

Ewenny Priory Estate
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The Stables, Corntown

The demolition of existing stables, and erection of a detached dwelling, access arrangements, landscaping and associated works as 'enabling development' to facilitate the restoration of the Ewenny Priory

SITE AND CONTEXT

The application site is The Stables, Corntown Road, Corntown, which is a small courtyard of stable buildings, located on the northern side of Ewenny Road, outside the settlement boundary of the village. The site is enclosed from the highway by a stone wall, which runs along the pavement edge and, as a whole, provides the southern boundary of the Ewenny Priory estate.



The section of the stone wall across the frontage of the application site is approximately 2m in height and contains a set of wooden gates at the singular vehicular access point. The two side and rear boundaries of the site are also enclosed by stone walls, which form the rear elevations of the stable buildings. The buildings themselves are constructed in stone and blockwork, with corrugated sheet pitched roofs. They sit around the perimeter of the site and extend along the full extent of both side walls and across part of the rear wall.

The site is situated within a relatively dense tree belt and consequently, it is screened from view from inside the estate. Beyond the tree belt, the site lies within a context of green fields that comprise the Ewenny Priory estate. The site also lies within a green wedge, as defined by Policy ENV 3 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

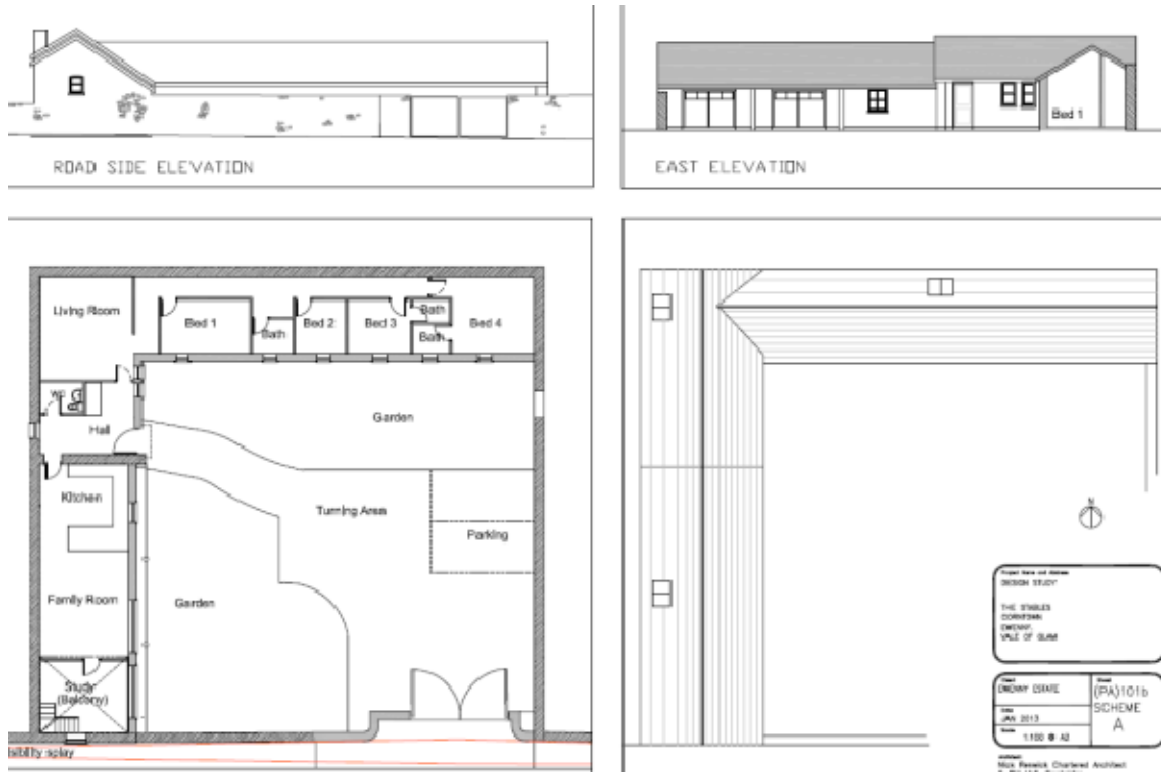
DESCRIPTION OF DEVELOPMENT

The application is in outline and proposes the demolition of the existing stables and erection of a detached dwelling, access arrangements, landscaping and associated works, as 'enabling development' to facilitate the restoration of the Ewenny Priory. Enabling development is development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved. The key public benefit to significant places is usually the securing of their long-term future.

The application was initially submitted with all matters reserved, however, it was considered that a more comprehensive level of detail was required at this stage to enable the development to be adequately assessed. Accordingly, further detail was formally requested (under Part 2, Section 3 (2) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012) in respect of access, appearance, layout, and scale. The applicant has subsequently submitted additional detail in respect of scale and access, however, layout and appearance remain reserved.

Notwithstanding the above request, it is considered that the applicant has now submitted sufficient information for the application to be assessed in the necessary detail. It should also be noted that an assessment has been made as to whether the building is listed and, given the physical and historical relationship between the site and the principal priory buildings, it was concluded that the structures are not listed by association or in their own right.

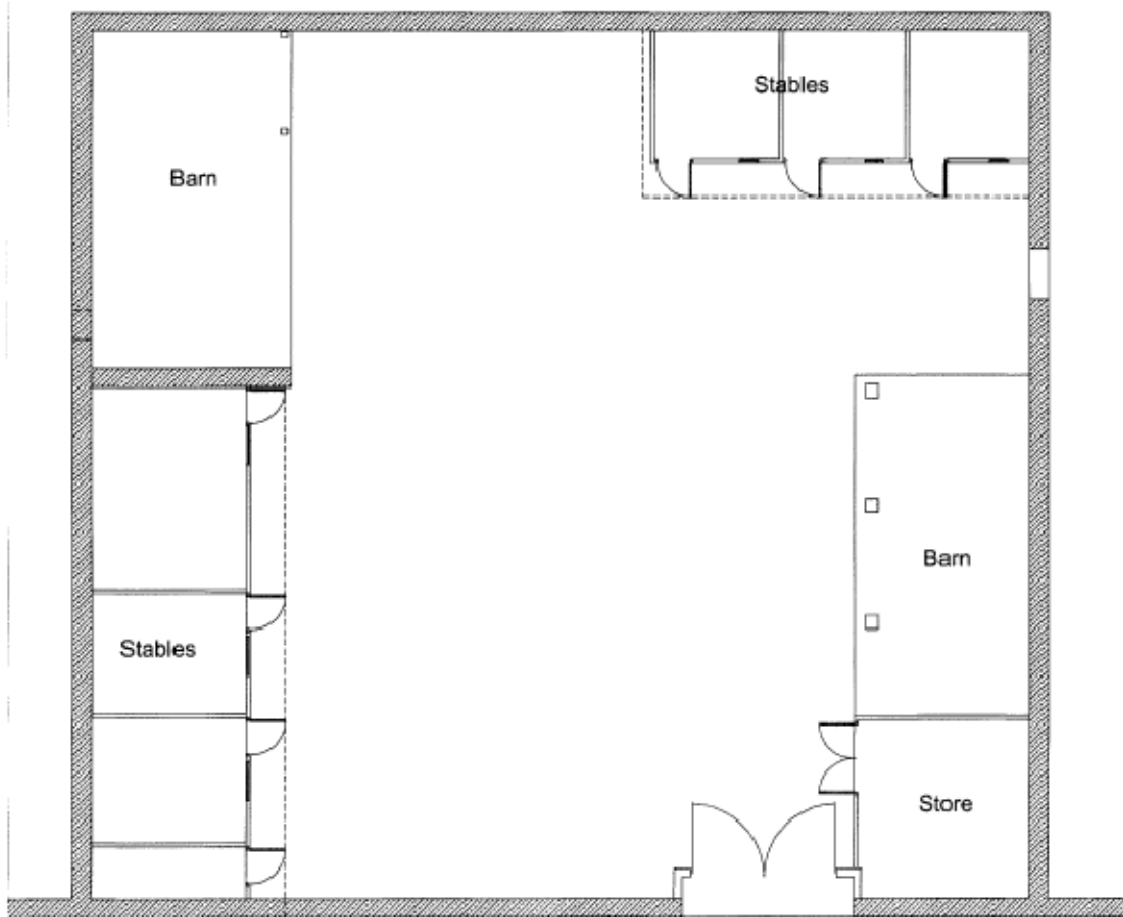
The application is accompanied by plans that are indicative insofar as they relate to appearance and layout, but show the proposed scale and access point. They show a building around the perimeter of the site, in the general layout and position of the existing buildings, as shown below:



The plans show a single storey building of between 4m and 5m in height, with a stepped roof line. The L shaped footprint is approximately 22m deep by 24m wide with a span of 5m.

The access point is towards the right hand side of the frontage. The two plans below show the existing and proposed access points.

Existing:



Proposed:



As noted above the application is proposed as enabling development to facilitate repairs to Ewenny Priory House and associated outbuildings. Ewenny Priory House is a Grade II* Listed Building and the associated outbuildings are the east, north and west stables, the forge and tithe barn. The stables are each separately listed Grade II listed buildings, Tithe Barn is a Grade II* building and The Forge is listed as a curtilage structure to the main building.

This application has been submitted alongside application 2012/00895/OUT which proposes 5 new dwellings off Abbey Road, Ewenny. That application is also proposed as enabling development to facilitate the repairs to Ewenny Priory House and the outbuildings, and much of the supporting information submitted with this application is shared with that application. Members are advised that since the enabling development case is made as a whole across the two applications, it would be appropriate for the two applications to be considered together at Planning Committee.

PLANNING HISTORY

None relevant to this proposal on this site, however, as noted above, application 2012/00895/OUT for 5 new dwellings on land off Abbey Road is currently being considered and is relevant to this application (see above).

CONSULTATIONS

Ewenny Community Council - Two letters have been received, and the grounds of objection are summarised as follows:

- The Priory House is confused with the Priory church in the submissions.
- The priory House is not publically accessible.
- There has never been a change of use of the stable site.
- The site is green wedge.
- The only access is from Corntown Road.

The Council's Highway Development Team - The initial highways comments received raised concerns with the proposal due to inadequate visibility when egressing from the site. Subsequently, the highways engineer has advised that vision splays of 2m x 48m would be required in both directions along the highway.

Councillor Ray Thomas has objected on the following grounds:

- There is no guarantee that the money will go to repairs of the listed buildings.
- Prospective developers may come back with grander schemes.
- Outline permission would make it harder to resist different plans in the future.

Dwr Cymru / Welsh Water has no objection subject to standard conditions relating to the drainage of the site.

The Council's Ecology Officer initially objected due to the inadequacy of survey work, however, following the submission of further survey work, there is now no objection subject to a condition relating to the provision of alternative bird nesting sites.

Glamorgan Gwent Archaeological Trust has raised no objection subject to a condition requiring a programme of building analysis and recording to be carried out.

REPRESENTATIONS

The neighbouring dwellings have been consulted (and re-consulted in respect of additional information that was received during the course of the application) and the application has been advertised on site and in the press:

Eight letters of objection have been received specifically in relation to this application, and the grounds of objection are summarised as follows:

- Funding could be raised without developing in the green wedge.
- The existing church is used for things beyond church services.
- The development is contrary to policy.

- The application doesn't demonstrate that heritage benefits would outweigh the harm.
- The development would be harmful to the character of the countryside and the green wedge.
- Proposed holiday lets may not materialise.
- There would be other less harmful options for raising funding.
- The development would set a negative precedent.
- The proposal should be a full application, not in outline.
- Insufficient certainty over what happens if there is a surplus of funding raised from sales of the land.
- The conversion of the buildings should be explored.
- Public access arrangements are inadequately described.
- Coalescence with Bridgend.
- There is insufficient public benefit.
- The main building is in essence a private house and the public access proposed would not be sufficient to outweigh harm.
- If an HMRC exemption is granted, public access would occur anyway.
- Highway safety problems and exacerbation of traffic issues.
- The criteria in Cadw guidance have not been satisfied.

Significantly more letters have been received in objection to application 2012/00895/OUT and while those letters did not make reference to this application, additional points made in respect of the enabling development proposals were set out in those objection letters. For reference, those points are listed below, and are considered relevant given that the enabling/financial case is made as a whole across the two applications:

- Enabling development should take place at or close to the significant place, not remote from it where there are only disbenefits for the community.
- Insufficient judgement of impacts can be made with an outline application.
- The submitted figures suggested a shortfall in income, meaning that the development wouldn't adequately preserve the long term future of the place.
- Cost estimates from more than one firm would be expected.

- Insufficient details of how the matters will be legally enforced.

A sample objection letters which expand on the above points are attached as Appendix A.

REPORT

Planning Policies

The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18 April 2005, and within which the following policies are of relevance:

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE

ENV3 - GREEN WEDGES

ENV8 - SMALL SCALE RURAL CONVERSIONS

ENV16 - PROTECTED SPECIES

ENV17 - PROTECTION OF THE BUILT AND HISTORIC ENVIRONMENT

ENV27 - DESIGN OF NEW DEVELOPMENTS

HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT

HOUS3 - DWELLINGS IN THE COUNTRYSIDE

HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA

HOUS11 - RESIDENTIAL PRIVACY AND SPACE

TRAN10 - PARKING

Planning Policy Wales (Edition 6, 2014) advises that where development plan policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations, such as national planning policy, in the determination of individual applications. It is for the decision-maker to determine whether policies in the adopted Development Plan are out of date or have been superseded by other material considerations and this should be done in light of the presumption in favour of sustainable development.

In this case, the relevant material considerations are considered to be as follows:

National Planning Policy:

Planning Policy Wales (Edition 6, 2014)

Conservation Principles for the sustainable management of the historic environment in Wales (Cadw) which endorses Enabling Development and the Conservation of Significant Places (English Heritage)

Technical Advice Notes:

12- Design

22- Sustainable Buildings

Supplementary Planning Guidance:

Amenity Standards

Conversion of Rural Buildings

The Draft Vale of Glamorgan Local Development Plan currently proposes to maintain the green wedge status of the application site. Regard has also been given to the background papers on Housing Supply and Designation of Landscape Character Areas.

Issues

Having regard to the above policy context, it is considered that the central basis for assessing the application is the guidance set out in Cadw's Conservation Principles for the sustainable management of the historic environment in Wales, which endorses the English Heritage document: Enabling Development and the Conservation of Significant Places. However, while Cadw endorses the document, the detailed guidance in the English Heritage document technically is not applicable in Wales, rather it is the criteria based section that is repeated in the Cadw guidance, which specifically comprises the relevant guidance for the purpose of assessing such applications in Wales.

This Cadw document explains that:

Enabling development that would secure the future of a significant place, but contravene other planning policy objectives, should be unacceptable unless:

- a) it will not materially harm the heritage values of the place or its setting;
- b) it avoids detrimental fragmentation of management of the place;
- c) it will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose;
- d) it is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid;
- e) sufficient subsidy is not available from any other source;
- f) it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests; and
- g) the public benefit of securing the future of the significant place through such enabling development decisively outweighs the dis-benefits of breaching other public policies.

It goes on to state that if the above criteria are satisfied, planning permission should only be granted if:

- a) the impact of the development is precisely defined at the outset, normally through the granting of full, rather than outline, planning permission;

- b) the achievement of the heritage objective is securely and enforceably linked to it, bearing in mind the guidance in ODPM Circular 05/05, Planning Obligations;
- c) the place concerned is repaired to an agreed standard, or the funds to do so are made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation; and
- d) the planning authority closely monitors implementation, if necessary acting promptly to ensure that obligations are fulfilled.

a) Will the development materially harm the heritage values of the place or its setting

The proposed dwelling would be located approximately 500m away from the significant place and they would not be visible within the same visual context as that place and the group of listed buildings. The areas surrounding the priory and around the site are rural in character, however, it is considered that the site in question is sufficiently detached from it to ensure that the heritage values and setting of the place will not be adversely affected.

b) Would the development avoid detrimental fragmentation of the management of the place

As part of the assessment of the application, it is considered reasonable and necessary to assess whether there are any less harmful alternatives to the proposed dwellings, which may also adequately fund the necessary works to the listed buildings. Those are considered below, however, purely in respect of this criteria b), it is considered that the development would not result in a detrimental fragmentation of the place.

Given that the land in question is at a more peripheral part of the land holding, it is considered that there would not be a harmful fragmentation of the land which comprises the historic core of the place. The development of this parcel of land would also not adversely impact upon the management of the holding as a whole, or the management of the group of buildings and its historic setting.

c) It will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose AND

f) It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests

Since criteria c and f are similar, the two issues are considered together in the same section.

The applicant is seeking to demonstrate that the proposed enabling development is necessary to facilitate repairs to the priory house and outbuildings. The enabling development case made relates to this application for a single dwelling but also application 2012/00895/OUT, for the construction of 5 new dwellings on Abbey Road. Therefore, the detail contained in this section of the report relates to the enabling proposals as a whole.

The applications were initially not accompanied by sufficient information to judge whether the proposed enabling development was founded upon a sound financial basis or whether the amount of development sought was justified. Further information was requested and the applicant has now provided the full schedule of required works, a full cost schedule associated with those works, valuations for the two sites with planning permission (this site and the stables) and valuations of the priory house prior to any of the repair works and post repair. All of this information was deemed necessary to enable an assessment to be made as to whether the development would secure the long terms future of the place and whether this was the minimum necessary to secure the future of the place.

In order to be deemed acceptable, the applications need to demonstrate that there is a 'conservation deficit' and that the enabling development covers that deficit. In essence, the conservation deficit in this case is considered to be the difference between the value of the property post-repair and the value of the property pre-repair plus the repair costs i.e. the deficit that would otherwise render the works financially unviable.

The baseline survey sets out the high, moderate and low priority works that are required for each of the buildings and the proposed enabling development seeks to facilitate the high to moderate priority works. Accordingly, the costs schedule details the costs associated with those works. The high to moderate priority works are necessary to address the fundamental repair issues with the buildings that threaten their long term security, whereas the low priority works are not considered to be fundamentally necessary to preserve the integrity of the buildings in the long term.

Objections have been received from a neighbouring property on the grounds that the development would not adequately preserve the long terms future of the place since not all of the works listed in the survey would be addressed. The Cadw guidance makes clear that the enabling development will only be justified if it will secure the long term future of the place and if the amount of enabling development is the minimum required to secure the future of the place. It is considered that seeking to fund works which are not fundamentally necessary to secure the long term future of the place would be contrary to this guidance since that since they would go beyond the minimum that is required.

In terms of the remainder of criterion c), it is considered that the continued use of the dwelling as a dwelling would constitute a sympathetic use of the building and the place as a whole.

The schedule of restoration costs totals £958,363 and these costs have been verified as reasonable by the Council's Quantity Surveyor. The pre-repair valuation of the property is £1,600,000 (reasoned in a valuation report from Cooke and Arkwright) and that valuation has been verified by the Council's Valuer as reasonable and acceptable. Consequently, and given the circumstances of the case, it was not considered necessary in this case to require further marketing.

Therefore, the total of the pre-repair valuation and restoration costs is £2,558,363. The property has been valued at £2,000,000 post repair and once again, that valuation has been considered by the Council's Valuer and is not disputed. This leaves a conservation deficit of £558,363.

The development of the land at Abbey Road for the five houses and this site for a single dwelling has been valued and less fees and tax, the revenue totals £529,094. This means that the conservation deficit would be covered save for just over £29,000.

The criterion above states that the development should secure the long term future of the place and while there is a shortfall in bridging the conservation deficit, it is not considered that this is a significant shortfall, such that this would not fundamentally threaten the overall scheme or undermine the preservation of the place. Notwithstanding the above, it is considered that estate income (see below regarding maintenance) would be likely to contribute to the marginal deficit, particularly in the short term following the implementation of the repairs, where maintenance is likely to be lower.

It is therefore considered that the proposed dwelling (and those on the other side) on both sites equates to the minimum amount of development necessary to secure the long term future of the place. It is also considered that the area of land associated with the proposal for this dwelling is not excessive, since it would occupy an existing physically self-contained parcel of land (i.e. it would not be practical to sub-divide it to further limit its size) and there would not be any form or arbitrary incursion into the surrounding fields for amenity space or any other ancillary works.

In addition to identifying and securing works to repair the buildings, it is necessary to demonstrate that adequate maintenance measures will be in place. This is also required by the section 31 (c), (d) and (e) Inheritance Tax Act 1984, in relation to the applicant's prospective conditional exemption (see later section of report).

The submissions indicate that over £13,000 per year would be generated from the Estate and this will cover maintenance issues arising with the house and outbuildings. The applicant has confirmed that Cadw have a guardianship agreement covering the Church, towers and all the walls/fortifications and therefore they are responsible for their upkeep. The Council's surveyor has not disputed the maintenance sums and it is considered that they are reasonable, based on the scope of works. It is, therefore, considered that provisions will be in place for the maintenance of the place, thereby ensuring that the long term future of the place will be secured.

Criterion f) also requires the applicant to demonstrate that the development minimises harm on other public interests. Other options have been considered as an alternative to the proposed dwelling, including the conversion of existing buildings adjacent to the priory and within the holding. However, it is considered that converting existing barns to dwellings would fragment the ownership and management of the place, contrary to the aims of the Cadw guidance. Similarly, it is considered that selling land within the holding would both fragment the place and would diminish returns from that land that have been identified as part of the future maintenance stream.

The assessment of the harm associated with new dwelling in the location proposed is assessed under section g) below.

d) It is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid

The proposed enabling development is required to facilitate repair and restoration of the listed buildings. It is considered that the baseline survey report sufficiently details that there are fundamental issues with each of the buildings that require attention to enable their long terms preservation. Consequently, it is considered that these are inherent needs of the place and not reflective of the needs of the owner or reflective of a purchase price.

Based on the submissions, the Council's Conservation officer has also advised that the proposal meets criteria a-d and that e (see below) is likely to be met. He advised that it would need to be determined by the officer as to whether f and g are met.

e) Sufficient subsidy is not available from any other source

The application submissions detail that a grant of £65,000 has been received from Cadw, however, that is the extent of available funding from that source. Other options have been considered as an alternative to the proposed dwellings, as described above, however, these are not considered acceptable under the terms of the guidance for the reasons given above. It is therefore considered that subsidy from other sources is not practically available.

g) Does the public benefit of securing the future of the significant place through such enabling development decisively outweigh the dis-benefits of breaching other public policies.

Is the development contrary to policy?

While the application site lies close to the settlement boundary of Corntown, it clearly lies outside (if on the edge) and therefore the proposed dwellings cannot be considered as infill.

It is also considered that given the relationship between the built form of the settlement and this site, it does not constitute rounding off. Notwithstanding this, while Policies HOUS2 and HOUS8 of the UDP allow in principle for small scale rounding off, the policy also states that favourable consideration will not be given to rounding off within a designated green wedge.

Therefore, and given that no agricultural or forestry justification is cited, the proposed development is technically contrary to Policies ENV1 and HOUS3 of the UDP and it wouldn't be supported by the advice in Technical Advice Note 6- Planning for Sustainable Rural Communities. In addition, while there are stone buildings on site at present, this proposal is not for a conversion and therefore Policy ENV8 cannot be relied upon.

Policy ENV3 of the UDP states that development will not be permitted in green wedges if that development would adversely prejudice its openness. In this case, the green wedge has been designated to prevent urban coalescence between Ewenny/Corntown and the southern part of Bridgend. It is considered that the development would alter the appearance and visual impact of the site, however, given its location and the fact that there are existing buildings of a similar size, it is not considered that the development would significantly affect the openness of the green wedge.

In addition to the green wedge designation, the site lies within a LANDMAP character area recognised as of high or outstanding value in terms of landscape classifications. Therefore, the site, forming part of a wider area of countryside to the north of the settlement, has been recognised as being of landscape quality and also functionally important as a buffer between Ewenny and Bridgend.

Given the above, it is considered questionable as to whether the development would be contrary to Policy ENV3, however, it is clearly contrary to Policies ENV1 and HOUS3. It is, therefore, necessary to consider whether the proposed benefits in relation to Ewenny Priory would outweigh the harm caused by a development that fails to comply with these Policies, in terms of landscape/visual impact, and in terms of any other harm that may arise, such as highway safety and residential amenity.

What degree of harm is caused by the development?

Visual Impact:

The application site is adjacent to the highway, on the well-used main road through the village. However, while there are existing buildings within the site, the existing structures are considered to be relatively unobtrusive in the wider street scene, due to the height of the boundary wall, their own relatively low height and the degree of landscaping and vegetation surrounding the buildings.

The development would involve the demolition of the existing buildings and their replacement with a dwelling which, based on the indicative plans, would be broadly comparable with the height and general form of the existing stables.

While the new dwelling would be sited within the confines of the existing courtyard, and while the scale is not significantly different to the existing buildings, it is considered that the development would nevertheless increase the visual impact of the site in this context. Inevitably the development would result in the loss of some of the existing vegetation and the new building would also have a more highly visible roof profile and widened entrance.

Consequently, while the existing complex of buildings is largely assimilated into the surroundings, it is considered that the proposed dwelling would be more prominent and noticeable when passing the site. While the context opposite the site is characterised by a consistent row of dwellings, the side of the road where the development would be situated is, with the exception of the site, wholly undeveloped and visually forms part of the countryside.

It is, therefore, considered that although there is an existing courtyard of stables, a new dwelling, even of broadly similar scale, would still alter and domesticate the character of the site and would be harmful to the undeveloped rural character of this side of the road, particularly from the main road through the village, in both directions.

Notwithstanding this, and while the development would be likely to affect the retention of some of the vegetation around the buildings, the dwelling would still remain reasonably well screened from the estate around the site and views could be further mitigated by a scheme of landscaping. Furthermore, this site lies at the very edge of the green wedge, close to the village, as opposed to being in a wholly undeveloped context that is more remote from settlements. While the green wedge is a 'consistent/blanket' form of designation (in that certain areas aren't afforded greater degrees of protection than others) it is considered that constructing dwellings in different parts of the wedge would clearly result in differing levels of harm, depending on how remote the site is from the respective settlements and how visible the new development would be within the wider landscape.

In this regard, it is considered that the development of an edge of settlement parcel of land such as this application site would be materially less harmful to the openness of the green wedge than constructing new dwellings in a more open and remote area of countryside, well away from established built form. In addition to the close physical relationship between the site and the existing built form of the village, it should be noted that the site is not particularly prominent within the wider landscape, other than from views along the road.

It is noted that the land forms part of wider LANDMAP character areas which recognise the site as being high or outstanding in respect of geological, historical and cultural landscape classifications, however, it is nevertheless considered that the site is still materially less prominent than other large swathes of the green wedge.

Therefore while, as noted above, there would be a harmful and increased visual impact to the character of the land which would be likely to render the development unacceptable without an enabling justification, it is considered that those impacts in the wider landscape are mitigated to a degree by the site's edge of village location and the screening from the north.

In terms of the indicative layout, while the development would increase the visual impact of the site, it would retain the character of a courtyard which is not wholly alien with a rural context such as this. The Highways Engineer has requested vision splays which would involve some alterations to the wall and it is considered that these would be harmful to a degree to the character of the site. However, it is considered that the alterations proposed would not be so substantial that a significant public benefit in another respect (to be considered below) would not be able to outweigh that.

Therefore in summary, there would be harm to the rural character of the site as a consequence of the development, however there are considered to be mitigating factors which mean that the development would not be as harmful as if it were sited elsewhere within the green wedge or the LANDMAP character area.

Highway Safety:

The highways engineer has requested vision splays of 2m x 48m in both directions along the road. With the amended access proposed, this splay can be achieved in an easterly direction but 2m x 29m would be achieved in a westerly direction. Achieving 2m x 48m in the westerly direction would involve significant splaying of the wall, which would be very harmful to the character of the site and the wider area. It is therefore considered that the proposed entrance and vision splays represent a balance between visual harm and highway safety.

While the splays proposed are below the full extent requested by the highways engineer, it is considered reasonable and appropriate in this case to consider the existing use of the site and whether the proposed development would actually intensify the use of the access. While the site is vacant at present, the established use as a stables could re-commence at any time.

It is considered that the number of vehicle trips associated with a single dwelling would not exceed the number of trips associated with a stable courtyard, while, it is possible that the trips associated with a dwelling may be more concentrated at peak times. However, the proposal involves improving the vision splays at the entrance and therefore while there may be a slight intensification at peak hours, it is considered that the proposed access arrangements would, taking all factors into account, not be demonstrably harmful relative to the existing situation.

The public benefit associated with the works at Ewenny Priory

Ewenny Priory as a whole is considered to be a significant heritage asset within the Vale of Glamorgan. The priory building itself is a Grade 1 listed building and also a scheduled ancient monument. The priory house is a substantial and significant part of the site as a whole and it is Grade II* listed in its own right. As noted above, the other range of buildings are either Grade II* or Grade II, or in the case of The Forge, listed as a curtilage building.

Together, they form an important heritage asset and their long terms preservation is considered to be a conservation priority. A comprehensive baseline condition survey report (prepared in liaison with CADW) has been submitted, and this provides in some detail the poor condition of the Priory House and the outbuildings, which are all in need of relatively significant repair and restoration works to prevent further degradation and to secure their long terms preservation.

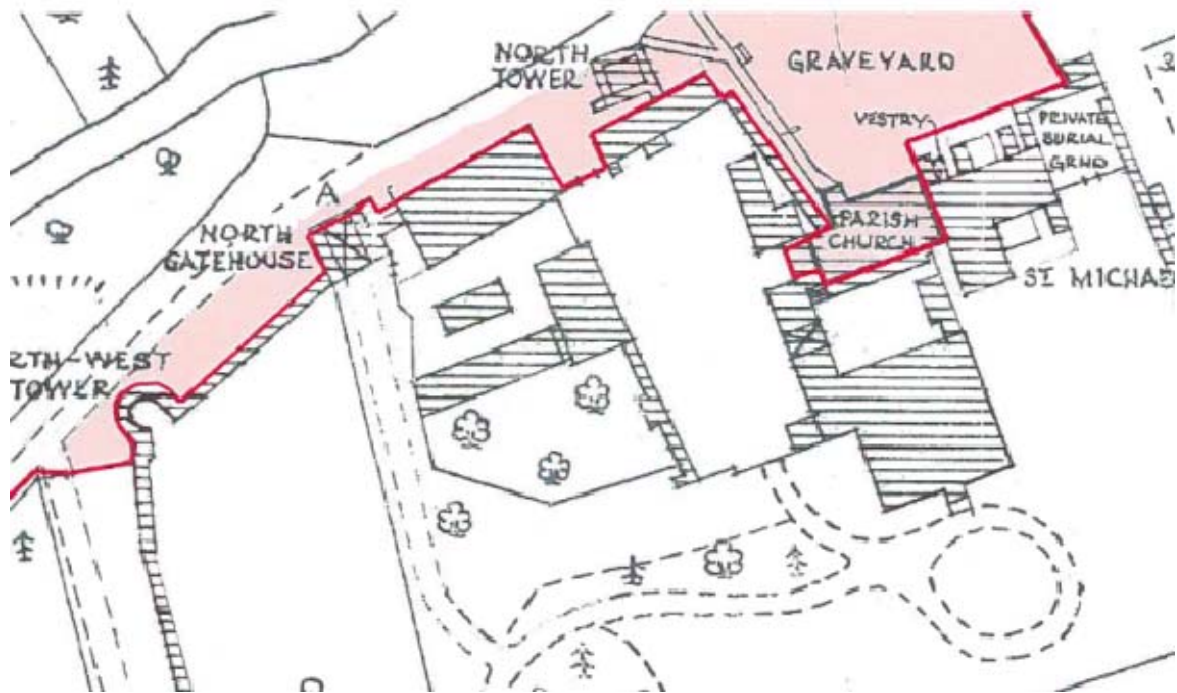
The comprehensive assessment of the buildings and the findings has been considered by the Council's Conservation Officer and surveyor, and the findings and recommendations are not disputed. It is also not disputed that in the absence of the repair works listed in the report, the buildings will degrade further and this would seriously jeopardise their quality as a heritage asset but also their long term future.

It is considered that the repair and long term preservation of the buildings is fundamentally in the public interest. The further degradation or ultimate loss of some or all of these buildings would detract significantly from the historic value of the place and this would detract from the setting and the intrinsic value of the priory itself. The outbuildings are considered to be of significant value individually and as part of the group, such that their inclusion in the proposals is important in the interests of the historic value of the place.

Even if the site were not publically accessible or visible, it is considered that there is nevertheless a public interest to the long term retention of such an important heritage asset and high quality group of listed buildings.

However, the priory, the house and outbuildings are visible from the public highway and, therefore, it is considered that the works proposed would represent a significant public benefit in terms of their condition/appearance and their long terms retention. Part of the site is accessible to the public at present and it is considered that the adverse degradation of the site would therefore also impact negatively on tourism and the rural economy in the Vale.

In addition to the above, the applicant has committed to providing more extensive public access to the place than currently exists. At present public access is limited to the area shown shaded in pink below:



The plan below indicates the more extensive areas that would be accessible to the public. Members are advised that making the site more publically accessible is also a requirement of HMRC if the applicant is to qualify for a conditional tax exemption, however, notwithstanding that, the extended public area forms part of the applicant's proposals alongside the enabling work.



It is considered that the above plans demonstrate that a significantly larger area of the place would be open to the public, critically including the priory, the house and the setting around this important listed building and monument. Consequently, it is considered that there would be a substantial additional public benefit to the proposals, in that the site would become a much more useable and comprehensive tourist attraction. The submitted HMRC information indicates that Cadw have recommended a minimum public access of 28 days of the year within the spring/summer/autumn period, but a comprehensive Heritage Management Plan is required before the conditional exemption can be granted. It is considered that a scheme of public access can be required and controlled by way of condition and as part of a legal agreement (to establish a minimum of 28 days access), therefore, the issue is public access can be appropriately ensured. However, this would include access to the buildings, the registered historic park and the registered historic garden.

This application is made outside of the HMRC process and the Council cannot guarantee that the HMRC exemption process will be completed. Therefore, while the proposed renovation of the buildings is considered to amount to a significant benefit in its own right in any case, the issue of public access would be secured and controlled by a planning permission, whereas the guarantee would not otherwise exist.

While the proposal would not amount to full access to the site throughout the year, it is nevertheless considered that the proposals would represent a significant public benefit, which would open up an exceptional heritage asset to much greater public use than has previously been available. It is considered that this access, in addition to the improvements to the condition of the buildings (and their long term security) represents a significant and meaningful public benefit.

Weighing the harm against the public benefit

Planning Policy Wales advises throughout that it is for the decision maker to determine what weight to give to the respective material considerations, when balancing issues. In this case, the balance is between the public benefit of the works at the priory versus the harm caused by developing the parcel of land at The Stables.

While harm has been identified from the new dwelling (such that permission would be unlikely to be granted without an enabling justification) that harm is less significant than if the dwelling was to be located more remotely from the village and in a more prominent location in the wider landscape. It is also considered that the fact existing buildings are to be replaced mitigates the magnitude of change in the appearance of the site and the impact on the character of the area.

In terms of alternatives, it is considered that the development would be less harmful than infilling a series of gaps between dwellings along Abbey Road, which would urbanise and change the character of a greater extent of the rural area around the village.

Balanced against this, it is considered that there would be clear and significant public benefits to what is proposed at the priory. It is considered that the works would fundamentally secure the long term security of the buildings which are integral to the historic value of the place as a whole, and would open up the site to beneficial public use.

Having regard to all of the above, it is considered that the public benefit would decisively outweigh the harm, such that this criterion of the English Heritage Guidance is satisfied. In reaching this decision it should be noted that this is an exceptional case and the quality and historic importance of the place is fundamental to determining that there is sufficient public benefit. It is extremely unlikely that such a justification could be made for a 'typical' listed building, where the public importance of its retention is less (and if there is no public access to it). It is therefore considered that the instances where such a public benefit would arise would be very few.

In light of the above, and given it is considered criteria a-g are satisfied, the second series of criteria must be assessed.

a) Is the impact of the development is precisely defined at the outset, normally through the granting of full, rather than outline, planning permission

It is considered that where the appearance of enabling development is crucial to its acceptability, outline planning applications are not appropriate. It is considered that this is particularly relevant to forms of enabling development which are closely physically related to the significant place and in the same visual context. A full application is necessary in those cases to judge the impact on the setting and character of the significant place.

However in this case, the proposed dwelling would be located approximately 500m from the listed buildings in question and they are not readily visible in the same context (being completely surrounded by trees). It is, therefore, considered that while the detail of any reserved matters application would still be critical to ensure the development was as sympathetic as possible to the character of the surrounding area, that level of detail is not fundamentally necessary at this stage to ensure the character and setting of the listed buildings is protected.

It is also considered that the amount of information submitted is sufficient to allow the Local Planning Authority to establish and quantify need.

b) The achievement of the heritage objective is securely and enforceably linked to it, bearing in mind the guidance in ODPM Circular 05/05, Planning Obligations

It is considered that the proposed development and the revenue from it can be securely tied to the heritage objective through a Section 106 Legal Agreement, which would require the funds generated from the sale of the land/houses to be used for the restoration works at the priory site and could require those works to be carried out before the new dwellings were constructed. Members are advised that planning permission would not be issued until an acceptable Legal Agreement has been completed which would appropriately control those issues.

Members are advised that should a resolution to approve the application be made, planning permission would not be granted until a Legal Agreement is signed which sufficiently and robustly protects the Council and local community's position, in terms of ensuring that any receipt from the development were used to implement the listed repairs and works.

c) The place concerned is repaired to an agreed standard, or the funds to do so are made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation

The submitted baseline condition survey provides a detailed assessment of the condition of the building and the works required to make the necessary repairs. The proposed works comprise repair and like for like replacement and the scope of these has been determined by a conservation specialist architect in consultation with Cadw. The architect is to be retained through the course of the works, in consultation with Cadw, to ensure that they are carried out to an appropriate standard that protects the character of the buildings.

Notwithstanding this, in order to give the Local Planning Authority sufficient control over this issue, it is considered reasonable to impose a condition which requires a plan/statement to be submitted and agreed, which sets out the involvement of the architect and Cadw and how the works will be carried out to the agreed standard.

While some works have been funded by the applicant and have already been carried out, the sale of the land would make available the funds to carry out the remainder of the works. This would enable the repair of the significant place to be carried out prior to the construction of the enabling development, or at least the funds would be available, as required by this criterion.

d) The planning authority closely monitors implementation, if necessary acting promptly to ensure that obligations are fulfilled.

The Local Planning Authority would closely monitor the implementation of the works on site and through regular meetings, and this issue can also be controlled by condition, requiring details to be submitted/approved to confirm progress in respect of the implementation, subsequent phases and completion of the works.

Other Issues

Impact on the residential amenity of neighbouring dwellings

The development would be situated opposite dwellings on Corntown Road and it may alter the outlook from dwellings opposite to a limited degree.

Based on the indicative layout and the scale of the proposed dwelling, it is considered that sufficient space will remain between the new and existing houses to ensure that the development would not appear as physically overbearing or unneighbourly. The detailed design would be considered at reserved matters stage, however, the scale indicates a dwelling of between 4m and 5m high, which is considered to be acceptable in this context in respect of residential amenity. Similarly it is considered that the layout would preserve the privacy of neighbouring dwellings.

Finally, it is considered that while the development would introduce vehicle movements into the site whereas few occur at present since the site is vacant, the distance between the indicative access drive and neighbouring houses is again sufficient to ensure that there would not be an unreasonable impact in terms of noise or nuisance. A condition requiring a Construction and Environmental Management Plan to be agreed would minimise disruptions through the construction phase.

In summary, it is considered that the development of 1 dwelling would not have unacceptably harmful impacts upon the amenities of existing residents, in accordance with Policy ENV27 of the Unitary Development Plan.

Highway Safety

The issues relating to access are addressed in section g) of the report above, however, in summary, it is considered that, while the vision splays would be less than that requested by the highways engineer, a safe and adequate access can be achieved to the site, which would not unacceptably impact on the character of the area by reason of loss of stone boundary walls. There is sufficient space within the site for vehicles to turn and then leave in a forward gear.

It is considered that having regard to the existing access and existing use of the site, the proposals would not be more materially harmful than the existing situation. It is considered that there would be a negligible impact on traffic flows in the locality as a consequence of one new dwelling.

Parking and Amenity Space

The indicative layout demonstrates that there is sufficient space within the site to ensure that the Council's parking standards would be met. In addition, it is considered that sufficient amenity space would be provided to meet the outdoor needs of future occupiers, in an appropriate manner which does not create a visual incursion outside of the buildings.

Ecology

The Council's Ecologist initially advised that the ecological survey submitted was inadequate to adequately assess the impact on bats. Consequently, further survey work has been undertaken and the survey has concluded that there are no bats using the site and the buildings have low potential to support bats. Therefore, the Council's ecologist now raises no objection subject to the recommendations in the report, which relate to replacement bird breeding sites. The ecologist has requested a condition for the specific detail of the location of alternative nest sites to be agreed.

It is therefore considered that subject to this condition, the development would not conflict with the aims of Policy ENV16 of the UDP.

CONCLUSION

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 comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV1 - Development in the Countryside, ENV3- Green Wedges, ENV8 - Small Scale Rural Conversions, ENV16 - Protected Species, ENV17 - Protection of the Built and Historic Environment, ENV27 - Design of New Developments, HOUS2 - Additional Residential Development, HOUS3 - Dwellings in the Countryside, HOUS8- Residential Development Criteria, HOUS11 - Residential Privacy and Space and TRAN10 - Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, Planning Policy Wales (Edition 6, 2014) The Cadw Guidance document 'Conservation Principles for the sustainable management of the historic environment in Wales', The English Heritage guidance document 'Enabling Development and the Conservation of Significant Places', Technical Advice Notes 12- Design, and 22- Sustainable Buildings and the Council's Supplementary Planning Guidance on Amenity Standards and The Conversion of Rural Buildings, it is considered that the applicant has demonstrate a justification for the enabling development and that any harm associated with the development would be outweighed by the public benefit.

RECOMMENDATION

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

- That the dwelling cannot be constructed until the repair works to the priory House and the associated outbuildings have been carried out.
- That any surplus money from the sale (over and above the valuation contained in the application documents) is legally restricted such that it can only be used as a maintenance fund for buildings at Ewenny Priory (in accordance with a scheme/details to be agreed with the Local Planning Authority).

- That the money received from the sale of the land is used only to implement the repairs to the Priory House and the associated outbuildings.

APPROVE subject to the following condition(s):

1. Approval of the appearance, landscaping and layout of the development (hereinafter called `the reserved matters`) shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Reason:

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

2. Application for approval of the reserved matters hereinbefore referred to must be made not later than the expiration of three years beginning with the date of this permission.

Reason:

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

3. The development to which this permission relates must be begun not later than whichever is the later of the following dates:

- (a) The expiration of five years from the date of this permission.
- (b) The expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matters to be approved.

Reason:

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

4. This consent shall relate to the amended plans ref (PA) 101b Scheme A and (PA) 108b, received on the 3 July 2013.

Reason:

To ensure a satisfactory form of development in accordance with Policy ENV27 of the Unitary Development Plan and for the avoidance of doubt as to the approved plans.

5. The reserved matters details referred to in condition 1 above shall provide for 1 dwelling house, of a size that complies with the scale and access as indicated on plan ref: (PA) 101b Scheme A, received on the 3 July 2013.

Reason:

In order for the reserved matters application development to comply with the assessments carried out at outline stage, because the development has only be justified on the basis of 1 dwelling and in order to ensure compliance with Policy ENV27 of the Unitary Development Plan and Cadw guidance 'Conservation Principles for the sustainable management of the historic environment in Wales'

6. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters referred to in Condition No. 1 which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

7. 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 five 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, unless the Local Planning Authority gives written consent to any variation.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

8. Notwithstanding the submitted plans, prior to the commencement of development, further details (including sections across and through the site) of the finished levels of the application site and building, in relation to existing ground levels and those of the adjoining land shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

In the interests of visual amenity, in order to protect the amenities of neighbouring properties and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

9. The implemented drainage scheme for the site should ensure that all foul and surface water discharges separately from the site and that land drainage run-off shall not discharge, either directly or indirectly, into the public sewerage system, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policy ENV27 of the Unitary Development Plan.

10. Full details of a scheme for the drainage of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and the approved scheme shall be fully implemented in accordance with the approved details and so maintained at all times thereafter.

Reason:

To ensure the adequate and non pollutive drainage of the site, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

11. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to their construction or erection in the development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or re-enacting that Order with or without modification), no gates, fences, walls or other means of enclosure (other than those approved under the terms Conditions of this planning permission) shall be erected, constructed or placed on the application site without the prior written consent of the Local Planning Authority.

Reason:

To safeguard local visual amenities, and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

13. Notwithstanding the submitted plans, full engineering details of the vehicular access to the site, incorporating the turning facility and vision splays, and including sections and surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The access as approved shall be implemented prior to the first beneficial occupation of the dwelling and shall be so maintained at all times thereafter in accordance with the agreed details.

Reason:

In the interests of highway safety in accord with Policy ENV27 of the Unitary Development Plan.

14. No Development shall take place until there has been submitted to, approved in writing by the Local Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall include 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 compliance with the terms of Policy ENV27 of the Unitary Development Plan.

15. Prior to the commencement of the construction of the dwelling hereby approved, a comprehensive Heritage Management Plan shall be submitted to and approved in writing by the Local Planning Authority, which shall include (but not be limited to):

- a phasing plan for the implementation of the repair and renovation works set out in the Alwyn Jones Baseline Condition Survey Report October 2013;
- a maintenance plan to demonstrate how the buildings will be maintained in perpetuity;
- a public access plan, to detail the areas and buildings at the priority that will be publically accessible, the timings of when they will be accessible and how that public access will be managed, regulated, provided and advertised; and

- a 'statement of involvement' of a RIBA registered architect to be appointed and retained throughout the duration of the repair works to the buildings at the priory and the involvement of Cadw throughout the duration of the repair works.

Reason:

In order to ensure the appropriate implementation of the repair works to the priory house and associated outbuildings, to ensure that public access to the wider site is appropriately managed and to ensure compliance with Policies ENV17 and ENV27 of the Unitary Development Plan and the Cadw guidance document 'Conservation Principles for the sustainable management of the historic environment in Wales'.

16. The Local Planning Authority shall be notified in writing of the completion of each element of the works set out in the Alwyn Jones Baseline Condition Survey Report within one month of their completion. The notification shall take the form of/be accompanied by a comprehensive plan/checklist, which is updated at the time of each notification to confirm the implementation position in respect of the works as a whole.

Reason:

In order to enable the Local Planning Authority to monitor the implementation of the repair works and to ensure compliance with Policies ENV17 and ENV27 of the Unitary Development Plan and the Cadw guidance 'Conservation Principles for the sustainable management of the historic environment in Wales'.

17. No development approved by this permission shall commence until an appropriate photographic survey of the existing buildings on the site has been carried out in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The resulting photographs shall be deposited with the Local Planning Authority prior to first beneficial use of the development hereby approved in order that they may be forwarded to the Historic Environment Record, operated by the Glamorgan Gwent Archaeological Trust (Heathfield House, Heathfield, Swansea SA1 6EL Tel: 01792 655208).

Reason:

In order that records are kept of any features of archaeological interest and to ensure compliance with Policies ENV18 and ENV19 of the Unitary Development Plan.

18. Prior to the commencement of development, further details of the alterations to the wall to create the new vehicular access into the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a method statement for any new areas of stonework and plans to a scale of 1:10 or 1:20 of the proposed gates and walls adjacent to the gates. The development shall be carried out and maintained in accordance with the approved details at all times thereafter.

Reason:

In the interests of visual amenity and to ensure compliance with Policies ENV17 and ENV27 of the Unitary Development Plan.

19. Prior to the commencement of any works to the existing wall and gates, a schedule and samples of all new materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details at all times thereafter.

Reason:

In the interests of visual amenity and to ensure compliance with Policies ENV17 and ENV27 of the Unitary Development Plan.

20. The development shall at all times be carried out in accordance with the recommendations listed in Section 5 and the appendices of the Acer Ecology Report May 2013 and prior to the commencement of development, details of a swallow nest box to be erected at the site (to include the location, type and timing of its erection) shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of ecology and to ensure compliance with Policies ENV16 and ENV27 of the Unitary Development Plan.

NOTE:

1. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
2. **Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**

3. **You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**

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.

