

ITEMS RECEIVED AFTER THE PRODUCTION OF THE REPORT
FOR THE PLANNING COMMITTEE
TO BE HELD ON 26 JANUARY, 2022

Page	Application	Location	Item No.	Description
P.35	2021/00894/FUL	Arwelfa, Wallas Barns, Wick Road, Eweny	1.	2 Letters from neighbouring property Ysgubor Ganol
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P.257	2021/00345/FUL	Gileston Manor, Gileston Road, Gileston	4.	Comments from Cllr John Thomas
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MATTERS ARISING FOR COMMITTEE

COMMITTEE DATE : 26 January 2022

Application No.: 2021/00894/FUL	Case Officer: Mr. Ceiri Rowlands
Location: Arwelfa, Wallas Barns, Wick Road, Ewenny	
Proposal: Proposed new stable block, hay store and tack room including amendments to existing access	

From: Ysgubor Ganol

Summary of Comments:

Letter dated 18.01.22

The letter seeks to correct and/or provide explanatory comment regarding previously quoted distances between the application site, their property and the relationship with other neighbouring properties.

There was concern raised regarding the lack of response from Shared Regulatory Services (SRS), given the assessment relates to issues of health and residential amenity. It was noted that in response to planning application 2014/00994/FUL (for proposed stables) the SRS Officer at the time which requested it be set a minimum 30m from the neighbouring curtilage (and ideally further).

In addition, it was stated that the free roaming of horses within the paddock would be a health and safety concern (noting the present arrangement of site enclosures).

Letter dated 25.1.22

This letter expands at length upon the points raised regarding the lack of consultation response from SRS, contending that in the absence of specialist input the conclusions of the Officer's report are fundamentally flawed and, moreover, evidence of substantive reasoning on matters pertaining to neighbouring amenity is lacking within the report. It also states that the decision should be deferred pending further consideration of these matters by all parties.

In respect of planning application 2014/00994/FUL, further reasoning is provided as to why this should essentially set a precedent for stable development to be located more than 30m from neighbouring residential curtilage. There is reference to the size of the stable and that there should be no material distinction between the impacts of a two and four bay stable.

Notwithstanding aforementioned concerns, a suggestion is made for the inclusion of a condition requiring approval of details for storage of manure. It is also stated that Condition 4 should require the stables be used only ancillary to the occupier of Arwelfa, citing additional impacts/ greater intensity of use that could occur if it were severed.

There are additional comments made in respect of animal welfare. The principal point is that the Welsh Government Code of Practice for the Welfare of Horses (2018) has been cited and dismissed without adequate reasoning. It is noted that the site area falls short of the minimum guideline for one horse, let alone two.

Officer Response:

The comments regarding various distances are noted, as set out in the letter. There would appear to be a minimum 30m distance between the dwelling and the rear boundary (i.e. the common boundary with the paddock enclosure). The proposed plans indicate the stable building would be set off this boundary by a minimum of approx. 4.2m (from the roof canopy) and 5.8m from the stable bays.

The development must be considered on the basis of the proposed drawings to which any approved construction must then adhere. Nevertheless, and for information only, it was verified on site that the poles positioned on site by the applicant were no nearer the boundary than the 4.2m distance quoted above.

In relation to application planning application 2014/00994/FUL, there are clear differences between both that proposal and the site context in that case. This proposal has been assessed on its own merits and with regard to the site context here. The most notable differences are that the 2014/00994/FUL proposal was for a larger stable with four bays. It was located approx. 2.5m from the neighbouring curtilage and approx. 28m from the neighbouring dwelling. The neighbour in this instance also had a stable of their own and, although close to the curtilage, their amenity spaces appear to be approx. 15-20m from the proposed stable.

The above application was approved and so does not represent a useful comparison and, even had it been refused, it would not then set a minimum benchmark for future stable developments. As noted, this proposal has been considered on its merits.

Shared Regulatory Services have since been contacted and have raised no objection to the proposal in their response (see Matters Arising 2 of 3).

The conclusions of the Officers report in relation to neighbouring amenity are considered sound.

Action required: Members to note full content of the additional representations and Officer's response.

FAO Ceri Rowlands
The Vale of Glamorgan Council
Planning Department
Dock Office, Barry Docks
By email only: Planning@valeofglamorgan.gov.uk
developmentcontrol@valeofglamorgan.gov.uk

Your ref: P/DC/CR/2021/00894/FUL

Date: 18/01/2022

Mobile: [REDACTED]

Email: [REDACTED]

Dear Sirs,

Town & Country Planning Act, 1990 (as amended)

Application No.2021/00894/FUL

Location: Arwelfa, Wallas Barns, Wick Road, Ewenny

Proposal: proposed new stable block, hay store and tack room including amendments to existing access and apple orchard

I write further to the above matter and my voicemail of today. As per my telephone message, yesterday I consulted the Planning Register with a view to ascertaining whether this matter is listed to go to Committee on Wednesday 26th January 2022. In so doing the filed documentation dated post 25th November 2021 (date of my last letter) came to my attention. I would be grateful if my comments below would be formally noted in furtherance of this matter.

Firstly, the applicant's email dated 29th November 2021 highlights an error in my letter of 25th November 2021, for which I apologise; I am grateful for the opportunity to correct this typographical here. The "13 metres" referred to at the fifth paragraph of my said letter should have read, "30 metres". You will have no doubt recognised this as an error for yourself, having kindly accepted our offer to visit our home on 28th November 2021, and to take the opportunity to verify the distances against the marked out site. For the sake of completeness, the measurement in question was, as set out in our letter, the estimated distance between our front door and the boundary fence (in the context of the manure trailer); not between our front door to the proposed stables, as misunderstood in the applicant's email.

Secondly, the applicant's email of 29th November and the accompanying photo, promotes 44 metres distance as being the distance between our front door and the proposed stable. This measurement is not accepted, as we would estimate the said distance to be closer to 33 metres in total (30 metres from door to garden boundary, plus an additional 3 metres between boundary fence to the corner of the proposed stables). However, we will of course defer to the measurements of the Planning Department in this respect.

Further, with reference to the filed photo, we can only infer that the 41 metre distance highlighted between the residential dwelling of Arwelfa and the stable situated in the agricultural land forming part of the title to Wallas Farmhouse is being relied upon in the positive by the applicant. Conversely, I would suggest that the photograph only goes to illustrate that the long established stable at Wallas Farmhouse would appear to be at least 40 metres from the residential garden attached to Arwelfa; in stark contrast to the 3 metres proposed in the context of this application.

I would suggest that Wallas Farmhouse serves no useful precedent in the context of this application. As I understand it, there has been a stable attached to that property for at least 20 years; pre-dating the existence of Ysgubor Fawr, Arwelfa and Ysgubor Ganol as residential dwellings. As previously set out, Wallas Farmhouse is distinguishable in terms of size and access. Arwelfa was purchased on notice of an existing stable at its neighbouring property. This application should be judged on its own merits, as a new development.

Thirdly, but most importantly, I am concerned that the published file is silent as to the view of your Shared Regulatory Services Pollution Officer. As you know our main concern is nuisance, both in respect of potential impact upon health, and amenity of our residential garden (and dwelling-house). We have raised these issues in all 3 of our previous letters of objection (the last of which dated 25th November specifically promotes you seeking the view of your environmental health department as to the potential health risks). I made a direct telephone enquiry of the said department yesterday, 17th January 2020, with a view to ascertaining for myself their guidelines/restrictions from a nuisance/public health viewpoint. I wanted to ascertain the distance a stable housing horses should be situated from a dwelling and/or garden, and the same question with regard to a muck heap. Unsatisfactorily, I was verbally advised that this would be a planning issue, and that their department only deals with nuisance after the fact. I am sure this cannot be the case. I accept that it may well be that your Final Report addresses all of these concerns, and this point falls away.

I would refer you to Planning Application reference 2014/0994/FUL. You will note the facts for yourself, but the salient point is that the Environmental Health Officer for the Vale of Glamorgan Council required the proposed stable to be a minimum of 30 metres from the boundary of a neighbour's rear garden. This was precisely due to concerns about potential environmental impacts such as odour and noise. It would appear that the Environmental Health Officer's objections and subsequent recommendation would have gone further;

“Whilst it is accepted that ideally the stables would be set further away [than 30 metres] from the neighbouring property it is also important to note that it would be located adjacent to this neighbour's own stable block. As such, it is considered unreasonable to require the proposed stables to be set further away from a neighbouring house when then this neighbour has their own stables at a similar distance away.”

We obviously do not have stables at Ysgubor Ganol. As such, in line with this earlier decision, on the grounds of potential nuisance, it would appear that 30 metres is the minimum benchmark the Council requires.

A small area of pasture to the paddock (to the left of the proposed stable) would also result in free roaming horses having a direct boundary with our residential gardens which brings into focus all the health and safety concerns highlighted in the latest letter of objection from Wallas Farm (the landowners) dated 10th December 2021.

Notwithstanding the above, we maintain that the site of itself, for all the reasons rehearsed by us and our neighbours, is wholly unsuitable and unviable.

Yours faithfully,

A black rectangular redaction box covering the signature of Emma and Richard Locke.

Emma and Richard Locke.

FAO Ceri Rowlands/Ian Robinson
The Vale of Glamorgan Council
Planning Department
Dock Office, Barry Docks

Your ref: P/DC/CR/2021/00894/FUL
Date: 25/01/2022
Mobile: [REDACTED]
Email: [REDACTED]

By email only: Planning@valeofglamorgan.gov.uk
developmentcontrol@valeofglamorgan.gov.uk

Dear Sirs,

Town & Country Planning Act, 1990 (as amended)
Application No.2021/00894/FUL
Location: Arwelfa, Wallas Barns, Wick Road, Ewenny
Proposal: proposed new stable block, hay store and tack room including amendments to existing access and apple orchard

I write further to the above matter. I would be grateful if this letter, and my letter of 18th January 2022, are carefully read by the Planning Committee scheduled for 26th January 2022.

PLANNING COMMITTEE REPORT PUBLISHED 19th JANUARY 2022 (“Planning Committee Report”)

My letter of 18th January 2022 expressed concern that the published file, at that date, was silent as to the view of your Shared Regulatory Services Pollution Office. This is especially so in light of the very real concerns we, as immediate neighbours, have raised in this respect in of our letters of 25th August 2021, 23rd and 25th November 2021. Unfortunately, the Planning Committee Report does nothing to assuage our concerns that the potential for nuisance, and the impact upon neighbours, has failed to have been properly considered. The Report has also failed to apply the requisite due diligence and due process. Having regard to the potential impacts of the development on the living conditions of neighbouring occupiers, a lack of an informed response from the Pollution Officer does not demonstrate that the concerns of local residents have been properly considered and given due weight in the determination of this application.

Substantive reasoning.

Both the Planning Officers email to me of 20th January 2022, and the Planning Committee Report, conveys that irrespective of the lack of a case-specific view from the Pollution Officer, Planning Officers can undertake their own pollution assessment of the neighbouring impacts and draw their own conclusions. This would seem inappropriate in this case in light of the strength of representations made. In similar cases, residents of the Local Authority have benefitted from the substantive and substantiated views of a Pollution Officer (see Precedent section below). In this case it is plainly evident that no such assessment has been obtained and we are not satisfied that the relevant pollution expertise has been properly engaged.

The Planning Committee Report at page 47, with regard to Neighbouring amenity stipulates their principal consideration as relating to,

“the potential impacts associated with the use, such as noise, odour, and flies/vermin”

This mirrors our concerns that we have held out since our letter of 25th August 2021 (affording 5 months for these issues to be the subject of proper and through investigation).

The Planning Committee Report continues,

“The possibility of noise, disturbance and vermin cannot be discounted by any reasonable means..... neighbouring impacts can in most cases [my emphasis] be acceptably managed by good standards of care and management. “

There appears to be no evidence bases for this decision making. It is not predicated on precedent (see further below), the specifics of this case (“most cases”) or an impact assessment by the Pollution Officer.

The Report acknowledges the real possibility of noise, disturbance and vermin, but relies upon good standards of management to mitigate their harmful effects. Whether the site will be well managed is a matter of luck. The layout of the development and its proximity to our home is conducive to it causing detriment to our living conditions, particularly with regard to odour and flies. It is not sufficient, reasonable or satisfactory in this case to rely on the site being well managed in order to mitigate those effects.

In terms of mitigation available to afford the scheme to continue, there appears to be no consideration of re-location of the proposed stables, in spite of all the representations made, and a revision of the original plans (see our letter of 23rd November 2021). We repeat our estimation that at its closest point to our residential curtilage the proposed stables stand at 3 metres, and on the evidence available the muck heap will be even closer (see further below).

The Report acknowledges that the stable would be close to a residential dwelling, but it finds that it is not of a scale where neighbouring impacts are likely to be severe or cause an unacceptable impact upon the living conditions of neighbours. There is no mention in the Report of the evidence that has led to this conclusion. It is free standing statement without explanation. In contrast, my letter of 18th January 2022 points to one of your own reports in which your own Pollution Officer recommends a distance of 30 metres as being the **minimum** distance between the stable and the boundary of a neighbouring property (see precedent blow).

There then appears to be complete disconnect in the logic of the Report which suggests that any impact upon amenity is negated in this matter as the size of the stables are not large or for commercial use and as such our living conditions won't be impacted by heavy volumes of traffic or from mucking out. There is no explanation as to why this is so. The Report also falls silent as to what impact flies, vermin and smell might have.

Even if the good management of stables could be the subject of a specific condition to offset concerns about vermin being attracted to feed etc., what the Report completely fails to provide for is any mitigation of the fact that with horses, flies and smell inevitably follow. As such, it would appear that in terms of mitigation the main consideration for a proposed stable must be one of location, followed by one of scale.

The potential for the development to cause statutory nuisance (as might be dealt with in any response from the Pollution Officer), is an entirely different matter as to whether or not the development is likely to have an unacceptable effect on people or residential amenity, as set out in Policy MD7 of the Local Development Plan.

We appreciate that we have moved to the countryside. We are from rural backgrounds. We fully embrace country life and feel very privileged to live where we live. This does not negate our rights, however, to have the enjoyment of our property protected by the planning process; this matter goes beyond nuisance. It goes to the amenity of our residential garden.

For the sake of completeness, in respect of the noise and disturbance point, we would suggest that Specific Condition 4 as drafted does not afford the comfort that the Report suggests – see further below.

Consultations

Page 40 of the Planning Committee Report confirms that no response from Shared Regulatory Services (Pollution) had been received to date. Pollution were consulted on 06 August 2021, but it appears from the file that any letters illustrating our concerns have not subsequently been brought to their attention. By virtue of our letter of 25th November 2021, we invited the Planning Officer to our home, and a site visit was conducted on 28th November 2021, for which we are grateful. Photographs were taken by the Planning Officer on his site visit of the usage of our garden by us as a family and our two children (now aged 7 and 10). However, I would assume that the photographs have also not been brought to the attention of the Pollution officer.

Following receipt of our letter dated 18th January 2022, the Planning Officer confirmed via email to me (dated 20th January 2022) that a check had been made that the Pollution officer had received the consultation invite, logged it and closed without response. I don't know when in the timeline this check was made. The Planning Committee report echoes this at page 47, which states that,

“in conversation with the department, it was advised that no objection would ordinarily [my emphasis] be forthcoming for stables/equine uses based on the above impacts.”

Putting to one side the procedure exhibited by the Planning Department in other similar cases, which was of a higher standard than that exhibited here (see Precedent section below), “ordinarily” conveys a generalised approach. A non-case specific analysis is insufficient and inappropriate in light of the strength of representations made by interested parties.

For example, the Shared Regulatory Services Environment Team response dated 12th August 2021 states at its final paragraph that their determination is made on the “basis of the information available to it”. It would be of comfort to us to know that all of our letters, including this one, and photographs of our garden have been put to Pollution Officer for a meaningful consultation in the respect to be actioned.

Follow up actions- deferral for consideration

Following our initial and brief perusal of the Planning Committee Report I (Emma Locke) was grateful to have a telephone conversation with your Mr Ian Robinson on Friday 21st January 2022. Mr Robinson advised me that he was going to follow up our conversation with a re-

engagement with Shared Regulatory Services Pollution Officer. In light of our comments in the preceding paragraph, we are of course very grateful for this late intervention. However, at the time of writing (10pm Monday 24th January 2015) I have received no further update. On grounds of fairness, we at the very least procedurally invite a deferral of the Committee's decision so as to afford all parties an adequate opportunity to consider any further information that may be forthcoming in this respect.

Further, following my conversation with Mr Robinson last Friday, I sent photographs of our family garden, indicating that the proposed stable and manure storage would fall approximately 3 metres from /on the boundary wall respectively of our family garden/treehouse/trampoline. I have not received an acknowledgment of receipt of the photographs and covering email (as requested), nor do they appear on file. As such, I reattach the same to this letter for the benefit of the Committee. We also and extend the offer of a site visit to the members of Committee should it assist them. I cannot overemphasise enough the juxtaposition of the agricultural with the residential in this case, given the wraparound nature of the proposed site.

PRECEDENT

As referred to above, my letter of 18th January 2020 directed the Planning Officer to Planning Application reference 2014/0994/FUL in respect of Tudor Lodge. I will not rehearse the facts here, as this letter is already far lengthier than one would hope anyone would have to write and consider at this late hour in the proceedings, and it is of course a matter of public record. The salient point is that the Pollution Office for the Vale of Glamorgan Council raised an objection based on the fact that the proposed stables were within 30 metres of a neighbour's rear garden

The Planning Officer's email to me of 20th January 2022 seeks to distinguish this precedent on the grounds that the proposed stable at Tudor Lodge was much larger, and moreover that the application was approved despite it being within 30m of the curtilage against the advice of the Pollution Officer.

It is accepted that the Tudor Lodge was an application for 4 horses/stables. However, each stable in that application was 5 metres by 3.7 metre, rising to a height of 4.5 metres. This site is for 2 horses/stables proposed at a total of 8.3 metres by 8.3 metres to a 4 metre height. Proportionately, the applications from a size perspective would not appear to be poles apart. In addition, the applicant in the Tudor Lodge case was approved within 30 metres, but the reason the objection of the Pollution Officer was departed from in that case was due to the citing of the objector also having stables on his land.

The rationale of the distinction is also not understood. If 4 horses produce enough faeces and pollution nuisance value to warrant your own pollution officer to advise the stable be moved 30m from the curtilage of a neighbour's boundary, why do you believe that it is acceptable to position a stable for 2 horses 3m from ours? We would benefit from an answer to this as it is currently baffling us.

We appreciate that earlier decisions aren't technically binding, especially if there are distinguishing factors. However, the Pollution Officer's consultation response in that case addressed the precise concerns that we have put forward, notably concerns about potential environmental impacts such as odour and noise. It can only be right that a meaningful consultation response is received in this respect and notably on the issue of proximity.

MUCK HEAP AND OTHER CONDITIONS

Manure storage condition

As set out above, and dealt with in detail of our letter of 25th November 2021 (written in response to the one piece of evidence in support penned by Jane Brace), we can only infer from the layout of the site, the letter of Jayne Brace and in the absence of any soundings to the contrary from the Applicants, that the natural place for the storage of manure (in a trailer or otherwise) will be adjacent to our boundary, where it is likely to cause the greatest degree of harm by reason of odour and flies in particular. We wholly disagree that the storage of manure cannot be controlled by condition. The suggestion that any statutory nuisance cause could be investigated by the Local Authority under the Environmental Act 1990 is not acceptable. As set out above, the test of whether an activity causes a statutory nuisance (i.e. unreasonable or substantial interfere with the use of enjoyment of a home or injury to health) is very different to a test of whether there would be an unacceptable impact on people or residential amenity (LDP Policy MD7). We would suggest that harm to residential amenity is more likely in this case, but could not be pursued under the environmental protection legislation referred to. We would invite the Report to be amended in this respect for accuracy and to enable the Committee to base their decision upon the correct legal position.

At the very least, regardless of the final details of any approved scheme, a condition should be imposed requiring details of the storage of manure. I would suggest the following;

“Prior to the use of the development hereby permitted for the keeping of horses, details of the location and means of storage of manure shall be submitted to be approved in writing by the local planning authority. The development shall thereafter be used in accordance with the approved details.”

Having considered the tests in Circular 016/2014, I would suggest that such a condition is necessary and relevant to the development in this case in order to mitigate the likely harmful effects of the development that would result from inappropriate manure storage in close proximity to our boundary. For the reasons give above, the condition would be relevant to planning, rather than a matter could be dealt with under other legislation. The condition is clearly precise and enforceable, as it would be obvious if the condition was not being complied with. The condition is reasonable as compliance with the terms of the condition would be entirely in the control of the occupier of the land.

Draft specific condition no. 2

I note that the condition requires the implementation of the proposed means of enclosure, but does not require their retention. We would invite an amendment to the drafting for certainty.

Draft specific condition no.4

I also note that condition 4 as drafted does not accord with the Welsh Government recommended condition 116 of Circular 016/2014: “incidental to the enjoyment of the dwelling house”.

In practical terms there is also a link between this condition, the lower volume of traffic justification referred to in the Report, and the context to the application i.e. that the Applicant’s no longer inhabit Arwelfa as their principal private residence. Our letter of 25th November 2021 raises this point in detail i.e. that Arwelfa will either be the subject of an imminent sale or of a tenancy (or stand empty, which is most unlikely). As such, in the absence of narrowing any private use condition to the actual current occupier of Arwelfa, you

could still conceivably have two different households utilising the site with all the noise, traffic and highway safety considerations that this throws up. Please consider.

We have questioned throughout the appropriateness of a potentially speculative application by Applicants who don't own horses or live at the proposed site. In the event that any future tenants/owners don't own horses, you will have stables standing empty and inviting a use that they aren't intended for. This is not our pressing concern, but I note the terms of the Call In from Councillor Cave (to whom a copy of this letter has been sent directly in her capacity as our elected Ward Councillor). Necessity for the stables has not been addressed by the Report, although again I note that the Applicants in the Tudor Lodge cases were put to proof on this issue.

SCALE OF PROPOSALS/ANIMAL WELFARE

We did not intend to revisit this point, but in light of our overall concerns as to the adequacy of the Report it would appear prudent to do so. We have no subjective experience of keeping horses (neither do the applicants). However, at pages 44 and 45 of the Report, the Welsh Government Code of Practice for the Welfare of Horses (2018) is cited, and dismissed, without adequate reasoning in our opinion.

The Code of Practice stipulates 0.4 to 0.6 hectares of good grazing for each horse. The quality of the land at Arwelfa has been subject to extensive commentary by our neighbours. The Report confirms that the total of the existing paddock and the new proposed holding paddock would total 0.385 hectares. This does not meet the Code's best practice for one horse, let alone two. We fail to understand how this can be presented as "falling short". Even accepting the holding paddock in the equation, the minimum benchmark for 1 horse is not met. This results in a 50% departure from the Welsh Government published Code of Practice. The Report states that, "there is no evidence to suggest that this is infeasible". I would suggest that in the pursuit of good decision making, given the departure from the Code of Practice by such margins, and in light of all of the husbandry concerns raised by local residents, the onus should be placed on the production of evidence that animal welfare/grazing is feasible at the proposed site.

The Report goes on to reference an incidental statement from the Applicant that the site would be used for ponies, thus minimizing the grazing requirement. I repeat that the Applicants don't own horses or live at the property. If their intention is to provide a stable for ponies then the proposed development would appear wholly disproportionate in size and scale and should be amended to mirror these reassurances.

Finally, as set out in our letter of 18th January 2022, we have made non-fruitful enquiries of the Shared Regulatory Services department as to guidance on the issue of proximity in cases such as these. The fact that there would appear to be no hard and fast rules illustrates that the planning decision is at the discretion of the planning committee. Subjective assessments must be rooted in evidence so as to be robust and safe from challenge on procedural or substantive grounds.

The preferred site location for this development is simply that, a preference. Notwithstanding that we maintain that this is not a viable site on the scale proposed, for all the reasons rehearsed, from a location perspective there are options available to the Applicants, Such options would immediately minimize the potential for nuisance and neighbourly impact upon ourselves and our surrounding neighbours, present and future.

Yours faithfully,
Emma and Richard Locke

MATTERS ARISING FOR COMMITTEE

COMMITTEE DATE : 26 January 2022

Application No.: 2021/00894/FUL	Case Officer: Mr. Ceiri Rowlands
Location: Arwelfa, Wallas Barns, Wick Road, Ewenny Proposal: Proposed new stable block, hay store and tack room including amendments to existing access	

From: Shared Regulatory Services (Pollution)

Summary of Comments: It was stated that the construction of stables near residential dwellings is not uncommon due to practical considerations of vehicular access, services and security. With regard to the construction of stables SRS do not operate to any adopted guidance and thereby do not advise any set, recognised separation distances or other measures but would expect applicants to utilise best practice and operate in a neighbourly manner. In conclusion, it was stated that the team had no grounds to advise refusal of this application.

Officer Response: The response of SRS is noted and supports the conclusions drawn within the Officers Report. In order to promote the neighbourly operation of the use, however, a condition is proposed to be included which would require the applicant to identify a suitable location/ provision for the temporary storage of manure. The details can be secured for consideration by the additional condition below:

Additional condition

5. *Notwithstanding the submitted plans, full details of the location and provisions for temporary manure storage shall be submitted to and approved in writing by the Local Planning Authority. Mucked out manure shall thereafter not be stored on the application site other than in the approved area, which shall be provided on site in accordance with the approved details prior to the first beneficial use of the stable.*

Reason:

To safeguard residential amenity as required by Policies MD2 (Design of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

Action required: Members to note Officers' recommendation for the additional condition above to be included.

COFNOD / MEMORANDUM

I / To:	Ian Robinson/Ceiri Rowlands	Oddi Wrth / From:	Sue Brown- SRS EH/Pollution Team 2
Adran / Dept:	Planning Department	Ein cyf / Our ref:	SB1-9909/21
Dyddiad / Date:	24 January 2022	Ffôn / Tel:	[REDACTED]
Eich Cyf / Your Ref:	2021/00894/FUL	Ebost / Email:	[REDACTED]

SUBJECT: PROPOSED NEW STABLE BLOCK, HAY STORE AND TACK ROOM INCLUDING AMENDMENTS TO EXISTING ACCESS AND APPLE ORCHARD
PLANNING APPLICATION NO: 2021/00894/FUL
ARWELFA, WICK ROAD, EWENNY, BRIDGEND, VALE OF GLAMORGAN, CF35 5AE

Further to my telephone conversation with Mr Ian Robinson on Friday 21 January I can advise that SRS Pollution Team 3 received a memorandum with regard to this application on 6 August 2021.

The application was reviewed by Mrs Sian James, the Team Manager, on 7 September 2021 as part of the allocation of work to Officers and the triaging of the large number of the planning applications and service requests received by the Team. The application was closed without comment on 7 September 2021, this would be common practice as the development of small-scale stabling blocks are in the main not commented upon by this Team.

However, on the 21 January 2022 I was contacted by Mr Ian Robinson regarding this application as Sian James was not available. In light of the call and the request for comments please note the following regarding the above application.

As advised above it is not the norm for Shared Regulatory Services (Environmental Health/ Pollution Team 2) to comment on an application such as this if they are consulted. Small stable blocks and other small-scale housing for livestock are commonplace across the Vale of Glamorgan and are infrequently the subject of comment in relation to planning permission or complaint in relation to nuisance.

That is not to say we do not receive complaints in relation to the keeping of animals, however predominantly complaints are in the main regarding the keeping of dogs in urban and rural settings along with the keeping of chickens, mainly cockerels, again in urban and rural settings.

If complaints are made with regard to the keeping of animals, and related matters such as noise, odour and vermin they are assessed in relation to Statutory Nuisance under the provisions of the Environmental Protection Act 1990. However, complaints have to be judged in relation to a number of factors including location, duration, frequency etc. and it would be noted that the keeping and stabling of horses is not unusual in rural locations such as the one subject of this application.

If a complaint were to be received regarding the keeping and housing of any animal/s be it in relation to agriculture, equine, a hobby or pet we would be obliged to consider the general location such as farm land

or residential street, what is the 'norm' for the area, the management of the said animal/s and any subsequent management of the buildings, waste as in manure and deployment of controls in relation to odour and pests if necessary.

The construction of stables near residential dwellings is not uncommon as access from the highway and access to services such as electricity is often required as well as the consideration of security. With regard to the construction of stables we do not operate to any adopted guidance and thereby do not advise any set, recognised separation distances or other measures but would expect applicants to utilise best practice and operate in a neighbourly manner.

In conclusion SRS Pollution Team 2 have no grounds to advise refusal of this application.

SUE BROWN

NEIGHBOURHOOD SERVICES OFFICER

MATTERS ARISING FOR COMMITTEE

3.

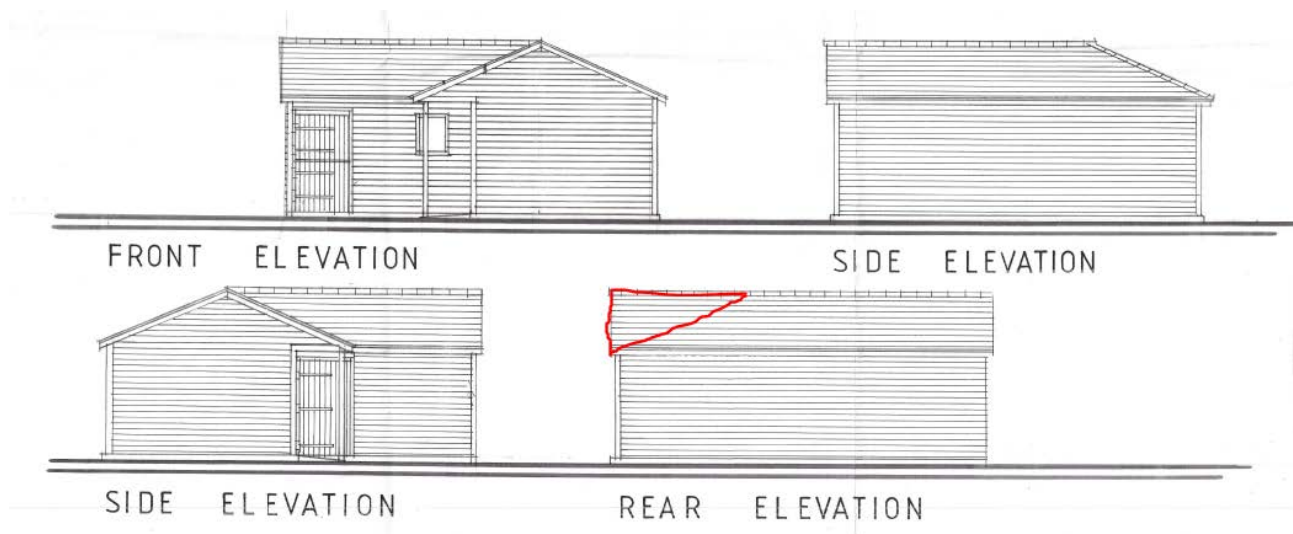
COMMITTEE DATE : 26.1.2022

Application No.: 2021/00894/FUL	Case Officer: Mr. Ceiri Rowlands
Location: Arwelfa, Wallas Barns, Wick Road, Ewenny	
Proposal: Proposed new stable block, hay store and tack room including amendments to existing access	

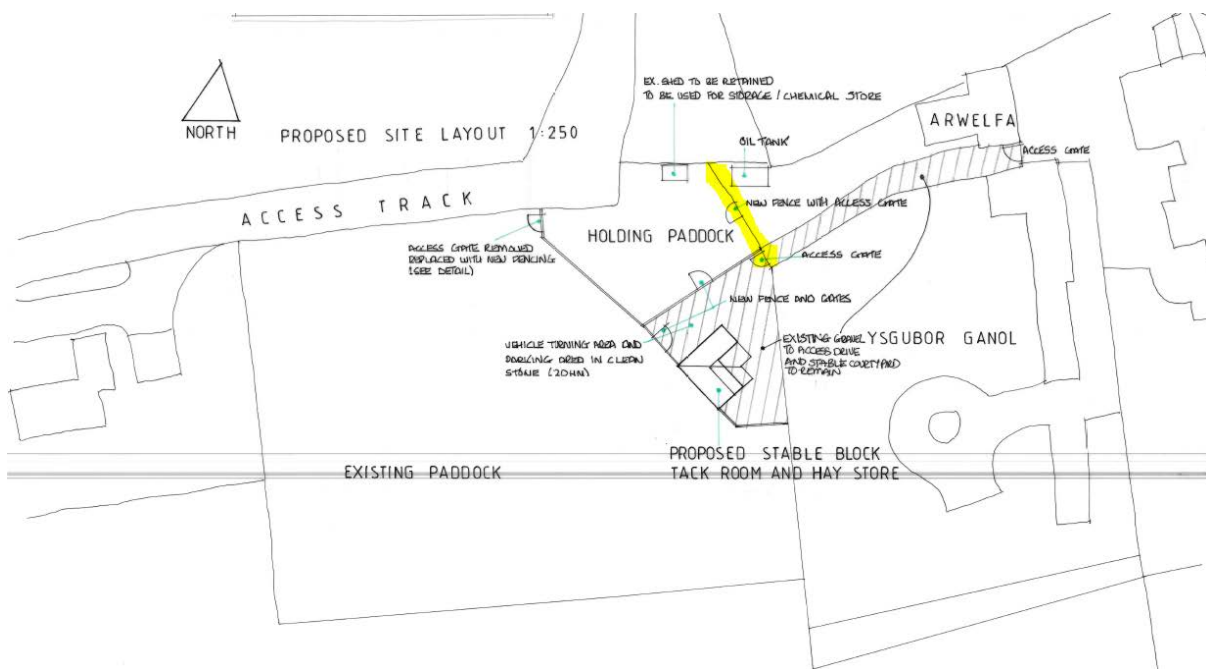
From: Ceiri Rowlands (case officer)

Summary of Comments:

A minor plan error has come to light, concerning the omission of the hipped roof profile from the proposed rear elevation (as shown below).



In addition and for information, the plan proposed to be attached to Condition 2 (referring to the provision of a new fence) is shown below:



Officer Response: An additional condition is recommended to secure submission and approval of a revised/ corrected rear elevation drawing. This change would also require the updating of Condition 2, as follows:

Additional condition

6. *Notwithstanding the submitted plans and prior to the commencement of the construction of the stable, a revised rear elevation drawing shall be submitted to and approved in writing by the Local Planning Authority. The stable shall thereafter only be constructed in accordance with the approved details.*

Reason:

For avoidance of doubt as to the approved development and to safeguard visual amenity, as required by Policies MD2 (Design of New Development) and SP10 (Built and Natural Environment) of the Local Development Plan.

Amendment to condition to reflect the above

2. *Notwithstanding the provisions of condition 6, the development shall be carried out in accordance with the following approved plans and documents:*

Site Location Plan submitted 3.12.21

Amended Plan: 833/P/11 - Proposed stable block

Amended Plan: 833/P/01 Rev A - Proposed site layout

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.

Action required: Members to note Officers' recommendation for the additional condition above to be included.

MATTERS ARISING FOR COMMITTEE

COMMITTEE DATE: 26.1.22

Application No.: 2021/00345/FUL	Case Officer: Mr. Ceiri Rowlands
Location: Gileston Manor, Gileston Road, Gileston Proposal: Variation of Condition 13 of Planning Permission 2018/00382/FUL relating to the use of the site only as a wedding and conference venue	

From: Ceiri Rowlands (case officer)

Summary of Comments:

The Officer's report erroneously states that there was no comment from the local ward member, whereas the application was called to Planning Committee by Cllr J Thomas. It was stated:

"I have been requested to call the above application into committee for the following reason.

The activities currently taking place at Gileston Manor are causing a public nuisance in that noise emanating from the premises is effecting the quality of lives of local residents, any increase in activity at the venue will exacerbate these problems.

Many residents living in the vicinity complain that they are unable to sleep due to the noise which goes on into the early hours of the morning."

Action required: Members to note.

MATTERS ARISING FOR COMMITTEE

5.

COMMITTEE DATE: 26.1.22

Application No.: 2021/00345/FUL	Case Officer: Mr. Ceiri Rowlands
Location: Gileston Manor, Gileston Road, Gileston	
Proposal: Variation of Condition 13 of Planning Permission 2018/00382/FUL relating to the use of the site only as a wedding and conference venue	

From: Ceiri Rowlands (case officer)

Summary of Comments:

It is recommended that the wording of the suite of other conditions, i.e. other than Condition 13 subject of this application, are updated to reflect the current position. For example, conditions that required the submission of further details are updated to instead require compliance with the approved details, for the sake of clarity. The purpose of the conditions and details to which they referred would remain unaltered.

Action required: Factual updates will be made prior to decision notice being issued.
Members to note

MATTERS ARISING FOR COMMITTEE

6.

COMMITTEE DATE: 26.01.22

Application No.: 2021/00345/FUL	Case Officer: Mr. Ceiri Rowlands
Location: Gileston Manor, Gileston Road, Gileston	
Proposal: Variation of Condition 13 of Planning Permission 2018/00382/FUL relating to the use of the site only as a wedding and conference venue	

From: Shared Regulatory Services (Neighbourhood Services)

Summary of Comments: No objection was stated.

Officer Response: No further comments.

Action required: Members to note. No further action.

COFNOD / MEMORANDUM

I / To:	Ceiri Rowlands	Oddi Wrth / From:	Sue Brown
Adran / Dept:	Planning Department	Ein cyf / Our ref:	SB1-9122/21
Dyddiad / Date:	18 January 2022	Ffôn / Tel:	[REDACTED]
Eich Cyf / Your Ref:	2021/00345/FUL	Ebost / Email:	[REDACTED]

SUBJECT: VARIATION OF CONDITION 13 OF PLANNING PERMISSION 2018/00382/FUL RELATING TO THE USE OF THE SITE ONLY AS A WEDDING AND CONFERENCE VENUE
PLANNING APPLICATION NO: 2021/00345/FUL
GILESTON MANOR, GILESTON ROAD, GILESTON, BARRY, VALE OF GLAMORGAN, CF62 4HX

I can advise that I have reviewed the documentation in relation to this application along with the Decision Notice in relation to application 2018/00382/FUL, dated 24-10-2019, that details conditions in relation to noise, noise management and related matters.

Namely conditions 11- use of the array system, 12- Management Plan and 14-hours of use, along with condition 13 itself which is the subject of this application.

I can advise having reviewed the documentation that SRS, Neighbour Services Team, have no objection to make with regard to this application.

SUE BROWN
NEIGHBOURHOOD SERVICES OFFICER

MATTERS ARISING FOR COMMITTEE

COMMITTEE DATE: 26.1.22

Application No.: 2021/00345/FUL	Case Officer: Mr. Ceiri Rowlands
Location: Gileston Manor, Gileston Road, Gileston Proposal: Variation of Condition 13 of Planning Permission 2018/00382/FUL relating to the use of the site only as a wedding and conference venue	

From: Comments from neighbouring properties and further comments from SRS:

Mrs L Shord, Orchard House, Gileston

Mrs S Dodd-Clarke,

Revd L.E.D. Clarke MBE, Hafod, Gileston

Summary of Comments:

Additional representations have been received objecting to the proposals. In summary, the reasons relate to:

- The objections raised in relation to application 2018/00382/FUL
- Lack of dialogue/ mediation with residents
- Visibility at the access remains unsatisfactory
- Lack of a dedicated bus drop off point
- Additional traffic congestion
- Stated in the original application documents expected maximum numbers at weddings would be 160 and total 50 occasions per annum.
- The approved array system and Noise Management Plan is ineffective and not always adhered to
- Noise issues are experienced by neighbouring residents based on the approved activities, traffic and associated anti-social behaviour
- The regular breaches of planning control at the site
- Personal circumstances

In relation to complaints received by directly Shared Regulatory Services regarding this site, it was stated by the SRS Pollution team that:

- From January 2019 to the end of 2021 10.no households made complaints regarding noise from Gileston Manor, including but not limited to raised voices, singing, shouting and music.
- Complaints were made regarding the use of the lawned area in front of Gileston Manor for the playing of music, generally live music – a solo artist, small ensemble playing music.

- It also became apparent that alleged noise disturbance was occurring from the letting accommodation at Gileston Manor.
- Whilst occasions of potential noise, such as from the gathering of people at the site access waiting for lifts was observed, no Statutory Nuisance was identified following a number of proactive visits in 2020 and 2021. Therefore an Abatement Notice/s have not been served.
- There are no active ongoing SRS complaints or investigations in relation to Gileston Manor.

Officer Response:

The Officer's report sets out within the 'Background' section that the application is for the variation of Condition 13. The assessment is therefore limited to consideration of the conditions and, specifically, is concerned with the impacts arising from the proposed change. It is explained within the 'Other matters' section that on-going compliance are not material to this assessment, being enforcement considerations where a breach is identified and it is expedient to take action.

The report also noted within the 'Transportation' and 'Neighbouring amenity' sections that permission 2018/00382/FUL does not limit attendee numbers for weddings. The applicant is not bound to their original estimations in this respect.

The matters concerning neighbouring amenity and transportation have been raised in other representations and are considered in the relevant sections of the report. The conclusions and recommendations of the report are considered to remain sound.

Action required: Members to note

[REDACTED]

From: Lorna Shord [REDACTED]
Sent: 24 January 2022 11:13
To: Aviet, Julie (Cllr) [REDACTED]; Birch, Rhiannon (Cllr) [REDACTED];
 Bird, Jonathan (Cllr) [REDACTED]; Cave, Christine A (Cllr) [REDACTED];
 Drake, Pamela (Cllr) [REDACTED]; Driscoll, Vincent P (Cllr) [REDACTED];
 Edwards, Stewart T (Cllr) [REDACTED]; Gray,
 Benjamin T (Cllr) [REDACTED]; Hodges, Nic P (Cllr) [REDACTED];
 Johnson, Ian (Cllr) [REDACTED]; Kemp, Gordon C (Cllr) [REDACTED];
 Parker, Andrew (Cllr) [REDACTED]; Rowlands, Leighton O (Cllr) [REDACTED];
 Thomas, Neil C (Cllr) [REDACTED]; Williams,
 Edward (Cllr) [REDACTED]; Wilson, Mark R (Cllr) [REDACTED];
 Wright, Marguerita (Cllr) [REDACTED]
Cc: Alun Cairns MP [REDACTED]
Subject: 2021/00345/FUL Gileston Manor OBJECTION
Sensitivity: Private

Good Afternoon

Please could you kindly read my email before the planning meeting on 26/1/2022.

My husband and I, along with many residents, have been continually disturbed by the residents & guests of Gileston Manor and the noise from events held. The disturbance has continued since planning permission was granted, despite the noise related conditions imposed by VOG.

We have, as advised by VOG council, sent numerous complaints directly to Wendy (copied into the VOG SRS and licensing) the Designated Premises Supervisor and Responsible Person. ALL have gone unanswered, despite chasers. We have tried calling Wendy, with voicemails left and again ignored.

Our key complaint is noise generated from music, not played via the noise array equipment, taxis and mini buses waiting in the village (engines running) revellers walking through the village (after hours) shouting and singing. Complaints have also been raised on many occasions with SRS VOG with the general consensus that VOG do not believe us.

The owners of the Manor House do not have control over their events, as demonstrated on 16/10/2021 at 8.50pm when a fireworks display was set of, causing much distress to residents and neighbouring horses, pets and farm animals. It felt as if we were being bombed, the fireworks were so loud! Following complaint, we were advised that the event had been set up, without staff knowledge! How is this safe or even possible?

It is evident that whatever conditions imposed, or permissions granted by VOG the Manor House are always pushing the boundaries and have no regard whatsoever of the residents and the upset caused by their actions.

The conditions, as listed on P267 onwards are very familiar with many being identical to the conditions imposed previously by VOG planning and ignored by Gileston Manor owners. What is the point of conditions if they are not implemented? This just undermines and belittles the committee's authority and proves the owners do not care.

Thank you for reading and please can sense prevail and consideration given to resident's lives.

Mrs L Shord
Orchard House
Gileston

From: Shirley Dodd-Clark [REDACTED]
Sent: 24 January 2022 11:52
To: Birch, Rhiannon (Cllr) [REDACTED]; Cave, Christine A (Cllr) [REDACTED];
 [REDACTED]; Drake, Pamela (Cllr) [REDACTED]; Driscoll, Vincent P (Cllr) [REDACTED];
 [REDACTED]; Edwards, Stewart T (Cllr) [REDACTED]; Gray, Benjamin T (Cllr) [REDACTED];
 [REDACTED]; Hodges, Nic P (Cllr) [REDACTED]; Johnson, Ian (Cllr) [REDACTED];
 [REDACTED]; Kemp, Gordon C (Cllr) [REDACTED]; Parker, Andrew (Cllr) [REDACTED];
 [REDACTED]; Rowlands, Leighton O (Cllr) [REDACTED]; Thomas, Neil C (Cllr) [REDACTED];
 [REDACTED]; Williams, Edward (Cllr) [REDACTED]; Wilson, Mark R (Cllr) [REDACTED];
 Wright, Marguerita (Cllr) [REDACTED]

Subject: Subject:2021/00345/FUL Gileston Manor OBJECTION

Dear Councillor

I will be speaking at the planning committee on 26th January regarding the above application.

As you know I only have a short time to put forward mine and other concerned residents views. Therefore, I ask you to spend some time reading this email and others that you will receive from Gileston residents.

For those who do not know Gileston, I would inform you that it is a very small hamlet with 2 very narrow roads leading into the village, consisting of approx 40 households scattered in mainly 3 directions. Our oldest residents are in their 90's. I moved here in 1994, when both power stations were operational. At all times the management of these facilities kept neighbours informed of disruption and noise. As you will know these are now closed. My late husband was in the RAF therefore, I am used to noise disruption and all that entails. This objection is not made on the basis of *nimby ism!*

Background: The present owners of Gileston Manor moved here in 2012.

The original application for change to the use of the manor as a wedding and events venue was made public in April 2018. A marquee had been erected in the Autumn of 2017 and weddings were already booked prior to the actual planning approval. (And in fact took place during 2018/19). As you know not all residents were consulted or alerted by the owners. I would add that our local community councillor and our VOG councillor were aware but until we received our letters in April 2018 we had no knowledge of this. After a long wearisome summer our main concerns of noise and traffic objections were raised at committee in October 2019 and were addressed by planning committee adding set conditions to hopefully mitigate and address our concerns,

Sadly covid 19 impacted all our lives and it was not until 2021 that weddings of any scale began again: NO issue on the merit of this but yet again, we have had noise/traffic disturbance to our evenings and into the early hours on a regular basis. Now that even more events are asked for, in addition to weddings/corporate events, I am very concerned that without restriction/ intervention, we will be subject to this yet again but on an even larger scale.

Reason for concern: Non compliance of conditions set in 2019. Especially

Section 11: use of noise array system & Section 12, the noise management plan: This has consistently been ignored; there have been numerous breaches of planning and enforcement notices served. There was no point of contact for the Manor until I obtained this from the then planning enforcement officer, Helen Davies. She too was ignored on many occasions. I have provided extracts of emails exchanged between, myself, Helen, and Wendy Parker, Gileston Manor manager to illustrate these facts.

I have asked for a meeting with Gileston management on a regular basis, to address the issues, but am ignored. I have asked to show the trajectory of the noise problem in relation to our home: Ignored. I have rung; emailed : ignored or dismissed.

Major personal concerns;

I and my family have consistently been disturbed into the early hours by music/shouting and traffic.

We live on a main route into the village and this will only increase as more events are held.(especially in the spring/summer months) We have work to go to and our own health to maintain. In addition to my own work, I am carer for my mother and on call at all hours. My son runs his own business, and in addition is a RAF reservist and needs to be able to attend both places of work with a high degree of alertness to fulfil his duties. During the Afghanistan airlift he was constantly concerned that sleep deprivation would hamper his work.

In conclusion:

If we are to have more events both day and night this disturbance to our way of life, will increase;

If the management cannot be trusted to carry out their current noise management plan, what can we do? SRS seem powerless to support our concerns and complaints. Enforcement officers can only operate when a breach has occurred but by then it is too late.

Where is the integrity and trustworthiness of this applicant?

I respectfully ask, would you like to have your sleep in to the small hours consistently disrupted? Resulting in bad health and stress?

Therefore, please consider this application carefully and consider the other residents who also need to live and work here.

I ask you to consider rejecting these proposals at least until the owners can demonstrate that these events will not escalate further and not continue to disturb other Gileston residents on a regular basis.

Thank you

Shirley Dodd-Clark

From: [REDACTED]
Sent: 24 January 2022 14:57
To: Aviet, Julie (Cllr) [REDACTED]; Birch, Rhiannon (Cllr) [REDACTED]
 Cave, Christine A (Cllr) [REDACTED]; Drake, Pamela (Cllr) [REDACTED]
 Driscoll, Vincent P (Cllr) [REDACTED]; Edwards, Stewart T (Cllr) [REDACTED]
 [REDACTED]; Gray, Benjamin T (Cllr) [REDACTED]; Hodges, Nic P (Cllr) [REDACTED]
 [REDACTED]; Johnson, Ian (Cllr) [REDACTED]; Kemp, Gordon C (Cllr) [REDACTED]
 Parker, Andrew (Cllr) [REDACTED]; Rowlands, Leighton O (Cllr) [REDACTED]
 Thomas, Neil C (Cllr) [REDACTED]; Williams, Edward (Cllr) [REDACTED]
 Wilson, Mark R (Cllr) [REDACTED]; Wright, Marguerita (Cllr) [REDACTED]
Subject: 2021/00345/FUL Gileston Manor -Objection

2021/00345/FUL: Gileston Manor-objections

Dear Councillor

I write to you personally with regard the latest application for the Variation of Conditions 13 of Planning Permission **2018/000382/FUL**.

I write in addition to my objections to the above application, dated 18th April 2021 addressed to Ceri Rowlands Planning Officer.

I now place before you and ask you to revisit, again, all the detailed complaints that were referred to in the original application: **2018/00382/FUL** and subsequent caveats contained in **2018/00382/3/CD**.

Reading pages 265 through to 267 of the planning report, I am saddened and disappointed that once again no dialogue or mediation has been arranged between the Manor Consortium, the Planning Officers and those residents within the Gileston community who are affected by the disturbances of noise and traffic.

Being schooled in the theory that, 'Every action has a consequence'.

I refer to the paragraph 'Transportation.' Work was carried out on the vehicle access... This still does not aid visibility as the line of sight of vehicles coming into the village are still blind at manor entrance/exit. So I disagree, it is Not satisfactory!

'The approved parking layout for 48 spaces can be provided is aligned with no significant problems relating to parking overspill.'

Where is the provision for, the 'on-site' pick-up/drop off point for private vehicles/mini-buses and T that would stop the loitering of said vehicles; the noise this creates and the congestion around the village roads and cul-de-sac especially after midnight.

We now read that the applicant suggests a 200 cap on attendees for these other unspecified ticket events, I was led to believe that the premises licence was for 160. I quote from the second paragraph "Weddings are, by definition, likely to be infrequent occasions". Given the present back log due to covid, I would disagree. Also, in the original application no more than 50 total events were suggested as being the maximum in one year.. How many events are acceptable now and how will the cap on

numbers be monitored or enforced when evidence proves that the management have not always managed the events in the past?

Neighbouring amenity. Condition 11 and 12, the approved Noise Management Plan, is ineffective is not always adhered to. The Marquee is still a canvas structure and sound continues to penetrate especially with the canvas sides rolled-up. During the wedding breakfast we are privy to some of the speeches and accompanying noise, proving again the NMP is not fit for purpose. '

As per the report 'With the broadening of the scope of themed party events' being stated 'with amplified music and alcohol' it is concerning that they are likened to a large wedding event i.e. LOL and in my opinion unless regulated correctly, extra events of this nature, are not deemed acceptable.

My plea to you, is for a sense of empathy towards the physical and mental health of those in this, who were a happy quiet community who are suffering when these events take place.

Sadly the people making the decisions are not impacted by their actions, those of us who live in the village are.

*Revd. (Wg Cmd ret'd) Lance E D Clark MBE
Hafod
Gileston,
Vale of Glamorgan.
CF62 4HX*

[REDACTED]