceed. In carrying out this balancing exercise the LPA should be satisfied that it has acted proportionately.”

The DMM notes that the weight to be attached to material considerations is a matter of judgement. However, as paragraph 9.4.5 points out:-

“... the LPA must demonstrate in the planning officers or committee report that, in reaching its decision, they have considered all relevant matters.”

Thus in considering the personal circumstances put forward, it is noted that the applicant outlines a wish to live in the village of her childhood, which is currently not possible due to house prices in the area, and the limited availability. The land would be gifted by the applicant's parents. The proximity to the parents would also allow for their care in old age and failing health. Whilst sympathetic to the personal circumstances outlined, such a situation is by no means unusual, and a similar case for new dwellings in inappropriate and unacceptable locations could be made many times over by other families, undermining local policies and national guidance.

A further reference to the personal circumstances of the case is highlighted in chapter 6, the summary section of the Planning and Design Statement. This indicates:-

“That the applicant wishes to be able to live close by to allow them to continue to work on the farm and other nearby housing is too expensive.”

It is acknowledged that TAN6-Planning for Sustainable Rural Communities allows for sustainable housing, including affordable housing and rural enterprise dwellings. In relation to rural enterprise dwellings TAN6 states at paragraph 4.3.1:-

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

A rural enterprise dwelling can include a second dwelling on an established farm which is financially sustainable, where there is a functional need for a further 0.5 or more of a full time worker and at least 50% of a Grade 2 Standard Worker salary, as defined by the latest version of the Agricultural Wages Order, is obtained from the farm business.

Notwithstanding the above, the current application does not propose either an affordable dwelling, or a rural enterprise dwelling, and no evidence to support such development has been submitted. As such the application has been assessed as a proposal for new market housing.

Thus it is considered that the principle of the development of a new market house on the site is considered unacceptable, as it does not meet the requirements of policy MD1, in particular criterion 5, access to or promotion of the use of sustainable modes of transport.

Design and visual impact

In policy terms, criterion 1 of policy MD1 requires that new development on unallocated sites should have no unacceptable impact on the countryside. Furthermore, criteria 1 and

2 of policy MD2 requires new development to be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment; and responds appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density. National guidance within TAN12-Design states at paragraph 5.8.2:-

“Design is relevant to rural settlements, urban fringe, steep sided valleys, mountain top plateaus and broad agricultural areas vary significantly. Policies and guidance should take account of the need to steer activity to avoid negative impact on distinctive rural landscapes and the best agricultural land and to conserve and enhance diversity of species and habitats. Managing change by means of a landscape strategy based on a thorough landscape assessment is one means of safeguarding a rural sense of place. This should analyse key issues and put forward guidelines for design themes, palettes of materials, and briefs for specific sites.”

Furthermore the Council's Supplementary Planning Guidance on Design in the Landscape contains guidance on landscape impact, with one of the aims of DG13-Rural Settlements, being to reduce, and wherever feasible, reverse the erosion of locally distinct rural character which results in suburbanisation.

It is noted that the letters submitted in support of the application highlight how the proposal will improve the current situation with the removal of the existing dilapidated structures. In addition the Planning and Design Statement outlines how the new dwelling will sit comfortably within the existing residential development, and be commensurate with the existing dwellings in the hamlet.

“The scale, siting, design, materials, landscaping and external appearance are all appropriate in the context of the hamlet of Clawdd Coch.”

It is agreed that the proposal will not extend the built form of the hamlet into the surrounding countryside. In addition the traditional design of the proposed dwelling would reflect many of the original properties.

In relation to the wider landscape impact, including the Ely Valley and Ridge Slopes SLA, relevant policies include SP10-Built and Natural Environment, and MG17-Special Landscape Areas. Policy MG17 allows for new development where it is demonstrated that it would cause no unacceptable harm to the important landscape character of the area. The accompanying Planning and Design Statement indicates that the use of the site for a dwelling will not materially alter the character of the SLA.

“The site is currently occupied by unsightly dilapidated corrugated iron and timber barns and outbuildings. It is a natural in fill site with other residential properties on three sides and its configuration allows the natural line of houses along the lane to be respected.”

It is agreed that the proposal will have a limited impact on the wider character of the SLA. It could be argued that the loss of the existing agricultural buildings would detract from the rural character. However, the more recent agricultural buildings to the west would serve to maintain the historical character of the hamlet.

Thus it is considered that the loss of the existing buildings, and the introduction of a new dwelling in this location will not result in any detriment to the character and appearance of Clawdd-Coch and its rural setting, including the SLA.

Neighbouring and residential amenity

Policy MD2 of the LDP and the Council's SPG on Residential and Householder Development seek to ensure adequate amenity for the occupiers of not only new housing but also the existing properties. Criterion 8 of policy MD2 of the LDP seeks to safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance.

It is noted that, to date, no objections have been received, only support for the proposal. However, the neighbour at 'Chapel View Barn' has expressed a preference for the dwelling to be sited away from their boundary, more centrally within the plot.

In relation to any overshadowing or overbearing effect, it is considered that, compared to the existing agricultural barn, the proposed dwelling would have less impact due to its smaller size.

As regards any impact on the current levels of privacy, although there are some windows at first floor level in the side elevations facing the neighbours at 'Chapel View Barn' and 'Ty Cadno', these serve non-habitable landing and en-suite facilities.

In relation to the residential amenity of the proposed dwelling itself, the Council's SPG on Residential and Householder Development requires a minimum of 20 sqm of amenity space per person, which in this case, would be a minimum of 80 sqm. Although the current layout shows a relatively restricted area of private amenity space, it is acknowledged that this can be improved with a reduction in the number of on-site parking spaces proposed from five to the maximum three spaces required by the Parking Standards.

Access and Parking

Criterion 6 of MD2 of the LDP requires that new development has no unacceptable impact on highway safety nor cause or exacerbate existing traffic congestion to an unacceptable degree.

There is an existing vehicular access to the site to serve the existing agricultural use. This is proposed to be modified to provide a 3.6m wide double gated entrance, set back to provide visibility splays of 2.4m x 43m along the adjacent highway. Following a request for additional information relating to garage access, on-site turning facilities, and visibility splays, the Council's Highway Development team have advised that there is no objection to the proposal.

As such it is considered that there should be no detriment to highway safety. Indeed, as the supporting information notes, the removal of the agricultural use of the land, with the potential to move animals along the adjacent highway at the crossroads, should serve to improve highway safety.

S106 planning obligations

Policy MD4 of the LDP relates to Community Infrastructure and Planning Obligations and notes that the Council will seek to secure new and improved infrastructure, facilities, and services appropriate to the scale, type and location of proposed developments through the

use of planning obligations. The Council's Planning Obligations Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought, and indicates how they may be calculated.

In this case, policy MG4-Affordable Housing is relevant to the proposal. This requires all residential sites resulting in a net gain of one or more dwellings to provide an element of affordable housing. The Council's Affordable Housing SPG requires that residential development within the Rural Vale housing market area resulting in a net gain of one dwelling or more should deliver 40% affordable housing.

In this case, as the contribution would relate to the equivalent of 0.4 of an affordable unit, this would require an off-site affordable housing contribution, based upon the following equation:

Acceptable Cost Guidance (£) per unit x % Social Housing Grant x Number of affordable housing units = Financial contribution (£).

The Acceptable Cost Guidance band in this case is based upon band 5. The Council's Housing Strategy Team has been consulted on the application and confirm that Clawdd Coch is in the Peterston Super Ely Ward where the highest need is for one bedroom accommodation. Based on the table at Figure 1 paragraph 5.3.2 of the SPG the ACG is £119,700. As such the required contribution is calculated as £27,770.4.

Although a formal response is still awaited from the applicant's agent, the applicant has verbally indicated that the proposed development is intended to be a 'self-build' scheme. There is an exemption for Self Build Housing Developments in the SPG, and this would be taken into consideration in any subsequent S106 legal agreement that would be required. Notwithstanding this, the proposal remains unacceptable for the reasons outlined above.

Other issues

On the issue of drainage, Welsh Water note that the proposal entails the use of a septic tank facility. As such they advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

The Council's Drainage section note that no details have been submitted with regard to surface water drainage for the proposed development, and no detail on the management and maintenance of the proposed drainage system. As such, a condition is requested on any consent that no development shall commence until a detailed scheme for the surface water drainage of the site, showing how road and roof/yard water will be dealt with, has been submitted and approved in writing by the LPA.

The Council's Environmental Health section indicate that although there is no known contamination at this site, the potential cannot be ruled out. As such, they have requested the use of the 'unforeseen contamination' condition in any consent. In addition, should there be any importation of soils, or materials imported as part of the construction of the development, it must be demonstrated that they are suitable for the end use. Therefore conditions relating to the importation of soils and/or aggregates are also requested.

Finally, it is noted that there are no ecological issues relating to the site. The Council's Ecology team have been consulted on the proposal, and advise that they have no comments to offer on the application.

In view of the above the following recommendation is made.

RECOMMENDATION

REFUSE

1. By virtue of its isolated position outside of any defined settlement boundary and given the distance and absence of safe pedestrian / alternative modal links to the nearest settlement, the proposal represents an unsustainable form of residential development, remote from day to day amenities / services and any future occupiers would be over-reliant on the private car. The proposal would therefore be contrary to Policies SP1-Delivering the Strategy, and MD1-Location of New Development of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; and national guidance contained in Planning Policy Wales and TAN6-Planning for Sustainable Rural Communities.

REASON FOR RECOMMENDATION

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

NOTE:

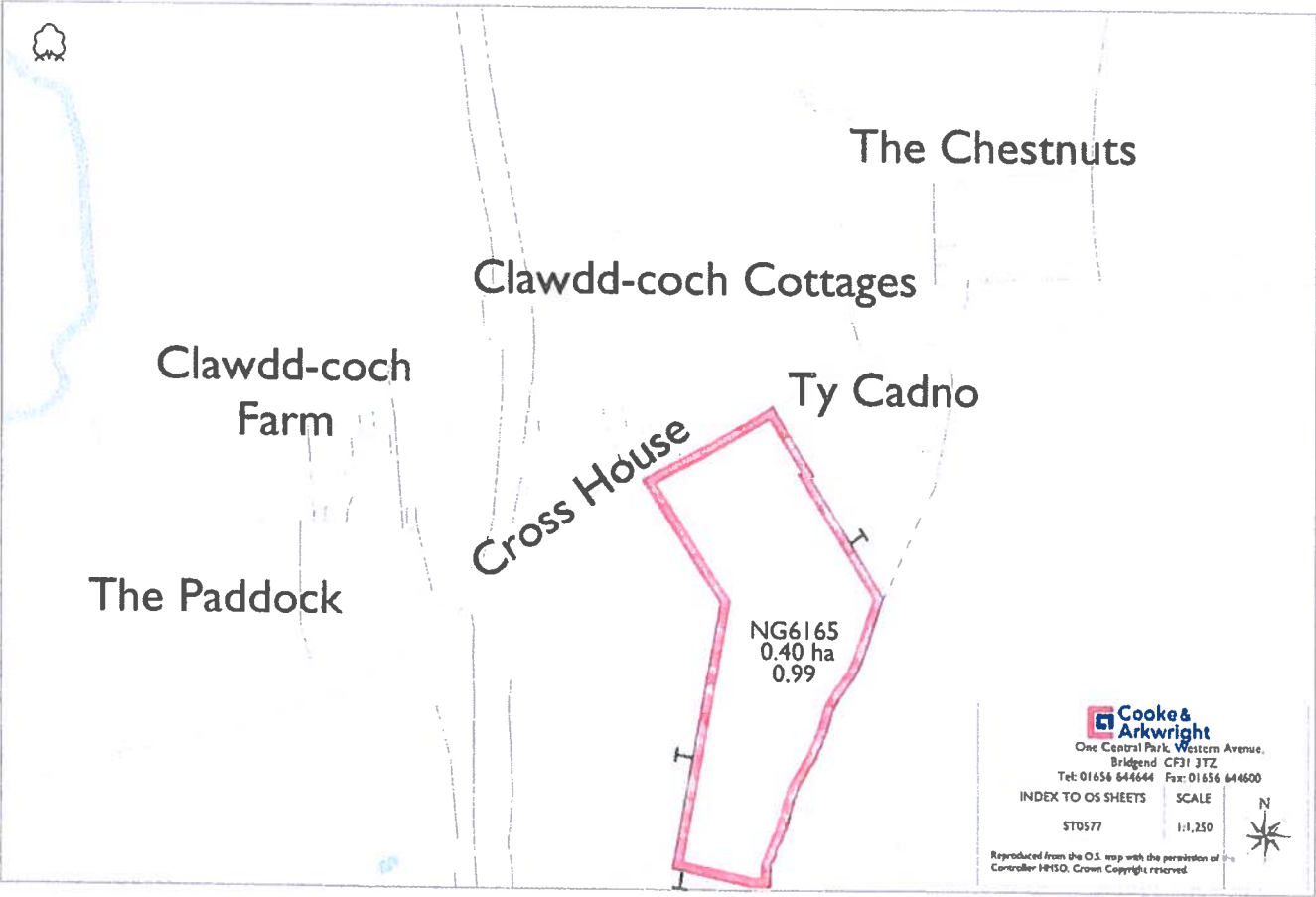
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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

RECEIVED
06 SEP 2018
Regeneration
and Planning



1800996 FUL

2018/01232/FUL Received on 13 November 2018

Applicant : Mr Jonathan Bird Dyffryn Springs, 1, Home Farm Bungalow, St Lythans Road, Dyffryn, CF5 6SU

Agent : Mr Tasos Asprou 1010 Architects, Studio 1, The Coach House, Stanwell Road, Penarth, CF64 3EU

Dyffryn Springs, St. Lythans Road, Dyffryn

Construction of a two storey building with a wedding venue function

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been submitted by a current Member of the Council.

EXECUTIVE SUMMARY

The application site comprises the existing Dyffryn Springs wedding venue and fishery located to the south of Home Farm. The site is currently occupied by an existing single storey fishery office and function room. The site lies within the countryside and the Dyffryn Basin and Ridge Slopes Special Landscape Area as defined in the Local Development Plan.

This is an application for full planning permission for the replacement of a former marquee with a permanent building to serve the wedding function element of the existing business.

To date Wenvoe Community Council have indicated that they do not support the application, as the previous application is considered more in keeping with the rural setting.

Having regard to both local policy and national guidance, it is considered that the main issues in the assessment of this revised application remain, the impact on the character and appearance of the surrounding area, including the Dyffryn Basin and Ridge Slopes Special Landscape Area; any effect on neighbouring amenity; and highway safety; all bearing in mind the justification for the development. The planning history of the site is also a material consideration in the determination of the application.

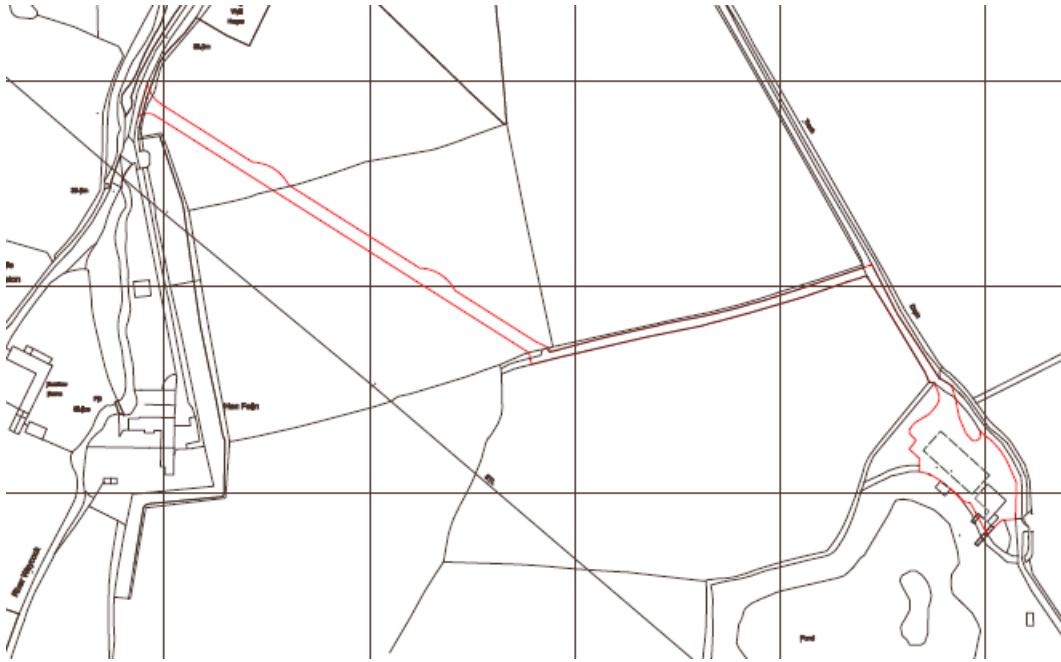
It is recommended that the application be APPROVED subject to conditions, including, restriction on use; no external illumination without permission; details of surface water drainage; and a construction environmental management plan for the protection of the adjacent brook.

SITE AND CONTEXT

The application site comprises the existing Dyffryn Springs wedding venue and fishery located to the south of Home Farm. The site is currently occupied by an existing single storey fishery office and function room, plus the base of a former marquee.

There are a number of residential properties near to the recently developed new access and track, including 'Yr Hen Felin' and its annexe, and 'Well Cottage' which lies to the

north and is a thatched Grade II listed building.



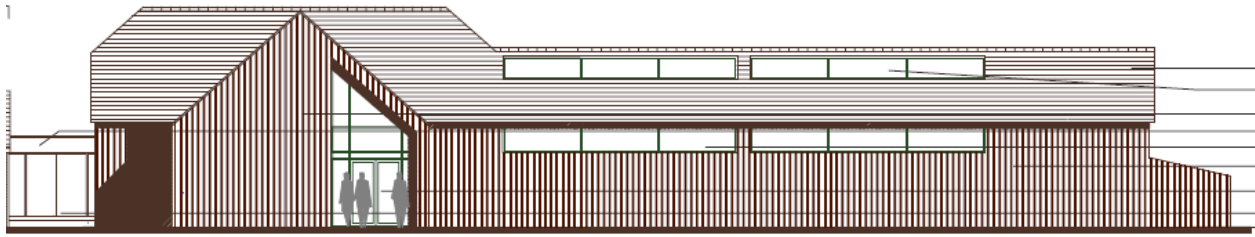
The site lies within the countryside as defined in the Local Development Plan (LDP). The site also lies within the Dyffryn Basin and Ridge Slopes Special Landscape. In addition, that part of the site which connects the new access road with the adopted highway lies within a C2 Flood Risk Zone, and this western section also lies within a Sand and Gravel Category 2 Minerals Reserve.

To the immediate south of the existing building lies the Dyffryn Golwch SINC, whilst further to the north are the Doghill Moated Scheduled Ancient Monument and the Dyffryn Gardens Historic Park.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the replacement of a former marquee with a permanent building to serve the wedding function element of the existing business, as shown in the plans below.





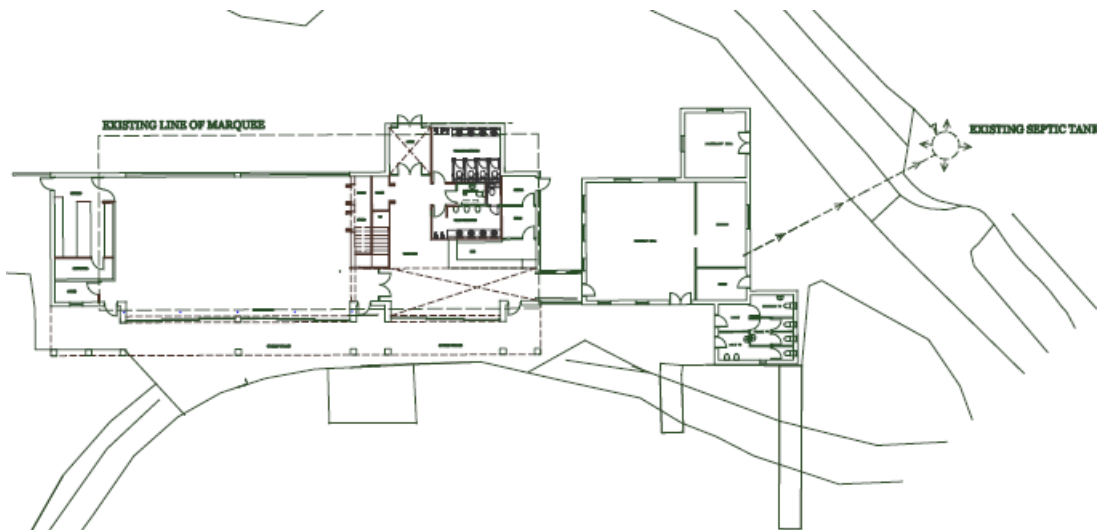
North east elevation



SOUTH EAST ELEVATION

NORTH WEST ELEVATION

The proposed building will be sited in the same position as the existing base of the marquee and will be linked to the existing permanent building by a glazed corridor.



Proposed layout

The design of the building seeks to maximise the views over the south facing aspect and the lakes. The use of projecting roof canopies and covered external terraces are intended to reduce the impact of solar gain and glare. External finishes will include, blackened timber larch, and pressed aluminium cladding, aluminium framed glazing, and a pitched roof of natural slate.

The proposed building will accommodate at ground floor the main function room with kitchen, cold store and office; a lobby and reception area with bar, store and cellar; and toilet facilities, At first floor the accommodation will comprise an office, store room, bridal suite with shower/W.C., and a gallery area.

Vehicular access to the site is via the recently constructed new access road approved under application 2015/00725/FUL. The car parking is provided within the existing hard standing area to the east of the building, which can accommodate approximately 70 cars.

The application is accompanied by a Design and Access Statement (DAS).

PLANNING HISTORY

There have been a number of applications relating to Dyffryn Springs and the wider farm enterprise, which include:-

1991/00430/FUL - New access road to farm - Approved 26 July 1991.

2000/00652/FUL - Single storey fishing amenity building with associated children's play area, car parking and access road - Refused 21 December 2000 on the grounds of its unacceptable scale and form in an attractive open countryside location.

2001/00760/FUL - Use of lakes for fishing with associated amenities building, car park and access - Approved 7 September 2001 subject to conditions, including, landscaping; restriction on hours; drainage; car parking; and restriction on external illumination.

2002/00495/FUL - Two additional lakes for angling purposes, with associated disabled car parking and access track - Approved 24 July 2002 subject to conditions, including, landscaping; cross sections of track and car parking; restriction on hours to between 7.30am to one hour after dusk; and restriction on external illumination.

2003/01078/FUL - Retention of A1 Garden Centre use at Dyffryn Springs Nurseries - Approved 13 November 2003 subject to conditions, including temporary consent to 30 September 2005; and restricted to plant sales only.

2006/01660/FUL - Retention of A1 Garden Centre use at Dyffryn Springs Nurseries - Approved 31 January 2007 subject to conditions, including temporary consent to 2 February 2008; and restricted to plant sales only.

2008/00395/FUL - Extension to toilets to comply with disability regulations - Approved 6 June 2008.

2008/00788/FUL - Proposed permanent continuation of A1 use at Dyffryn Springs Nursery - Approved 5 August 2008 subject to conditions, including restriction on sale of plants only; and removal of permitted development rights for any change of use.

2008/00955/FUL - Permission to erect a marquee for a temporary 6 month period every year - Withdrawn 10 September 2008.

2009/00668/FUL - Temporary permission for a period of 36 months for the erection of a marquee for the months of May to September in any calendar year - Approved 4 December 2009 subject to conditions, including, temporary period of four months in each calendar year and for a maximum total of 12 months or three years, with the marquee not being erected before 1 May and removed from the site on or before 30 September every year until 1 September 2012; and details of the restoration of the site.

2012/00364/FUL - Extension of existing building to provide a club room for fishermen along with a new decked terrace and service compound. Refurbish remainder of building as a wedding venue - Approved 6 July 2012 subject to conditions, including, restriction on use for primary purpose of fishery business with wedding functions and other D2 use to be

ancillary; matching external finishes; further details of means of enclosure of the service compound; no external illumination; and details of landscaping.

2015/00725/FUL - Construction of new access track and variation of Condition 2 of planning permission 2012/00364/FUL to remove ancillary restriction on wedding functions – Approved 23 October 2015 subject to conditions, including, restriction of use to fishery and wedding venue; no external illumination; landscaping; details of access gates; hedgerow protection; and engineering details of bridge.

2015/00725/1/CD - Discharge of conditions 5-landscaping, 7-access gates, 9-engineering details bridging of watercourse – Approved 27 April 2016.

2015/00725/1/NMA - Widening of entrance splay and red line area to accommodate the required swept path analysis for coaches entering and existing the wedding venue at Dyffryn Springs – Approved 18 February 2016.

2017/00328/FUL - Construction of a building to serve as a wedding venue – Approved 7 July 2017 subject to conditions, including, restriction of use to existing Dyffryn Springs fishery and wedding venue businesses; restriction on external illumination; details of surface water drainage; and a Construction Environmental Management Plan.

CONSULTATIONS

Wenvoe Community Council were consulted and do not support the application, as previous application (2017/00328/FUL) is considered more in keeping with the rural setting. Also, consider restriction to non residential use should continue.

Dwr Cymru/Welsh Water were consulted and have stated that since the proposal intends utilising an alternative to mains drainage they advise that the applicant seek advice from Natural Resources Wales and/or the Local Authority Building Control/Approved Building Inspector as both are responsible to regulate alternative methods of drainage.

The Council's Shared Regulatory Services – Environmental Health were consulted and have stated that contamination is not known at this site, however, the potential for this cannot be ruled out. As such they recommend the use of the standard 'unforeseen contamination' condition. They also recommend a condition relating to imported aggregates and an advisory note relating to contamination and unstable land.

The Council's Ecology Officer was consulted and have responded with no comments to make on this application.

The Council's Highway Development Team were consulted and have reiterated their comments on the previous application, i.e. - Based on the nature of the use and the number of guests, it is considered that the proposed car parking provision is adequate to serve the development. Furthermore, it is noted that there is available land within the site that would accommodate an increase in the parking demand if required.

In terms of the likely traffic generation associated with the development, it is noted that planning consent has been previously granted (planning reference 2009/00668/FUL) for temporary marquee, that also provided for wedding functions for the same number of guests. While the temporary consent related to a period of 36 months, it is considered that the site has operated with no material impact along the adjacent highway network.

Therefore, an objection in relation to the highway and transportation aspect of the development is not raised in this instance, subject to the submission of a plan identifying a coach parking space, and the proposed car parking spaces.

The Council's Drainage section were consulted and have stated that the site is not located in DAM zones at risk of tidal or fluvial flooding and NRW maps indicate that there is a low to high risk of surface water flooding across the site. No details have been submitted with regard to surface water drainage for the proposed development, nor any details on the management and maintenance of the proposed drainage system. As such a condition is requested requiring a detailed a detailed scheme for the surface water drainage of the site.

They also note that the proposed development is situated adjacent to an existing watercourse. The building should not affect the integrity of the watercourse, and no structure should be built within this watercourse. No details have been submitted with regard to the protection of the watercourse. As such they request the submission of a Construction Environmental Management Plan detailing measures to mitigate risks to the watercourse.

Furthermore an advisory note is recommended in relation to any works to the watercourse, which would require a separate Land Drainage Consent to those granted under planning application.

The Council's Tourism & Marketing officer was consulted and has stated that from a tourism perspective the principle of the development is supported. The proposal would be an asset to the Vale and is very much in keeping with the type of development that would complement and support the existing visitor facing industry in the Vale.

The Vale capitalises on a healthy wedding industry, which supports the local economy, especially the accommodation sector. The erection of a building of this nature, will extend the season.

The Council's Destination Management Plan 2018-20 outlines key priority areas for Tourism in the Vale, and it is noted that the development falls within Priorities 5 – To ensure the overarching principle across all tourism activity is to maintain growth in value for the tourism industry across all sectors; and 7 - To maintain and provide quality provision and infrastructure across all aspects of the physical environment throughout the Vale.

This development would be a huge asset to the Vale and, as opposed to displacement of facilities, it is believed that this will encourage additional visitors to the Vale.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 14 November 2018. In addition a site notice was posted on 16 November 2018.

To date no letters of representation have been received.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 - Delivering the Strategy.

POLICY SP9 - Minerals.

POLICY SP10 - Built and Natural Environment.

POLICY SP11 - Tourism and Leisure.

Managing Growth Policies:

POLICY MG17 - Special Landscape Areas.

POLICY MG22 - Development in Minerals Safeguarding Areas.

POLICY MG29 - Tourism and Leisure Facilities.

Managing Development Policies:

POLICY MD1 - Location of New Development.

POLICY MD2 - Design of New Development.

POLICY MD7 - Environmental Protection.

POLICY MD8 - Historic Environment.

POLICY MD13 - Tourism and Leisure.

POLICY MD14 - New Employment Proposals.

POLICY MD17 - Rural Enterprise.

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application, including, Chapter 3-Strategic and Spatial Choices, in particular paragraphs 3.34-Placemaking in Rural Areas, and 3.54-Best and Most Versatile Agricultural Land; Chapter 4-Active and Social Places, in particular paragraph 4.1.51-Car parking; and Chapter 5-Productive and Enterprising Places, in particular, paragraphs 5.5-Tourism, 5.6-The Rural Economy; and Chapter 6-Distinctive and Natural Places, in particular paragraph 6.1.23.

Technical Advice Notes:

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

- TAN 6 - Planning for Sustainable Rural Communities, including paragraphs 3.1.2 and 3.7-Farm diversification.
- TAN 12 - Design, including paragraphs 2.6, 5.5.1, 5.5.2, and 5.8-Rural areas.
- TAN 13 - Tourism, including paragraph 4.
- TAN 15 - Development and Flood Risk.
- TAN 23 - Economic Development, including paragraph 3.1.1 and 3.1.3.
- TAN 24 - The Historic Environment.

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, including DG1 - Sustainable Development.
- Minerals Safeguarding (2018).
- Parking Standards.

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 Landscape Character Areas (2013 Update).
- Designation of Special Landscape Areas (2013 Update).
- Designation of SLAs Review Against Historic Landscapes Evaluations (2013 Update).
- Identification of SINCs (2013).
- Minerals Planning revised background paper (2014) (Also see LDP Hearing Session 13, Action Point 1, 3 and 4 response).

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 planning history of the site is a material consideration in the determination of the application, with the granting of permission for a wedding venue building in 2017. In assessing the current proposal against the above policies and guidance it is considered that the main issues remain, the impact on the character and appearance of the surrounding area, including the Dyffryn Basin and Ridge Slopes Special Landscape Area; any effect on neighbouring amenity; and highway safety; all bearing in mind the justification for the development.

Justification and background

In assessing the current proposal against the Local Development Plan, the most relevant policies are MD1-Location of New Development and MD17-Rural Enterprise. These are generally supportive of rural enterprise, particularly where it is part of a farm diversification scheme. This approach is also still supported by national guidance as outlined in TAN6-Planning for Sustainable Rural Communities which states at paragraph 3.1.2:-

"Planning authorities should support the diversification of the rural economy as a way to provide local employment opportunities, increase local economic prosperity and minimise the need to travel for employment. The development plan should facilitate diversification of the rural economy by accommodating the needs of both traditional rural industries and new enterprises, whilst minimising impacts on the local community and the environment. The expansion of ICT technology, in particular broadband, into rural areas could help to overcome the barriers associated with distance to market, and access to customers and business services. It could also support diversification into higher paid employment sectors. Planning authorities should support planning applications which are intended to enhance infrastructure networks in rural areas."

In addition paragraph 3.1.3 highlights that planning authorities should promote the expansion of established businesses:

"This should include supporting the expansion of businesses that are currently located in the open countryside provided there are no unacceptable impacts on local amenity."

When assessing the 2017 application it was acknowledged that the principle of the diversification of the agricultural enterprise into other uses had already been accepted. Considerable diversification had taken place over the years, with a number of non-agricultural businesses, including the established fisheries and wedding venue operations. The supporting statement submitted with the 2017 scheme provided justification for the further promotion of the wedding business. This stated that the wedding and function venue was proving to be an important source of diversification income for the farm, with the financial accounts demonstrating that the farm would not be viable as a stand-alone enterprise without the wedding venue income.

The issue of the possible loss of productive agricultural land was also considered in the 2017 application (LDP policies MD1 and MD7 refer). It was determined in 2017 that the introduction of a permanent building in place of a temporary marquee would not necessarily prejudice the continued agricultural operations on the remainder of the land, or its future, longer term use for purely agricultural purposes. It is considered that that assessment remains valid in the case of this revised scheme.

Thus it is considered that the principle of the wedding venue operation and its continued expansion, which will be enabled by the already implemented new access track and the permanent replacement for the previous marquee, is still acceptable. It is still supported by local policy including policies MD13-Tourism and Leisure, and MD17-Rural Enterprise of the LDP, along with national guidance in TAN6 and PPW which states at paragraph 5.6.8:-

“Planning authorities should adopt a positive approach to diversification projects in rural areas. Additional small business activities can often be sustainably located on farms and provide additional income streams. Diversification can strengthen the rural economy and bring additional employment and prosperity to communities.”

Although the principle of the wedding venue building remains acceptable, the changes from the approved details must be assessed to determine the likely impact of this revised scheme.

Design and visual impact

In policy terms, criterion 1 of policy MD1 requires that new development on unallocated sites should have no unacceptable impact on the countryside. Furthermore, criteria 1 and 2 of policy MD2 requires new development to be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment; and responds appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density. National guidance within TAN12-Design states at paragraph 5.8.2:-

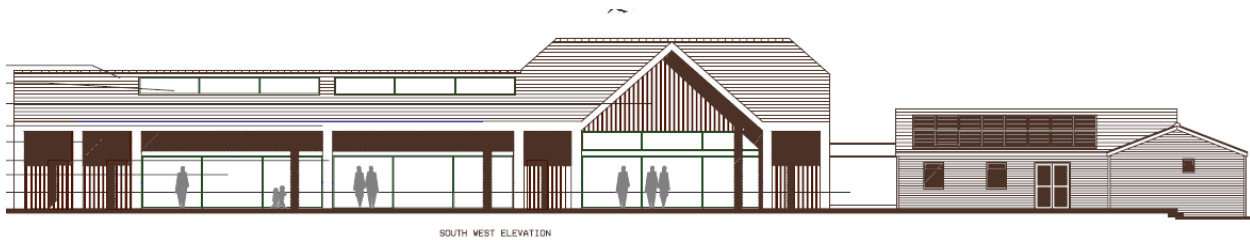
“Design is relevant to rural settlements, urban fringe, steep sided valleys, mountain top plateaus and broad agricultural areas vary significantly. Policies and guidance should take account of the need to steer activity to avoid negative impact on distinctive rural landscapes and the best agricultural land and to conserve and enhance diversity of species and habitats. Managing change by means of a landscape strategy based on a thorough landscape assessment is one means of safeguarding a rural sense of place. This should analyse key issues and put forward guidelines for design themes, palettes of materials, and briefs for specific sites.”

In addition, as already noted, the site lies within the Dyffryn Basin and Ridge Slopes SLA, where policy MG17- Special Landscape Areas allows for new development where it can be demonstrated that it would cause no unacceptable harm to the important landscape character of the area. Furthermore the Council’s Supplementary Planning Guidance on Design in the Landscape contains guidance on landscape impact, one of the design principles of DG1-Sustainable Development being a layout that avoids/minimises the impact on natural features.

In line with the approved scheme the revised proposal will replace the former marquee. It is evident from the elevations below that the size and scale of the proposed building is similar.



Approved scheme



Current proposal

The principal change is in the detailing of the building. The approved scheme was of an agrarian design to reflect the appearance of a traditional tithe or threshing barn. The current proposal is a more contemporary approach, including larger areas of glazing facing the lake, and a covered terrace.

Wenvoe Community Council have objected to the current proposal, believing that the approved scheme was more in keeping with the rural setting. Whilst these concerns are noted, it is not considered that a contemporary design would be incompatible with a rural location. Much depends upon local context and integration into the landscape, including the use of materials appropriate to the setting. It is considered that the use of blackened timber larch and a slate roof is appropriate to the local surroundings. In addition, the proposed building remains in the same position alongside the existing fishermen's lodge, which again will serve to contain development and minimise the visual impact.

Thus it is considered that this revised proposal will, like the approved scheme, have some impact on the character and appearance of the surrounding landscape, including the SLA. However the level of harm would not be so significant to justify a refusal on wider landscape grounds.

As with the original application, the economic benefits of the scheme are recognised, with the farm diversification serving to maintain the main farming business, and thus the nature of the surrounding area as working farm land.

Neighbouring amenity

Criterion 8 of policy MD2 of the LDP seeks to safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance.

It is acknowledged that the wedding venue business had been operating for some time, and the fishery business even longer. There continues to be no evidence that the uses at the site have adversely affected the residential amenity of the neighbouring dwellings. In addition, as previously highlighted, there are separate licensing requirements that can control any nuisance.

When assessing the approved scheme it was accepted that, compared with the marquee, the permanent building would serve to minimise the potential for noise nuisance, by way of noise breakout with solid walls and insulated roof. Notwithstanding this, it was considered that the use should remain restricted by condition, in line with previous approvals, to ensure the nature and scale of the use is controlled into the future. It is considered that this condition should be re-imposed on any new permission (see **Condition 3**).

Highways

Criterion 6 of MD2 of the LDP requires that new development has no unacceptable impact on highway safety nor cause or exacerbate existing traffic congestion to an unacceptable degree.

The supporting access statement confirms that vehicular access will be via the recently constructed access track, which will allow for a 9.5m double deck bus. In addition the existing parking arrangements can accommodate approximately 70 cars, and there is a grassed overflow area. The applicant has indicated that research and previous experience on the site has shown that there would be an approximate split of 65% of journeys by private car, 20% taxi, and 15% minibus. Using the figure of 150 guests (evening reception) this suggests that this would equate to a maximum of 30 cars and up to 9 taxis and 6 to 7 mini-buses dropping off and picking up.

The Council's Highway Development team have again confirmed that there are no highway objections to the proposal, and that the proposed car parking provision is adequate to serve the development. Furthermore, it is noted that there is available land within the site that would accommodate an increase in the parking demand if required. However, they have again requested that any permission be conditioned to require the submission of a detailed plan identifying a coach parking space, and the proposed car parking layout.

When assessing the approved scheme it was determined that the imposition of the conditions requested by Highways would be unreasonable and unnecessary. Highways had confirmed that the parking was adequate, and no such requirement was identified when considering the new access road under application 2015/00725/FUL. In addition, the informal nature of the parking arrangement was considered best suited to the rural context of the site. It is considered that this position still applies to the current proposal, with the principal changes relating to the design of the building.

Thus it is concluded that the changes proposed under the current application should have no additional impact on highway safety.

Impact on Historic Assets

It has already been noted that there are a number of historic assets to the north of the site, including the Doghill Moated Scheduled Ancient Monument and the Dyffryn Gardens Historic Park. When assessing the approved scheme it was determined that the new works would not affect the historic assets, and consultation with Welsh Ministers was not required. It is considered that this remains relevant to the current application. However, it is still considered necessary to control the external illumination of the site, in the interests of mitigating potential light pollution, particularly bearing in mind the astronomical

observatory at the nearby Dyffryn Gardens (see **Condition 4**).

Drainage and Flooding

On the issue of drainage, it has already been noted that a small part of the site lies within a C2 flood risk zone. This relates to the entrance off the adopted highway which was approved under application 2015/00725/FUL, and has since been implemented. As the current application relates primarily to a re-design of the proposed wedding venue building, in an area outside of the flood risk, consultation with Natural Resources Wales is not required.

The Council's Drainage section have commented on this revised application and have again requested a number of conditions be imposed on any consent. These relate to a full drainage plan to demonstrate how road and roof/yard water will be dealt with, and a Construction Environmental Management Plan (CEMP) for the protection of the adjacent brook from pollution during the course of construction (see **Conditions 5 and 6**).

The developer should also be made aware that any works to the watercourse, including temporary works to facilitate construction of the wedding venue, may require Land Drainage Consent from the relevant authority (see Informative 1).

Ecology

The Council's Ecology team have been consulted on this revised proposal and, once again, advise that they have no comments on the proposal.

Minerals Safeguarding

Finally, on the issue of minerals it has already been noted that the site is located within a Sand and Gravel Category 2 Minerals Reserve as identified in the LDP. As such relevant policies and guidance include, SP9-Minerals, MG22-Development in Mineral Safeguarding Areas, and Supplementary Planning Guidance on Mineral Safeguarding. In accordance with MG22 new development proposals within Minerals Safeguarding Areas will be required to be justified, and only permitted where minerals can be economically extracted prior to the commencement of development, or where applicants have demonstrated that prior extraction would not be appropriate. For sand and gravel extraction, there would be a need for a 100m buffer, for "sensitive developments" which includes any building occupied by people on a regular basis, such as housing areas, hostels, meeting places, schools and hospitals where an acceptable standard of amenity should be expected. It is recognised that there is an existing fishery and wedding venue within such a buffer, and, as such it is accepted that sand and gravel could not be extracted without causing harm to the amenities of the users of the existing site.

In view of the above the following recommendation is made.

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:

- Location Plan, Drg. No. ES 01;
- Existing Elevations, Drg. No. EE 01;
- Proposed Site Plan, Drg. No. AS 01;
- Proposed Elevation South West Facing, Drg. No. AE 01 Rev 2;
- Proposed Elevation North East Facing, Drg. No. AE 02 Rev 2;
- Proposed Elevations South East North West Facing, Drg. No. AE 03 Rev 2;
- Proposed Elevations Section, Drg. No. AE 02;
- Proposed Ground Floor Plan, Drg. No. AL 01 Rev 1;
- Proposed First Floor Plan, Drg. No. AL 02 Rev 1;
- Proposed Roof Plan, Drg. No. AL 03;
- All received 5 November 2018; and
- Design and Access Statement, received 28 November 2018.

Reason:

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

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any Order amending, revoking or re-enacting that Order, the principal uses of the development hereby permitted shall be to serve the existing Dyffryn Springs fishery and wedding venue businesses, and any other use shall be solely ancillary to those uses, and this consent shall not relate to any other use falling within Class D2.

Reason:

The site is located within the countryside where development is only justified in connection with the existing rural enterprise in accordance with policies SP1-Delivering the Strategy, and MD17-Rural Enterprise of the Local Development Plan, and national guidance contained in Planning Policy Wales and TAN6-Planning for Sustainable Rural Communities.

4. No part of the site shall be externally illuminated without the prior written consent of the Local Planning Authority.

Reason:

To control light pollution and in the interests of visual amenity and the character and appearance of the Dyffryn Basin and Ridge Slopes Special Landscape Area in accordance with Policies SP1-Delivering the Strategy, MG17-Special Landscape

Areas; MD1-Location of New Development, MD2-Design of New Developments, and MD7-Environmental Protection of the Local Development Plan.

5. No development shall commence on site until a detailed scheme for the surface water drainage of the site, showing how road and roof/yard water will be dealt with, has been submitted to and approved in writing by the Local Planning Authority. The details shall include field percolation tests; calculation for any onsite attenuation or discharge; and full engineering details of drainage assets and a written declaration detailing responsibility for the adoption and maintenance of all elements of the drainage system prior to beneficial occupation. The development shall be implemented in full accordance with the approved scheme of drainage, prior to the first beneficial use of the building here by permitted.

Reason:

To ensure the effective drainage of the site and that no adverse impact occurs to the environment, including the increase of flood risk elsewhere in accordance with SP1-Delivering the Strategy, MD1-Location of New Development, and MD7-Environmental Protection of the Local Development Plan.

6. Before the commencement of development a Construction Environmental Management Plan, for the protection of the adjacent brook from pollution during the course of construction, shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall assess the risks from all pollution sources and pathways (including silt, cement and concrete, oils and chemicals, herbicides, aggregates, contaminated land and waste materials) and describe how these risks will be mitigated for this development. The development shall be implemented in accordance with the approved details.

Reason:

To safeguard the watercourse from pollution in accordance with Policies SP1-Delivering the Strategy, MD1-Location of New Development, and MD7-Environmental Protection of the Local Development Plan.

REASON FOR RECOMMENDATION

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

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

Having regard to Policies SP1-Delivering the Strategy, SP9-Minerals, SP10-Built Natural Environment, SP11-Tourism and Leisure, MG17 - Special Landscape Areas, MG22-Development in Minerals Safeguarding Areas, MG29-Tourism and Leisure Facilities, MD1-Location of New Development, MD2-Design of New Development, MD7-Environmental

Protection, MD8-Historic Environment, MD13-Tourism and Leisure, MD14-New Employment Proposals, and MD17-Rural Enterprise of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; Supplementary Planning Guidance, including Design in the Landscape, Minerals Safeguarding, and Parking Standards; and national guidance contained in Planning Policy Wales (Edition 10, 2018), TAN6-Planning for Sustainable Rural Communities, TAN12-Design, TAN13-Tourism, TAN15-Development and Flood Risk, TAN23-Economic Development, and TAN24-The Historic Environment, it is considered that this revised proposal still represents an acceptable form of farm diversification, the benefits of which outweigh any limited adverse visual impact the proposal will have on the character and appearance of the surrounding countryside, including the Dyffryn Basin and Ridge Slopes Special Landscape Area. The proposal should also not result in any harmful impact on neighbouring amenity or highway safety.

NOTE:

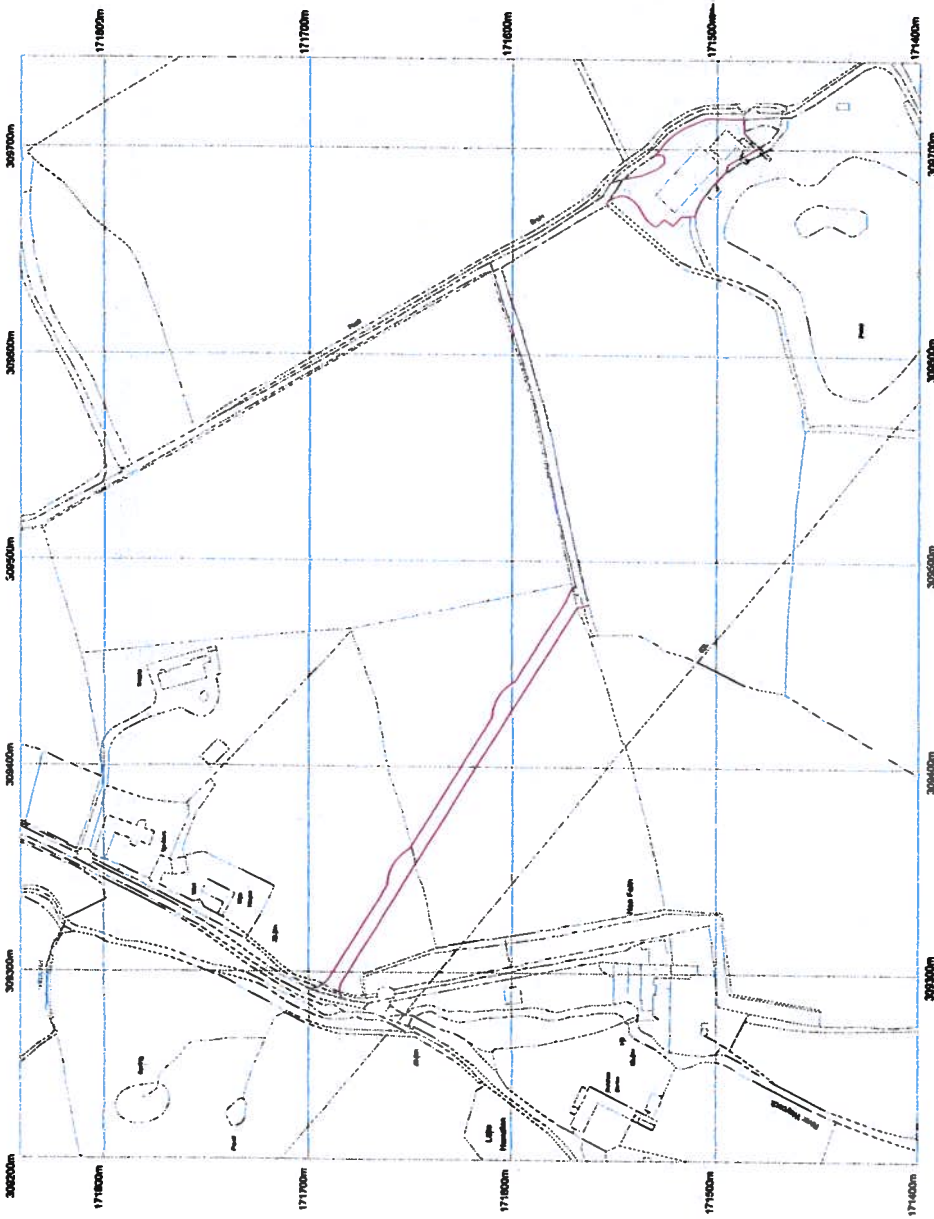
- 1. Any works to watercourses, including ditches and streams where defined by the Land Drainage Act 1991, may require Land Drainage Consent by the relevant drainage body (Lead Local Flood Authority – Vale of Glamorgan Council). Works include permanent and temporary works, including temporary crossings during construction phases.**

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

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

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

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



Notes:

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Project : New Wedding Function Facility

Client : Dyffryn Springs

PLANNING

Job No : 1010 0227 Dyffryn Springs

Title : Location Plan

Drawing No : ES 01

Revisions

Scale	Date	Drawn	Checked
1:250 @ A3	Oct 18	CAD	AA