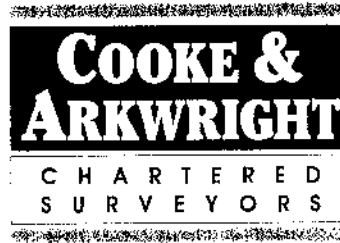


05/01694/FUL 'A'

Bayer Lodge, Western Avenue,  
Bridgend, CF31 3TZ

Tel: (01656) 644644 Our Ref: DBD/LP/32197  
Fax: (01656) 644600 Your Ref:  
Web Site: www.coark.com



Head of Planning and Transportation  
The Vale of Glamorgan Council  
Dock Offices  
Barry Dock  
Barry  
CF63 4RT  
For the attention of Mrs Y Pritchard

*Winners of the Welsh  
Property Award -  
Commercial and Retail  
Agents of the Year  
2005-2006.*

08 February 2006

Dear Mrs Pritchard

**PLANNING APPLICATION NO. 05/01694/FUL - CONVERSION OF BARN TO A DWELLING AND SELF CONTAINED ANNEXE AT WHITEWELL FARM BUILDINGS, TYN Y COED FARM, BONVILSTON**

Thank you for your letter dated 16 January 2006. It would appear that there are a number of issues that require us to carry out further surveys and submit further information to enable the determination of our application. I would be grateful if you could clarify a number of points to help us reach a decision as to whether we commission these further surveys. I have dealt with these points in the same order as they appear on your letter and these are as follows:-

**1.0 TAN 15 - DEVELOPMENT AND FLOOD RISK**

Upon reviewing the development advice maps, it would appear that only an isolated area of our site lies within the 'extreme flood risk' zone. This area appears to be isolated to the immediate vicinity of the road and parallel water course. In addition, the buildings are located more than 20m from the extreme risk zone. This would suggest that the barn buildings themselves are not at risk from flood damage, but that the occurrence of the flooding might hinder access to the site by emergency services. I would also point out that our Client and his family have lived at Tyn y Coed Farm for over 50 years and has never encountered flooding in the area.

We believe that our proposed development represents an opportunity to address the flood risk within the area of our site by incorporating mitigation measures into the development scheme such as sustainable drainage systems and a risk management plan. These would benefit both the proposed development site and also the existing, adjacent Whitewell Cottages. Use of a sustainable drainage system such as a pond could also benefit the local environment, ecology and wildlife habitat.

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05/01694/FUL 'A'<sub>2</sub>

We acknowledge that the inclusion of impermeable tarmac surfacing to the vehicle driveway of our proposed scheme could exacerbate the flood risk. We would propose to change the design and specification of the site surfacing to utilise the existing landscaping and permeable materials.

In light of the points raised above, I would be grateful if you would clarify the following:-

- Is the flood consequence assessment a pre-requisite for the Planning Application's determination?
- Would the local authority (in conjunction with the Environment Agency) be willing to consider the inclusion of flood mitigation measures as an alternative to the commissioning of a flood consequence assessment survey?

## 2.0 PRESENCE OF ENDANGERED BATS

Upon receipt of your further comments and advice in respect of the flooding issue, our Client would be happy to commission further, more detailed surveys to establish the exact nature of the bat roosts and to subsequently inform a method statement for mitigation measures.

At this stage I would point out that there appears to be scope to protect these bats and their roosts by broadly incorporating the following measures:-

- Existing chimney breasts to south east building (identified as a bat roost within our survey report) to be retained and undisturbed before, during and after the works;
- If it is identified (as a result of further surveys for bats) that the small stable building is used as a roost at other times of the year then we would be willing to withdraw this from the proposed conversion. No works will be done to this building and it would be retained as a roost site for the bats;
- Works will be carried out strictly in accordance with any eventual licence granted by the Countryside Council for Wales (e.g. timing of works, method of working, restrictions etc)

## 3.0 HIGHWAY CONSIDERATIONS

As required in your letter dated 16 January 2006, we are happy to incorporate four parking spaces, an on site turning facility and vision splays of 2.4m x 45m. We believe that these can be incorporated without disturbing the existing hedgerow and tree line.

We would propose to provide the above information including amended drawings upon receiving your further comments in respect of the flood risk.

05/01694/FUL'A<sub>3</sub>

#### 4.0 POLICY ENV7 – SMALL SCALE RURAL CONVERSION

I disagree with your opinion that *the existing buildings are a scattered grouping of relatively small structures which are not capable of conversion to residential use without an unacceptable level of reconstruction and new build development.* Our design layout demonstrates that the existing buildings are capable of providing an acceptable living accommodation subject to the inclusion of a new 'link building' between the barns to the south of the site. Our proposed scheme retains and reuses the original form, scale and layout of the barn buildings and where possible, reconstruction has been left to a minimum. We envisage that the only major structural element that will require reconstruction would be the roof, however, the existing ridge lines and pitches would be replicated. The replacement of these roof structures is inevitable regardless of whether the building is eventually converted or not. The existing stonework and window/door openings would be retained as they are, and consolidated by way of sympathetic repointing using traditional lime mortar. To a certain extent, our proposed scheme will in fact preserve many of the existing features on the barn buildings.

With regard to the loss of species rich hedgerow, we do not believe that the vehicular access requirements will entail this. Again, we would provide additional information to support this upon receiving your further comments.

#### 5.0 SUSTAINABILITY

We note your comments in respect of the lack of local facilities and public transport within the vicinity of our site. We concede that this will encourage the use of private vehicles therefore reducing the sustainability of our scheme, however, as you are aware achieving a wholly 'sustainable' development would be extremely difficult. We would propose to compensate for this shortfall in sustainability by amending and improving other aspects of the scheme (in terms of sustainability) such as the specification and use of local materials, 'green energy' systems, sustainable materials etc.

As an additional option, would your Planning Department consider the use of the separate stable buildings as a 'work from home' office as a 'sustainable' feature of the scheme?

I would be grateful if you could indicate whether such an approach, as suggested above, would win favour with your Planning Department and therefore compensate for the lack of local facilities and public transport within the vicinity of our site.

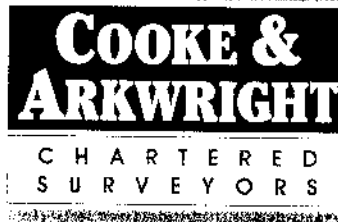
#### 6.0 RESIDENTIAL AMENITY

We note your comments in respect of the possible loss of privacy between our proposed development and Whitewell Cottages. We would propose to include a new planted boundary between Whitewell Cottages (both of which are owned by our Client) and the proposed barn conversion. Again, I would appreciate your feedback in this respect before submitting further information.

05/01694/FUL 'A'<sub>4</sub>

Bayer Lodge, Western Avenue,  
Bridgend, CF31 3TZ

Tel: (01656) 644644 Our Ref: DBD/LP/32197  
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Barry Dock  
Barry  
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For the attention of Ms Y Prichard

30 August 2006

Dear Mrs Prichard

**PLANNING APPLICATION NO. 05/01694/FUL  
CONVERSION OF BARN TO A DWELLING AND SELF CONTAINED ANNEXE,  
WHITEWELL FARM BUILDINGS, TYN-Y-COED FARM, BONVILSTON**

I refer to your letters dated 16 January 2006 and 27 February 2006, both of which requested further information and clarification in respect of our Planning Application.

On behalf of my Client, W S Jones & Son, I have responded to the various points you have raised below.

**1.0 FLOOD RISK**

1.1 I refer to my previous letter dated 13 July 2006, in respect of the potential flood risk at the Whitewell Farm buildings. The Environment Agency have confirmed that they have no objection to our proposed development on flood risk grounds.

**2.0 ENDANGERED BATS**

2.1 With reference to the presence of endangered lesser Horseshoe and Brown Long Eared Bats at the site, I confirm that we are currently in the process of procuring further more detailed Bat Surveys to inform a Method Statement and Mitigation Plan to protect the roosting bats. I will forward these reports to you as soon as they are available. Initial discussions with the Countryside Council for Wales suggest that they will not object to our scheme provided the bats' habitats are protected and there is scope to do this within the existing chimney and the roof space.

**3.0 HIGHWAY MATTERS**

3.1 Please find attached six copies of Drawing No. 32197/5 and also amended Drawing No. 32197/3 (Revision A). The former Drawing indicates that the vision splays of 2.4m x 45m are available subject to a 'crown lift' to the trees lining the road in the south eastern direction. The latter Drawing clarifies the location of four parking spaces and an on site turning facility (utilising the existing agricultural vehicle tracks).

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**Ymgynghorwyr Eiddo Yng Nghymru – Property Advisors in Wales**

05/01694/FUL'A<sub>5</sub>

01 SEP 2006

PLANNING  
DEPARTMENT  
REGISTRATION

#### **4.0 FOOTPATH DIVERSION**

4.1 Please find enclosed a copy of the Footpath Officer's letter dated 27 February 2006, agreeing the diversion of the footpath in principle and subject to payment of a £1,000.00 fee to the Vale of Glamorgan Council.

#### **5.0 PRIVACY & AMENITY**

5.1 As mentioned above I have enclosed six copies of revised Drawing No. 32197/3 (Revision A). This Drawing provides further details in relation to external landscaping, vehicle areas and the treatment of boundaries.

5.2 We have proposed the following design features to safeguard the privacy and amenity of the inhabitants of Whitwell Cottage and our proposed dwelling:-

- Retention of all hedgerow boundaries to the south east of the site
- Planting of 2 No. trees to the south eastern boundary of the site (species to be agreed) to reduce the effect of overlooking windows
- Infilling of south eastern hedgerow boundary to provide a complete privacy belt between Whitwell Cottage and our proposed dwelling

#### **6.0 BUILDING REGULATIONS**

6.1 I refer to comments in your letter dated 16 January 2006, relating to 'Compliance with Building Regulations in such matters as means of escape'.

6.2 I assume that your concerns specifically relate to means of escape from bedroom 2, 3 and the bathroom adjacent to bedroom 3. You will note that each of these rooms benefits from both a means of escape via the central stairs, and also an emergency egress window.

#### **7.0 PLANNING POLICY**

7.1 I refer to your concerns relating to the suitability of the existing buildings for residential conversion and the effect upon the rural/agricultural character of the landscape.

7.2 I have amended the design to address the specific concerns that you have outlined and these can be summarised as follows:-

We have changed the single storey barn to a 'work from home office'. The design utilises the existing building structure and you will note that we have omitted the previous minor extension to this building. The use of these converted buildings as 'work from home office' will discourage private car use.

Our design utilises the existing farm buildings footprints, external openings, roof pitches and ridge lines, vehicle entrance, vehicle routes, planted boundaries and stone walls. The only

05/01694/FUL'A<sub>6</sub>

elements of 'new build' are the two storey link building and infilling of the gable wall to bedroom 4. With regards to the proposed two storey link building, we would be happy to incorporate any design changes, materials etc that you may request. I do not believe that the infilling of the gable wall to bedroom 4 utilising random stone construction to match existing comprises new or rebuilding that would adversely affect the character of the barns.

I do not agree that our proposed scheme is entirely contrary to the principles of sustainability as it comprises the conversion of a redundant agricultural building that forms an important feature of the local rural/agricultural landscape. The amendments of our design to utilise the single storey annexe as an 'work from home office' will help to reduce private car use to and from our proposed development.

I would also refer you to similar rural conversion schemes that have been granted Planning Permission by your local authority in recent years and these are as follows:-

- Skipper Philip Barn, Monk Nash (04/0981/FUL)
- Wallas Farm, Wick Road, Ewenny
- Boverton Mill Barns, Boverton, Llantwit Major (06/00498/FUL, 06/00499/FUL, 06/00500/FUL)
- Plwlla Dafydd, Pendoylan, Cowbridge (03/01596/FUL)
- New Barn, St Athan (05/00137/Reg 3)

I confirm that (notwithstanding the outcome of further Bat Surveys) on behalf of my Client we would appeal any subsequent refusal of this Planning Application.

I trust that the above is in order, however, should you have any queries or require any further information then please do not hesitate to contact me.

Yours sincerely



**DANIEL BROOKS-DOWSETT BSC (HONS)**

daniel.brooks-dowsett@coark.com  
Direct Dial 01656 644614

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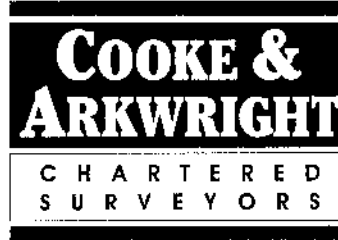
01 SEP 2006

ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

05/01694/FUL'A,

Bayer Lodge, Western Avenue,  
Bridgend, CF31 3TZ

Tel: (01656) 644644 Our Ref: DBD/LP/32197  
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For the attention of Ms Y Pritchard

13 July 2006

Dear Mrs Pritchard

**PLANNING APPLICATION NO. 2005/01694/FUL  
CONVERSION OF AGRICULTURAL BUILDINGS TO ONE DWELLING  
INCLUDING SELF CONTAINED ANNEXE BUILDING AT WHITEWELL  
FARM, TYN-Y-COED FARM, BONVILSTON**

We are writing further to our previous letter dated 14 June 2006, in respect of the above.

Please find attached letter dated 29 June 2006, from the Environment Agency relating to the issue of flood risks to the subject site.

You will note from the content of the letter that the Environment Agency have 'no objection to this development on flood risk grounds'.

With reference to your letter dated 27 February 2006, we will now obtain the additional survey in relation to endangered bats, and we will also amend and clarify the design in accordance with your comments.

We trust that the above is in order, however, should you have any queries then please contact Daniel Brooks-Dowsett at the above office.

Yours sincerely

  
**DANIEL BROOKS-DOWSETT BSC (HONS)**  
daniel.brooks-dowsett@coark.com  
Direct Dial 01656 644614

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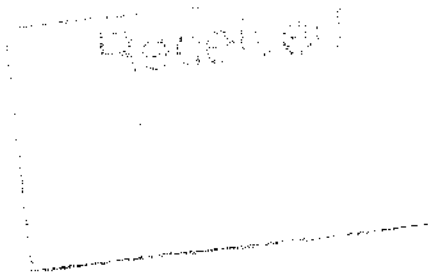


ENVIRONMENT  
AGENCY

Our Ref : SE/2006/013137-2/1  
Your Ref : 05/01694/FUL

Date : 29 June 2006

S W Lloyd  
Cooke and Arkwright  
Bayer Lodge  
Western Avenue  
Bridgend  
CF31 3TZ



Dear Sir/Madam

**CONVERSION OF AGRICULTURAL BUILDINGS ADJACENT TO 'WHITEWELL'  
INTO ONE DWELLING INCLUDING SELF CONTAINED ANNEXE BUILDING.  
TYN Y COED FARM, BONVILSTON, CARDIFF, CF5 6TQ.**

The Agency has recently been consulted by the Local Planning Authority in connection with the above proposal. The following comments were made and are repeated here for your reference.

Further details regarding the above application were received from Cooke & Arkwright Chartered Surveyors on 1st June 2006. We have considered this additional information and are now in a position to respond.

The site plan submitted (drg No. 32197/1) indicates the development in question lies outside the extreme flood outline and therefore we have no objection to this development on flood risk grounds. Other sources, for example, Local Unitary Authorities, may be able to provide information on issues such as localised flooding from drains, culverts and small watercourses.

The following comments should also be considered :-

Additional consultation with the Local Authority has confirmed that there are recorded incidents of localised flooding along sections of highway in the general area of the site. Any potential occupiers should be made aware of this information.

The applicant should be aware that pursuant to Section 23 of Land Drainage Act 1991, the prior formal land drainage consent of the Environment Agency is required for the erection of any mill dam, weir or other like obstruction to the flow of an ordinary watercourse or raise or otherwise alter such an obstruction; or erect any culvert that would be likely to affect the flow of any ordinary watercourse or alter any culvert in a manner that would be likely to affect any such flow. Any culverting of a watercourse also requires the prior written approval of the Local Authority under the terms of the Public Health Act 1936. We resist culverting on conservation and other grounds, and consents for such works will not normally be granted except for access crossings.

05/0/694 / FULL A<sub>9</sub>

The responsibility for the maintenance and good order of all watercourses and structures thereon rests, in the first instance, with the riparian owner. Land Drainage legislation does not seek to remove this responsibility.

It is noted that the applicant has indicated 'private treatment plant' for the disposal of foul effluent, with discharge of treated effluent to controlled waters.

Under the terms of the Water Resources Act 1991/Groundwater Regulations 1998, the prior written consent of the Environment Agency is normally required for any discharge of sewage or trade effluent to a watercourse or other controlled waters, and will be required for discharge to a soakaway if the number of persons served by the system is ten or more. (Controlled waters include rivers, streams, underground waters, reservoirs, estuaries and coastal waters). Therefore we may require an application for consent to discharge effluent from this site under the provisions of the Water Resources Act 1991.

The applicant should ensure that the land proposed for the soakaway has adequate permeability in accordance with BS 6297: 1983.

The following comments are for the attention of the developer:-

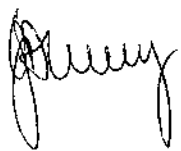
The developers should adopt all appropriate pollution control measures, both underground and on the surface, to ensure that the integrity of the aquatic environment, both groundwater and surface water, is assured.

Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with section 34 of the Environmental Protection Act 1990.

The activity of importing waste into the site for use as, for example hardcore, must be registered by the Environment Agency Wales as an exempt activity under the Waste Management Licencing Regulations 1994.

Should you wish to discuss any of the above matters further, please do not hesitate to contact the undersigned.

Yours faithfully



**JON GOLDSWORTHY**  
Planning Liaison Officer

05/01694/FUL'A'10

Bayer Lodge, Western Avenue,  
Bridgend, CF31 3TZ

Tel: (01656) 644644  
Fax: (01656) 644600  
Web Site: www.coark.com

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For the attention of Ms Y Prichard

16<sup>th</sup> July 2007

Dear Mrs Prichard

**PLANNING APPLICATION NO. 05/01694/FUL  
CONVERSION OF BARN TO A DWELLING AND SELF CONTAINED ANNEXE,  
WHITEWELL FARM BUILDINGS, TYN-Y-COED FARM, BONVILSTON**

I am writing on behalf of my Client W S Jones & Son, to submit further information, namely the Bat Survey and Mitigation plan, as required in respect of the above Planning Application.

Accordingly, Please find enclosed 4 copies of the following reports:-

- Report on survey for Bat Roost sites by Steve Pickering, dated 25<sup>th</sup> June 2007;
- Method Statement and Mitigation plan - Barn and Outbuildings at Tyn-y-Coed Farm, Bonvilston.

Upon reviewing the reports you will note that it is feasible to undertake our proposed development of the site without unduly disturbing bats that may be present on the site, provided that the works are undertaken in accordance with the method statement and mitigation plan.

You will also note that the licensed surveyor has recommended that the existing chimney void, as well as a new void to the south east barn are retained exclusively for the bats in order to retain existing, and create new roosting opportunities.

I will amend the drawings to identify the aforementioned design elements of the mitigation plan and will formally submit them to your planning department shortly.

I trust that the above is in order, however, should you have any queries or require any further information then please do not hesitate to contact me.

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**Ymgynghorwyr Eiddo Yng Nghymru – Property Advisors in Wales**

Directors: Roger D. Thomas FRICS (Chairman), Michael A. Lawley BSc FRICS MCI Arb (Managing), Philip R. Angell BSc MRICS, Graham Davies MA (Cantab) MRICS, Andrew R. Gardner BSc MRICS, Julian P. Gohinski FRICS, Roderick C. Peroni MA MRICS FAAV, Jeremy M. Symons BSc MRICS, Andrew J. West MRICS IRRV

2006/01818/FULL A<sup>1</sup>

4P  
7 The Lindens  
Bradford Place  
Penarth  
CF64 1LA

Tel: 02920707014

01/02/07

D R Thomas Esq.,  
Head of Planning and Transportation,  
The Vale of Glamorgan Council,  
Dock Office,  
BARRY,  
CF63 4RT

Dear Sir,

**Applications No. 2006/01818/FUL**

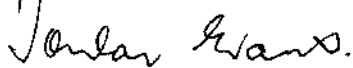
We object to the above application on the following grounds.

1. The land is within the conservation area and is a "Garden Development". Our understanding is that this is against previous decisions of the planning committee which have ruled against any garden development in the conservation area.
2. If approved, it will mean even more congestion on a street (Bradford Place) which is used for car parking by business people from 8.00am to 5.30 pm.
3. Such a development will considerably reduce the value of our property as it will dominate our sky line and destroy our views. The proposed building is a massive 8 metres high. We objected to the original proposals and, since then, subsequent variations show that the building has grown - even though one of the grounds for our objection was the size of the building.

We ask the planning committee to reject the application.

X ✓ *Please note that this is a individual objection. I am also charged with objecting on behalf of the residents of The Lindens and have submitted a separate letter.*

Yours faithfully,



Tonlas & Nerys Evans.

2006/01818/FUL 'A'

6 KYMIN TERRACE  
PENARTH  
VALE OF GLAMORGAN  
CF64 1WW  
T. 02920 702111

28/02/2007

Rob Thomas Esq.,  
Head of Planning Services  
Dock Offices,  
BARRY.

Dear Mr. Thomas,

Re: PLANNING APPLICATIONS Nos. 2006/01818 and 01819/FUL  
9 Kymin Terrace, PENARTH

I refer to the above recently submitted Planning Applications. We have carefully studied the proposals by the applicants, and, taking all matters into consideration have come to the following conclusion: that both applications should be **REFUSED** for the following reasons:-

- the proposals are generally contrary to the view, long held in Penarth, that large houses in equally large gardens, are an essential ingredient of the Penarth Conservation Areas; that such properties are clearly supported in the neighbourhood; that they contribute to the overall nature and character of the area; and that any dilution of this principle by reducing the size of these gardens, would lead to an unacceptable change in the character of the area.
- We consider that the sub-division of this fine family property into 3 units would destroy the character and nature of the existing dwelling. Similar properties of its size and layout in the surrounding area, are almost all occupied by single families, and this has contributed to the retention of well maintained gardens and frontages, which has been clearly recognised in the Conservation Area Appraisal for north Penarth.
- the proposal would have an adverse impact on Kymin Terrace, which is recognised for special protection by being listed under an Article 4 Direction. Any changes, however small, would destroy the elements that led to the placing of these special controls upon the entire terrace. The removal of the porchway, in particular, would compound the change of character, and is unacceptable.
- Kymin Terrace is unusual in that it only contains housing (c.1870) on one side of the road, being bounded by parkland in the ownership of the Vale of Glamorgan Council, on the other. One effect of this is that parking of vehicles is restricted, by common acceptance, to the western side of the highway. The proposals would have an adverse impact on the current parking situation, whereby vehicle owners have adopted a voluntary one way system, from North to South, which eases the pressure on the 90 degree bend in the highway at its lower end, where there is only single lane working, and also the numbers of vehicles that normally need to park in the road. It is considered that the off-

2006/01818/FUL 'A'<sub>3</sub>

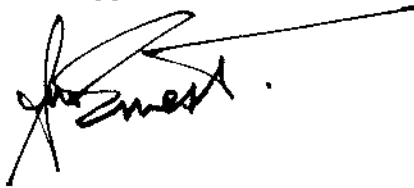
road parking provision would be inadequate for the nature of the occupancy of both the existing and proposed dwellings.

- Kymin Terrace slopes steeply North-South, and the construction of a property in the rear garden of No. 9, at the top of the road, would instantly destroy the privacy currently enjoyed by householders lower down, each of whom has a rectangular garden to the rear of their house, and over which occupiers of the new property would be able to see, without hindrance. The terrace was carefully constructed to allow owners to enjoy their gardens, but also to ensure that their privacy was carefully protected. To permit a dwelling in the rear garden of the uppermost property, would allow those occupiers to see into, and across, every garden in the rest of Kymin Terrace.
- The applicant also proposes the creation of a new opening into Bradford Place, and the construction of a dwelling using materials foreign to those currently found in the neighbourhood. It is considered that each of these aspects of the proposal are unacceptable in the context of the style and character of properties in this part of Penarth.
- 9 Kymin Terrace is a particularly large and finely constructed dwelling, and conveys the essential character of these properties, once constructed for those in the shipping community of Penarth, typically Master Mariners and middle management. To permit the destruction of this, a landmark property in the road, would to all intents and purposes, remove the need for an Article 4 Direction, as the terrace would become just another which has been destroyed by opportunistic developers, without any thought for the overall integrity of the area, which the Vale of Glamorgan Conservation Appraisal recognises as being a Key Frontage, and which, incidentally, has been used as a film location on several occasions, due to its uniqueness in Penarth.
- Welsh Water, as a Statutory Consultee, has recently been made aware of potentially serious drainage issues which are affecting several properties in Kymin Terrace, and which remain unresolved. The addition of a further 3 units will compound these problems, as each of the new dwellings would feed into the existing drainage system. The Authority's Engineering Division has been apprised of this problem.
- Having discussed this application with a number of our neighbours, we take the view that the latest proposals remain unacceptable, and would severely damage the integrity of this part of Penarth, which currently enjoys a special recognition within the Conservation Area, by being classified as an Article 4 Direction listed property.

Accordingly, we ask that all four applications be **REFUSED** by the Council.

Yours sincerely,

Anthony & Gaynor Ernest.



APPENDIX A

2007/00109/FUL

Slon Cottage  
Slon Lane  
Ogmore By Sea  
Mid Glamorgan  
CF32 0PN

15th May, 2007

Head of Planning and Transportation  
The Vale of Glamorgan Council  
Docks Office  
Barry Docks  
Barry  
CF63 4RT

Dear Sirs

The Bungalow, Slon Lane, Ogmore By Sea  
Application No. 2007/00109/FUL  
First floor extension to single dwelling

I am writing to express my opposition to the granting of consent for the above mentioned application.

The bungalow currently has very limited parking space, certainly not enough, I feel, for three cars. There is no on road parking allowed outside the drive as the lane has double yellow lines.

The proposed roof line is going to be approximately seven foot higher taking away the view I currently enjoy. The proposed new windows would overlook directly into my living space windows.

All properties on the front line in Slon Lane are bungalows or dormer bungalows and increasing the height of the bungalow would not be in keeping with the existing dwellings.

The Bungalow is currently used as a holiday home and is empty for most of the year. A change of use to being fully occupied would increase the burden of traffic on this narrow lane.

Yours faithfully,



Elaine Baron (Mrs)

# APPENDIX A

2007/00109/FUL

Sandy Mount  
Slon Lane  
Ogmore-by-Sea  
Vale of Glamorgan  
CF32 0PN

01656 880533

2<sup>nd</sup> August 2007

Head of Planning  
Vale of Glamorgan Council

Dear Sir

**Town & Country Planning Act 1990 (as amended)**  
**Application No. 2007/00109/FUL**  
**Location: The Bungalow, Slon Lane, Ogmore-by-Sea**  
**Proposal: First floor extension to single dwelling**

I have seen the amended plans dated 23 July. It is worth noting that although your letter was dated 25 July, it did not reach me until 31 July.

The design of the building is acceptable, but the idea that this structure is intended to be an extension of what was a 'granny' annexe in the grounds of Fox Hollows, with its only access allowed via the Fox Hollows drive, seems to me to be totally unacceptable.

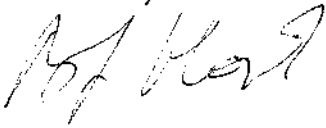
It is particularly ironic that an application for outline permission for the land belonging to Slon Cottage, adjacent to my drive, was refused, although this is an obvious plot, & would have had its own access from Slon Lane.

The buildings here have evolved in a totally random way, & I feel to squash a building of the proposed size into this site will be very intrusive for the existing houses.

Measurements & proximity to adjacent buildings are ignored in the proposed plans. The north west corner of the building is only about 1 foot from my wall. The fact that the living and working areas are upstairs, plus the balcony, I feel to be an unwarranted intrusion on my privacy. I also think that the increased height of the building will take light from some of my rooms.

It is impossible to visualise the impact of this development from a plan, & I would request that a site meeting is held before permission is considered. I am more than willing for planners to view the site from inside my house.

Yours sincerely



Mrs Barbara Lloyd

APPENDIX A

2007/00109/FUL

Copy letter previously sent on  
7th May - following your notice of 28th June.

**ANDREW PROBERT**

**Fox Hollows  
Slon Lane  
Ogmore By Sea  
Mid Glam  
CF32 OPN**

**Telephone (01656) 880932  
Mob 07970 981674  
e-mail andrewprobert@btinternet.com**

---

26/06/2007

Head of Planning and Transportation  
The Vale of Glamorgan Council  
Dock Office  
Barry Docks  
Barry  
CF63 4RT

Dear sirs,

**Application number 2007/00109/FUL  
The Bungalow, Fox Hollows, Slon Lane  
Ogmore by Sea, CF32 OPN**

I refer to a notice number 1, under Section 66/67 of the Town and Country Planning Act 1990, that I have received from Jenkins Gould Partnership in respect of a revised planning application to extend the above dwelling to a two storey house.

I am writing to express my opposition to the granting of consent for this application.

I also attach my original letter dated 7<sup>th</sup> May objecting to the original planning application for a conversion to two flats, as all the points still remain relevant to this application.

I live immediately next door to the property in question, my house wall is three feet from the boundary of this property and there is eleven feet between our two walls. I understand the property was originally constructed on land that belonged to my house, for occupation by a parent of a previous owner. I own the drive that gives access to my house and this property and the bungalow has a right of way over that drive.

The further objections I have to this revised application are as follows:-

2007/00109/FUL

**Parking/Access.**

I think misleadingly that the existing site plan submitted with the application indicates that there are three existing car parking spaces already on the site; these have been drawn in by the architect and do not appear on the official plan of the property. The bungalow currently has very limited parking space, certainly not room for three cars. The new plan assume some modification of the rear access and retaining walls of the bungalow to gain some space not currently available, but even then room would be very tight. I own the space beyond this and it contains a double garage and a parking area in front for my property. The virtual doubling in size of the property in my view would place unmanageable burdens on parking within the property boundaries, from both residents and visitors, and there is no alternative on the road outside the drive which is a narrow lane with double yellow lines on both sides.

As regards access the current bungalow has such rights over my drive but that drive is in my ownership. It is narrow and contains a very sharp bend to get to the bungalow and my garages. This access is not suitable for continuous use by many vehicles. It will also be impossible to get construction traffic down this access in the building phase and would require deliveries to be made by parking in Slon Lane, effectively blocking it for periods.

**Balcony**

These new plans now incorporate a balcony at second floor level. This balcony will look directly over my property and Sandy Mount to the other side of the bungalow. As regards my property it will give sight over my whole garden and destroy any privacy that I now enjoy. As regards Sandy Mount it will be even more intrusive, looking into living areas.

**Roofline**

There are no precise measurements on the plan but the new roofline will exceed the height of my roofline by some margin. This is a total change of character in the area, my house is of dormer bungalow construction as are all the other properties further down Slon Lane on the front line. Converting the bungalow to a two storey house would be totally out of character with the buildings near it and change the outlook on this important protected heritage coastline. The raised roof height would also block light from my bathroom window on the bungalow's south elevation where the distance between our walls is eleven feet.

**New Windows**

The plans for the east elevation incorporate two new conventional windows, a porch and three velux windows. These are significantly above the height of the existing ground floor windows and will for the first time give oversight over that part of my property containing the garage and parking spaces. They will also look directly over Slon cottage, to the rear of the bungalow, into their existing living space windows.

# APPENDIX A

2007/00109/FUL

## Site visit by planning authority

I would strongly suggest that a site visit be made by yourselves at the earliest possible moment and that residents affected by this development be invited to attend. The plans do not adequately convey the change of character to the area, the restricted access and parking, or the overlook impact of this development. If this is to take place I would be grateful if you could contact me by mobile phone or email, as well as by post, as I am likely to be out of the country for the next few weeks but would return for such a meeting.

Yours faithfully

Andrew Probert

# APPENDIX A

2007/00109/FUL

**ANDREW PROBERT**

**Fox Hollows  
Slon Lane  
Ogmore By Sea  
Mid Glam  
CF32 OPN**

**Telephone (01656) 880932**  
*e-mail andrewprobert@btinternet.com*

---

26/06/2007

Head of Planning and Transportation  
The Vale of Glamorgan Council  
Dock Office  
Barry Docks  
Barry  
CF63 4RT

Dear sirs,

**The Bungalow, Fox Hollows, Slon Lane  
Ogmore by Sea, CF32 0PN**

I refer to a notice number 1, under Section 66/67 of the Town and Country Planning Act 1990, that I have received from Jenkins Gould Partnership in respect of a planning application to extend the above dwelling to form two flats.

I am writing to express my opposition to the granting of consent for this application.

I live immediately next door to the property in question, my house wall is three feet from the boundary of this property and there is eleven feet between our two walls. I understand the property was originally constructed on land that belonged to my house, for occupation by a parent of a previous owner. I own the drive that gives access to my house and this property and the bungalow has a right of way over that drive.

I have a number of objections to this development and I elaborate on those objections below.

**\*Parking.**

The bungalow has limited parking space, a flat strip about ten foot wide behind the bungalow, I own the space beyond that which contains two garages and a parking area

in front, so there is no possibility of extending parking. The virtual doubling in size of the property and splitting into two apartments in my view would place unmanageable burdens on parking within the property boundaries, from both residents and visitors, and there is no alternative on the road outside the drive which is a narrow lane with double yellow lines on both sides.

#### **Access**

A similar argument in respect of the increased parking burden applies to the access across my drive. This is a relatively narrow drive with a difficult turn in it to get to the bungalow and my garages and generally not fit for many vehicles. Further the construction phase would be very difficult and potentially dangerous because lorries and heavy equipment cannot negotiate the turn in the drive, and consequently would have to park on the Slon Lane double yellow lines areas. There is no possibility of changing this access as it is in my sole ownership.

Increasing the access burden on Slon Lane itself long term, by increasing the number of properties and people using it is also a problem in my view. It is already awkward on times as the road only has the width for a single traffic stream and despite the double yellow lines some people park on it. Emergency vehicle accesses will not be helped by more traffic, and there will be an impact on the upper junction as it is a very sharp turn with limited visibility. This has been a source of objection in the past to development in this area.

#### **Drainage.**

Current drainage in the area is already under pressure. My house shares drainage with four others, including the Bungalow. The lower outfall of this sub system is in fact adjacent to the bungalow front door, between our properties, and across the garden of the bungalow. We have constant problems with blocked drains, in my view it is not acceptable to add more living accommodation and thus more people to this local sub system without a major upgrade, not only to the element within the bungalow boundaries, but also to the relatively long connection to the main sewer on the common in front of the property.

#### **Foundations**

The area is difficult when it comes to establishing proper foundations for any property because of the depth of sand. I am not aware whether the bungalow's foundations are sufficient to support further upward development, but there are some signs of subsidence near the front door between our two properties. I assume that if you gave consent to the application that the requirement of building regulations would mean that this aspect was properly dealt with.

#### **Preservation of the Heritage Coast outlook**

You will be aware of the sensitive nature of development on the Heritage Coast and the need to preserve the traditional nature of the outlook to the coast and inland from the coast. I would contend that increasing the height and scale of the bungalow would

alter the nature of the existing development in a detrimental fashion. Indeed the only new build on Slon Lane in recent years was a bungalow, Ger Y Mor, which maintains a low impact and fits with the gradual slope up from the sea which characterises the area currently. Indeed my own house, which although taller than the bungalow, is not a full conventional two story dwelling and all the other houses on the building front line in Slon Lane are bungalows or dormer bungalows. It is only the second line of building here that has conventional full two storey construction.

#### **Change of use/loss of holiday accommodation**

The bungalow is currently owned by three partners who use it for holidays and occasional holiday lets, and it has been this way for longer than the thirteen years that I have been living in my property. This of course has meant relatively low impact on infrastructure and access as the bungalow is unoccupied for large stretches of time. It provides an amenity of holiday accommodation, which is a priority for the Heritage coast, and in short supply in Ogmore. I understand that it effectively has consent as a private dwelling and it's future use would not be a change in the eyes of planning law, but I think it is relevant to bring to your attention the dangers of a change of impact that a development of this nature might bring.

Yours sincerely

Andrew Probert

BARRY TOWN COUNCIL

Council Offices  
7 Gladstone Road  
Barry  
CF62 8NA  
Tel. No. (01446) 738663

21<sup>st</sup> February 2007

Dear Sir

Town and Country Planning Act 1990 (as amended)

Planning Application No. 2007/00113 (FUL) - Former Hyper Value Site  
between 34-35 High Street and 106/107 Queen  
Street.  
Proposed Development: Removal of existing redundant building and replace  
with 6no. (3-bedroom) houses and 2no. (4-bedroom  
houses to infill the existing terraced houses  
fronting High Street and Queen Street.

The Barry Town Council wish to submit the following observations in respect of the  
above-mentioned application:

Very Strong Objection

- 1) The loss of this large retail unit and its replacement with a purely residential development would undermine the vitality, attractiveness and viability of this part of the High Street District Shopping Centre contrary to Strategic Policy 9 of the Adopted Vale of Glamorgan Unitary Development Plan.
- 2) The submitted proposals represent the overdevelopment of a restricted site allowing no provision for on-site car parking facilities, a situation which would clearly exacerbate the existing serious problems relating to street parking in High Street and Queen Street; along with a low provision of amenity space for the enjoyment of future residential occupiers.

The external front wall finishes and patterns of fenestration would be out of accord with the existing development in High Street and Queen Street.

The proposals are therefore considered to be contrary to Policies HOUS2, HOUS8, ENV27 and TRAN10 of the Adopted Vale of Glamorgan Unitary Development Plan.

Yours faithfully

Executive Officer

D R Thomas Esq  
Head of Planning and Transportation  
Vale of Glamorgan Council  
Dock Office  
Barry Docks  
Barry, CF63 4US

BARRY TOWN COUNCIL

07/00113/FUL

Appendix A2

Council Offices  
7 Gladstone Road  
Barry  
CF62 8NA  
Tel. No. (01446) 738663

23<sup>rd</sup> May 2007

Dear Sir

Town and Country Planning Act 1990 (as amended)

Planning Application No. 2007/00113 (FUL) - Former Hyper Value Site  
between 34-35 High Street and 106/107 Queen  
Street.  
Proposed Development: Removal of existing redundant building and  
replacement with residential units.

The Barry Town Council wish to submit the following observations in respect of the  
above-mentioned application:

The amended plans do little to overcome this Council's Very Strong Objection  
against the originally submitted scheme.

The six car parking spaces:-

- 1) Represent a very low level of on-site provision for a development of this  
scale even after taking into account the proximity of the site to public  
transport. The concerns which relate to the exacerbation of the already  
serious street parking situation in High Street and Queen Street are  
repeated.
- 2) Would reduce the already unacceptably low level of provision of  
amenity space for the enjoyment of future residents.

This Council's serious concerns which related to the replacement of a large  
retail unit in the High Street District Shopping Centre with a purely residential  
development, external finishes and patterns of fenestration have not been  
addressed.

The Town Council's Very Strong Objection against the proposals is therefore  
maintained particularly in respect of overdevelopment.

Yours faithfully

Executive Officer

D R Thomas Esq  
Head of Planning and Transportation  
Wale of Glamorgan Council  
Dock Office  
Barry Docks  
Barry, CF63 4US

## MEMORANDUM / COFNOD

VALE of GLAMORGAN



BRO MORGANNWG

The Vale of Glamorgan Council  
Regulatory Services  
Legal & Regulatory Services Directorate  
Civic Offices, Holton Road  
BARRY, CF63 4RU

To:	Head of Planning and Transportation
Dept / Adran:	
Date/Dyddiad	1st March 2007
Your Ref / Eich Cyf:	P/DC/JMC/07/00113/FUL

From /	Kristian D James
Oddi Wrth:	Pollution Section
My Ref/Cyf	KDJ/205679
Tel / Ffôn:	01446 709105
Fax /	01446 709449
Ffacs:	

Subject / Testyn: **Re: Planning Application No - 07/00113/FUL  
Former Hyper Value site, 34-35 High Street, Barry, CF62 7EB  
Removal of existing redundant building and replace with 6 x 3 bedroom houses and 2 x four bedroom houses to infill the existing terraced houses fronting High Street and Queen Street.**

I refer to your memorandum received by this department on 7th February 2007, this department has Comments to make regarding the above application

The proposed development along Queen street knits into the residential character of this locality.

However the development also fronts onto High Street. High Street has various commercial uses with few domestic dwellings. There may be potential for conflict of amenity between the introduction of sensitive residential dwellings and current and futures commercial development.

e.g. noise from deliveries to shops and odours from food premises.

Note there is already a coffee shop to the right of current church with extraction for hot food odours

Kristian D James  
Team Leader, Env Health (Pollution)

Appendix C 07/00113/10

Our ref: VOG0773/CNM

CURATORIAL DIVISION



Head of Planning and Transportation  
The Vale of Glamorgan Council  
Dock Office  
Barry Dock  
BARRY  
CF63 4RT

11<sup>th</sup> April 2007

FAO Jane Crofts

*Curatorial  
Division*

Dear Sir

**Re: Proposed Residential Development:  
Former Hypervalue Site, High Road, Barry.  
PLApp.No. 2007/00113/FUL.**

Thank you for sending us details of the above application.

The Regional Sites and Monuments Record shows that the present the current Hypervalue building was converted from the Bethesda Congregational Church a building that has an interesting history. Originally the building was constructed as a Mission Hall by T. A. Walker for workmen engaged on the building of the Docks. It was then converted to a Public Hall by the Barry Estate Company but then sold to the Church. The building was extensively rebuilt in 1907 to form the current building. The conversion of the church to a store altered the internal elements of the building but left much of the external form in its original state.



There are no recorded archaeological features shown on the Sites and Monuments Record and we do not have any objections to the granting of planning consent to the current planning application on archaeological grounds. It is our opinion, however, that the building is of historic importance and is culturally significant within the street scene of Barry. In order that the impact of its demolition is reduced we therefore recommend that a qualified building historian should make a record of the structure both by the means of a drawn and photographic record, prior to any work commencing on site. The completed record should then be deposited in a suitable repository such as the Glamorgan County Record Office or the Sites and Monuments Record so that it can be accessed by future historians.



Registered Organisation

In order to ensure that the work is undertaken we recommend that a condition based on the model suggested by the Association of Local Government Archaeological Officers in their document *Analysis and Recording for the Conservation and Control of Works to Historic Buildings* should be attached to any planning consent granted by your Members. This condition is worded: -

Glamorgan-Gwent  
Archaeological Trust  
Limited  
Heathfield House  
Heathfield  
Swansea SA1 6EL  
Tel: (01792) 655204  
Fax: (01792) 474469  
www.ggat.org.uk  
email: curatorial@ggat.org.uk

Registered Office: As above  
Registered in Wales No. 127697  
A Company limited by Guarantee  
without Share Capital  
Registered Charity No. 404609

C

07/00113/Fly

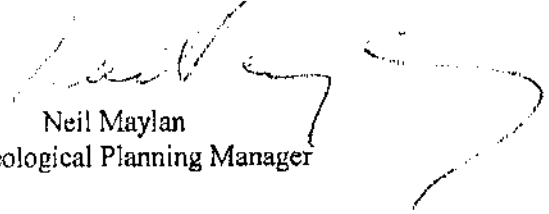
*No site works shall be undertaken until the implementation of an appropriate programme of building recording and analysis has been agreed with the local planning authority, to be carried out by a specialist acceptable to the local planning authority and in accordance with an agreed written specification.*

The justification for the imposition of the condition would therefore be: -

*As the building is of architectural and cultural significance the specified records are required to mitigate impact.*

If you have any questions or require further advice on this matter please do not hesitate to contact us.

Yours faithfully



Neil Maylan  
Archaeological Planning Manager



Dwr Cymru  
Welsh Water

D

Appendix D

07/00113/FU

0144 333 1155  
0144 333 1155  
0144 333 1155

Director of Planning  
Vale of Glamorgan County Borough  
Council  
Dock Office  
Holton Road  
Barry Docks  
Barry  
CF63 4RT

Date: 14/02/2007  
Enquiries Tel.: 01443331155  
Our Ref.: 2007/DCWW/40637  
Your Ref.: P/DC/JMC/2007/00113/  
Grid Ref.: ST1084767635

Dear Sir

Re: **Removal of Existing Redundant Building & Replace with 6 No Three Bedroom Dwellings and 2 No Four Bedroom Dwellings to Infill The Existing Terraced Dwellings Fronting High Street & Queen Street  
Former Hyper Value Site, Between 34/35 High Street, & 106/107 Queen Street, Barry**

Further to the above consultation we would provide the following comments:-

We would request that if you are minded to grant Planning consent for the above development that the **Conditions and Advisory Notes** listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

**SEWERAGE**

**Conditions**

Foul water and surface water discharges shall be drained separately from the site.

Reason :- To Protect the integrity of the Public Sewerage System.

No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.

Reason :- To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

Land drainage run-off shall not be permitted to discharge, either directly or in-directly, into the public sewerage system.

Reason :- To prevent hydraulic overload of the public sewerage system and pollution of the environment.

glas

D 07/00113 RW

The proposed development site is crossed by a public sewer main with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.

Reason : To protect the integrity of the public sewer and avoid damage thereto.

**Advisory Notes**


If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01443 331155.

**WATER SUPPLY**

A water supply can be made available to serve this proposed development. The developer may be required to contribute (under Sections 40-41 of the Water Industry Act 1991) towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to New Connections Design Department, Players Industrial Estate, Clydach, Swansea SA6 5BQ.

We hope the above is satisfactory. However, should you require further assistance please contact us on the above telephone number, quoting our reference.

Yours faithfully,

  
**Rhidian Clement**  
**Planning Team Leader**

Our response is based on the information provided by your application/enquiry. Should the information change then we reserve the right to make new representation.

40637

Appendix E

07/00113/FUL

Town and Country Planning Act, 1990 (as amended)

Application No. 2007/00113/FUL

Location : Former Hyper Value site between 34/35, High Street and 106/107, Queen Street, Barry

Proposal : Removal of existing redundant building and replace with 6 no. three bedroom houses and 2 no. four bedroom houses to infill the existing terraced houses fronting High Street and Queen Street

## Objections to planning proposal for old 'Hyper Value' site.

The objections are as follows;

1. That the proposed development will exacerbate the vehicular problems, residents of High Street and Queen Street already have problems with parking, caused in the main by the conflict of interest between the residents, traders and shoppers. There is a chronic lack of alternative parking in the area.
2. That the character of High Street, as a village shopping centre, will be eroded. The trend towards 'out of town' stores, which are commercially driven do nothing for the sense of community. Whereas the High Street shopping centre, is the core of our community.
3. That the building is a local landmark, and could be developed as an indoor market or drop in centre while retaining the character of the area.
4. That housing can be built in any number of locations in the town without impact on the community. This proposal has no beneficial effects for the community and is therefore not desirable.

The list of persons with objections to these proposals are attached.

Ben Hill-Anderson  
High Street Action Group  
c/o 94 High Street  
Barry  
Vale of Glamorgan  
CF62 7DY  
Tel: 01446 742631

Appendix  
F. 07/00113/KW  
20/02/07

Bouyiouka, Lynn E

From: Partridge, Natalie L  
Sent: 20 February 2007 08:50  
To: Bouyiouka, Lynn E  
Subject: FW: Proposed Development of Hypervalue old site in High Street, Barry

Copy of email sent via Customer Care

-----Original Message-----

From: Markbadders@aol.com [mailto:Markbadders@aol.com]  
Sent: 19 February 2007 12:52  
To: planning&transport@valeofglamorgan.gov.uk  
Subject: Re: Proposed Development of Hypervalue old site in High Street, Barry

Dear Sir/Madam

I would like to put forward my very strong objections to the above proposal of housing on the above site.

My objections are as follows:-

No on site car parking providing for the six properties and as you are well aware there is already major difficulty in parking on High Street and always has been.

Lack of amenity space provided for these houses.

The materials being suggested on the plans are not in keeping with the housing already in this area.

My business is also directly opposite this site and feel that having more housing would have a strong detrimental effect on my business.

Yours faithfully

Mr M R Baddeley

Baddeley Shoe Repairs  
98 High Street  
Barry

20/02/2007

F 07/00113/FUL

30 Queen Street  
Barry  
Vale of Glamorgan  
CF6 7EF

19 February 2007

Dear Sir/Madam,

**Re: Application number 2007/00113/FUL**

Thank you for your letter dated the 6 February 2007, regarding the proposed planning application for the houses fronting High Street and Queen Street.

After attending a meeting arranged by the High Street Traders Association on the 14 February 2007, I feel that I would like to raise my objections to the proposed development. They are as follows:

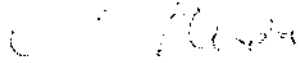
- 1) **Car Parking** -- I feel that this proposed development will increase and cause a major problem with the already difficult issues with parking on Queen Street and also High Street. Having seen the plans for the front of Queen Street, I noticed that there will be 4 three bedroom houses fronting the street. If the planning application was successful there could be an extra 8 cars needing parking in Queen Street alone. This would obviously increase the air and noise pollution in the street and cause a major problem for shoppers who do park on Queen Street in order to shop on High Street.
- 2) **The Building Cosmetics** -- Having seen the plans for this proposed development I noticed how modern the houses would look -- the majority of houses on Queen Street and High Street are over 100 years old -- would the new development look too out of place in old streets of terraced houses?
- 3) **Construction** -- If the plans are accepted I would like to know the timescale of the construction of these new houses, would the existing residents have difficulty parking if there is heavy machinery needing access to the site or work persons for the site needing to park there cars? Would there be construction work carried out on the weekends and if so what time will work commence?
- 4) **Trading Prospects** -- Would a development of 8 new houses cause shoppers who are unable to park nearby e.g. on Queen Street/High Street/Broad Street and Princes Street to shop elsewhere e.g. out of town etc. thus causing traders to possibly close on High Street. Would it not be an idea to actually keep High Street as a shopping street and use the existing Hyper Value site as an indoor market suggested by a member of the High Street Traders Association

F 07/00113/FUL

or an art gallery / coffee shop / playgroup / or an extra place where evening/weekend courses could be undertaken e.g. languages, cookery, gardening, DIY, in order to develop the skills of the local residents of Barry.

I hope that this letter will be of some help in getting the planning application declined.

Yours sincerely



Miss Eleanor Hudd  
Resident of Queen Street, Barry

07/00113/FUL  
Appendix F. Mr Paul Morgan  
28 Queen Street  
Barry  
Vale of Glamorgan  
CF62 7EF.

Sunday 20<sup>th</sup> May 2007

Ref- P/DC/JMC/2007/00113/FUL  
Application Number 2007/00113/FUL

Dear Sir,

I am writing with regards to the above proposal for the former Hyper Value site. I am a fairly recent resident to Queen Street and extremely pleased with the location and close proximity to the shops in High Street.

I am slightly concerned at the proposal to build eight houses on the site, firstly to the extra traffic (construction) that will hamper flow and parking to both residents of Queen Street and users of High Street alike. And secondly to the extra vehicles that will need parking spaces.

I am aware of the need for more housing in the ever increasing development of Barry but has there been any consideration for the local children who may benefit from a park rather than housing.

The nearby streets are full of young children who have no back yards to play in and they are forced to play up and down the pavement. I look forward to your comments and response.

Yours faithfully

P. J. J.

F 07/00113/FUL

Mr Ross Chard  
40 Queen Street  
Barry  
CF62 7EF  
Tel: 01446 701 339

6<sup>th</sup> March 2007

Jane Crofts  
Planning Department  
The Vale of Glamorgan council  
Dock office  
Barry docks  
Barry  
CF63 4RT

Dear Jane,

Ref: 2007/00113/fu1

I am writing to you in response to the recent planning application, for the old hyper value site, ref 2007/00113/fu1. I have been to view this at the council dock offices, and I wish to raise the following concerns.

As a homeowner on Queen Street I am very concerned with the materials that are going to be used to construct the new dwellings. I feel that with the introduction of these four houses, the whole street is going to be compromised along with the value. After studying the plans I believe that the new houses are going to be constructed from a buffed red brick. This will mean that no matter how much effort goes into matching the style, the new houses won't match the traditional, 120-year-old natural stone that all 160 other houses in the road are made from.

The natural stone is a big part of the area where we live and more importantly the road we live in. I feel that both the developer and the architect have no respect or concern for the homeowners of Queen Street, or the look of the area, by using the red brick.

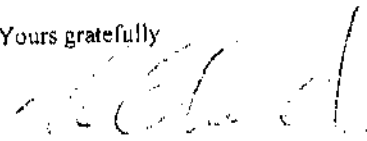
I have no concern what so ever with the site being developed with the houses as long as the fronting of the houses match with what has been there for over 100 years. I don't feel that this is a lot to ask seeing that the developers want to infill the traditional terraced houses each side!!

My other concern is about the parking on the Street during the construction stage. Being that all the houses don't have off street parking, there is no way that the street can be taken up with builders vans, lorry's etc. I would hope there is an action plan for this issue and would be grateful if you could give me some more details.

On the issue that I have stated in this letter I reject the application of planning unless the fronting of the houses are made from natural stone to match all the others.

I look forward to hearing from you.

Yours gratefully



Ross Chard

F 07/00113/FUL

**Barringtons**  
**Property Management & Letting Agency**



25 High Street ♦ Barry ♦ Vale of Glamorgan ♦ CF62 7EB  
Phone: 01446 738388 ♦ Fax: 01446 738488

Head of Planning and Transportation  
Vale of Glamorgan Council  
Dock Office  
Barry Docks  
Barry  
CF63 4RT

17th May 2007

Re: Planning Application No. 2007/00113/FUL

Dears Sirs

As the owner of 34 High Street, Barry, I am writing to object to the recent amended proposal of demolishing the old Hyper Value / Church building and replacing it with new dwelling houses.

There are several reasons for my objections.

Firstly my property directly borders the site of the new proposal therefore demolishing the old Hyper Value building / Church will expose the foundations of my property and could potentially make my property 34 High St, unstable. Coupled with this the risk of cracks and damage to my building. There is currently a 3-4 foot height difference supporting my foundations which would be removed if the properties are to be build at ground level.

Secondly I object to the developers using my end wall to attach any items such as scaffolding and pinning their new build to the existing end wall which belongs to me. My property deeds show that I own both sides of the boundary walls as my house is an end terrace.

Thirdly 34 High Street is currently let out to a tenant. Should any damage happen to the property if this planning permission is granted, I could find myself in a position having to rehouse this tenant and loosing rental income.

Any potential works to drains / sewage or utilities could impact on the tenant currently in my property, should these be out of service for any space of time.

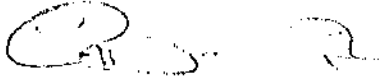
Together with all the objections stated above, this development will also devalue my property as my property is currently an end terrace. Should this development be agreed I will further object in that I do not want new property butted up to the end terrace wall in case I ever have the need to repair or amend it in future.

F.

07/0013/FU

I would be grateful if you could seriously consider refusing this application due to the potential damage and devaluation of my property at 34 High Street Barry.

Yours sincerely



Mrs Carol Ann Barrington

12 St Michaels Close  
St Athan  
Vale of Glamorgan  
CF62 4QB

Owner of 34 High Street, Barry.  
Proprietor of Barringtons Property Management and Letting Agency.

# Appendix G

SS/CB/10040/05

# 07/00113/FUL



Mr Marcus Goldsworthy  
Planning & Transportation  
Valle of Glamorgan Council  
Dock Office  
Barry Docks  
Barry  
CF63 4RT

CHARTERED ARCHITECTS  
PENSEIRI SIARTREDIG  
TY CEFN, RECTORY ROAD  
CANTON, CARDIFF CF5 1QL  
TEL/FÓN: 029 20 344 966  
FAX/FACS: 029 20 344 942

email/ebost:  
ept@eptpartnership.com  
website/gwefan:  
www.eptpartnership.com

21 September 2007

Dear Mr Goldsworthy

**FORMER HYPER VALUE SITE, HIGH STREET, BARRY  
PLANNING REF: 2007/00113/FUL**

I refer to our discussion last week when you advised me that Rob Thomas had suggested the application should be reduced from 8 to 6 new residential units rather than the 7 units as submitted on 13 September 2007.

I attended the site visit by the Planning Committee on 6 September 2007, most of the comments from those present related to the loss of commercial use in High Street. The only other concern seemed to be related to parking.

Before we submitted the application for 8 residential units, we made pre-application enquiries with yourselves, including the option of a mixed use development with part commercial use. At the time the application was submitted there were several vacant commercial units in the immediate vicinity of the site. At the time of the site visit, there are still vacant and available commercial properties near the application site. It was agreed with yourselves that more commercial units to replace Hypervalue would not be appropriate, it was further agreed there is a strong demand for residential accommodation in this central area.

On this basis the application was made for the 8 units and this proposal was supported by you with a recommendation to the Planning Committee for approval.

Following the site meeting and Planning Committee meeting we were requested to consider a reduction in the number of units proposed. We made a suggestion to Jane Crofts for a reduction for 7 units, she felt in the circumstances this was a sensible approach as it increased the parking provision by 2 spaces and allowed a dedicated private amenity area for each unit.

Continued/.....



**DIRECTORS:**

JOHN R. EVANS  
DIR. ARCH RIBA MRPS

CHRISTOPHER M. TEAGUE  
DIR. ARCH (HONS) RIBA MRPS MAPM

MERION R. THOMAS  
BSc(Hons) BArch RIBA

STEVEN J. SIDFORD  
BSc(Hons) BArch(Dist) RIBA

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- 2 -

The reduction of 7 units has had an impact on the viability of the project, but a further reduction to 6 units would simply not work. In the current circumstances with the considerable delay in achieving a decision and your request for further reduction, I have had difficulty in refraining the client from going straight to appeal based on your recommendation for 8 units.

We consider the reduction to 7 units is a significant compromise by the applicant and we confirm our earlier request for you to present this amended proposal as shown on drawing number 10040/1001B to the next committee meeting.

Yours sincerely



Steve Sidford  
Director

Appendix G  
07/00113/FUL

c.c. N Bibby

TOTAL P.03

07/00727/FUL 'A'

Yr Arolygiaeth Gynllunio, Adellad y Goron, Parc Cathays,  
Caerdydd CF10 3NQ ☎ 029 2082 3889 Ffacs 029 2082 5150  
e-bost wales@planning-inspectorate.gsi.gov.uk



The Planning Inspectorate, Crown Buildings, Cathays Park,  
Cardiff CF10 3NQ ☎ 029 2082 3889 Fax 029 2082 5150  
e-mail wales@planning-inspectorate.gsi.gov.uk

## Penderfyniad ar yr apêl

Ymchwiliad a gynhaliwyd ar 1/08/06  
Ymweliad â safle a wnaed ar 2/08/06

## Appeal Decision

Inquiry held on 1/08/06  
Site visit made on 2/08/06

gan/by G P Thomas BA(Hons) DMS MRTPI

Arolygydd penodwyd gan Cynulliad  
Cenedlaethol Cymru

an Inspector appointed by the National  
Assembly for Wales

Dyddiad/Date 31/10/06

Appeal Ref: APP/Z6950/A/06/1198462

Site address: The Greendown Inn, St George's-Super-Ely, Near Cardiff CF5 6EP

**The National Assembly has transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by A N & M J Quick against the decision of the Vale of Glamorgan County Borough Council.
- The application Ref 05/01230/FUL, dated 13 July 2005, was refused by notice dated 20 October 2005.
- The development proposed is conversion and alterations of existing buildings to create five dwellings.

**Summary of Decision: The appeal is dismissed.**

### Main Issues

1. I consider the main issues to be; whether the proposal would preserve or enhance the character or appearance of the St Georges Conservation Area; the effect the proposal would have on the character or appearance of the surrounding area; and, the effect the proposal would have on the provision of community facilities in the area.

### Planning Policy

2. The development plan is the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011, adopted in April 2005. This was published after the planning application was determined and incorporates changes to the numbering of some of the policies. I shall refer to the current policy number in my reasoning but for ease of reference I shall indicate the former policy number in brackets in the following paragraph.
3. Strategic Policy No. 1 seeks to safeguard and enhance the Vale of Glamorgan's distinctive rural, urban and coastal character. Strategic Policy 6 relates to tourism developments. Policy ENV1 relates to development in the countryside. Policy ENV4 (ENVXXX) establishes Special Landscape Areas and seeks to safeguard their landscape character, landscape features and visual amenities. Policy ENV8 (ENV7) relates to small scale rural conversions. Policy ENV17 (ENV15) relates to the protection of the built and historic environment. Policy ENV20 (ENV18) relates to development in conservation areas. Policy ENV27 (ENV25) relates to the design of new developments. Policy HOUS3 restricts the erection of new dwellings in the countryside to those that can be justified in the interests of agriculture and

07/00727/FUL A<sub>2</sub>

forestry. Policy COMM5 (COMMXXX) favours the retention of community facilities in rural settlements.

4. I have been referred to the Council's Supplementary Planning Guidance "*The Conversion of Rural Buildings*" and "*Conservation Areas in the Rural Vale*".
5. Planning Policy Wales [PPW] sets out the land use planning policies of the Welsh Assembly Government.

#### Reasons

6. It is accepted that the buildings are structurally sound. The proposal would involve substantial alterations to the existing buildings on the appeal site and I accept that if considered as separate elements these alterations would improve the appearance of the buildings. However, it is necessary to consider the impact the scheme as a whole would have on its surroundings.

#### Conservation Area

7. The St Georges Conservation Area comprises a 13<sup>th</sup> century church, some five nearby dwellings, the Greendown Inn and open farmland. The dense screen of mature trees around the churchyard visually and physically separates the northern and southern parts of the conservation area. With the exception of the substantial two storey element that forms part of the Greendown Inn complex, the buildings in the vicinity of the appeal site have a generally low profile. This low profile makes a significant contribution to the character and appearance of the conservation area.
8. The area of open land between the Greendown Inn and the remainder of the dwellings in the small settlement results in the appeal site being seen as a distinct group of buildings within the settlement and is an important element in the character and appearance of the conservation area.
9. The two storey development (shown as Plot 2 on the drawings) that would replace a large single storey extension would significantly increase the bulk and massing of the development in this prominent part of the appeal site. Furthermore, increasing the roof height of the building on Plot 4 would also increase the bulk and massing of the development as a whole.
10. Whilst I accept that the removal of the numerous flat and pitch roofed extensions at the Greendown Inn would enhance the character and appearance of the conservation area on balance I do not consider this is sufficient justification to allow this substantial development.
11. Whilst the conversion of the buildings to residential use would be acceptable within a conservation area I do not consider the scheme would reflect the scale, character and setting of those buildings which establish the character of the area. The proposal would result in an unacceptably prominent development that would unbalance the relationship between the appeal site and the remainder of the conservation area.
12. The appellants argue that the proposed layout would reduce the dominance of the car parking areas, introduce more planting and provide more appropriate landscaped space within the site. Whilst I agree that additional landscaping would enhance the appeal site and the conservation area, such action is not dependant on the outcome of this appeal and could be carried out in any case. This consideration is not sufficient to justify the scheme that is before me bearing in mind the impact the development would have on the conservation area.

07/00727/FUL'A3

13. For the above reasons I conclude that the proposal would fail to preserve the character and appearance of the St Georges Conservation Area and would be contrary to Unitary Development Plan Policy ENV20.

*The Surrounding Area*

14. The unsympathetic extensions and additions dominate the simple lines of the original building. The site also includes a separate single storey annex that provides hotel accommodation. The buildings are in a variety of styles and lack a cohesive design. The development has limited architectural merit and contributes little to the visual quality of its surroundings.
15. Having viewed the setting of this small settlement from the network of public footpaths in the area I found the church and its tower are the dominant structures in the open rural landscape of this part of the Ely Valley and Ridge Slopes Special Landscape Area. The proposed conversion cannot be achieved without substantial extension to some parts of the building involving additional two storey development and increasing the height of the existing two storey element to the rear of the original building. The scale, bulk and massing of the proposal would increase the prominence of this group of buildings in this rural setting. The development would be particularly prominent in the landscape when viewed from the public footpaths to the north, south and west. In my judgement, the development would have an adverse impact on the setting of this small settlement within this attractive and sensitive rural landscape.
16. PPW indicates that where a building is unsuitable for conversion without extensive alteration, rebuilding or extension similar control to that over new house building in the open countryside will apply. The dwellings will not be required in connection with agriculture or forestry and the proposal would represent double the number of houses in this small settlement which is not identified in the Unitary Development Plan as an area where further housing development should take place.
17. PPW recognises that not all previously developed land is suitable for development. I consider the visual harm that would be caused by this development outweighs the arguments in favour of re-using previously developed land.
18. For the above reasons I conclude that the proposal would harm the character and appearance of the surrounding area and would be contrary to Unitary Development Plan Policies ENV 1, ENV 8 and ENV 4.

*Community Facilities*

19. Local residents argue that the Greendown Inn is an important social facility in the area and a petition in support of retaining the public house was raised. I accept that other public houses are some distance away from the small groups of houses that are scattered throughout this rural area and the loss of this public house would reduce the range and choice of such facilities in the area.
20. Evidence of the trading situation at the Greendown Inn indicates that the business is not presently viable. It also indicates the actions taken to promote and diversify the business and outlines the difficulties that the operation would encounter in the future.

07/00727 / FULL 'A' 4

Appeal Decision APP/Z6950/A/06/119/462

21. The Council did not produce convincing arguments to counter this expert evidence or to support the assertion that the facility could continue to function given different circumstances.
22. In view of the current trading pattern and the lack of evidence to show that the customer base would significantly improve in the future I am not convinced that there is sufficient justification to refuse planning permission for this proposal on the basis that to do so would ensure the continued trading of the Greendown Inn.
23. Whilst I acknowledge that the Unitary Development Plan seeks to retain community facilities in rural settlements, for the above reasons I conclude that it would be unreasonable for me to dismiss this appeal on the basis that the community facility should be retained.

**Other Matters**

24. The appellants have a licence to site five touring caravans on an open grassed area of land adjacent to the appeal site. In view of the low-key nature of the activity I do not consider it is so detrimental to the character or appearance of the surrounding area that the appellant's unilateral undertaking to cease that use would justify the development that is the subject of this appeal.

**Conclusions**

25. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should fail.

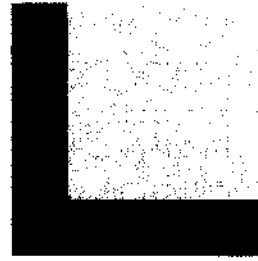
**Formal Decision**

26. I dismiss the appeal.

*Gwynedd P Thomas*

Inspector

07/00727/FUL'B



PV/A025052  
P/DC/SJB/2005/10230/FUL  
18 May 2007

Rob Thomas  
Head of Planning & Transportation  
The Vale of Glamorgan Council  
Docks Office  
Barry Docks  
Barry  
CF63 4RT  
**For the attention of Mr Steve Ball**

Dear Sir

**The Greendown Inn, St George's-super-Ely**

I refer to previous correspondence and discussions with Mr Ball in connection with the above site and, in particular, to Mr Ball's letter to our client, in which he invited the submission of a planning application.

As you know, we act on behalf of A.N. & M.J. Quick, the joint freehold owners of the above property, on whose behalf we have now been instructed to submit a second application for full planning permission for the change of use and conversion of the existing property for residential use.

Please find enclosed the following documents:

- Six copies of the planning application form;
- Certificate A;
- The Agricultural Holdings Certificate;
- Six copies of the following plans:
  - Location plan
  - Plans as existing (April 2004)
  - Elevations as existing (April 2004)
  - Proposed Site Plan and Elevations (Nigel Arnold's drawing no. 29904:17)
  - Proposed Floor Plans (Nigel Arnold's drawing no. 29904:18);
- Please note that no fee is payable for this application as it a resubmission for development of the same character, within the same site and by the same applicant within 12 months of the date of refusal of the previous application (on appeal dated 31 October 2006).

0700727 FUL

21 Park Place, Cardiff, CF10 3DQ, UK

Tel: +44 (0)29 2072 9000 Fax: +44 (0)29 2039 5965 Email: [planning.cardiff@wyg.com](mailto:planning.cardiff@wyg.com) Website: [www.wyg.com](http://www.wyg.com)

07/00 727/FUL 'B2'



We should be grateful if you would take the following points into account when you are considering the planning application:

1. A previous proposal to convert the buildings into five dwellings was refused by the local planning authority in October 2005 (application no. 05/01230/FUL) and dismissed on appeal in October 2006 (appeal no. APP/Z6950/A/06/1198462). A copy of the appeal decision is appended to this letter.
2. Although the appeal was dismissed, the Inspector left open the possibility of obtaining planning permission on subsequent application for a somewhat reduced scheme. The Inspector, whilst accepting a number of material points – including the enhancement of the character and appearance of the conservation area that would result from the removal of certain elements of the existing building – was critical of the bulk and massing of the development then proposed for Plots 2 and 4.
3. Following the appeal, detailed discussions have been held with Mr Ball of your department in order to design a revised scheme that meets the points raised in the Inspector's decision letter and satisfies the concerns expressed by Mr Ball at the public inquiry and subsequently. In particular, regard has been had to the points raised in Mr Ball's letter to our client, all of which have now been incorporated. We believe, therefore, that the current scheme achieves those aims and that it is now appropriate for the resubmission to be made, as invited.
4. The revised scheme entails the conversion of existing buildings at the Greendown Inn Hotel to use as four dwellings. The existing building already accommodates one dwelling, so the net increase would be three dwellings.
5. All the dwellings would be achieved by the conversion of the existing buildings on the site, so the issue of new build development does not arise.
6. The site is located in a designated conservation area. The application is therefore one for full planning permission and includes detailed plans and elevations. The Inspector accepted that the removal of the numerous flat and pitch roofed extensions would enhance the character and appearance of the conservation area and that conversion to residential use would be acceptable within the conservation area (paras 10 and 11 of the decision letter). His concern was with the design of the scheme then submitted.
7. The design quality and appearance of the existing buildings on the site is poor and the new submitted scheme, which has been designed by Nigel Arnold, Architect, would effect a significant improvement in the appearance of the site. The proposal would improve the character and appearance of the conservation area, which is an important

2007/07/11

07/00727/ful'B3

statutory test for development in conservation areas: see section 72 of the *Planning (Listed Buildings and Conservation Areas) Act 1990*.

8. It is proposed to use the existing main access into the site and, hence, no new accesses, either pedestrian or vehicular, would be created. The existing subsidiary access into the site would be blocked, thereby resulting in a highway gain. (This was a requirement of the highway authority when the previous application was being considered.)
9. Given the modest nature of the proposed development, traffic generation would be considerably lower than that from the existing commercial use.
10. Your council has previously refused planning permission for an extension to the hotel use on this site. From a number of standpoints – including traffic, visual amenity and residential amenity – a residential conversion of the existing buildings would be a much more appropriate use for this site than the existing commercial use.
11. On appeal the Inspector concluded that the previous proposal failed to satisfy Policies ENV1, ENV4, ENV8 and ENV 20 of the adopted *Vale of Glamorgan Unitary Development Plan*. The current scheme takes full account of the Inspector's conclusions and includes a reduction in the number of dwellings proposed and a redesign to achieve an acceptable form of development within the conservation area.
12. On appeal, the Inspector accepted that although the UDP seeks to retain community facilities in rural areas, it would be *"unreasonable for me to dismiss this appeal on the basis that community facilities should be retained"* (para 23 of decision letter).
13. The application site meets the definition of previously used land set out in *Planning Policy Wales* (March 2002). National planning policy favours the reuse of such land in preference to development of greenfield sites.
14. In the context of the Vale of Glamorgan, the site is sustainably located for residential development, being close to a very wide range of facilities. Paragraph 9.2.18 of *Planning Policy Wales* allows for minor extensions to groups of dwellings subject to consideration of *"...the character of the surroundings, the pattern of development in the area and the accessibility to main towns and villages."* The site is sustainably located, there is existing residential development closeby and the character of the area would be improved by the development.
15. The proposal is for a reasonable form of development, which would enhance the character and appearance of the conservation area.

07/00 727 /FUL'B<sub>4</sub>

We trust that you find the application to be in order and look forward to receiving your acknowledgement of it.

If you have any queries concerning the application or would like to discuss any aspect with us, please do not hesitate to contact the writer.

Yours faithfully

*Paul Vining*

Paul Vining  
**DIRECTOR**  
[paul.vining@wyg.com](mailto:paul.vining@wyg.com)



The Vale Of Glamorgan Council  
Development Control  
Docks Office Subway Road  
Barry  
South Glamorgan  
CF63 4RT

Ein cyf/Our ref: SE/2007/102508/01-L01  
Eich cyf/Your ref:  
P/DC//2007/2007/00808/FUL

Dyddiad/Date: 09 July 2007

Annwyl Syr/Madam / Dear Sir/Madam

**RETENTION OF ACCESS TRACK WORKS ALREADY UNDERTAKEN AND  
PROPOSED WORKS TO BE UNDERTAKEN TO FACILITATE ACCESS INTO THE  
NORTH QUARRY AT ABERTHAW POWER STATION, THE LEYS,  
ABERTHAW, BARRY, CF62 4ZW**

Thank you for referring the above application, which was received on 14 June 2007.

We understand that this is a retrospective application. We would bring to the Local Planning Authority and applicant's attention for such an application, the following comments would normally apply:

No development approved by this permission should be commenced until a detailed necessary method statement describing the works to be undertaken and details of any necessary pollution prevention measures during the construction phase are submitted, agreed and implemented.

The method statement must identify:

1. All fuel, oil and chemical storage facilities.
2. Details of surface water drainage arrangements to be installed to intercept and treat the contaminated surface water run-off.
3. Details of measures to ensure there is no polluting discharge from haul roads and disturbed areas.
4. If controlled wastes are to be utilised for construction purposes the developer must register by the Environment Agency Wales as an exempt activity under the Waste Licencing Regulations 1994.
5. The Duty of Care Regulations apply for all movements of controlled waste.

Should further similar applications be made, the above comments should be

Asiantaeth yr Amgylchedd Cymru/Environment Agency Wales  
St Mellons Business Park, Fortran Road., St Mellons., Cardiff, CF03 0EY.  
Llinell gwasanaethau cwsmeriaid/Customer services line: 08708 506 506  
E-bost/Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)  
[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)  
Cont/d..



considered. However, as this is a retrospective application, we have no further comments.

If you have any queries regarding the above, please do not hesitate to contact me.

Yn gywir / Yours faithfully

*Kayna Tregay*

**Miss Kayna Tregay  
Planning Liaison Officer**

Deialu uniongyrchol/Direct dial 02920 245046  
Ffacs uniongyrchol/Direct fax 02920 362920  
E-bost uniongyrchol/Direct e-mail kayna.tregay@environment-agency.gov.uk

cc Rwe Npower Plc

2007/00810 / FUL 'A'

RECEIVED  
10 JUL 2007  
ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

D.E.F.R
RECEIVED
ACTION BY: STB/ML
NO: P396
ACK:

End

2

## CARDIFF INTERNATIONAL AIRPORT LTD.

Vale of Glamorgan, Wales CF62 3BD  
Tel: 01446 711 111 Fax: 01446 712 555  
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30<sup>th</sup> June 2007

Your ref: P/DC/ML/2007/000810/FUL  
Our ref: 2007/0044


The Vale of Glamorgan Council  
Planning Department  
Dock Office  
Barry Docks  
Barry  
CF63 4RT

Dear Mr Lucas,

**ABERTHAW NORTH QUARRY: VARIATION OF CONDITIONS TO PLANNING  
PERMISSION 05/01811/FUL..**

The proposed development has been examined from an aerodrome safeguarding aspect. Subject to the conditions laid out in the previous reply to application P/DC/ML/05/01811/FUL (copy attached), this proposed development does not conflict with safeguarding criteria. Accordingly, this department has no safeguarding objection to the proposal.

Yours Faithfully  
For Russ Clements, Head of Operations



David P Shire

A TBI PLC GROUP COMPANY

Registered office: Britannia House, Frank Lester Way, London Luton Airport, Luton, Beds LU2 9NO. Registration No. 2076096

2007/00810/FUL  
APPENDIX B

Mr M Lucas  
Planning Department  
Vale of Glamorgan Council  
Dock Office  
Barry Docks  
Barry  
CF63 4RT

Your Ref: P/DC/ML/05/01811/FUL  
Our Ref: 2005/0040

12<sup>th</sup> January 2006

**DISPOSAL OF PULVERISED FUEL ASH (PFA) FROM ABERTHAW POWER STATION  
AT EAST ABERTHAW QUARRY.**

Dear Mr Lucas

With regard to the above planning application and the subsequent holding letter to you, dated 12<sup>th</sup> December 2005. I am now in a position, after meeting with npower, to give the go ahead for the project on conditions listed below agreed between both parties.

- Access to the sight for the duration of the project for my Bird Control Co-ordinator Mr Tony Jones.
- The Contractors operating plan to include the non feeding of birds and correct disposal of food waste
- To erect and maintain a meter high fence between the existing lake and the landfill at the high water mark. This is to restrict the movement of geese.

Yours faithfully

Russ Clements  
Head of Operations

cc

Peter Marner            Materials Handling Section Head, npower

Anna Bendall            Environmental Manager, npower

## MEMORANDUM / COFNOD

VALE of GLAMORGAN

The Vale of Glamorgan Council  
Public Protection Services  
Legal, Public Protection and Housing Services Directorate  
Civic Offices, Holton Road  
BARRY, CF63 4RU



To:	Head of Planning and Transportation	From /	Kristian D James
Dept / Adran:		Oddi Wrth:	Pollution Section
Date/Dyddiad	25th June 2007	My Ref/Cyf	KDJ/210831
:		Tel / Ffôn:	01446 709105
Your Ref /	P/DC/ML/07/00810/FUL	Fax /	01446 709449
Eich Cyf:		Ffacs:	

Subject /  
Testyn: **Re: Planning Application No - 07/00810/FUL**  
**R.W.E. N.Power plc, Aberthaw Power Station, The Leys, Aberthaw, Barry.**  
**CF62 4ZW**  
**Variation of various conditions relating to planning permission**  
**05/01811/FUL for the deposition of PFA from Aberthaw Power Station in**  
**Aberthaw Quarry**

I refer to your memorandum received by this department on 14th June 2007, this department has Comments to make regarding the above application

The end of phase 2 and phase 3 are both quite close to Home Farm and experience has shown that even at about 500 metres from the tipping and levelling operations the noise can be quite loud and has been the subject of complaints in the past.

In this situation the operations will be quite close, some 150 metres from Home Farm. It is therefore very likely that the noise from those operations will be loud enough to lead to complaints particularly during evenings when the upper level for night time should not exceed 42dBA (including a 5dBA penalty for noise with a distinct audible characteristic).

The above must also apply to Sundays and Bank Holidays when the background noise may be lower.

Therefore in this situation it will be prudent to limit the operations to :

- times of operations from 08:00 to 18:00 hours within 500 metres of the residential premises.
- no operations during evenings, Sundays and bank holidays (within 500 metres of the dwelling)
- phases 2 and 3 should be redesigned so that the tipping is along the quarry wall rather than away from the quarry wall and within the quarry bowl for as long as possible.
- there should be a rethink of all phases of the operations if the above timings are not acceptable
- levelling to be carried out during day time only (within 500 metres of dwelling)

2007/00810/FUL

'C'

- the equipment should be modern and quiet (reversing warning should be other than beepers on tipping lorries, modern heavy plant can be relatively quiet)
- consideration should be given to the use of conveyor belt to transport the material, if only within the quarry bowl.

The above are examples of the considerations necessary for this type of operation close to dwellings.

As regards dust mitigation measures a working plan should be submitted. The plan must be no less than those suggested in para 6.7 of the EIA. and be agreed with this Authority.

Kristian D James  
Team Leader, Env Health (Pollution)

(11) 10 10

Barry/Vale Friends of the Earth  
Cyfeillion y Ddaear, y Barri a'r Fro  
14 Robert Street, Barry CF63 3NX



*Cyfeillion y Ddaear*

Rob Thomas, Head of Planning  
Vale of Glamorgan Council,  
Dock Offices, Barry

21<sup>st</sup> August 2007

Fax 01446 704622  
Your ref. HP&T/DRT/ljeB

Dear Mr Thomas,

**Aberthaw Quarry - PFA dump planning application 2007/00810/FUL**

Thank you for your letter of 13<sup>th</sup> August, assuring us that the adequacy of the Environmental Statement will be assessed in advance of reporting the application for determination. We note you will take as example the WAG's assessment of the ES for the Ash mound, with its analogous issues around PFA dumping. We trust that does not mean that you will disregard the waste legislation, for we are taking up with WAG their failure in this regard.

Further issues come up relating to the Planning Committee's earlier decision to restrict hours of working to the normal working day, not late evening and 7 day working as in this application. A failure to request data in the ES (on noise particularly) to help support and validate this decision could leave the Council in a weak position should RWE appeal. Similarly a failure to request information on facilities for loading PFA onto rail wagons would put the Council in a weak position when pressing RWE to take the PFA out by rail to an interim dump or sites reusing it.

We consequently raise detailed points on which the ES could be deemed inadequate.

1. The ES supposes 7 day working till 22.00.  
A revised ES needs to describe arrangements for working restricted to weekdays plus Sat. morning, including how it will stockpile and handle PFA produced outside these times.
2. UK and Welsh policy is to use PFA as valuable secondary aggregate, now that it has been approved by the Highways Agency as an excellent material from a technical standpoint (UKQAA 2003). The ES should describe possibilities for excavating and transporting out the tipped PFA once markets are developed.
3. RWE have accepted constructing a conveyor system to bring in the PFA. The environmental advantages of this require RWE to describe in this ES the reasons for and against using a conveyor from the outset, making clear how the choice takes into account the environmental benefits. Information on its noise and dust is needed with the quarry application (we understand separate planning permission is not needed) and the current timescale for construction.
4. RAIL HANDLING  
Npower give the excuse (letter to residents 25 April) that "rail infrastructure at local landfill sites does not exist". Merthyr is hardly "local" and of course there are rail-linked landfill sites further away. The issue is whether there are rail loading facilities at the power station (it is said there are none). The ES has to give this information and explain any site limitations on their construction and

2007/00810/FUL

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the time to do it; also explain why they have dismissed rail links as "not feasible in the short/medium term".

#### DUST

5. The dust section is inadequate. S.6.6 mentions dust blow only due to vehicle movements and bare surfaces. At the present tip, dust blows off during tipping (photo-evidence available). The ES should say this. The present tip has channels eroded by run-off, while a large cavity was created by slumping early in 2007 – both expose fresh surfaces from which dust can blow. The ES should admit these problems and describe remedial measures – covering the hazard of PFA dust reaching homes and getting into the foodchain, and a monitoring system for controlling this problem.

#### NOISE

5. The data is inadequate. No noise levels are given for weekends, though known to be much lower both daytime and evening. Predictions appear not to include noise from the reversing sirens used during darkness, yet this is the most disturbing noise on the present tip. Predictions are made for housing at 250m, whereas Home Farm is elsewhere put at 180m from the site boundary.

#### ECOLOGY

6. The description of the adjacent ponds is inadequate, fails to describe the birds and vertebrates that use them, and the potential pollution from wind-blown dust and run-off/leachate from the PFA dump. RWE data for the current ash tip pollution of the East Aberthaw saline lagoon can be used to predict likely effects. The ES should describe the proposed mitigation via a bund to separate the PFA tip from the ponds.

*Peregrine falcons:* the ES does not say where they have nested in the past for breeding, probably on the quarry faces that would be destroyed by the development. It says the falcons were not found on the 2005 survey, but that started late (July) when they would have left a nest. An updated ES should report whether the falcons roosted or nested there in 2006 or 2007.

#### *Resting place for migrating birds*

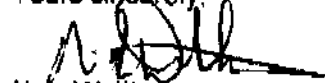
The survey times (late April and June 2004, July to early October 2005) were inappropriate for the springtime migration, when the Vale provides a staging post after long flights over the sea. The quarry ponds do contribute this important function, being among the few coastal freshwater lakes. The ES is deficient in not recording this.

#### *Removal/replanting of Hedges on Castle Road*

The ES says the hedges on both sides qualify for Importance under the ecological criteria of the 1997 Hedgerows Regulations and suggest potential for the European protected dormouse. We note the dormouse is present elsewhere in the Vale and is specified for positive action under the Vale BAP, but the ES fails to mention this. The Sept. 2005 survey found no traces of dormouse, attributed to limited food other than hazel nuts. In proposing mitigation via a replanting scheme, the ES should consider if there is prospect to enhance the hedge as a dormouse habitat, to conform with the Vale BAP.

Please supply a copy of your letter to RWE asking for further information and let us know when the necessary further information is secured and make it available for public comment and representations on the completed application prior to decision-making. We would prefer to receive the letter and other documents in electronic form via e-mail.

Yours sincerely,



Max Wallis

Barry & Vale Friends of the Earth

02/01356/FUL - Temporary diversion of Port Road and construction of a bridge to give access between quarrying areas to north and south of the road. Approved on 19<sup>th</sup> December, 2002.

On Aberthaw Power Station - Numerous applications but of particular relevance are:

06/00800/FUL - Increase in height of the existing pfa mound to 65 metres aod. This application is currently at the consultation stage and will be the subject of a report to a later meeting of this Committee.

06/00681/FUL - Highway works to improve visibility to the west of the Four Cross junction. Approved 12<sup>th</sup> July, 2006.

05/01498/FUL - New plant to treat pfa. Approved on 12<sup>th</sup> January, 2006. Not yet implemented.

04/00580/FUL - Biomass co-firing plant. Approved on 3<sup>rd</sup> September, 2004.

03/01132/OBS - Installation of plant for flue gas desulphurisation. Approved by the Department of Trade & Industry on 14<sup>th</sup> June, 2004 and currently under construction.

02/01351/RES - New plant to treat pfa. Approved 16<sup>th</sup> January, 2003. The plant has not been constructed but the permission has been implemented by the carrying out of highway improvements at the B4265 Four Cross junction.

01/00071/FUL - Recovery of pfa from existing ash mound. Approved on 25<sup>th</sup> July, 2001.

00/01395/OUT - New plant to treat pfa. Outline approved on 25<sup>th</sup> July, 2001.

CONSULTATIONS

The application site lies in the Rhoose Community area, where there is no Community Council.

St. Athan Community Council (adjoining) - Has no objection to the infilling of the quarry but have serious concerns over the adequacy of the highway between the Four Cross junction and the proposed site access, particularly at the Old Mill corner. The Council also consider that the existing protected right turn off the Rhoose bypass to serve Burton Hill is of inadequate length, and recommend that any new right turn facility created as part of this proposal is of sufficient length to accommodate two heavy goods vehicles. Their letter is attached as Appendix A.

Councillor Jeffrey James (The Leader) - Is concerned to ensure that this proposal should not detract from the good maintenance of the existing pfa ash mound, and that problems of windblown dust are not exacerbated. His memo is attached as Appendix B.

Glamorgan Gwent Archaeological Trust - Note that it is unlikely that any features of historical or archaeological value survive in the working quarry. However, the proposed access road may affect part of a field pattern of medieval origin and a triangular earthwork to the west of the site. They therefore recommend the carrying out of an archaeological watching brief during the construction of the access route. Their letter is attached as Appendix C.

Cardiff International Airport (Safeguarding) - Have no objection subject to access to the site being granted throughout the duration of the project for their Bird Control Co-ordinator, the operating plan including the non-feeding of birds and the correct disposal of food waste and the construction of a one metre high fence at the high water mark between the existing lake and the landfill, to restrict the movement of geese. Their letter is attached at Appendix D.

The Director of Legal and Regulatory Services (Pollution Control) - Have no objection in principle but are concerned about potential noise nuisance to Home Farm, Fonmon from workings in evenings, on Sundays and Bank Holidays. They conclude that to avoid nuisance, tipping operations on the top bench within 300 metres of Fonmon Road should be restricted to 0800 to 1900 hours on Mondays to Saturdays only, and that reversing sirens should not be used. Noise levels during evening working should be limited to 42 dBA. Their memo is attached as Appendix E.

Countryside Council for Wales - Note that, following the carrying out of surveys at their request, there are no great crested newts on the site. However, they note the presence of a pair of breeding Peregrine falcons (a protected species under Schedule 1 of the Wildlife & Countryside Act 1981) on the site, and suggest leaving an appropriate distance between the tipping operation and the nest site during the breeding season. They would also welcome the provision of a platform at the Power Station as an alternative nest site for future years. Their letter is attached as Appendix F.

Environment Agency Wales - Have concerns over the design of the proposed artificial geological barrier to be used as a liner for the quarry prior to the deposit of ash and require the submission of a hydro geological risk assessment. However, they have confirmed that they will deal with these issues under the parallel application under the Pollution Prevention and Control Regulations. On other issues, they recommend that any discharge should be designed so as not to cause or exacerbate flooding and note the proximity of the East Aberthaw Coast Site of Special Scientific Interest and the potential ecological importance of the quarry site. These issues have been the subject of separate consultation with the Countryside Council for Wales and the Council's Ecologist. A copy of the Agency's letter is attached as Appendix G.

HM Inspector of Quarries (Health & Safety Executive) - Has 'no adverse comments to make'.

Welsh Assembly Government Regional Planning Advisor (re: proposed agricultural restoration) - Advises that on the information supplied to date and in line with the advice given in Technical Advice Note (Wales) 6, it cannot be confirmed that agriculture is an appropriate use for all or part of the site. A number of issues are raised concerning the proposal, including:

- (a) The shortage of natural soils within the site may cause the land restored as proposed in the application not to provide for sustainable agriculture capable of producing meaningful and economic levels of output by normal agricultural methods. The significant difference between establishing vegetation for amenity purposes and the requirements of agriculture is emphasised.
- (b) Due to the uncertainty of the performance of the end product, the use of the limited amounts of soil available as a pfa improver may be a wasteful use of a valuable natural resource.
- (c) If pfa proves to be unsuitable as a constituent of soil, large quantities of soil may have to be imported, raising issues of sustainability and availability.
- (d) The possibility of the need for studies and trial work to be carried out before commencement of the first phase of restoration.

The full text of the letter and covering email is attached as Appendix H.

REPRESENTATIONS

The occupiers of 72 of the closest dwellings, including all those in Fonmon, East Aberthaw and Burton were notified individually on 2nd December, 2005 and the application was advertised by four site notices in the locality on the same date. The necessary publicity for an application accompanied by an Environmental Statement has been carried out. Ten letters of objection have been received, mainly from residents of Fonmon but including one from West Aberthaw, objecting on the grounds of:

- (a) Highway safety issues on the B4265.
- (b) The unsustainable use of road vehicles to transport the ash rather than rail or conveyor and the lack of consideration of alternative modes of transport.
- (c) Noise from transport and from the pfa deposition and levelling process in the quarry.
- (d) Concern that the scope of the material to be tipped could include domestic waste.
- (e) Concern over disturbance due to operations in the evenings.
- (f) Concern over potential dust pollution.
- (g) Increase in heavy vehicles on Castle Road and through Fonmon.
- (h) Increased nuisance from traffic noise, dust and fumes to residents of West Aberthaw; and
- (i) Concerns over leachates and potential detriment to water quality.

Three typical letters are attached as Appendices I, J and K and the remainder are retained on file for Members' inspection.

## REPORT

Aberthaw Power Station is a 1500 MW coal-fired power station, which produces approximately 400,000 tonnes of pfa annually. Since the construction of the 'A' station in the 1950s, all the ash that could not be sold as aggregates has been deposited on the existing ash mound, covering some 57 hectares on the east bank of the canalised River Thaw, between the power station and East Aberthaw village. Ash disposal on the mound is currently controlled by a planning permission granted in 1980 (ref: 79/2300/FUL) which restricts the height of the mound to a maximum of 53 metres above Ordnance datum. At the present rate of ash deposition, current permitted capacity on the mound will be exhausted within two years.

Work being carried out currently to install flue gas desulphurisation equipment to the power station will permit the continued operation of the station for the foreseeable future, with a possible increase in power generation that could lead to a 25% increase in annual ash production.

Pfa has a value as an alternative lightweight aggregate, and the plant for its treatment approved in January this year will, if constructed, process up to 200,000 tonnes per year for sale or recycling as fuel for the power station. There will nevertheless be a continuing need for large-scale ash disposal facilities for many years.

RWE npower, the current applicants, have also recently submitted an application (ref: 06/00800/FUL) for an increase in the height of the ash mound from 53 to 65 metres aod. That proposal will be the subject of a report to a future meeting of this Committee, but the applicants advise that that proposal would be a 'fallback' solution if the quarry proposal does not proceed. However, it is likely that some increased capacity may be required on the mound due to the lead times involved in commencing disposal in the quarry. This is however not a matter for consideration now.

Aberthaw Quarry, operated by Lafarge Cement Limited is a 100 hectare, 20 metre deep Liassic limestone quarry located approximately 1 km to the east of the power station complex, which supplies material exclusively for the adjoining Aberthaw Cement Works. Mineral extraction in the current quarry bowl (the 'north' quarry) is nearing exhaustion, and planning permission has existed since 1957 for quarrying in a further 100 hectare (approx) area to the south of Port Road, with a bridge under that road linking the two areas. It is likely that quarrying will transfer entirely to the southern area within the next few years. Proposals for the temporary diversion of Port Road to allow the construction of the bridge were approved in 2002 and that work is nearing completion.

The approved restoration scheme for the 'north' quarry is for quarry floor level restoration to agriculture. A pilot scheme was carried out in the 1980s but progress has been halted for some years pending revised proposals for the future of the site. Members may recall that a proposal for the infill of the quarry with domestic waste was refused in 1994 following a major Public Inquiry.

The current proposal is for the disposal of pfa in an area of 41.7 ha of the eastern part of the north quarry, with all material being transported by road from the power station via a new protected right turn off the Rhoose bypass; the upgrading of an existing agricultural track, and a new vehicular crossing of Castle Road on the northern quarry boundary to a new quarry entrance. The site would be filled in four phases to the existing ground level and restored to grassland. The applicants consider that the site would have sufficient capacity for at least 15 years' ash production at current rates. The remainder of the north quarry bowl lies outside the application site and would remain under the control of Lafarge Cement.

In summary, the various parts of the development comprise:

- Construction of a protected right turn facility off the Rhoose bypass at a point approximately 300 metres east of the Burton Hill junction.
- Upgrading of a 300 metre length of existing agricultural track between the bypass and Castle Road to a two-lane surfaced road.
- Construction of a new gated surface crossing of Castle Road and a new entrance to the quarry on its northern boundary, approximately 400 metres east of the Castle Road/Burton Hill junction.
- Development of a ramped access into the quarry to give access to the ash disposal area.
- Battering of the quarry faces to a 1:3 slope and the installation of a lining and drainage system to Environment Agency approval.
- Filling with ash in four phases, generally moving in a south-east direction across the quarry. 'Conditioned' ash (i.e. ash mixed with a controlled amount of water) would be transported by lorry via the new access route and deposited in 3-metre thick layers across each phase, beginning in the area close to the access ramp and to the east of the existing lagoons in the quarry. The side slopes of the tipped area will be progressively seeded, and each phase will be restored at final ground level prior to operations moving into subsequent phases. The final surface level of the restored site is to be at surrounding ground level. Tipping hours are proposed to be 0800 – 2200 seven days per week.

Policy Issues

Aberthaw Power station produces, and following the installation of the flue gas desulphurisation plant will continue to produce, very large quantities of pfa. Whilst pfa has a value for use as a sustainable alternative aggregate, limits to the potential market mean that large quantities will require disposal. Apart from increasing the size of the existing mound (subject of a separate application currently being processed) the only realistic alternatives are filling of the quarry or transport to more distant landfill sites. At the same time, the quarry is a very large void which is reaching the end of mineral extraction and requires beneficial restoration. In the most general terms, therefore, there appear to be advantages to the current proposal, subject to assessment of ash transport and local environmental impact.

The proposal has to be considered in the context of the Waste policies of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Policy WAST 1 (Provision of Waste Management Facilities) encourages waste management facilities where they are on (amongst others) operational mineral working sites, subject to the criteria in Policy WAST 2.

Policy WAST 2 (Criteria for Assessing Waste Management Facilities) sets out a list of criteria against which waste management proposals must be assessed. In terms of Criterion 1, the applicants have taken various steps to reduce the amount of pfa requiring disposal by bringing forward proposals for the treatment and sale of increased quantities of ash as aggregate, and the aims of the 'proximity principle' are met with the quarry being very close to the power station. The environmental and highway issues covered by other criteria are assessed later in this report.

Ash Transport and Access

The proposal to move all the pfa to the quarry by road would involve 20 tonne vehicles making a maximum of 100 two-way movements (i.e. 100 arrivals and 100 departures), seven days a week, although the applicants consider that 50 two-way movements would be more usual. Lorry movements would 'in the main' (applicants' quote) be restricted to 0800 to 1900 daily.

It has to be borne in mind that the unimplemented scheme for recovery of ash from the existing mound approved in 2001 (planning permission for which expired in July this year) and the recently approved ash processing plant would both involve all ash produced being removed from the station by road. Junction improvements have already been carried out on the eastern side of the Four Cross junction and a concurrent application (ref: 06/00681/FUL) has been submitted for further improvements to the west of that junction.

The Council's highway engineers have been involved in detailed discussions with the applicants, and confirm that they have no objection subject to conditions being attached to any permission to cover:

- (a) Visibility improvements on the western side of the Four Cross junction being approved and implemented prior to the commencement of ash disposal.
- (b) The protected right turn off the B4265 and the Castle Road crossing being constructed to the appropriate standards.
- (c) The installation of part-time traffic lights on the Castle Road crossing.
- (d) The sheeting or covering of all vehicles carrying ash to the quarry, and
- (e) The installation of a wheel wash at the exit to the site on to Castle Road;

and subject to the satisfactory completion of the necessary legal agreements under Section 278 of the Highways Act 1980.

The proposed new access off Castle Road will involve the removal of lengths of hedgerows on both sides of the road that qualify as Important under the ecological criteria of the Hedgerow Regulations 1997. The Council's Ecologist supports the creation of a new hedgerow on the eastern side of the improved track between the B4265 and Castle Road, and recommends that the sections of hedgerow classed as Important and associated ground flora should be translocated behind the new visibility splays wherever possible. All hedgerow removal should take place outside the March – August bird nesting season. These matters can be addressed by conditions.

Whilst it is concluded that the ash can be transported satisfactorily by road, it is disappointing that alternative transport modes are not proposed for the relatively short distance but very large quantities involved. Although cost and wayleave issues are understood to present serious difficulties at present, I would encourage more sustainable proposals for ash transport by conveyor, pipeline or rail if opportunities arise.

Since the previous deferment, the applicants have submitted an additional statement regarding the feasibility of conveyor or pipeline transport systems (Appendix L). In that statement they confirm that a feasibility study into the technical and financial viability of such systems is currently under way, and if the results of that study are positive then work would be undertaken as soon as reasonably practicable to commence obtaining wayleaves and consents for the installation of such a system. However, they cannot guarantee that a feasible solution will be found and even if technically feasible it would depend on resolution of other issues outside their control such as the granting of wayleaves, planning permission and any consents required from the Environment Agency under Pollution Control legislation.

The applicants stress that, whilst all other options of ash disposal and recycling are being pursued, permitted tipping capacity on the existing mound will be exhausted by the fourth quarter of 2007. The earliest possible start of deposition in the quarry, assuming rapid resolution of the planning and other regulatory issues, is the third quarter of 2007 and more realistically the second quarter of 2008. Although they stress that their objective is to minimise additional deposition on the ash mound, in view of these difficulties with timescales an increase in capacity of the ash mound will be required by the end of 2007 if large-scale off-site disposal to distant sites is to be avoided.

In their statement, the applicants undertake to make every effort to achieve commencement of deposition into the quarry as soon as possible after consents are granted, and will make every effort to conclude the feasibility study by the end of 2006 and hopefully finalise the design, agree all wayleaves and consents and implement a technically and commercially viable alternative transportation system by 2010. This will, however, necessitate the use of road transport for an indeterminate period, probably of some three years, even if additional capacity on the ash mound is made available. It is on this basis that the application is reported back to Planning Committee.

#### Visual Impact

All activities, apart from placing and restoring the final 3-metre layer of ash, will take place below the level of the surrounding ground surface. Despite its size, there are very few external viewpoints from which the quarry bowl can be seen, and it is unlikely that the proposal will have any significant visual impact.

#### Residential Amenity

The eastern boundary of the application site is within 130 metres of the closest dwellings in Fonmon. The proposed activities in the site, consisting of the arrival of ash in lorries and its spreading and grading by bulldozer, are not in themselves likely to be particularly noisy activities, and almost all the work will be effectively screened from the village by the existing quarry faces.

Following survey work, the applicants conclude that noise from daytime (0700 – 1900) ash disposal operations will meet the requirements of Minerals Technical Advice Note 1: Aggregates. Whilst that advice is designed to relate to mineral working sites, the operations proposed, with heavy vehicles and plant traversing the site, are similar in many respects to the current quarrying operations and this guidance appears relevant in this case. Whilst evening (1900 – 2200) operations would meet the MTAN 1 guidelines in Phases 1, 2 and 4 of tipping, due to the proximity of part of Phase 3 to Home Farm there is some risk of evening operations exceeding the MTAN 1 night-time (1900-0700) limits. In this phase locations of evening tipping will be selected to avoid this problem, with additional monitoring being carried out to ensure compliance.

Nevertheless, the Council's Pollution Control officers consider that to avoid any noise nuisance to occupiers of Home Farm, operations on the top bench within 300 metres of Fonmon Road should be restricted to 0800 to 1900 hours on Mondays to Saturdays only and that 'bleeper' type reversing sirens should not be used. Noise levels during evening working should be limited to 42 dBA.

Dust from the existing ash mound has been the subject of various complaints over many years, mainly from residents of East Aberthaw. Fonmon is downwind of the ash disposal site in the quarry, and operations will have to be controlled carefully if problems are to be avoided. Potential dust sources are the movement of vehicles on haul roads and the process of tipping and profiling the pfa.

At the power station, fresh ash will be contained in an enclosed silo, and all lorries carrying ash will be covered. In the quarry, ash will be compacted by bulldozer and when there is potential for dust a water spray system will be used. Once ash deposition has been completed in a particular area the surface will be sealed by either a PVA/water mix or a hydroseeded grass seed/manure mix. Wheel washing facilities will be provided at the exit to the quarry to minimise potential for ash trapped in wheels to be deposited on the highway. Subject to good on-site management, these measures are considered acceptable. Day to day operations will also be controlled by the separate PPC authorisation to be issued by the Environment Agency.

#### Drainage

The present quarry is worked 'dry', with the quarry floor being above the local water table. Present surface water management relies on the slope of the quarry floor to direct runoff to the lagoons in the north west corner of the quarry, from which it is directed via an open channel, a culvert and an aqueduct to the River Kenson.

Pfa has a naturally low water conductivity which is reduced further by the natural development of a cementitious layer when the ash comes into contact with water. This means that the bulk of rainfall landing on the tipped area will run off its surface.

The application proposes that the final landform will be slightly domed above the level of the adjoining land to encourage surface water runoff toward the perimeter, with steeper slopes on the southern edge where the landfill edge will lie on the base of the quarry. The existing quarry faces will be cut back to a 1:3 slope and a lining system constructed, comprising a stone drainage layer and a geological barrier layer formed of ash mixed with clay, with permeability designed to allow the small amount of leachate generated to pass through it rather than building up over it. The capping of the landfill will consist of 0.7 metre of pfa overlain by 0.3 metre of topsoil.

As stated previously, the Environment Agency are currently not satisfied with the technical details of the drainage system, but they have confirmed that this issue will be dealt with under the parallel PPC authorisation application, without which approval the development cannot proceed. Any planning permission granted should not attempt to duplicate the Agency's responsibilities.

Ecological Issues

The Countryside Council for Wales confirm the presence of a pair of breeding Peregrine falcons (protected under Schedule 1 of the Wildlife & Countryside Act 1991) on the site. They suggest that an appropriate distance should be left between works and the nest site during the breeding season. Due to the size of the site, large areas of the quarry will remain undisturbed whilst ash disposal is concentrated in each specific phase. The Council's Ecologist considers that an alternative nesting site should be provided prior to the loss of the current site, either within the quarry or in the power station. She also recommends that an annual survey should be carried out of the quarry faces likely to be affected during the following breeding season, to identify any nesting peregrines. In the event that any are present then she concurs with CCW's comment that a sufficient standoff must be created to avoid disturbance to the birds. CCW also recommend the provision of an alternative nesting site at a suitable location within the power station. I am satisfied that these matters can be dealt with by condition.

Following an inspection of the site, the Ecologist notes that the current quarry floor provides potential habitat for Little Ringed Plover, also protected under Schedule 1 of the Wildlife & Countryside Act 1981. Again, it is recommended that an annual survey be undertaken to identify any nesting birds, with a sufficient distance being maintained between the works and the nest site.

The Council's Ecologist has concerns over the proximity of the proposed tipping area to the existing lagoons in the quarry, which are of importance to wintering wildfowl and breeding birds. As shown on the submitted phasing plan, tipping is to take place up to the edge of the lagoon and the applicants have confirmed verbally that the only 'standoff' is intended to be the width of an access track immediately adjoining the 'high water mark' of the lagoons. Whilst not shown in detail on the submitted plans, they point out that the initial creation of a 3 metre high graded bank of ash alongside the lagoons would be a relatively quick operation, with each successive 3 metre layer being 9 metres further away to create the required 30 degree side slope to the ash mound. The resulting slope facing the lagoon would be wooded or planted as appropriate once it is completed, and all further tipping would take place behind it. The applicants consider that their operations would have a similar impact to the current quarrying operations, which appear not to have any detrimental effect on the bird population.

Nevertheless, following an inspection of the site the Council's Ecologist considers that tipping close to the lagoons as indicated on the phasing plan would result in disturbance to over-wintering and breeding wildfowl, and recommends that the boundaries of the closest phases of tipping be revised prior to commencement of tipping in those phases. A revised phasing scheme, including full details of proposed operations, the creation of a sufficient buffer zone between the lakes and the infill area and mitigation measures to prevent undesirable run-off into the lagoons should be approved prior to work commencing in those phases.

In addition, an area close to the proposed access ramp has potential habitat for reptiles, and the ecologist recommends that a scheme for the clearance of reptiles should be approved prior to work commencing in that area.

On an allied issue, the applicants' operational land also includes, to the south east of the current ash mound, a rare saline lagoon and associated habitats that form part of the East Aberthaw Coast site of Special Scientific Interest and a local Wildlife Trust Nature Reserve. However, this area also forms part of the area granted permission for ash disposal in the original consent for the power station granted in the 1950s. Whilst no ash has been deposited in the sensitive area, and the commitment by the applicants to conserving the biodiversity of the nature reserve is appreciated, and whilst they have stated that they have no intention of extending the mound laterally, it is possible that continuing demand for ash disposal capacity could increase pressure for tipping in this area in future. If Members are minded to approve the current application, however, there would be no foreseeable need to tip in the lagoon and as the lagoon lies within the applicants' control I recommend that a condition be attached to any permission for ash disposal in the quarry prohibiting any lateral extensions to the southern and eastern boundaries of the ash mound as existing today.

#### Restoration

Proposals for final restoration of the tipped area, as set out in the Environmental Statement, are extremely general and set out little in the way of specific methodology. It is intended that soil material stockpiled around the quarry perimeter will be used to improve the top 300mm of pfa by screening where necessary and rotovating into the top of the pfa capping layer. It is not envisaged that materials will be imported to the site for this purpose. Areas will then be seeded, planted and irrigated until adequately established.

As set out previously, the Welsh Assembly Government's Regional Planning Advisor has serious concerns about the potential for successful agricultural restoration of the site due to the nature of the tipped material and the availability of suitable restoration materials. Considerable additional work will be necessary to establish the best methods to obtain the most beneficial after-use of this extensive site, but in view of the considerable period, likely to be several years at least, before ash disposal on any part of the site would be completed, I am of the view that this issue can be dealt with by conditions requiring the submission and approval of detailed restoration schemes for each phase.

#### CONCLUSION

The proposal represents both a long-term solution for the disposal of pfa and an opportunity to achieve a better restoration of the quarry than would be possible at quarry floor level, but the environmental impact of the disposal operation will require careful management and control if it is to be carried out without adverse impact to residential amenity or to the ecological interest in the site. The highway engineers are satisfied that the proposed new junction with the Rhoose bypass and the crossing of Castle Road can be achieved safely, and improved visibility to the west at the Four Cross junction will be achieved by works approved in July this year.

Nevertheless the potential major increase in heavy goods vehicles for an indefinite period is neither desirable nor sustainable, and whilst the applicants' short-term ash disposal difficulties are appreciated I consider that every effort should be made to achieve an alternative ash transport system for the long term. The applicants' recent statement regarding progress with a feasibility study is acknowledged, but it is recognised that even if proved feasible an alternative system will not be in place prior to the quarry being required for disposal early in 2008. In the circumstances I consider that permission should be granted on the basis of road haulage but subject to a condition requiring the formal review of ash transport options after three years. In addition and notwithstanding the above a condition is also recommended to ensure that the transportation of pulverised fuel ash to the quarry by road will cease on or before 31<sup>st</sup> December, 2011, to ensure that the transportation of ash to the quarry is controlled in the long term.

Having regard to Policies WAST 1 (Provision of Waste Management Facilities) and WAST 2 (Criteria for Assessing Waste Management Facilities) of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 and all other material considerations, the proposal is considered acceptable in terms of the principle of the development, its design, impact on amenity and, subject to a review after three years, highway implications. Therefore planning permission is granted subject to the conditions listed.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. Unless otherwise specified in these conditions, the development hereby approved shall be carried out entirely in accordance with the description of development set out in the Environmental Statement and supporting documents received on 21st November, 2005.

Reason:

To define the development and in the interests of general amenity.

3. With the exception of any material specifically required for the treatment of the quarry floor or faces to prepare the site for the deposition of ash, or soils for use in the final restoration of the site, no material other than pulverised fuel ash arising from Aberthaw Power Station shall be deposited in the site.

Reason:

For the avoidance of doubt and in the interests of amenity.

4. Highways and Access

Prior to any pulverised fuel ash being deposited in the quarry, full engineering details of the proposed protected right turn off the B4265, the upgrading of the track between the B4265 and Castle Road, the crossing of the Castle Road and the new access to the quarry off Castle Road shall be submitted in writing to and approved by the Local Planning Authority. The approved scheme shall include details of proposals for traffic lights to control the Castle Road crossing and of the location and design of any gates at the Castle Road crossing and at the new quarry entrance.

Reason:

In the interests of highway safety and general amenity.

5. Prior to any pulverised fuel ash being deposited in the quarry a scheme of visibility improvements at the 'Four Cross' junction on the B4265 shall be implemented in accordance with details to be first submitted in writing to and approved by the Local Planning Authority.

Reason:

In the interests of highway safety.

6. All loaded vehicles carrying pulverised fuel ash for deposition in the quarry and all empty vehicles leaving the quarry having deposited ash, shall use the new entrance to the site off Castle Road as described in the application documents.

Reason:

In the interests of highway safety.

7. By no later than 31st March, 2007 the results of a feasibility study into alternative methods of ash transport to the quarry shall be submitted in writing to the Local Planning Authority. The feasibility study shall include an assessment of the technical and way-leave issues involved in transporting ash by conveyor or pipeline, with conclusions on preferred long-term ash disposal options.

Reason:

To minimise the environmental impact of transporting ash to the quarry and in the interests of highway safety.

8. Notwithstanding the terms of this consent the Local Planning Authority shall be formally advised in writing of the commencement date for the transportation of pulverised fuel ash by road from Aberthaw Power Station prior to its commencement, and the transportation of the ash by road to the quarry shall run for a temporary period expiring two years after the commencement of the transportation by road, after which date the transportation of pulverised fuel ash to the quarry by road will cease, unless otherwise agreed by the Local Planning Authority.

Reason:

To review the impacts of transporting ash to the quarry by road and to assess alternative options of importing pulverised fuel ash into the quarry site.

9. All vehicles transporting pulverised fuel ash from the power station to the site shall be enclosed or sheeted.

Reason:

In the interests of highway safety and general amenity.

10. 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 the commencement of 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.

11. Prior to the commencement of any site preparation works in the excavated quarry bowl and prior to the deposition of any pulverised fuel ash in the quarry, a scheme for the cleaning of the wheels and chassis of vehicles leaving the site shall be implemented in accordance with details to be first submitted in writing to and approved by the Local Planning Authority. All vehicles leaving the quarry having deposited pfa shall use the cleaning facilities, which shall be retained in use throughout the duration of tipping operations and the subsequent restoration of the site.

Reason:

In the interests of highway safety.

12. The developer shall ensure that a suitably qualified archaeologist is present during the construction works required for the widening of the access route, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards laid down by the Institute of Field Archaeologists and the Local Planning

Authority shall be informed in writing, at least two weeks prior to the commencement of the access route construction works, of the name and address of the said archaeologist.

Reason:

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied.

13. Notwithstanding the Phasing Map submitted with the application, prior to the commencement of development a revised phasing scheme and method statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The approved scheme and statement shall contain:
- (a) detailed proposals to avoid disturbance to birds over-wintering and/or nesting on the lagoons in the quarry floor;
  - (b) proposals for an appropriate stand off distance between the lagoons, the ash deposition area and any access tracks;
  - (c) full details of the method of ash deposition within each phase, including face slopes and bench thicknesses.

Reason:

In the interests of the protection of the ecological interest in the site.

14. Working Methods

Access to the site shall be provided on request at all reasonable times for the Bird Control Co-ordinator of Cardiff Wales Airport.

Reason:

In the interests of aviation safety.

15. Prior to the deposition of any ash in the site, a 1m high fence designed to restrict the movement of geese shall be erected between the high water mark of the lagoons in the quarry and the ash deposition area in accordance with details and in a location to be first approved in writing by the Local Planning Authority.

Reason:

In the interests of aviation safety.

16. No pulverised fuel ash shall be deposited at any level higher than those shown on plan reference 5.10 submitted with the application.

Reason:

In the interests of visual amenity and to ensure the beneficial restoration of the site.

17. The transportation of ash, ash deposition or consolidation operations shall only be carried out in the quarry between the hours of 0800 to 1900 on any day and not at any time on Sundays or Bank Holidays.

Reason:

In the interests of residential amenity.

18. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%.

Reason:

In order to protect groundwater resources.

19. Amenity and Ecology

During each bird nesting season throughout the period of ash deposition at the site, a survey shall be carried out of:

(a) any quarry faces that may be affected or disturbed by works during the subsequent breeding season, to identify the location of any breeding Peregrine falcon, and

(b) the quarry floor to identify the location of any Little Ringed Plover or any other ground nesting bird.

The complete survey, together with proposals for mitigating the effect of ash deposition operations on the identified species, shall be forwarded to the Local Planning Authority within one month of its completion, and ash deposition during the following year shall be carried out entirely in accordance with the submitted survey or any variation thereto that may be first approved in writing by the Local Planning Authority.

Reason:

- In order to mitigate the effects of the operation on interests of acknowledged ecological importance.

20. Prior to the carrying out of any site preparation or ash deposition operations within the excavated quarry bowl, a scheme for the provision of an alternative Peregrine falcon nesting platform at an appropriate location within Aberthaw Power Station shall be submitted in writing for the approval of the Local Planning Authority. The approved scheme shall be implemented within twelve months of its approval and shall be so retained for use throughout the duration of ash deposition operations in the quarry.

Reason:

To ensure the protection of the ornithological interest in the site.

21. Prior to the commencement of construction of the new access to the quarry off Castle Road or of any internal access ramp from that access to the quarry void, a scheme for the mitigation of the impact of these parts of the development on any reptiles within the site shall be submitted in writing to and approved in writing by the Local Planning Authority. All subsequent operations shall be carried out entirely in accordance with the approved scheme or any variation thereto that may first be approved in writing by the Local Planning Authority.

Reason:

In order to mitigate the effects of the operation on interests of acknowledged ecological importance.

22. The removal, replanting or translocation of any hedgerows and ground flora required to create new or improved accesses to the B4265, Castle Road and the quarry shall be carried out entirely in accordance with a scheme to be first submitted in writing to and approved in writing by the Local Planning Authority. The approved scheme shall include detailed provisions for any translocation works and details of species and density of any new planting, and for the creation of a new hedgerow on the eastern side of the improved track between the B4265 and Castle Road.

Reason:

In order to protect the ecological interest in the site and in the interests of visual amenity.

23. Any hedgerow removal, forming part of the scheme approved under Condition No. 23 above, shall be carried out only during the months of September to February inclusive.

Reason:

- In order to protect the ecological interest in the site and in the interest of visual amenity.

24. Notwithstanding the submitted documents, prior to the commencement of development, a scheme for noise attenuation and for the regular monitoring of noise from the development at or as close as practicable to Home Farm, Fonmon, shall be submitted in writing to and approved in writing by the Local Planning Authority, and the approved scheme or such variation thereto that may first be approved in writing by the Local Planning Authority shall thereafter be fully implemented throughout all periods of ash deposition and subsequent restoration of the site. The approved scheme shall have particular regard to the advice given in Technical Advice Note 11 (Noise) and Minerals Technical Advice Note 1 (Aggregates) in assessing appropriate noise limits at dwellings.

Reason:

In the interests of residential amenity.

25. All reversing sirens on mobile plant, machinery or vehicles shall be of the self-attenuating type with a variable sound power level, automatically adjusted dependent on background noise levels such that the sound power level of the units does not exceed 10 dB above background noise levels.

Reason:

In the interests of local amenity.

26. Prior to the deposition of any pulverised fuel ash in the quarry, a scheme for the minimisation and mitigation of dust arising from operations at the site shall be submitted in writing to and approved in writing by the Local Planning Authority. The approved scheme shall include a working plan and operational procedure to be followed, including actions, roles and responsibilities, shall be implemented at the time of the first deposition of ash in the quarry and shall be retained in operation throughout all periods of ash deposition and subsequent restoration of the site.

Reason:

In the interest of general and residential amenity.

27. No later than twelve months following the date of commencement of ash deposition in each of the phases approved under Condition No. 13 of this permission, a detailed restoration scheme for that phase shall be submitted in writing for the approval of the Local Planning Authority. The approved scheme shall be implemented within twelve months of its approval and shall make provision for formation of topsoils and subsequent seeding and appropriate aftercare.

Reason:

To ensure the satisfactory restoration of the site.

28. The scheme approved under Condition No. 28 above shall have particular regard to the nature and quantities of any capping material to be imported, and shall make provision for an appropriate agricultural aftercare scheme.

Reason:

To ensure the satisfactory restoration of the site.

29. All soils and soil-forming materials on the site at the date of this permission shall be retained for use in the scheme of agricultural restoration to be approved under Condition Nos. 28 and 29 above.

Reason:

To ensure the satisfactory restoration of the site.

30. Notwithstanding the provisions of planning permission reference 79/02300/FUL or the deemed planning permission granted on 3rd November, 1955 by the former Minister of Fuel and Power, no further lateral extension shall take place to the southern or eastern perimeters of the ash mound at Aberthaw Power Station as existing at the date of this permission.

Reason:

In order to protect the ecological interest of the adjoining Site of Special Scientific Interest.

**NOTE:**

1. **You will note that a condition has been attached to this consent and refers to an archaeologist being afforded the opportunity to carry out a watching brief during the course of developments. It would be advisable to contact the Glamorgan-Gwent Archaeological Trust, at Heathfield House, Heathfield, Swansea, SA1 6EL. Tel: (01792 655208) at least two weeks before commencing work on site in order to comply with the above condition.**
2. **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 Countryside Council for Wales, 7 Castleton Court, Fortran Road, Cardiff; telephone number 02920 772400.**
3. **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.**

4. 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.
5. The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.
6. In accordance with Regulation 3(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the Local Planning Authority took into account the environmental information submitted with this application.

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.

Appendix A.

Our ref: A29542/JBHD

CURATORIAL DIVISION

Director of Environmental and Economic Regeneration  
 Vale of Glamorgan Council  
 Dock Office  
 Barry Docks  
 Barry  
 CF63 4RT

19<sup>th</sup> July 2007

FAO: Mrs JM Crofts

Dear Sir

**Re: Cowbridge Leisure Centre, Cowbridge.**  
**PLApp.No.: 07/00843/REG3.**

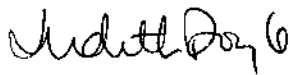
Thank you for sending the details of this application.

The Regional Sites and Monuments Record shows the application area to be situated close to the area known as Bear Field, a site archaeologically evaluated in the past, which showed the area to have been occupied by an important Roman settlement. You will recall that, most recently, an archaeological watching brief was undertaken on the site immediately adjacent to the present application site; this was for the construction of the bowls pavilion in 2006. This work showed that the area had been marshland in antiquity and showed no archaeological material, in addition, there was c1m of made ground, probably from the construction of the leisure centre. Due to this, it is therefore unlikely that archaeological material would be disturbed by the proposed development.

The Regional Sites and Monuments Record curated by this Division of this Trust indicates no recorded archaeological features of any other period are located within the area of the proposed development. Consequently we have no objection to the positive determination of the current application. The record is not definitive, however, and should any finds or features be disturbed during the course of the work, please contact this Division of this Trust.

If you have any questions or require further advice on this matter please do not hesitate to contact us.

Yours faithfully



Judith Doyle  
 Archaeological Planning Officer

GLAMORGAN  
 GWENT  
 ARCHAEOLOGICAL  
 TRUST LTD

*Curatorial  
 Division*



Registered Organisation

Glamorgan-Gwent  
 Archaeological Trust  
 Limited

Heathfield House  
 Heathfield  
 Swansea SA1 6EL

Tel: (01792) 655208

Fax: (01792) 474469

www.ggat.org.uk  
 email: curatorial@ggat.org.uk

Registered Office: As above  
 Registered in Wales No. 1276976  
 A Company limited by Guarantee  
 without Share Capital  
 Registered Charity No. 505609

Consultation response: Head of Economic Development & Leisure (Ecology)

Application reference: 07/00843/RG3

Application site: Cowbridge Leisure Centre, off Eagle Lane, Cowbridge.

**The location of a single storey prefabricated nursery unit together with all necessary site works.**

**\*Great Crested Newt.**

It is noted that several ponds and a wetland area lie within 500m of the application site, which is the recognised foraging range for a great crested newt. Great crested newts are widespread in the Vale of Glamorgan. Should this pond support breeding populations, there is the possibility that great crested newts could be using the application site as terrestrial habitat.

- It is recommended that the developer be made aware that great crested newts and their breeding sites and resting places are protected by law through UK legislation under the Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994). This legislation makes it an offence to damage or destroy a breeding site or resting place, to either intentionally or recklessly damage, destroy or obstruct access to a place used for shelter and protection, or to intentionally or recklessly disturb great crested newts within a place used for shelter or protection.
- It is recommended that the following good practice guidelines be followed to minimise potential impacts on great crested newts, assuming potential presence on the application site:
  - In the event that great crested newt is found to be present on site, stop works immediately and seek advice from the Countryside Council for Wales, (CCW) (tel. 02920 772400).
  - Take particular care when disturbing materials/dense vegetation at ground level that could be being used by sheltering/hibernating great crested newts.
  - Keep grassland on/surrounding the development site short to discourage newts from entering site.

**Reptiles.**

The application site includes habitat that could potentially be used by reptiles.

- It is recommended that the applicant be informed that reptiles are protected under the Wildlife and Countryside Act 1981.
- It is recommended that the application site be surveyed for reptiles.
- If presence is confirmed it is recommended that a condition of consent be that a reptile clearance methodology for the field and surrounding hedgerow/scrub on the application site be undertaken, and that this is submitted to the local authority for approval prior to the commencement of works.

**Nesting Birds.**

The vegetation on this application site may potentially be used by nesting birds.

- It is recommended that the developer be made aware that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built.
- It is recommended that to comply with the law, a condition be included in any consent that states that any vegetation clearance should be done outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be demonstrated that nesting birds are absent. It should be noted that birds may still be nesting outside this season, therefore care should be taken to ensure that no nesting birds are affected.

#### Hedgerows and Scrub.

The proposed development may result in the loss of a section of hedgerow surrounding the site and some young trees/scrub. The hedgerow is mature and is likely to classify as "important" under the Hedgerow Regulations 1997, as it consists of a variety of woody species and has a bank feature and, further along, an obvious ditch feature. The hedgerow could be classified in places as wet woodland, and further along the hedge-line the hedge ditch is water-filled. It is noted that the hedgerow has already been previously truncated at its western end by the construction of the bowling green and bowling pavilion.

- It is therefore recommended that where proposals will result in a reduction in boundary hedgerow/scrub, a full hedgerow survey be conducted prior to the granting of consent, to include an assessment of impact.
- From an ecological viewpoint it would be advisable that the section of hedgerow be retained.

In the event that consent be granted for the current application, it is recommended that:

- Due care be taken to avoid damage to the existing hedgerow during construction works through fencing the area off.

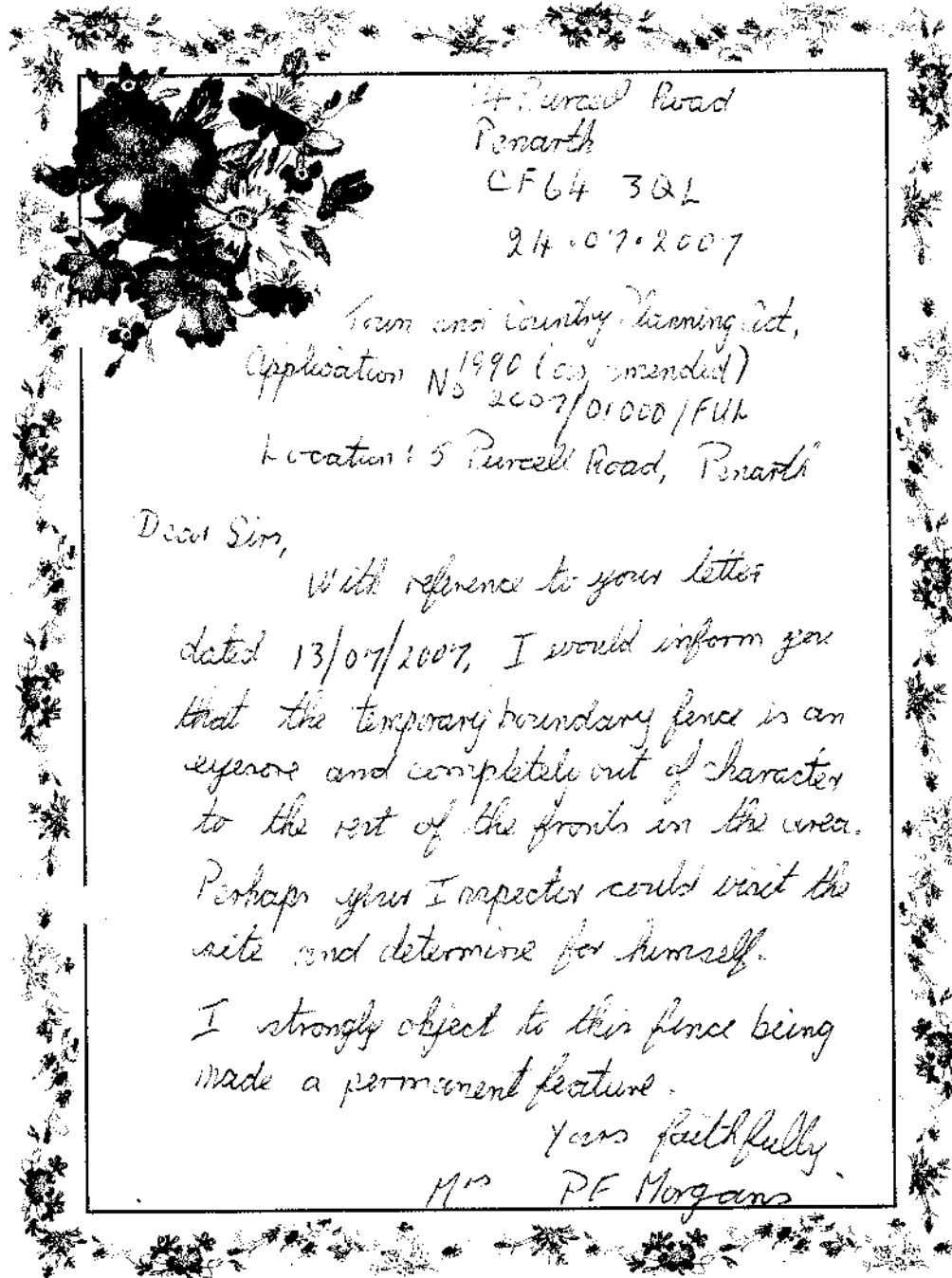
**\*N.B.** A developer will require a development licence from the National Assembly Wales government for any development that would contravene the protection afforded to European protected species (which include otter and great crested newt) under the Habitats Directive. Before such a licence can be granted, the following tests, specified in Article 16 of the Habitats Directive, must be satisfied:

- *the derogation (in the form of a licence) is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment"*
- *there is "no satisfactory alternative" to the derogation*
- *the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range".*

Although derogations are currently granted by a licence issued to the developer by the National Assembly Wales government, local planning authorities are under a duty to have regard to the requirements of the Habitats Directive in exercising their functions. To avoid developments with planning permission subsequently not being granted a derogation in relation to European protected species, planning authorities should take the three requirements for a derogation into account when considering development proposals where a European protected species is present, and planning reports should demonstrate that the three tests have been applied.

2007/01000/FUL

APPENDIX 'A'



14 Purcell Road  
Penarth  
CF64 3QL  
24.07.2007

Tom and Country Planning Ltd,  
Application No 1990 (as amended)  
2007/01000/FUL  
Location: 5 Purcell Road, Penarth

Dear Sir,

With reference to your letter dated 13/07/2007, I would inform you that the temporary boundary fence is an eyesore and completely out of character to the rest of the fronts in the area.

Perhaps your Inspector could visit the site and determine for himself.

I strongly object to this fence being made a permanent feature.

Yours faithfully  
Mrs PE Morgans

2007/01000/FUL  
'A'

116 Purcell Rd  
Penarth  
CF64 3QL

Dear Sir,

Re Planning Application for 5 Purcell Rd

I have been away on holiday so have not had chance to inspect details in the Planning Dept. but, I am looking out every day on the fence the applicant has already erected (presumably without planning permission), and I can certainly raise an objection to that.

The fence is much too high, it has the house look like a fortress and is certainly not in keeping with all the surrounding properties.

Yours faithfully  
V. J. Hall (Mrs)

2007/01000/FUL

'A'

49 Sullivan Close  
Penarth  
Vale of Glamorgan  
CF64 3QR

Tel : 029 2071 1657

Planning Officer  
Vale of Glamorgan Council  
Council Offices  
Holton Road  
Barry

5<sup>th</sup> August 2007

Dear Sirs.

**Planning Permission Requested  
5 Purcell Road, Penarth.**

I have noticed in the local newspaper 'Planning Hopefuls' column, that the occupants of the above premises in Penarth, have submitted a planning application to retain a temporary wooden perimeter fence.

I would like to bring to your attention that this house is situated on the junction of Sullivan Close / Purcel Road. The fence is very high and presents a danger to traffic entering Purcel Road from Sullivan Close. The vision of drivers of vehicles leaving Sullivan Close is completely obstructed by this fence. In order to ascertain whether traffic is approaching this junction along Purcell Road, Sullivan Close vehicles are forced to pull out blind, at least half a vehicles length into the junction. The fence also, to an extent, hinders the vision of Purcel Road drivers approaching the junction.

I feel that perhaps it would be preferable if one of your officers could visit the site before planning permission is granted. Refusal of this planning application in its present form would, I am sure, prevent a possible serious Road Traffic Collision in the future.

Yours faithfully



G P Thomas

HAYLEY - Can you let this person

Partridge, Natalie L

From: webmaster@valeofglamorgan.gov.uk  
Sent: 04 August 2007 17:05  
To: developmentcontrol@valeofglamorgan.gov.uk  
Subject: Form Submission

knew what's  
Happening

Vale of Glamorgan Website - Planning Enforcement Complaint

Cheers.

Email Result For Form :

Date of complaint : 040807

Complainant's name : Mrs Jayne Neadley

Complainant's address :  
23 Sullivan Close  
Penarth  
Vale of Glamorgan  
CF64 3QR

2007/01000/FUL  
A

Telephone number : 029 2070 7283

2nd Contact number :

Email : kevin.neadley@btinternet .com

Details of complaint:  
%%Details\_of\_complaint%%

Location:  
5 Purcell Road  
Penarth

Complaint (unauthorised works being undertaken):  
Boundary fence has been built and retrospective planning application sought. This fence obscures the view of motorists coming out of Sullivan Close, forcing them out into Purcell Road to ascertain what traffic is approaching. I therefore wish to lodge a complaint against retrospective planning permission being granted on the grounds of safety.

Offender's name (if known) :

Offender's address (if known) : 5 Purcell Road, Penarth

Consultation response: Head of Economic Development & Leisure  
(Ecology)

Application reference: 07/01121/FUL

Application site: Former nursery land adjacent to Cemetery Road, Barry.

**Erection of 66 no. affordable dwellings (made up of 42 no. houses and two blocks of 12 no. flats) and associated works.**

Thank you for your consultation and the inclusion of surveys, our ecological comments are as follows:

#### **NESTING BIRDS.**

The vegetation/buildings on this application site may potentially be used by nesting birds.

- It is recommended that the developer be made aware that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built.
- It is recommended that to comply with the law, a condition be included in any consent that states that any building works or vegetation clearance required should be done outside the nesting season; generally recognised to be from March to August inclusive, unless it can be demonstrated that nesting birds are absent. It should be noted that birds may still be nesting outside this season, therefore care should be taken to ensure that no nesting birds are affected.

#### **BATS \***

The phase I survey report identified 5 buildings onsite but all but one had very low potential for bats. The bat survey submitted in respect to this application re-examined the building with bat potential, the report indicated that there was no evidence to suggest that the boiler room, toilets and other rooms scheduled for demolition were used by bats. The report states that the building is only of very limited potential to bats. However it is noted that flooding within the building may have masked evidence of bats therefore the following recommendations are made:

- Contractors should be made aware that there is a possibility of encountering bat roosts unexpectedly during the development work.
- In the unlikely event of bats being found to be present on site, work should stop immediately and advice sought from the Countryside Council for Wales, (CCW) (tel. 02920 772400).

2007/01/21 Fu

'A'

- Work should ideally be carried out in the winter months when bats are least likely to be present.
- The developer should be made aware that British bats and their breeding sites and resting places are protected by law through UK legislation under the Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994). In relation to structures used by bats for shelter or protection (i.e. roosts), this legislation makes it an offence to either intentionally or recklessly damage, destroy or obstruct access to any site used by bats, whether bats are present at the time or not, or to intentionally or recklessly disturb bats within a roost.

#### **Bats and trees.**

The bat survey submitted in respect to this application confirmed that a large Sycamore and large Ash tree had low potential for roosting bats. No further work is required for these particular trees. It is recommended that the sensitive felling/demolition procedures listed in the report be adopted as good practice.

It is noted in the tree report submitted with the application that several other trees will potentially be removed. If any of these trees are large or mature it is recommended that an assessment of these trees proposed for works/removal be conducted by a licensed bat surveyor to identify any which have may potential bat use. A full bat survey of any trees assessed to have bat potential should then be conducted by the licensed surveyor prior to the granting of planning permission to ascertain presence or absence of bats/bat roosts

In the event that the survey reveals the presence of bats/roosts, further advice must be sought from the Countryside Council for Wales (CCW) and their advice taken into account in making the planning decision. Appropriate mitigation measures as informed by the results of the survey should be conditioned into any consent.

#### **BADGERS.**

The badger survey submitted with the application notes that a survey of excavations previously noted in January 2007 was conducted at an optimal time and that no evidence of badger was found. Due to the nature of the excavations it is advised that the recommendation in section 5.6 of the phase 1 survey report be adhered to and that quarterly monitoring of the potential badger site would be advisable prior to construction.

#### **REPTILES**

The reptile translocation report submitted with the application confirms the presence of slowworm at the application site.

2007/01121/FUL A

- It is recommended that the applicant be informed that reptiles are protected under the Wildlife and Countryside Act 1981.

It is noted that a translocation strategy has been submitted with the application. Our comments on this strategy are as follows:

- If significant delays occur as detailed in section 3.4 of the translocation strategy, it is recommended that written consent from the Vale of Glamorgan Council's Ecologist be sought prior to commencement of the translocation exercise.
- It is recommended that a condition of consent be that a **reptile clearance methodology** be resubmitted to the local authority for approval prior to the commencement of works with the following amendments:
- It is recommended that the translocation report states that 10 nil returns will be achieved in good weather conditions in order to sign off the works prior to site clearance and commencement of works.
- It is recommended in line with CCW guidelines that clearance of reptiles can only be undertaken April to October inclusive and therefore capture visits begin from April and not March as stated in the translocation strategy.
- It is recommended that the strategy states that if there is any delay between the end of the reptile clearance and the commencement of development then measures must be taken to prevent re-colonisation.

**\*N.B.** A developer will require a development licence from the National Assembly Wales government for any development that would contravene the protection afforded to European protected species (which include bats and great crested newt) under the Habitats Directive. Before such a licence can be granted, the following tests, specified in Article 16 of the Habitats Directive, must be satisfied:

- *the derogation (in the form of a licence) is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment"*
- *there is "no satisfactory alternative" to the derogation*
- *the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range".*

Although derogations are currently granted by a licence issued to the developer by the National Assembly Wales government, local planning authorities are under a duty to have regard to the requirements of the Habitats Directive in exercising their functions. To avoid developments with planning

2007/0121/FUL 'A'

permission subsequently not being granted a derogation in relation to European protected species, planning authorities should take the three requirements for a derogation into account when considering development proposals where a European protected species is present, and planning reports should demonstrate that the three tests have been applied.

Mr. Z Syed,  
15 St Feilo Avenue,  
Barry  
CF62 8BQ

Dear Mr. Thomas,

With regards to planning application No. 2007/01121/FUL received from Newydd Housing Association, for development of 66 homes consisting of 42 houses and 24 flats, we the residents of the surrounding area, object to these proposed plans on the following grounds:

- Cemetery Rd is a very picturesque and serene road, which is lined both sides and through the middle with very old and beautiful trees, this surely would be a shame to lose such an important part of Barry
- The peace and quiet of this area will be lost with the increase of residents
- There would be a definite increase in traffic, noise and pollution
- We feel the value of our properties would decrease
- The area will be spoilt for people approaching and attending the cemetery, there would be no parking spaces for funerals.
- There are insufficient play areas for such an increase in residents, there are no park facilities allocated on the fore mentioned plans.
- Due to the peace and quiet of Cemetery Rd and surrounding areas, it is popular with dog walkers and learner drivers (as this is part of a test route)
- Cemetery Rd is used by parents to safely park to collect children from St. Helens RC junior school on Tynwydd Rd

For all the above reasons, we the residents of the surrounding area, strongly object to the proposed development.

Yours sincerely,

Appendix C

2007/01121/FUL

PLANNING DEPARTMENT  
VALE OF GLAMORGAN COUNCIL  
DOCK OFFICES  
BARRY

MR B P EVANS  
242 BARRY ROAD  
BARRY  
SOUTH WALES  
CF62 9BH

407947

16<sup>th</sup> Sept 2007

REF - PLANNING REF 2007/01121/FUL

Sir

I wish to express my great disapproval on the building of 42 houses and 24 flats, in what must be the most sensitive area of the town, namely the Cemetery. I agree 100 % that this area should have been developed twenty years ago, but this development must be done in such a manner that enhances the area, and in such a way that it blends in with the present surroundings, and that is sensitive to the cemetery.

I moved into my present address in 1984, and since the council moved the plant (garden) nursery to Dyffryn Gardens, I noticed the calculated and deliberate run down of this area ( just as they did with the Town Hall and Kings Square ), allowing the benches to be broken, green houses to be plundered, and garages/sheds to be broken into and left for anyone to take what they wanted, the band room was mysteriously burnt down in mid afternoon, (as was the tonnes of wood was mysteriously burnt down over Barry Island), and the area became a general dumping ground.

42 houses and 24 flats on such a small site, this sensitive area will be grossly over developed, and what extra amenities are to be made for the new inhabitants.

In this modern age, most families own two cars, 66 properties will mean 132 car parking areas, not counting visitors to the area, when this area already suffers parking problems, especially with families taking and collecting their children, to and from school, and this will only add to the almost daily traffic accidents/incidents on the roundabout that must already be classed as the most dangerous road junction in Barry.

Newydd housing association has no thought for any area that they take over, or what type of occupant they houses, just as long as they get their money, and their easiest way is from the social services, and their management leaves much to be desired, and in no time this area will become just like any other run down areas in the town, no matter what they promises, and when mentioning Newydd and two bedroom properties in the same sentence it screams out unmarried mothers,

This area has been abandoned over the last twenty three years, and over this period has been completely undisturbed by man, and nature has taken over and made its own sanctuary, Mr Simon Morris states Newydd Housing Association has under-taken Ecology Studies of the Natural Habitants on the site, this I find very misleading as there is no mention of all of the species living or nesting in this area, such as; Robins, Wrens, Blackbirds, Song Thrushes, Dunnocks, Blue Tits, Great Tits, Coal Tits, Long Tailed Tits, Nuthatches, Green Finches, Bull Finches, and although not all are rare it is very unusual to find such a large variety of birds nesting in such a small area especially in a town, as well as Frogs, Toads, Slow Worms, and Hedgehogs on the ground, I Would Like a Representative from " FRIENDS of the EARTH " to carry out an examination of this area BEFORE any redevelopment work commences,

Applications for the development of this site was by "Sealed bids", this leaves a bitter taste in ones mouth, if it must be sold what is wrong with "Open Bids", or is the council trying to withhold from the Citizens of Barry what they are selling off, our Green areas for, or had the deals already been agreed.

With the proposed building of 2700 properties in Llandow, this development should be put on hold until a better solution for the development of this very sensitive area is found.

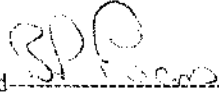
2007/01121/FUL

C

For as long as I can remember the people of Barry's last journey to their final resting place was down a tree lined avenue, if this development is allowed to go ahead, their final journey will be through a glorified rundown, car strewn housing estate.

If the properties in this area are devalued through this Newydd development, are the Council or Newydd Housing Association going to cover the loss to the property owners.

My neighbour received a letter, explaining the planning application, as some of the proposed properties will overlook my rear garden, surely I should have received a copy, as I would like to question what windows/ balconies will be overlooking my property, and what height the windows/ balconies be. I have been down the Dock Offices to look at the plans, but I was far from being impressed, but I was left to read the 21 days notice to any objections, on a notice taped to the lamp post in Cemetery road that was dated 4<sup>th</sup> Sept 2007.

Signed 

B P Evans



2007/01121/FUL

C

Chairman  
Cllr. Nic Hodges  
C/O Barry Town Council  
7 Gladstone Rd,  
Barry, CF62 8NA

Friends of Merthyr Dyfan Cemetery

**Proposed plans for 66 homes, Cemetery Road, Barry.**

Dear Sir/Madam

I have been asked as the Chair of the newly formed **Friends of Merthyr Dyfan Cemetery** to write to you to express our concern at the proposals to build 66 homes on the ceremonial approach to Merthyr Dyfan Cemetery.

Merthyr Dyfan cemetery was instigated in 1887 when land was purchased to develop the cemetery. Previous planners in Barry saw fit to provide a ceremonial approach to the gates of the cemetery, sensitive to the dignity for the final journey of many Barrians. The width allows not only parking for cemetery users but also room for a turning circle which is still needed today as horse drawn hearses are still available and in use, as well as large motor hearses.

Whilst we accept house building is probably inevitable on this site the developers do not appear to have made any concessions to the close proximity of Merthyr Dyfan cemetery which remains in constant use throughout opening times. There is no provision within the cemetery site for parking for mourners who are attending funerals and the Town Council has future plans to enlarge the cemetery, which will no doubt increase visitors.

The provision of 66 units on the site is excessive, Newydd Housing plan to build directly up to the edge of the available land so houses will butt directly onto the cemetery entrance. The layout and driveways preclude any on street parking and the suggestion that visitor parking can be made available between the central trees unrealistic. I would urge the committee to make a site visit to this prominent and sensitive site.

Yours Faithfully

Nic Hodges

Chair, Friends of Merthyr Dyfan Cemetery.

# APPENDIX 'A'

Mr Rob Thomas  
The Vale Of Glamorgan Council  
Development Control Section  
Docks Office Subway Road  
Barry  
South Glamorgan  
CF63 4RT

**Our ref:** SE/2006/100107/02-L01  
**Your ref:** 2006/01541/RG3  
**Date:** 13 December 2006

06/01541/RG3

Dear Mr Thomas

**Layout and landscaping of public open space at land adjacent to Cogan Hall Farm, Penarth, Vale of Glamorgan.**

Further information has been received from LTC Landscape Architecture Ltd regarding the above planning application on 12 December 2006.

We have reviewed the following information: -

- Email from Anita Bromley, LTC Landscape Architecture Ltd, dated 12 December 2006.
- Land at Old Cogan Farm, Penarth, Glamorgan - Otter & Water Vole Survey, November 2005, David Clements Ecology Ltd.
- Cogan public open space: General ecological recommendations.

We have considered the above documents and have no objection to the proposed development.

In addition to the comments made in our letter dated 08 December 2006, we wish the following recommendations to be considered.

A buffer strip of 7-10m width should be retained and managed along the length of all watercourses within the site. This will provide a corridor along which wildlife can move and disperse between habitats and will protect the riverbanks from excessive erosion.

We would encourage the retention of mature trees and hedgerow for their conservation and aesthetic value. Tree / hedgerow removal should not be undertaken during the months of March to June (inclusive) in order to protect breeding birds. Breeding birds are protected by the Wildlife and Countryside Act 1981.

Environment Agency  
Rivers House (St. Mellons Business Park) Fortran Road, St. Mellons, Cardiff, CF3 0EY.  
Customer services line: 08708 506 506  
Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)  
[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)  
Cont/d. End

Bats and their roosts are protected by the Wildlife and Countryside Act 1981. Bats use trees as roosts during the summer months and mature trees should be surveyed by a licenced ecologist before any tree work is undertaken.

An otter holt should only be installed where there is suitable habitat free from disturbance by humans and dogs. Expert advice should be sought prior to the construction of a holt.

Any planting within the site should be with native species with local provenance, to maximise the site's value for biodiversity.

We would encourage the developer to incorporate holes and ledges into the design of the footbridge, to encourage birds and bats to use the structure as a nesting or roosting site.

We recommend that the ecological recommendations outlined in the document prepared by the Vale of Glamorgan's ecologist be adopted as planning conditions.

Yours sincerely

06/01541/R93

'A

**Jon Goldsworthy**  
**Planning Liaison Officer**

Direct dial 029 2024 5039  
Direct fax 029 2036 2920  
Direct e-mail [jonathan.goldsworthy@environment-agency.gov.uk](mailto:jonathan.goldsworthy@environment-agency.gov.uk)

EndEnd



Plas Carew, Uned 5/7 Cefn Coed  
 Parc Nantgarw, Caerdydd CF15 7QQ  
 Ffôn 01443 336000 Ffacs 01443 336001  
 Ebost cadw@wales.gsi.gov.uk  
 Gwefan www.cadw.wales.gov.uk

Plas Carew, Unit 5/7 Cefn Coed  
 Parc Nantgarw, Cardiff CF15 7QQ  
 Tel 01443 336000 Fax 01443 336001  
 Email cadw@wales.gsi.gov.uk  
 Web www.cadw.wales.gov.uk

Mr Rhodri Davies  
 Planning & Transportation  
 Vale of Glamorgan Council  
 Dock Offices  
 Barry Docks  
 Barry  
 CF63 4RT

Eich cyfeirnod  
 Your reference

P/DC/RD/2006/01541/RG3

Ein cyfeirnod  
 Our reference

A-CAM11-09-0032-00

Dyddiad  
 Date

4 December 2006

Llinell uniongyrchol  
 Direct line

01443 336006

Ebost  
 Email:

Lisa.roberts-  
 clarke@wales.gsi.gov.uk

06/01541/RG3

APPENDIX 'B'

Dear Mr Davies

**TOWN AND COUNTRY PLANNING ACT 1990  
 PLANNING APPLICATION NO: 2006/01541/RG3  
 LAYOUT AND LANDSCAPING OF PUBLIC OPEN SPACE AT LAND ADJACENT TO COGAN  
 HALL FARM, PENARTH**

I refer to your letter of 15 November 2006, enclosing a copy of the planning application for the proposed development as described above.

The remains of Cogan medieval village (GM535), are visible today in the form of earthwork features including house platforms, boundary banks for crofts and fields and sunken tracks or "holloways" in the fields to the north and east of St Peters Church (founded 12<sup>th</sup> century). The village enjoyed many centuries of occupation before suffering depopulation from the 16<sup>th</sup> century onwards.

A series of archaeological investigations including geophysical surveys, topographic surveys and excavations in the 1980s enabled the core area of the village to be established and scheduled. The village remains extend over several fields, all used today as permanent pasture. The earthwork remains are predominantly under grass / meadow with hedgerows and tree cover alongside the public footpath which runs through the centre of the site and some areas of mixed scrub.

In principle, Cadw is supportive of the proposal to include the scheduled Old Cogan Village within the public access area, subject to agreement of some minor revisions to the scheme.

Cadw has been in discussion with the applicant regarding the proposed landscaping within the scheduled area and is currently processing an application for Scheduled Monument Consent for the works. It is expected that, subject to the applicant agreeing to some adjustments requested by Cadw, consent will be given.

Requested adjustments include the nature of the paths and their routes. Cadw would favour MOT Type 2 paths over Tar Spray and Chip within the scheduled area, since this reduces the depth of ground disturbance and avoids the use of edging boards. Discussions are also in progress regarding the specific routes of paths and locations of structures such as the play area goalposts in order to ensure that they avoid known archaeological features and potentially sensitive areas. An

Cadw yw cyfarwyddiaeth amgylchedd hanesyddol Llywodraeth Cymru  
 Cadw is the historic environment Directorate of the Welsh Assembly Government



**BUDDSODDWR MEWN POBL**  
 INVESTOR IN PEOPLE



Llywodraeth Cynulliad Cymru  
 Welsh Assembly Government

archaeological watching brief will be necessary during the landscaping works in order to protect archaeological interests.

In view of the work being given to improve public access, Cadw would encourage your authority to give consideration to the provision of on-site interpretation such as an information panel, to help inform visitors about the history of the site, and its archaeological importance.

These views are provided without prejudice to the Welsh Assembly Government's consideration of the matter, should it come before it formally for determination.

Yours sincerely

06/01541/R93 'B'

Mrs Lisa Roberts-Clarke  
Gweinyddu Henebion / Ancient Monuments Administration

APPENDIX 'C'



HERBERT R THOMAS

06/01541

CHARTERED SURVEYORS, AUCTIONEERS, VALUERS & ESTATE AGENTS

59 High Street, Cowbridge, Vale of Glamorgan CF71 7YL

Tel 01446 772911 Fax 01446 776378 E-mail [property@hrt.a-i-s.co.uk](mailto:property@hrt.a-i-s.co.uk) [www.hrt.uk.com](http://www.hrt.uk.com)

Our Ref: WPT/CMW/B380a

Your Ref:

Director of Planning, Highway & Transportation Services  
Vale of Glamorgan Council  
Dock Office  
Barry  
Vale of Glamorgan

06/01541/R93

DATE: 6<sup>th</sup> December 2006

Direct Line: (01446) 776370

Email: [wpt@hrt.a-i-s.co.uk](mailto:wpt@hrt.a-i-s.co.uk)

Dear Sir,

Planning Application No. 2006/0151<sup>4</sup>/RA3: Land Adjacent to Cogan Hall Farm,  
Penarth<sup>^</sup>

I act for Mr. Trevor Bailey of Cogan Hall Farm, Penarth and wish to put forward representations on Mr. Bailey's behalf in connection with the above application for the proposed change of use from Agricultural to Public Open Space.

An undertaking was given by the Vale of Glamorgan Council dated 14<sup>th</sup> May 2003 not to undertake any planning permission on this parcel of ground (Application Nos. 02/00061/FUL and 02/00623/FUL).

In connection with the above application the area of land actually includes a parcel of ground which is presently tenanted to Mr. Trevor Bailey under the Agricultural Holdings Act 1986. I can confirm that Mr. Bailey has received no formal notice from the applicant in connection with the above proposals. It is my understanding that notice should be served if a tenant has a legal interest on the land.

Furthermore, part of the land which is proposed to be taken includes part of the land which forms part of the slurry store. I can confirm that we are considering writing to the Landlords in connection with my Client's statutory rights. For your further information, the Landlords are the Vale of Glamorgan Council and their Agent is Mr. Frank Coleman.



Partners: Edmund H. Miles, BSc (Agric), FRICS, FAAV. Andrew R. Thomas, BSc (Land Man), MRICS, FAAV. Robert P. Calcaterra, FNAEA.  
W. Philip Thomas, Dip (Estate Man), MRICS, FAAV. Associate: Matthew T. Jarrold, BSc (Land Man), MRICS, FAAV.  
Howell J. Edwards, BSc (Estate Man), FRICS, FAAV. Tim Vaughan, BSc (Hons) MRICS  
Consultants: Robert Thomas, MA (Dip. Est Man.), Cantab, FRICS, FAAV. Alison Ginn, BSc MRICS, FAAV.

VAT Reg No. 134 5476 67

06/01541/R93<sup>2</sup>

'C'

I would be grateful if you would please confirm receipt of the above objections. If you wish to discuss any points with me, please do not hesitate to contact me.

Kind Regards.

Yours sincerely,



**W. PHILIP THOMAS, Dip (Estate Man) MRICS FAAV**  
PP Herbert R Thomas

06/01541/RG3

8th December, 2006.

The Vale of Glamorgan Council,  
Dock Office,  
Barry Docks,  
Barry,  
Vale of Glamorgan.  
CF63 4RT

F.A.O. Rob Thomas – Head of Planning & Transportation.  
Your Ref: P/DC/RD/2006/01541/RG3

Dear Sir,

**Re: Application No. 2006/01541/RG3**  
**Proposal: Layout and landscaping of public open space.**  
**Location: Land adjacent to Cogan Hall Farm, Penarth.**

Further to your letter, dated 27/11/2006, informing me of the planning application that has been submitted, I comment as follows:-

I was first informed of this proposal in May, 2006 and was given a contact name of Malcolm Drysdale ( Principle Landscape Architect ) to obtain information. I contacted Malcolm and a meeting was held on site on 1/06/2006, with Malcolm, myself and neighbours, to discuss the layout, etc. I have been recently provided with the latest copy of the layout drawing, to be submitted for planning, by Malcolm ( dwg No. 20084/31- Rev.E )

My initial thoughts are why is this public open space being proposed, especially at this location, when there is far more suitable land to the South of Cogan Hall Farm which adjoins Cosmeston Country Park and links far more suitably to the Park and the newly completed housing development.

This planning proposal is again removing precious agricultural/grazing land from Cogan Hall Farm, which has already severely suffered loss of land. I cannot see the sense in creating further public open space when we already have the excellent Cosmeston Country Park and Lakes extending from the South of the Farm, which can already be fully accessed on foot from Sully Road.

06/01541/R93

'C'

This proposal will also cause numerous serious problems that need to be addressed, as follows :-

(a). It would attract additional vehicles to park and block the narrow lane which provides access off Sully Road to Cogan Hall Cottages, Farm and Manor.

This lane is narrow and would only exacerbate the problem that we already have with people parking. The lane is only a single track highway and creation of this Open Public Space will inevitably attract the public, who will inevitably visit by vehicle, as well as on foot. Parking of additional vehicles on this lane would then be inevitable and will restrict access for the farm and residents vehicles and more importantly emergency and refuse collection vehicles. Throughout the year, and during the summer months especially, the farmer already experiences numerous problems from vehicles parking on the lane and blocking access/egress for his tractor, etc. When the public park their vehicles on the lane, to walk their dogs, etc, in Cosmeston Park, they are generally away from their vehicle for at least 1 to 2 hours, and cannot be contacted to move their vehicle. This is totally unacceptable. I feel that the creation of "parking restrictions" such as signs and yellow lines, would not deter parking due to the location -who would patrol this ?

(b). Why do we have to loose more agricultural land in the Vale of Glamorgan ? Cogan Hall Farm is already suffering due to loss of land. This loss of agricultural land contradicts the Adopted Unitary Development Plan 1996 - 2011.

(c). The creation of the public open space at this location will completely surround Cogan Hall Cottages and Farm and put us inside the boundary of Cosmeston Country Park, which we feel is unacceptable due to the creation of noise and nuisance that will be generated. Security is also an issue.

(d). What is the proposed cost of creating this public open space ? With the Vale of Glamorgan Council already experiencing financial problems with provision of local services, etc, how can this additional expenditure be justified?

06/01541/R9

'C'

My general opinion is that this proposed creation of public open space is completely un-necessary and will again see the loss of further farming land, and is an un-necessary spending of tax payers money.

I hope that this planning proposal is **rejected**, to protect Cogan Hall Farm and the local neighbouring properties, as it would be a detriment to our local farming and residential community.

I would appreciate your confirmation of receipt of this letter.

Yours Faithfully,



R.Sydenham ( Mr & Mrs.)  
3 Cogan Hall Cottages,  
Sully Road,  
Penarth.  
Vale of Glamorgan.  
CF64 2TQ

APPENDIX 'C'

2 Cogan Hall Cottages  
Sully Rd.  
Penarth  
CF64 2TQ

06/01541/RG3

12.12.06

Dear Sir/Madam

Re: Planning application No. 2006/01541/RG3  
Location: Land adjacent to Cogan Hall Farm, Penarth  
Proposal: Layout and landscaping of public open space.

I am writing to register our concerns regarding the above application.

Having moved in to this property just over 2 years ago, we were very distressed to find that there are proposals to change the use of the land directly backing on to our property. This did not come up in the search we had done before completing on our property. Had we been aware that the surrounding land was liable for a change of use, it would have greatly affected our decision to buy the property.

One of the many reasons we wanted to live in this area was the privacy it offered and the open aspect to the rear of the property.

We strongly object to the idea that this will no longer be the case and that our garden will be overlooked by passers by until such time as the trees are big enough to screen the garden from the pathway. Even at this time our outlook will be radically altered.

During the summer months the lane leading through to Cosmeston is frequently used by young people (shouting and swearing) who have been drinking either down at the lake or at the Manor House Hotel, and as the parents of young children we are very worried that opening up land to the front and rear of our properties will bring them even nearer and give them alternative place to base themselves for the evening.

Another major concern regarding the change of use of this land into public open space is the parking in the area and the access of emergency vehicles.

I'm sure you are aware that parking is very limited and there are only just adequate spaces for the residents of the farm and cottages. There are currently times, especially at weekends, when we experience problems with walkers using the Cosmeston park who park their vehicles in the lane. You will appreciate that as residents in this area we do not have the option of simply parking in the next street. If we cannot park near our properties there are no other alternatives.

Should an emergency vehicle need access at these times it would be extremely difficult and we are most concerned at the possible impact of more people wishing to park in the vicinity.

If the proposal should go ahead we would like to know what reassurance we will have that people will not be able to park here?

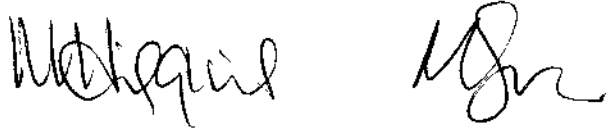
The last point we would greatly appreciate your consideration on is the re-opening of the footpath which runs in front of the cottages.

We feel that with footpaths both behind and in front of the properties a "goldfish bowl" effect will be created.

As both footpaths would eventually lead to the same place, we would like to request that (should the proposal be accepted), the footpath in front of the properties is closed to ensure at least a little privacy in our homes.

We would be grateful if you would keep us informed of any decisions which have been made and acknowledge the receipt of this letter.

Yours faithfully



Margaret Higgins and Michael Beer

06/01541/RG3

'C'

APPENDIX 1C'

06/01541/REG3

Old Cogan Hall,  
Sully Road,  
Penarth  
CF64 2TQ

15/12/06

Ref; Application No. 2006/01541/REG3

Dear Sir,

With regard to the proposed landscaping of the fields adjoining Old Cogan Hall Farm we have the following objections:

1. PARKING. The new footpaths are likely to bring people in cars into the area. Parking in our narrow lane leading off Sully Road can already cause problems for us trying to get our vehicles out onto the road. If there are more cars trying to park as a consequence of the new open space we are concerned that emergency vehicles may not be able to reach our house. We may not be able to get our caravan past parked vehicles. We have had our gate blocked by cars parking in front of us in the past.

2. ACCESS TO THE KICK ABOUT AREA.

The access for maintenance vehicles is entirely past our house to the fields behind. I understand the area is to be mown twice weekly. The condition of the unmetalled road leading to our house is terrible. It is no-one's duty to maintain the road. Additional use by heavy machinery will continue to degrade the condition of the road.

3. PLANTING.

The proposed planting immediately behind our house is fenced off but there are stiles both ends allowing someone to gain access to our garden screened from public view by the planting.


'C'

OUR PROPOSALS

1. That the access lane to our houses should be designated "residents only" parking and the remainder should be double yellow lines.
2. That maintenance vehicles should have access to the kick about area from the Dinas Road end as this is the area benefiting from the landscaping they should have the inconvenience of the maintenance vehicles passing their homes.
3. The stile facing towards Mile End Road should be removed allowing access only at the Cogan Hall Farm end.

With Regards,

Jane Ruddy  
Dr. A.J. Blethyn

  
Dr. W.T. Young

06/01541/REG3

'C'

2007/00936/RG<sup>3</sup>

Cherry Acre  
Llangan  
Bridgend  
Vale Of Glamorgan  
CF35 5DR

APPENDIX A

SEPTEMBER 24 2007

The Vale Of Glamorgan Council  
Docks Office  
Barry

Application no 2007/00936/RG3  
Location Llangan School  
Proposed Wind Turbine

Dear Mr Steve Butler

We are very concerned with the position of the proposed Wind Turbine that you intend to install at Llangan Primary School. It is at a great height of 23m and a width of 10m with this we feel that this will impede on our panoramic view of the countryside.

As the wind always comes from the South West, Westerly direction the noise from the Turbine will be traveling directly towards our property and we will be hearing it 24/7.

When i asked you the question during our phone conversation if the Turbine could be installed to the South side of the school where it would not be obstructing anybodies view , your reply was "It would be against all Health and Safety Policies" because it would be to close to the children. If as you said it is going to be installed in the Playing Field area i would think that this would be against Health and Safety Policies.

Yours faithfully

*Paul*  
*Mr P. A. J.*