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2007/00179/OUT

Wenvoe Community Council

Yr Hen Bwrtawi,
Gwenfö
Bro Morgannwg
CF6 6AL



Community Centre
Old Port Road,
Wenvoe
Vale of Glamorgan
CF5 6AL

Mr Roy Hulin (Clerk/Clerc) Tel:029 2059 1139 E-Mail: wenvoecc@tiscali.co.uk

5th June 2007.

Planning Application 07/00179/OUT

*It was the decision of a planning committee meeting of Wenvoe Community Council, held on Friday 25th May 2007 **NOT TO SUPPORT** application 07/00179/OUT for the following reasons:*

The proposed redevelopment of HTV with its new headquarters, hotels, houses, and office accommodation (B1) by reason of their siting on rising ground would result in highly prominent structures at a strategic "gateway" into the Vale of Glamorgan causing demonstrable harm to the visual amenities of the site and surrounding area.

The development fails to pay regard to the aims and objectives of policy ENV 27 and especially to the clause requiring that new buildings being required to complement or enhance the local character of the open space. The natural break from the built area of Culverhouse Cross into the countryside is marked by the rising ground both sides of the A4050 Port road immediately after the roundabout at Brooklands terrace.

ENV 1 states that it will only permit building within the delineated countryside where it can be demonstrated that they are **essential** for countryside related activities.

Additional protection is afforded to the new land development policy ENV 3 which lists the proposed site as green wedge land which has been identified to stop urban sprawl and the coalescence of Culverhouse cross with Wenvoe.

ENV 10 seeks to maintain and improve the countryside, its features and resources, and manage it in a formal and informal way to minimise the potential harmful effects of developments especially around the urban fringe areas. The proposal is almost an extension of Cardiff into the Vale.

ENV 11 seeks to protect features of importance to the countryside including trees and hedgerows, some of which will be removed under this proposal. The development will be very visual from Port Road, Old Port Road and Twyn-y-Odyn.

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Land has been set-aside in the unitary development plan for business use as listed in EMP 1. This land does not include land in any green wedge areas of which this is.

New business developments are defined in EMP 2 and this proposal fails to meet the requirements due to it being within the countryside, the loss of good quality agricultural land, the size of the proposal in relation to its setting, and would have an unacceptable effect by virtue of increasing the traffic in an already over congested area i.e. Culverhouse Cross and the A4050. In addition to the traffic issues, there would also be additional strain on an already overburdened sewerage system, not to mention air and light pollution.

The proposal to develop hotels in this area is not permissible as the land is outside the designated settlement area as listed in TOUR 1.

The present HTV site is protected under EMP 4 as a B1 employment site and proposing it should be used for housing is contrary to HOUS 1, which is to prevent urban sprawl and sporadic housing development. It would be an individual settlement unconnected to any present Vale community. It is outside the Wenvoe settlement boundary and so fails to meet the requirements of HOUS 2 and HOUS 3.

This application is being built on green wedge land thus causing a threat to the village status of Wenvoe and surrounding villages. The land is of good agricultural value as far as the Vale of Glamorgan is concerned, The position of the land is such that it is the first thing to be seen when entering the Vale from the east (A4050), its rising profile and currently rural aspect give the first impressions as drivers pass. Building on this, what would be no more than an industrial park, would be devastating to the rural aspect of the area and be detrimental to the visual aspect of the "Gateway to the Vale.

The surrounding roads and infrastructure are currently at breaking point and at peak periods constantly come to a standstill. The application seems to have taken no account of the additional permanent loading that will be produced from the extension to the Tesco site, the building of the new sports village, Cardiff City football club's new retail and sports development, the huge development at St Athan and junction 33 M4. Sewerage is problematic in the area at present, electricity is stated to be insufficient etc.

The proposal's assumption that a large proportion of the populous of the new housing would walk or cycle is naive and even if they did the cyclists on Culverhouse Cross would slow the junction to a standstill and endanger their own safety as well as others using the junction.

A. Mullin

CLERK.

OBJECTIONS PASSED
TO, ~~Gwyn~~ awaine

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2007/00179/OUT

My Ref: JP/SR/07/741W
 Your Ref: P/DC/MG/2007/00179/OUT

Date 21st August 2007



County Hall
 Cardiff
 CF10 4UW
 Tel: (029) 2087 2000

Neuadd y Sir
 Caerdydd
 CF10 4UW
 Ffôn: (029) 2087 2000

Director of Economic Development
 Planning, Transportation & Highways
 Vale of Glamorgan Council
 Dock Offices
 BARRY
 CF63 4RT

Dear Sir

Request for Observations ref: 07/741W

**ITV Studios, Culverhouse Cross, The Drope, Ely, Vale of Glamorgan
 Outline Planning Permission for the Demolition of Existing Media
 Studios and Erection of New 3250 sq m ITV Wales Headquarters (B1)
 39611 sq m of Employment Land including Incubator Units (B1) 212
 Residential Units (C3) 8840 sq m Hotel Space and an Amenity Building**

On 15th August 2007, the Planning Committee resolved -

RECOMMENDATION (1) : That the following comments are forwarded to the Vale of Glamorgan Council:

1. The Council is very concerned about the increase in traffic the development will create.
2. The TRANSYT traffic model does not accurately reflect the existing situation at Culverhouse Cross. Further information is requested, including confirmation of signal cycle times and that the existing intergreens used on site have been used in the model.
3. Further details are required of the new junction of Port Road/Old Port Road/Brooklands Terrace, including traffic/pedestrian staging and phasing. Confirmation is required whether the existing highway agency agreement with the Vale of Glamorgan Council would be extended to cover this junction.
4. Additional CCTV cameras are required to cover Port Road.

PLEASE REPLY TO:

Strategic Planning and Environment, City Hall, Cathays Park, Cardiff CF10 3ND
 Contact: Jill Perry/J Stevens/D Tyrrell/K Vincent, Tel (029) 2087 1513
 Fax (029) 2087 1561 e-mail JPerry@cardiff.gov.uk



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2007/00179/OUT



Asiantaeth yr
Amgylchedd Cymru
Environment
Agency Wales

The Vale of Glamorgan Council
Development Control Team
Dock Office
Barry Docks
Barry
CF63 4RT

Ein cyf/Our ref: SE/2007/101540/01-L01
Eich cyf/Your ref:
P/DC/MG/2007/00179/OUT

Dyddiad/Date: 27 April 2007

Annwyl Syr/Madam / Dear Sir/Madam

OUTLINE PLANNING APPLICATION FOR MIXED USE DEVELOPMENT AT ITV WALES, CULVERHOUSE CROSS

Thank you for referring the above application, which was received on 28 March 2007. Please find below our comments, set out under headings for ease of reference.

Groundwater and land contamination

A preliminary risk assessment has not been submitted with the application so we are unable to assess risks to controlled waters from any land contamination that may exist. Parts of the site lie above major aquifers so this is a sensitive site from a groundwater protection perspective. Therefore we request that determination of the application be deferred because further information is required to assess the potential risks from the development to controlled waters

However, if planning permission is granted in the absence of this information we recommend that the following conditions are imposed:

CONDITION: Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A desk study identifying:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for an

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St Mellons Business Park, Fortran Road., St Mellons., Cardiff, CF03 0EY.
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E-bost/Email: enquiries@environment-agency.gov.uk
www.environment-agency.gov.uk

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assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the express consent of the local planning authority.

REASON: To prevent pollution of the water environment.

CONDITION: Piling or any other foundation designs using penetrative methods will not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

REASON: To prevent pollution of the water environment.

CONDITION: There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

REASON: To prevent pollution of the water environment.

CONDITION: If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

REASON: To ensure that the development complies with approved details in the interests of protection of controlled waters.

INFORMATIVE/ ADVICE TO APPLICANT:

The Environment Agency recommends that developers should:

1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination when dealing with land affected by contamination.

2) Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.

3) Refer to our website at www.environment-agency.gov.uk for more information.

Biodiversity

* **Subject to the results of further study (Ecological report, Section 5.2.31):**

Should the dry depression to be further studied for Great Crested Newts be found to hold water at any time of year, we would request that the following conditions be

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incorporated into any planning permission granted, and request consulted on any details submitted in compliance with the conditions:

CONDITION: The seasonal pond should be retained and made a feature of the site.

REASON: To enhance the natural conservation value of the development and local area.

Ponds play a vital part in the lives of many plants and animals, especially amphibians and invertebrates. Seasonal ponds dry out occasionally which means they are often overlooked, or assumed to be 'lost'. In fact they support a vital range of specialised pond species and it is important that they are retained. Seasonal drying out of the pond eliminates predatory fish, which would otherwise feed on other species. A surprisingly high number of temporary ponds support very rare species, particularly where they occur in semi-natural landscapes.

CONDITION: Before the development commences, a buffer zone five metres (minimum) wide around the pond shall be established in accordance with details which shall be approved in writing by the Local Planning Authority. This buffer zone shall be free of structures, hard standing, car parking, access roads, fences, light spill, domestic gardens/formal landscaping and overhanging structures such as balconies.

REASON: To provide undisturbed refuges for wildlife using the waterbody. Buffer zones to waterbodies are required for the following purposes:

- (i) to provide for the terrestrial life stages of aquatic insects, for nesting of water-related birds, and for bank dwelling small mammals;
- (ii) to allow for the maintenance of a zone of natural character with vegetation that gives rise to a range of conditions of light and shade in the watercourse itself. This mix of conditions encourages proliferation of a wide range of aquatic species;
- (iii) to prevent overshadowing of waterbodies by structures; and
- (iv) to reduce the risk of accidental pollution from run-off.

It is important that domestic gardens are not incorporated into the buffer zone, to avoid problems such as fragmentation of the buffer by fencing; placing of garden rubbish near the bank; introduction of non-native species into the buffer; and pressure for inappropriate bank retention works.

CONDITION: Before development commences, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (except small, privately owned domestic gardens), shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

REASON: To protect and enhance the natural features and character of the area.

Subject to the results of further study (Ecological report, Section 5.2.31):

Should Great crested newts be found to use the dry depression and surrounding land, that the following condition be incorporated into any planning permission granted, and request consulted on any details submitted in compliance with the conditions:

CONDITION: Before development commences, a plan for protection and mitigation of Great crested newt and its associated habitat during construction works, including management responsibilities, shall be submitted to and approved in writing by the

as approved.

REASON: To protect the Great crested newt and its habitat close to and within the construction site.

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NOTE: Should Great crested newt be found, we support the recommendation within the Ecological report (Section 5.2.31) to retain the feature, provide an adequate buffer zone and further mitigation measures. As a protected species, the great crested newt is a material consideration in the planning process. The Local Planning Authority should take appropriate steps through the planning process to ensure that great crested newt habitat is protected.

Habitat Retention, Creation and Network

We are keen to see the habitat highlighted in Target Note 2 in Figure 1 of the Ecological report retained. This is because this damp grassy vegetation provides the only habitat of this nature within the application site. It is however unclear how valuable and common this habitat is within the local surrounds.

We support the statement within the Ecological report (Section 5.1.1) which states that the development will avoid (wherever possible) the most sensitive habitats and features.

We add that in order for habitat (retained or created) to be effective and maximise the benefits to wildlife, it is essential that a fully functional habitat network be established throughout the development. The ecological value of habitat is diminished if isolated from the habitat network. Also a variety of types of habitat currently found on site should be retained.

The ecological features of the site should be fully considered and collated in the form of an ecological masterplan, detailing surveys undertaken, species and habitats of note, mitigation measures and how it is planned to incorporate nature conservation as part of the development.

Native planting

Planting should be of native species only. Planting locally native species in landscaping is essential to benefit local wildlife and to help maintain the region's natural balance of flora. Native insects, birds and other animals cannot survive without the food and shelter that native plants provide - introduced plants usually offer little to our native wildlife. Local plants are the essence of regional identity and preserve the character of the British landscape. Local plants are adapted to local soils and climate, so have low maintenance requirements. In addition, planting locally native plants helps to prevent the spread of invasive plants in the region. For further information, please contact the Biodiversity section of the Environment Agency Wales.

Living roofs

A green /brown (or 'living') roof is a vegetation/aggregate layer covering the roof of a building. The applicant should consider the inclusion of green and brown roofs in the development. Green and brown roofs regulate temperature both within and outside a building, reduce stormwater runoff and improve air quality through carbon and fine particle uptake. They improve building performance by increasing the life expectancy of the roof, as well as offering additional amenity space. In addition, green and brown roofs offer ecological benefits by providing habitat, shelter and feeding opportunities. Some types of green roof (a basic extensive roof) can be

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Flooding

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The Environment Agency is not aware of any flooding problems associated with this site. 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.

It is recommended that you consult with the Local Authority's Engineers Department in order to establish that should any surface water drainage from this site be discharged to a watercourse, ditch or culvert (excluding statutory main rivers) that such discharge will not cause or exacerbate any flooding in this catchment.

Water Resources

The Environmental Statement Non-Technical Summary states that surface water on site will be managed with new water features, but that detailed landscape proposals will formally be submitted for determination at the reserved matters stage. Should watercourses be diverted (water abstracted) or impounded, the applicant should contact our Water Resources Team, as a water abstraction licence would be required.

We understand that the water supply is likely to come from DCWW, rather than surface or groundwater abstraction. The report confirms there is currently insufficient capacity in local network to supply the site demands, but extensive off site mains reinforcement will be required. If the situation changes, the applicant should contact the Water Resources department and apply for an abstraction licence. The applicant is already aware of the Catchment Abstraction Management Strategy which manage the water resources within the development area.

It is the responsibility of the applicant to ensure that the development will not affect any existing legal water interest. We understand that they are already aware of the abstraction licence within 1 km radius of the site.

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 DTZ

End

ACK: <i>[initials]</i>
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ACTION BY: <i>MG</i>
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ENVIRONMENTAL
AND ECONOMIC
REGENERATION

09 MAY 2007



Cyngor Cefn Gwlad Cymru Countryside Council for Wales

CADEIRYDD/CHAIRMAN: JOHN LLOYD JONES OBE
Anfonwch eich ateb at/Please reply to:

Scott Hand
Ffôn/Tel:: 029 20 772400
Ffacs/Fax: 7 Castleton Court - 029 20 772412
Ebost/Email: s.hand@ccw.gov.uk

PRIF WEITHREDWR/CHIEF EXECUTIVE: ROGER THOMAS

Rhanbarth De a Dwyrain / South & East Region
7 Cwrt Castleton / 7 Castleton Court
Ffordd Fortran / Fortran Road
Llaneirwg / St Mellons
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CF3 0LT

Mr D R Thomas
Head of Planning and Transportation
Vale of Glamorgan Council
Dock Office
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Barry
CF63 4RT

2007/00179/OUT
Ein cyf/ Our Ref: C.09.96.01/SOH/CC
Eich cyf/Your ref: P/DC/JMC/2006/01097/FUL

18 July 2007

For the attention of Mrs J M Crofts

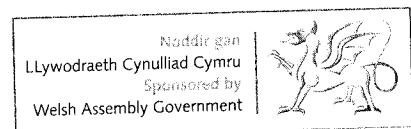
Dear Mr Thomas

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) PLANNING APPLICATION NO. 2007/00179/OUT DEVELOPMENT AT ITV WALES, CULVERHOUSE CROSS

Thank you for the opportunity to comment on the above application. I apologise for the delay in our response, which has been in part due to an expectation that further information was to be provided regarding protected species surveys for great crested newt and dormouse. We have now received this information and we are happy with the conclusions reached in these documents.

However, we do have concerns regarding the proposals at this stage in relation to the lack of any surveys of the existing buildings on site for bats. We are aware that the development will require demolition of a number of buildings. The Countryside Council for Wales (CCW) has no records of bats at the above buildings although there is a significant chance that this type of structure can offer roosting opportunities for bats.

Therefore we would require that each building is subject to an internal inspection to determine the use, or otherwise, of the structure by bats. Furthermore each building should be covered in its entirety for at least one dawn and dusk period using frequency division or time-expansion detectors in conjunction with appropriate recording equipment. In addition, any trees that are likely to be affected by the development, including those trees likely to be lit or have work carried out in their vicinity, should be surveyed for use by bats. With regard to the proposed surveys and those that have already been conducted, we would wish to see confirmation as to the dates the surveys took place, and the number of people involved in each.



Gofalu am natur Cymru – ar y tir ac yn y môr • Caring for our natural heritage – on land and in the sea

soh180707Culverhouse cross
MAES-Y-FFYNNON, PENRHOSGARNEDD, BANGOR, GWYNEDD LL57 2DW FFÔN/TEL: 01248 385500 FFACS/FAX: 01248 355782
<http://www.ccw.gov.uk>

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At least one light-sensitive species (*Myotis* spp.) has been recorded in the surveys conducted so far. Steps should therefore be taken to ensure unlit corridors exist over the proposed area during and post construction to ensure unhindered access between roosting and feeding sites. However, we would like to comment on any further potential mitigation for this site once we have received the results of further surveys.

All British Bats and their roost sites are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994. Where a European protected species, (such as bats) is present, a development may only proceed under a licence issued by the Welsh Assembly Government having satisfied three requirements set out in the legislation. (See annex 1 for further information).

Planning Guidance

Planning Policy (Wales) (March 2002) [section 5.5.11] states that "the presence of a species protected under European or UK legislation is a material consideration when a local planning authority is considering a development proposal which, if carried out would be likely to result in disturbance or harm to the species or its habitat".

In addition the planning guidance states that [section 5.5.12] "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". See Annex 1 for the three requirements.

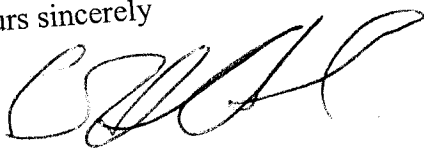
CCW's recommendations for the Planning Authority

We recommend that an assessment be made of the buildings for bats, prior to determination. Should any protected species be present, we recommend that the local authority attach appropriate conditions to any consent which ensure the continued availability of appropriate roosting areas following the works.

Requesting that a survey is carried out, and that appropriate conservation measures are provided prior to determination, ensures that plans are considered which take into account the needs of the species and which do not require amending at later stages.

We would like to be informed of progress made in the determination of this application. If you have any queries, or if you require any further information, please do not hesitate to contact us.

Yours sincerely



Scott Hand
Senior Conservation Officer
Vale & Valleys

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AND ECONOMIC
REGENERATION

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ENVIRONMENTAL AND ECONOMIC REGENERATION
Yours sincerely
Scott Hand
Senior Conservation Officer
Vale & Valleys

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MEMORANDUM / COFNOD

The Vale of Glamorgan Council
The Alps, Wenvoe. CF5 6AA



To / I:	Jane Crofts
Dept / Adran:	Planning – Development Control
Date / Dyddiad:	27 th September 2007
Your Ref / Eich Cyf:	P/DC/JMC/07/00179/OUT

From / Oddi Wrth:	Chris Dowdall
	Principal Engineer - Highway Development
My Ref / Fy Cyf:	ED/HD/CJD/HOBS/07/00179
Tel / Ffôn:	(029) 20673083
Fax / Ffacs:	(029) 20673198

Subject / Testyn: Land at ITV, Culverhouse Cross
Outline application for demolition of existing media studios and erection of new 3,250 sq m ITV Wales Headquarters (B1), 39,611 sq m of employment land including incubator units (B1), 212 residential units (C3), 8,840 sq m hotel space and an amenity building, ref 2007/00179/OUT.

The Highway Authority's comments on the outline planning application submitted for the redevelopment of the existing HTV Studio development at Culverhouse Cross and for which the means of access is required to be approved are enclosed.

The existing studio complex is accessed from Old Port Road, an un-numbered classified adopted county highway via Port Road, A4050, a principal route leading to the Culverhouse Cross gyratory which links via the A4232(T) to the M4 and the A4232 to Cardiff centre and via the A48 westwards to Cowbridge and eastwards to Cardiff north and the A48(M).

The proposal is for the demolition of the existing studio complex and its replacement on site by 212 residential dwellings together with a new Headquarters' building constructed in the field opposite, a green wedge, the provision of two hotels plus transport infrastructure improvements within Phase 1; amenity building and a Business Park in the later Phases 2 & 3.

Amongst the offsite highway improvements proposed is the replacement of the existing roundabout at the junction of Old Port Road/Port Road/Brooklands Terrace by a signalised junction incorporating two right turning lanes and a new roundabout access on Old Port Road serving the proposed residential and business developments.

These proposals constitute a non-conforming use of the land to that approved within the adopted Vale of Glamorgan Unitary Development Plan which does not allow residential development on the existing employment land nor development within the adjoining green wedge.

A Transportation Assessment has been prepared by Ove Arup in support of the application which highlights the previous usage of the site by HTV Studios and considers this as the base situation and compares it with the traffic generated by the proposed development.

A Technical Audit has been prepared on behalf of the Council by Atkins, consulting engineers, of the applicant's TA. This audit raised several points which resulted in a

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Technical Note being submitted by Arup in response. Amongst the concerns raised was the derivation for the saturation flow used in the analysis and the lack of traffic growth factored into the assessment, with a 15 years traffic growth factor being the normal standard requirement for the A4232(T) trunk road which will be affected by the impact of this development.

The concept used to derive the "Base Situation" is based on conjecture and not on the existing traffic situation as it pertains today, since it relies on the assumption that the previous number of employees could still be at work and would generate the "Base" traffic flow. Whereas this is not the existing traffic situation and traffic problems already exist on the local highway network which this scheme would exacerbate.

It is noted that amongst the supporting documentation supplied by Arup with their Technical Note is the admission that an analysis was not made of the pm peak for saturation flows at the Culverhouse Cross gyratory because there was severe blocking back across the junctions obstructing the free flow of traffic. This contradicts the statement made in the TA 5.4 "no blocking back across upstream entries". It is this aspect of the traffic pattern that is of major concern as the resultant effect is to cause the junction to fail by congestion, i.e. gridlock, whereby all roads leading to the gyratory become congested including the trunk road from the M4 Motorway.

The signalised gyratory at Culverhouse Cross is currently operating at or close to capacity during the peak periods and there is a presumption against further development adding additional traffic demand without employing mitigation measures to improve capacity and free flow of traffic. The TA confirms that there are existing traffic problems at Culverhouse Cross but does nothing to tackle them stating that it is for the Welsh Assembly Government to decide on improvements to address the traffic problems.

It has been suggested within the TA and restated in their Technical Note that the Welsh Assembly Government – Transport Wales would, by commissioning a study into the wider transportation issues of the region, be committing itself to carry out works as a result of the gathered evidence. There has been no such commitment made by the WAG and therefore this suggestion lacks any weight or credibility and should be dismissed as without a firm commitment by WAG this amounts to speculation that the problems can be resolved within the foreseeable future.

The Highway Authority has never accepted that the proposed signalised junction is desirable as additional queuing will result on the Port Road, A4050, leading to more delays to existing journey times at peak periods. The design proposed will reduce the existing stacking right turn lane for the Brooklands Retail Park by 15 metres to the detriment of traffic wishing to visit that site and will cause further queuing on the ahead movements for vehicles blocked by right turning traffic now occupying the lane due to this reduction in capacity. This right turning lane was constructed as part of the highway improvements under a S278 Agreement of the Highways Act 1980 in discharge of the planning conditions attached to the consent for the Brooklands Retail Park and was required to satisfy the turning movements into that development which currently still has spare retail space available to let.

There are also severe changes of vertical alignment across the existing roundabout and the lack of full engineering details together with a Stage 1 Road Safety Audit for the proposed signalised junction does not allow the Highway Authority to satisfy itself that the design is fit

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for purpose. Furthermore the effect of traffic queuing back to the Culverhouse Cross gyratory caused by the introduction of an additional signalised junction has not been considered and introduces further complexity to the operational management of the existing traffic signal control of the gyratory for Cardiff County Council.

The width available at Port Road does not permit the construction of the proposed highway works without imposing serious delays on through traffic movements (which also affects travel to and from Cardiff International Airport) during the construction period. The TA does not address the problems of construction traffic management apart from the Technical Note stating that a traffic management plan will be required.

No detailed engineering plans have been provided of the proposed new roundabout on Old Port Road to serve the developments nor of the left in left out access to serve the Budget Hotel. Therefore the Highway Authority is unable to satisfy itself that the layout is suitable and would be unable to enter into any legal agreements to allow work on the highway.

There is insufficient detail provided about the phasing and provision of the proposed transportation mitigation measures. The Technical Note only adds that it is intended to be implemented with Phase 1 of the development.

The proposed residential layout is purely indicative as it does not identify where the 42 apartments of 3 storey high apartment blocks are located. Similarly, the 170 dwellings of 2, 3, 4 & 5 bedroom houses are not separately identified, nor are the widths of roads, streets or shared surfaces that will serve them given. The scheme also envisages a crossroads junction across a suggested public transport route which has safety implications. The concept is apparently based on the advice given in the Manual for Streets for shared surfaces etc. However without a scaled dimensioned plan showing how these proposals can be realised there is no certainty that the requirements of the highway authority can be met.

The notion of incorporating potential play areas within the street scene has not been developed nor details provided as to how children's safety can be ensured in the scheme. Therefore highway concerns must be raised to such a proposal being implemented without due consideration of the impact of such an arrangement on the safety of all highway users.

The Design Statement indicates that a 'shared-surface' would be promoted for the Business Park using tight turning circles to limit the "movability" of vehicles. This is not the current policy of the Highway Authority for commercial premises and as the proposals feature parking in excess of 1000 spaces this could be seen to be hazardous for users. Details have not been provided nor have risk assessments been made as to how emergency vehicles would be affected.

No size has been given for the proposed Amenity block nor the exact type of facility it will offer apart from vague references to entertainment/leisure/refectory units.

The scheme illustrates Public Art as a gateway feature in front of the ITV Headquarters within a Public Space setting, whereas this land is in fact owned by the Council as Highway Authority, is adopted highway and is therefore subject to the requirements of the Highway Authority. Certificate B has been served on the Planning & Transportation Department of the Council which is not the Highway Authority of the Council; this should have been served on Miles Punter, Head of Visible Services.

2007/00119/OUT £

The Highway Authority would therefore object to these proposals as :-

1. they do not conform to the land use stipulated in the Council's UDP ;
2. they do not demonstrate that the free flow of traffic would be maintained along the Port Road, A4050, highway in spite of the suggested highway improvements;
3. the applicant has not provided full engineering details or undertaken a Stage 1 Road Safety Audit required to allow the Highway Authority to satisfy itself that it can enter into a S278 Agreement of the Highways Act 1980 with the developer for the proposed offsite highway improvements;
4. the proposals would adversely impact upon the Culverhouse Cross gyratory and the adjoining local highway network which the TA does not reflect adequately as to the scale of the quantified traffic impact;
5. the indicative residential and commercial layouts suggested within the Design Statements do not conform with highway policy and have not provided sufficient detail to show how these could be overcome.

CJ Dowdall

Pro

2007/00179/OUT



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

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

Trafnidiaeth Cymru
Transport Wales

Eich cyf . Your ref P/DC/MG/2007/00179/OUT
Ein cyf . Our ref CZ701-72-10-41 L

Date 10 October 2007

Dear Sir

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

OUTLINE APPLICATION FOR DEMOLITION OF EXISTING MEDIA STUDIOS AND ERECTION OF NEW ITV WALES HEADQUARTERS, ASSOCIATED DEVELOPMENT INCLUDING RESIDENTIAL AND TWO HOTELS

Further to my letter of 19 July we have now reviewed the Transport Assessment (TA) and Technical Note dated 17 July 2007 submitted in support of the above planning application. You will appreciate that as the trunk road highway authority our comments are limited to the trunk road impact of the proposed development.

We have the following concerns with the TA and the Technical note;

1. There is a lack of traffic growth factored into the assessment and also there is no assessment for 15 years after completion of the development. These are our normal requirements for the trunk road element of an assessment.
2. With regard to Culverhouse Cross junction the TA (paragraph 5.4) states that the gyratory "operates with no blocking back across upstream entries". However, in the Technical Note there is the admission that an analysis was not made of the p.m. peak for

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2007/00179/OUT F

saturation flows because there was severe blocking back across the junctions obstructing the free flow of traffic. This is a major concern as the resultant effect of congestion on the Culverhouse Cross gyratory could be for traffic to queue back onto the main carriageway of the A4232 trunk road.

3. The signalised gyratory at Culverhouse Cross is currently operating at or close to capacity during peak periods. There is a presumption against further development generating additional traffic in excess of capacity without providing mitigation measures to improve capacity. However the TA does nothing to tackle the capacity problems. It has been suggested within the TA and Technical note that that it will be for the Welsh Assembly Government as part of its 'Airport Access Study' to address these capacity problems. The Welsh Assembly's airport access study will not be complete until next year. Whatever improvements are proposed as a result of this study they will be subject to successful completion of statutory procedures and the availability of finance at the time. The developer cannot rely upon the Assembly providing additional traffic capacity at Culverhouse Cross to enable the proposal to proceed.

On the basis of the above, Transport Wales would advise refusal of the planning application. The developer has not demonstrated that there is sufficient traffic capacity at Culverhouse Cross for the development to proceed and has not proposed mitigation measures to address the capacity problems that may arise. Our concern is that additional congestion at Culverhouse Cross could cause traffic at peak times to queue back onto the main carriageway of the A4232 trunk road and interfere with the freeflow and safety of trunk road traffic.

It is concluded in the Technical Note that Phase1 of the proposed redevelopment is an improvement, in highway operational terms, over the permissible development within the existing planning consents. We believe it is a matter for the local planning authority to determine to what extent the original planning permissions for the ITV site are extant. However, we would point out that the proposed Phase1 traffic generation would be in excess of the existing traffic situation.

Yours faithfully



G/E Mills
Roads Network Management Division

G

2007/00179/OUT

9 Orchard Close
Wenvoe
Vale of Glamorgan
CF5 6BW

Wenvoe Community Council
Community Centre
Old Port Road
Wenvoe
Vale of Glamorgan
CF5 6AL

23 May 2007

Dear Sir

PLANNING APPLICATION NO. 07/00179/OUT

I wish to object strongly to the above planning application by ITV at Rhiwau Cross.

I have lived in Wenvoe for thirty one years and during that time I have seen changes which have been to the detriment of this beautiful area, but none so than I anticipate this proposed development will be.

With the present volume of traffic on all approaches to Culverhouse Cross it is difficult to exit or access the village at peak times and, at any time of day, the flow of traffic along the A4050 is constant, with roads gridlocked during bank holidays or promotion events at the Culverhouse Cross outlets. This situation has also resulted in the inadequate free flow of public transport.

Power cuts are a frequent occurrence in this area and the present infrastructure of public utilities would be insufficient to cope with additional demand. Claims of wholesale job opportunities may be over-estimated as present offices at Culverhouse Cross remain empty and have done for some time.

I fear that Wenvoe will lose its identity as a village and the quality of life for people living here and in the surrounding areas will be adversely affected. The urban development of more countryside is a loss to everyone.

Yours faithfully



J Gulwell (Mrs)

G

2007/00179/OUT

1 Ty Pica Drive
Wenvoe
Cardiff
CF5 6BS

11 June 2007

Your Ref: P/DC/MG/2007/00179/OUT

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

Dear Sir

Application for erection of new ITV Wales Headquarters, incubator units, residential units, hotel space and amenity building at Culverhouse Cross
Application No: 2007/00179/OUT

We refer to your letter dated 29 May 2007 and write to set out our concerns in relation to the above application proposals.

Initially, our main concern is the increased level of traffic which will be brought to the Vale both during and following construction. The roads in this area simply cannot cope with the traffic levels as they are at the present time and we would like to know how the Council proposes to alleviate the additional pressure and congestion that will be brought to the area should the application be allowed.

The roundabout at Culverhouse Cross is already a traffic congestion hotspot, and the application proposals will serve to increase an already significant problem. What will be the cost to the Council of implementing further traffic safety precautions to the area? No doubt with the presence of an amenity building, offices, hotel and residential units, there will be a clear need for pedestrian crossings, more traffic lights, possible road widening and reduced speed limits. All of which in turn will further serve to increase the congestion problem, as well as to cost the Council money.

Further, the condition of the roads in the area will also no doubt deteriorate as a result of the increased traffic pressure. Has the Council carried out an assessment as to the potential cost of future road and highway repairs? The increased traffic on the roads will inevitably lead to increased potholes and

2007/00179/OUT

9.

damage which will of course need more frequent inspections, repair and maintenance at a further cost to the Council.

In addition to our concerns over the traffic problems to the area, we are also concerned by the environmental issues. Our understanding when we moved to the Vale was that the area was "green" and that the Council was ecologically aware. Residents of the Vale are in the lucky position of having beautiful areas of tranquil countryside, with wild animals, birds, plants and flowers. Many of us have been encouraged to move to the area for that very reason.

However, we are disappointed that our Council are now considering removing a massive part of our area, and replacing it with office buildings, hotels and houses. Any monetary incentive to allow such a proposal must surely be outweighed by the environmental issues which will arise should the application be allowed.

We trust that our comments will be taken into account in your decision over the application proposals, and thank you for your time in considering our views. We hope that the Council will make the right decision in relation to the proposals, and not allow themselves to follow the path of other Local Authorities by being influenced by grand ideas which inevitably have a detrimental and long-lasting side effect.

Yours faithfully

Mr and Mrs B Griffiths

B Griffiths
M. Griffiths

G
2007/00179/00T

21 Orchard Close,
Wenvoe,
Vale of Glamorgan.
CF5 6BW.

29TH April 2007.

Dear Sir/Madam,

Ref.Planning Application:07/00179/OUT:PROPOSED ITV DEVELOPMENT AT
RHIWAU CROSS.

I write to advise you that I am completely opposed to the above planning application for the following reasons.

1) As it is contrary to the Vale Council's Urban Development Plan why has it not been refused point blank ?

2) Under policy env 3: Green wedges have been identified to prevent urban coalescence between settlements. I believe it is vital to conserve these green wedges in order to protect the identity of Wenvoe otherwise if this application is passed perhaps other developments will be allowed and so on and pretty soon there will be no green wedge between Cardiff, Barry and Ely. The time to say no quite simply is now!

3) Traffic at Culver House Cross is already grid locked twice a day for up to 4hrs a day & all week-end Add to this the developments at St. Athans, the new Sports Village, Cardiff City Football Club's new stadium & the yet undecided route to Cardiff Airport & now the proposed H.T.V. 'MINI TOWN' Surely this will bring the whole area to a complete stand-still. Visitors to the area once they have endured such a miserable time at this already notorious black spot will inevitably never return.

4) There is insufficient free flowing public transport to support C.H.X and Cardiff bus have refused to extend their services beyond this point !

5) I work for Welsh Water and believe current infrastructure is insufficient to cope with any additional loading this huge development would impose on it.

6) The Wenvoe super quarry has been denied its application on environmental grounds and yet the hedgerows on the proposed site a short distance away have been branded practically barren !! I believe the Vale council and Wenvoe Community Councils should commission a completely independent survey and would go so far as so strong is the opposition in my village we would probably have a whip round to pay for it ourselves !!

7) The visual impact on the surrounding area would quite simply be horrific. I made several house moves just to be able to afford to live in Wenvoe - if I'd have wanted to live in a mini town I wouldn't have bothered!!

8) I worked hard to be able to afford to bring up my young son in safe village location and I worry that the outcome of this development will shatter that safety. I believe traffic through the village will increase and so will the crime statistics. The time to act is now so please, please listen to public opinion and oppose this vile application and keep the identity of Wenvoe intact.

Yours Sincerely ,

Mr. Derek Gibbison.



07/00/87/FUL'A

Yr Arolygiaeth Gynllunio, Adeilad 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 apêl

Appeal decision

Ymweliad safle wnaed ar 15/08/06

Site visit made on 15/08/06

gan/by Geraint Rees BA(Hons) DipTP MRTPI

Arolygydd penodwyd gan Cynulliad
Cenedlaethol Cymru

an Inspector appointed by the National
Assembly for Wales

Dyddiad/Date 01/09/06

Appeal Ref: APP/Z6950/A/06/1198800

Site Address: Chestnut Tree Cottage, Graig Penllyn, Cowbridge, CF1 7RT

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 G Developments 1979 Ltd against the decision of the Vale of Glamorgan Council.
- The application (ref 05/01639/FUL) dated 14/10/05 was refused by notice dated 06/04/06.
- The proposal is to construct two new 3 bedroom detached dwellings, widen vehicle access to site, construct new access drive and associated parking for new dwellings and the cottage.

Summary of Decision: The appeal is dismissed for the reasons given below.

Procedural matters

1. The Appellant draws my attention to his more recent application for a new access to the site on which the Council has commented. As the latest application is beyond my powers of determination, I can only consider the proposal on the basis of the plans submitted with this appeal.

Main issues

2. The main issues are firstly the effect of the proposal on the character and appearance of the area and secondly the likely impact of the development on the visual amenities of occupiers of nearby dwellings.

Planning policy

3. The development plan is formed by the adopted Vale of Glamorgan Unitary Development Plan (UDP) of April 2006 Policy HOUS2 states that housing infill, small-scale development and redevelopment which meets the criteria listed in policy HOUS8 will be permitted within settlement boundaries, including the village of Graig Penllyn. The relevant criteria of the policy are (i) the scale and form of the proposed development is sympathetic to the environs of the site; (ii) the proposal has no unacceptable effect on the amenity and character of existing or neighbouring environments by virtue of visual intrusion (amongst other things); (iii) the proposal does not have an unacceptable impact on areas of attractive landscape (amongst other considerations). Policy H11 states that existing residential areas characterised by high standards of privacy and spaciousness will be protected against over-development and insensitive or inappropriate infilling. Policy ENV 4 states that new development within or closely related to Special Landscape Areas will be permitted where it can be demonstrated that it would not affect the landscape character, landscape features or visual amenities.

Reasons and conclusion

Issue 1:- Effect on character

4. The appeal site lies on rising ground at the eastern edge of but within the settlement of Graig Penllyn. The existing compact cottage is set quite low within the site immediately adjoining a narrow rural highway. It is proposed to erect two new dwellings including plot 1 in the south western part of the site, and plot 2 near the north eastern boundary of the site, involving the demolition of a single garage. In the Appellant's view the proposal would not result in a cramped form of development as the dwellings would only occupy some 16% of site coverage.
5. In my view the construction of two substantial dwellings on elevated land of an open character at the sensitive interface of the rural village and the open countryside would unacceptably harm the character and appearance of the perimeter of the village and the countryside, including the adjoining hillside to the south and the Special Landscape Area of the Upper Thaw valley on the eastern side of the rural lane flanking the site. The two storey dwelling at plot 1 toward the rear of the site would have a particularly pronounced impact on the surroundings at a height of about 9m above road level. The other dwelling at plot 2 while slightly below road level would also have an adverse visual impact owing to its close proximity to the rural lane where no screen planting would be allowed in order to comply with visibility standards for the new vehicular access.
6. I consider that the proposal would be out of accord with the pattern of development of Graig Penllyn, which is has characterised for the most part by dwellings of a spacious disposition in a secluded woodland setting in the Thaw valley. In comparison, the site would be developed to a more intense degree, which would be out of accord with policy H11 of the UDP, and would also form an unacceptably hard edge of development between the village and the open countryside.
7. In order to satisfy the required visibility splays of 2.4 by 33 metres recommended by the highway authority for the new access, it would be necessary to make substantial changes to the road frontage of the property. Currently Chestnut Cottage is served by a short access to the garage, which has little visual impact on the rural surroundings. A wide access would be constructed about 10m to the south east of the cottage together with the required visibility splays to enable emerging drivers from the site and approaching vehicle and pedestrian traffic to view each other in time in the interests of highway safety. Such works would include the removal of shrub vegetation adjoining the garage and a section of hedgerow and trees flanking the highway, and also the lowering and re-aligning of an existing stone boundary wall along the frontage of the rural lane nearest to the cottage.
8. I consider that apart from opening up the site to greater view, the development would unacceptably suburbanise a site in a village which still retains some of its rural character. A considerable percentage of the site taken up by the wide internal access road and 11 car parking spaces would accentuate the intensity of development. The fact that the proposal would more than meet the amenity space standards of the *Supplementary Planning Guidance Amenity Standards* of 2006 does not in my view overcome the shortfall of effective open space, particularly Chestnut Cottage which would now have a very limited curtilage. In this respect the proposal does not pay sufficient regard to the more spacious pattern of development of this attractive village.
9. The appellant draws my attention to a summary of comments of the policy section of the planning department on the proposal. It seems to me that while there is no objection to the

07/00187/FUL 'A'₃

Appeal Decision APP/Z6950/A/06/1198800

principle of residential development of the site, the section has made no comment on the details of the scheme, which is a matter of policy interpretation, as set out in the officer's report to the planning committee.

10. In my opinion therefore the proposal before me would not form an acceptable form of rounding off of the village at this location. I consider that the proposal would be in conflict with a number of the policies of the UDP on the need to prevent infill development of an unsympathetic character in a sensitive environment
11. On this issue therefore I conclude that the proposal would unacceptably harm the character and appearance of the area

Issue 2:- Visual amenities

12. I observed that plot 1 would be sited close to a number of residential properties on the lower ground fronting the main village highway. The distance between proposed house plot 1 and these dwellings on the lower ground flanking the main street of the village would be about 17-19m. There would be no windows from the new dwelling directly looking onto the habitable rooms of the houses, which would be reinforced by a stone wall of between 1.5m and 2m on the boundary with the existing residential properties. In my opinion, the new dwelling would be set sufficiently apart not to give rise to significant overshadowing of existing properties. Accordingly I conclude that the proposal would not cause an appreciable loss of visual amenities to occupiers of nearby dwellings. Notwithstanding this consideration, I consider that there are sufficiently compelling planning grounds for rejecting the proposal.
13. I have had regard to all other matters raised, but I conclude that the appeal should be dismissed.

Formal Decision

14. For the above reasons, I dismiss the appeal.

Geraint Rees

Inspector

07/00/87 /FUL 'B'

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

Little Acre
Graig Penllyn
Cowbridge
Vale of Glamorgan
CF71 7RT

Date: 25 August 2007

Planning application reference: 2007/00187/FUL

Dear Sir

Location: land adjacent to Chestnut Tree Cottage, Graig Penllyn

Proposal: Construction of a part single, part two story dwelling, garage and new access

I wish to **object** to the planning application for the following reasons:

- (i) The large access and driveway required for the new dwelling would open up the rural lane and extend urban development even further into the countryside.
- (ii) This is a very narrow and steep lane. Heavy vehicles would be required to deliver the plant and materials necessary to undertake the landscaping and to construct the new dwelling. This would be extremely disruptive and noisy for me and other local residents and cause danger and disruption to highway users.
- (iii) The new access would still have poor visibility towards the up-hill bend and it would be required to serve two dwellings instead of just one. The intensified use of the access would cause danger to all road users.
- (iv) I would suffer from a significant loss of privacy as due to the local terrain, the plot elevation is greater than that of the first floor of my property.

Yours faithfully,

Mr P T N Pedersen

By email

*

07/00187/FUL 'B2'

Rosevine Cottage
Vistla Road
Penllyn
Near Cowbridge
Vale of Glamorgan
CF71 7RQ

Head of Planning and Transportation
The Vale of Glamorgan Council
Dock Office
Barry Docks
Barry CF63 4RT
Date: 24.08.07

My reference: CTC.let24

Your reference: P/DC/YP/2007/00187/FUL

Dear Sir

Planning application for the construction of a detached part single, part two storey dwelling, garage and new access on land adjacent to Chestnut Tree Cottage, Craig Penllyn - reference 2007/00187/FUL

Thank you for your letter dated 13.08.07. I wish to register my objection to the amended planning application and I would be grateful if you would consider my comments in preparing your report to the Planning Committee. This is a development proposal to which I have already made objections in my previous letter to you dated 03.04.07 under reference CTC.let18. Accordingly, I would ask for all my previous, relevant comments to be taken into account.

I would summarise my objections to the amended planning application as follows:

1. The design of the new access would be contrary to Government advice and would not meet with the requirements of the highway authority as stated in the Planning Inspector's report on appeal reference APP/Z6950/A/06/1198800. Accordingly, it would be dangerous to road users and to users of the new access.
2. The layout fails to provide the existing Chestnut Tree cottage with sufficient amenity space to meet the Council's approved standards and it does not pay sufficient regard to the spacious pattern of development in Craig Penllyn.
3. The development would have a detrimental impact on the appearance of the local landscape and the rural character of the area.

In my letter to you (reference CTC.let07 and dated 10.02.06) I expressed the view that the garden of Chestnut Tree Cottage would be capable of accommodating a new low-level dwelling only if it were to be located and designed so as to minimise its impact on the local environment and only if the cottage remained as ancillary accommodation to that new dwelling.

However, the developer has now sold Chestnut Tree Cottage, which has the following implications for the site:

1. A new access must be constructed, which fully meets modern highway standards and which is capable of accommodating traffic generation from two separate residences.
2. The visibility splays for the new access must cross the garden of Chestnut Tree Cottage, which is now in separate ownership.
3. Sufficient private amenity space must be provided to serve both the new dwelling and the existing Chestnut Tree Cottage.
4. Three separate car parking spaces must be provided to serve Chestnut Tree Cottage, four additional spaces to serve the new dwelling, plus sufficient off-road manoeuvring space for both the dwellings.
5. The new dwelling must be sited a sufficient distance from Chestnut Tree Cottage so as not to have an adverse effect on the privacy and the amenity of its residents.

My detailed objections and comments on the submitted documents and plans

1. **The design of the new access would be contrary to Government advice and would not meet with modern safety standards**

Had Chestnut Tree Cottage been retained by the developer to serve as ancillary accommodation to a new dwelling then the proposed vehicle access would have been required to serve only one dwelling. In such circumstances, where there is limited re-development combined with an access improvement, then the Government advises that permission may be granted even though the access would still be below standard. See paragraph B11 of Technical Advice Note (Wales) 18 – March 2007. Accordingly, it would have been possible for more modest improvements to have been made to the existing vehicle access, which could have preserved the rural character of the adjoining lane.

However, the developer has not retained the ownership of Chestnut Tree Cottage and the planning application is for a new, independent dwelling. This means that the new access must be capable of accommodating traffic generation from two separate residences.

In 2006, when planning appeal reference APP/Z6950/A/06/1198800 for new residential development was being determined, your Council informed the Planning Inspector that there needed to be visibility splays in both directions measuring at least 2.4m x 33m. Please refer to paragraph 7 of the written report on the appeal decision.

Yet in the latest revised site plan (Drawing Number AL.0.01 – Rev P5) the minor road distance has now been reduced to 2m and the major road distance in a southerly direction measures only 27m – to the centre of the carriageway. These are substantial relaxations in the Council's safety standards.

Your assistant Mr Paul Harrison has explained to me that the reason the highway authority is prepared to accept these further reductions in the recommended distances is because of the advice in paragraph B11 of the new TAN 18, which was published after the appeal decision. That is, the planning application is within an existing development site served by an existing substandard access, so that there should be

07/00187/FUL'B₃

scope for a "limited redevelopment" that incorporates a substantial access improvement, even though the improved access would still be below standard.

But this planning application cannot be described as a "limited redevelopment". It is for an entirely new development on a site in separate ownership from the existing residence. Chestnut Tree Cottage is not even included within the planning application boundary.

The proposal is for the construction of a new dwelling with a floor area in excess of 210m², a new domestic garage with a floor area of 38m² and seven external car parking spaces. At the present time, the land within the planning application boundary contains only a domestic garage with a floor area of 18.5m² and three external car parking spaces.

Since the existing garage and parking spaces no longer serve Chestnut Tree Cottage, traffic generation from the site is now virtually zero. It is also relevant that planning permission has never been granted for the existing garage or the parking spaces on the application site or indeed for its use as a domestic garden. Although these may have become lawful developments for the benefit of Chestnut Tree Cottage with the passage of time but the site has now been disused for more than 12 months and the development thereon no longer has any association with the original cottage. In similar situations elsewhere, where property remains unoccupied for a significant period, your Council (based on planning case law) has judged that lawful development rights have been lost.

If the application site has no extant permissions for development and if the lawful use has now reverted to agriculture, how can the scheme to build a new dwelling be defined as "redevelopment"?

Even if the existing vehicle access were still associated with Chestnut Tree Cottage, the new development would result in more than a doubling of the traffic movements onto the rural lane. I have now consulted with two neighbouring planning authorities and their officers have confirmed that they would certainly not accept an increase from one separate dwelling to two, within the definition of "limited redevelopment".

Nor would they allow a reduction in the minor road distance from 2.4m to 2.0m where the following constraints apply:

- the access is outside a built-up area;
- there is a significant gradient on the major road;
- there are hedgerows in close proximity to the major road which may impede visibility if uncut; and
- the major road is not wide enough for an oncoming vehicle or cyclist to avoid an emerging vehicle that may protrude beyond the 2m minor road distance

All of these constraints would apply to the new access at the application site and if it to be safe for users of the rural lane and the new driveway then it must at least have visibility splays as recommended by Appendix B of TAN 18 for these circumstances.

Even applying the relaxed standards which your Council seems prepared to accept on Drawings AL.0.01 – P5, the visibility splays in both directions would cross private garden areas and agricultural land, in three different ownerships. In such circumstances it is incumbent on the developer to demonstrate that he has the necessary control over all the land required for the visibility splays. Please refer to paragraphs 28 and 37 of Welsh Office Circular 35/95. Nowhere in the submitted information has the developer been able to demonstrate this control.

Mr Harrison has explained to me that, were planning permission to be granted then he would recommend the imposition of a condition limiting the use of the private garden areas. He said that the condition would need to ensure that there was an uninterrupted view from the centre line of the new access to all parts of the two visibility splays above a height of 600mm and that this would be maintained in perpetuity. How could such a condition be enforced when the garden of Chestnut Tree Cottage is neither owned nor under control of the applicant?

Furthermore, in order to achieve the southern visibility splay shown on Drawing AL.0.01 – P5 it would be necessary to partially remove and reshape the mature, road-side hedge-bank outside the south-eastern corner of the application site. This would require re-grading and/or retaining works on land outside the planning application boundary. It would certainly lead to undesirable damage to the road-side hedge but again how could the applicant be required to do these essential works when he neither owns nor controls this adjoining land.

With the proposed and the existing hedgerows in such close proximity to the edge of the visibility splays as shown on Drawings AL.0.01 – P5 and 183/01, I believe that it would be unrealistic for the LPA to expect clear visibility to be maintained in perpetuity because the natural growth of vegetation would very soon cause obstructions. Please refer to this extract from 'Development Control Advice Note 15 - August 1999':

"The area within visibility splays (both those beside the minor road and those required for forward visibility) must be cleared to provide a surface no higher than 250mm above the level of the adjacent carriageway. Minor departures from this requirement, such as the retention of a single slender pole or column, may be permitted at the discretion of the Department as long as visibility is not materially affected. Once provided, visibility splays must be retained and kept clear. In this regard it will be helpful for trees and shrubs to be planted at least 3m to the rear of the visibility splay to allow for future growth."

As recently as August last year, the Council and a Planning Inspector confirmed that a new residential access in this location must have minimum visibility splays of 2.4m x 33m in both directions. 12 months later, the application drawings show these distances as being substantially reduced to levels that a neighbouring planning authorities would certainly not accept. I do not agree with your Mr Harrison's interpretation that the proposal represents a limited redevelopment of an existing development site and I suggest that you need to give further consideration as to whether the access shown on Drawings AL.0.01 – P5 would be safe and would accord with Government guidance.

The latest figures for housing land availability in the Vale of Glamorgan illustrate that there is an over-supply. With the balance of planning policy and an appeal decision weighing against the residential development of the site, I find it difficult to understand why you would be prepared to relax highway visibility requirements, apparently to facilitate the development. If there were to be an accident in this location after the development has been completed then it leaves the Council open to challenge.

07/00187/FUL'B₄

2. **The layout fails to provide the existing Chestnut Tree cottage with sufficient amenity space to meet the Council's approved standards and it does not pay sufficient regard to the spacious pattern of development in Craig Penllyn**

In paragraph 8 of the appeal decision, the Inspector says: "The fact that the proposal would more than meet the amenity space standards of the *SPG – Amenity Standards* of 2006 does not in my view overcome the shortfall of effective open space, particularly (for) Chestnut Tree cottage, which would now have a very limited curtilage. In this respect the proposal does not pay sufficient regard to the more spacious pattern of development in this attractive village."

I have compared the latest Drawing AL.0.01 – P5 with Drawing Number AS01 that was the subject of the Inspector's comments. I calculate that the increase in amenity space that would certainly be available to Chestnut Tree cottage under the new scheme would be less than 25m². This is the area that I have shaded green on the attached photocopy of Drawing AL.0.01 – P5.

There are three other hatched areas, which I have shaded yellow and orange on the copy of Drawing AL.0.01 – P5, which the agent maintains in his e-mail of 27.06.07 would increase the curtilage of Chestnut Tree Cottage by 127m² as compared with the previous scheme. Yet none of these areas has actually been included within the curtilage of Chestnut Tree Cottage as defined on Drawing AL.0.01 – P5 and there is an ambiguity here which requires clarification.

In any event, the yellow shaded areas could not fall within the definition of usable amenity space because they lie within vehicle access or visibility splay areas. The orange shaded area would be partially occupied by a car parking space and therefore its usable area would also be reduced.

Chestnut Tree Cottage has a floor area of 120m² and submitted Drawing AL.0.01 – P5 illustrates quite clearly that even with the inclusion of the usable part of the orange shaded area, insufficient amenity space would remain around the cottage to meet the Council's standard. Much of it comprises steps, pathways or other hard surfaces and does not fit the definition of usable space in the SPG. Furthermore, the proposed reduction of the road-side wall to a height of 600mm would expose much of the amenity space to users of the highway and to the occupants of Llwyn Celyn.

In very similar circumstances (see appeal reference APP/Z6950/A/00/1051415) the Planning Inspector concluded that the lack of remaining amenity space for an existing dwelling was a significant factor in his dismissing the appeal for a new dwelling.

In fact, the inclusion of the green and yellow shaded areas and the isolated and grade separated orange area, would do very little to change my perception that Chestnut Tree Cottage would be left within a cramped and under-sized curtilage that pays insufficient regard to the more spacious pattern of development in the surrounding village.

3. **The development would have a detrimental impact on the appearance of the local landscape and the rural character of the area**

In paragraph 7 of the appeal decision, the Inspector makes the following observation: "In order to satisfy the required visibility splays of 2.4m by 33m it would be necessary to make substantial changes to the road frontage of the property. Currently Chestnut Tree Cottage is served by a short access to the garage, which has little visual impact on the rural surroundings. A wide access would be constructed about 10m to the south east of the cottage together with the required visibility splays to enable emerging drivers from the site and approaching vehicles and pedestrian traffic to view each other in time in the interests of highway safety. Such works would involve the removal of scrub vegetation adjoining the garage and a section of hedgerow and trees flanking the highway and also the lowering and re-aligning of an existing stone boundary wall along the frontage of the rural lane nearest to the cottage."

In paragraph 8 he summarises the consequences of this as follows: "I consider that apart from opening up the site to greater view, the development would unacceptably sub-urbanise a site in a village which still retains some of its rural character."

The new proposal would have virtually the same consequences as those which the Inspector described in paragraph 7 of his appeal decision and which he considered to be unacceptable. These consequences are inevitable if an access and visibility splays are to be created which meet with the requirements of the highway authority.

In paragraph 4.4 of the Statement that accompanies the planning application (the PS) it is stated that the removal of the road-side trees and hedgerow and their replacement with a low-level earth bank upon which nothing could exceed a height of 600mm would not constitute opening-up the lane. To the contrary, submitted Drawings AL.0.01 – P5 and 183/01 clearly illustrate that it would result in the opening-up of the lane and it is illogical to try to suggest otherwise.

To the south of the new access, the mature road-side trees and hedgerow, which are a characteristic of the rural Vale, would be replaced by an open area of low-level shrub planting. At present, there is no comparable feature along the entire length of Vistia Lane.

To the north of the new access, the road-side stone wall would be reduced to about half its present height and a flat terrace would be formed behind, before a secondary, higher wall would be constructed to delineate the small garden. Similar design features are commonplace in sub-urban gardens but they are certainly not a characteristic of the Vale countryside.

The proposal would still involve the construction of a substantial two storey dwelling on a narrow and exposed site. In addition, it would be necessary to provide seven car parking spaces and access for two separate residences, as well as trying to protect the privacy and amenity of Chestnut Tree Cottage. Accordingly, the new buildings would be situated in close proximity to the southern edge of the land ownership boundary. This would necessitate a substantial amount of ground excavation work and the construction of a retaining wall near the southern boundary which, despite the amendments shown on Drawing AL.0.01 – P5, would leave insufficient space for any substantial and effective screen planting.

The result would be that the roofs of the new dwelling and the garage would still be visible above the sky-line when viewed from the adjoining hillside to the south. The new buildings would also be clearly visible from the Special Landscape Area on the eastern side of Vistia Lane. Both these important vistas are referred to by the Inspector in paragraph 5 of the appeal decision. The clutter of possibly seven parked cars on the site (three in tandem at an elevated level and clearly visible from the rural lane) would exacerbate the urbanising effect of the development.

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At paragraph 5.9 of the "Landscape and Visual Assessment" that accompanies the planning application (the LAVA) it is stated that a new hedge along the southern boundary and standard trees in a few locations will present a soft edge to the development as seen from the land to the south.

However, in order to re-create a discernable "soft edge", which did exist before the applicant cut down the standing trees, it would be necessary to plant sufficient numbers of deciduous/evergreen forest species along the southern side of the new dwelling and the garage, which simply could not be accommodated within the layout shown on Drawing AL.0.01 – P5. Of the specimen trees shown on the southern boundary only one has a canopy spread in excess of 3m. By comparison, a mature native ash or oak would have a canopy spread in excess of 20m on maturity.

Future residents would almost certainly be anxious to maintain an open aspect to the south and it is very unlikely that a new hedge would ever be allowed to reach a height at which it would contribute to the creation of a soft edge. If it were allowed to do so, then it would prevent sun-light penetration to the specially designed high-level windows in the south elevation of the dwelling.

Furthermore, some of the specimen trees shown on Drawing AL.0.01 – P5 are planted close to buildings and hard surfaces. Empirical evidence will show that many of the residents of Craig Penllyn (in comparable circumstances) have lopped or even felled maturing woodland trees to prevent problems of canopy spread, root invasion, leaf-fall and loss of sunlight.

At paragraph 5.4 of the LAVA it states that the aerial photograph shows the site as bounded on three sides by residential properties, giving it a sense of belonging to the village. Please contrast this with paragraph 5 of the appeal decision. Here the Inspector describes the site as being "on elevated land of an open character at the sensitive interface of the rural village and open countryside."

Conclusion

At paragraph 5.24 of the PS and elsewhere in the submitted documents, the Planning Inspector is quoted as having said in his appeal decision that: "there is no objection to the principle of residential development of the site". This has clearly become a major tenet for the developer in his attempt to justify the construction of a new dwelling on the site.

However, the Inspector is being misquoted. Please refer to the copy of a letter which I received from the Planning Inspectorate following the appeal decision and which was attached to my letter to you dated 03.04.07 under reference CTC.let18.

In fact, what the Inspector is saying is that it seems to him that the policy section of the Vale Council has no objection to the principle of residential development at the site, based on their comments before the determination of planning application reference 05/01639/FUL.

This is perfectly reasonable because the site lies within the settlement boundary which has been identified for Craig Penllyn by Policy HOUS 2 of the UDP and where there is a positive presumption in favour of development (in principle). However, for development to be permissible (in practice) it must also be consistent with all of the criteria in Policy HOUS 8. There can be no doubt, that even in its amended form the new planning application would still conflict with four of those criteria.

The Planning Inspector has already confirmed that the visibility splays at the new access would need to be at least 2.4m x 33m. The new application Drawing AL.0.01 – P5 illustrates that these requirements cannot be met.

The Planning Inspector has adjudged that the previous application left insufficient, effective amenity space for Chestnut Tree cottage. Also, that the very limited curtilage remaining for the cottage meant that the layout paid insufficient regard to the more spacious pattern of development in Craig Penllyn. The agent is now claiming that there would be a significant transference of curtilage land back to Chestnut Tree Cottage but given the ambiguities on Drawing AL.0.01 – P5, this remains uncertain. In any event, much of the land proposed for re-transference could not be used as amenity space and the amended layout would still fail to overcome the deficiencies identified by the Planning Inspector.

The Planning Inspector has made it clear that residential development, which involves the construction of a wide access and new visibility splays, would open-up the lane and unacceptably sub-urbanise this part of the village. If a new and independent dwelling is to be constructed on the site then these consequences are inevitable.

The Planning Inspector has described the site as being elevated land of an open character at the sensitive interface of the rural village and open countryside. He said of the previous scheme that it would form an unacceptably hard edge of development between the village and the open countryside.

The scale and layout of the residence in the new planning application would still not allow sufficient space for effective landscaping to create a soft edge on this sensitive boundary and the development would still have a detrimental impact on the appearance of the local landscape and the rural character of the area.

In the case of a recently submitted planning application for a new two storey out-building at Moorlands Farm (see application reference 2007/00273/FUL) you have recommended refusal to the Planning Committee on the basis of its visual impact on the Upper Thaw Valley Special Landscape Area. That building would have been smaller in scale and well-screened by established trees and would have been much less conspicuous than a new dwelling to the south of Chestnut Tree Cottage. Surely if that planning application warrants a recommendation to refuse then so does this one.

I am very concerned that the tenor of the e-mail from the agent dated 27.06.07 indicates that you may now be proceeding towards a recommendation to approve the amended proposal despite the fact that it would still have many of the undesirable consequences referred to by the Planning Inspector and identified by local residents and others in previous correspondence. I am firmly of the opinion the planning application would still conflict with Strategic Policy 1 and Policies ENV 4, ENV 10, ENV 11, ENV 27, HOUS 8 and HOUS 11 in the adopted UDP and should be refused.

Yours faithfully

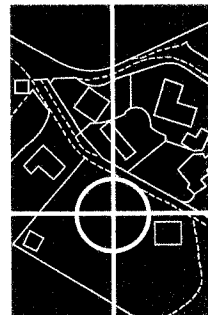
Neil McLean

PA.28

Neil McLean B.Sc. Dip T.P. M.R.T.P.I.

BOYER PLANNING

ENVIRONMENTAL PLANNING AND DEVELOPMENT CONSULTANTS
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30 July 2007
Our Ref: BD/06.959

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Dear Yvonne

Town & Country Planning Act 1990

Planning Application No. 2007/00187/FUL - Construction of a Single Storey Dwelling on land adjacent to Chestnut Tree Cottage, Graig Penllyn

I write further to our recent discussions in respect of the above planning application and in particular to the revised site layout which I emailed to you on 27th June 2007. I enclose a copy of this email for your reference as the points raised remain applicable.

In our most recent discussions, you commented that the provision of amenity space for Chestnut Tree Cottage and the proposed dwelling as indicated on the revised layout was now acceptable. In addition, you also commented that the site coverage has been reduced to a more acceptable standard.

As you are aware, I have been in discussion with Paul Harrison (Highways) in order to seek a reduction in his car parking requirements so that even more of the site could be given over to landscaping. However, despite my best efforts, Paul maintains that 7 car parking spaces must be provided on the site, i.e. 3 + 1 visitor for the new dwelling and 2 + 1 visitor for Chestnut Tree Cottage.

You also asked if we could investigate possibilities for incorporating the garage into the dwelling, perhaps at lower ground floor level. As I explained, Stefan from Graham Frecknell Architects spent some time looking into this and concluded that it was not a feasible option for the following reasons: 1) to minimise the length of driveway the garage would need to be constructed in the eastern elevation of the dwelling. However, the excavation required would be considerable as the site falls predominantly from south to north such that the garage would need to be excavated along the contours rather than across the contours. For this reason, the garage would also need to be constructed with tandem spaces. 2) A garage at ground floor level would inevitably increase the ridge height of the dwelling. This would increase the visual impact of the dwelling and it could become unacceptably overbearing on Chestnut Tree Cottage and would be more prominent from the south. 3) One of the reasons for incorporating a garage into the dwelling was to reduce the

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site area which was developed upon. However, the manoeuvring space required for vehicles entering/exiting the garage means that there is very little additional area which can be landscaped. There would therefore be no net benefit of providing an integral garage and as such, the plans remain unchanged in this respect, with the detached garage being retained in its previous position.

I therefore enclose 6 copies of the following revised plans prepared by Graham Frecknell Architects for your further consideration:-

- Site Plan and Sections – Dwg No. AL.0.01 Rev P5
- Floor Plan and Elevations – Dwg No. AL.0.100 Rev P2
- Elevations of Garage – Dwg. No. AL.0.101 Rev P1

I trust that the proposed development is now acceptable and I hope that the scheme can now progress towards a positive determination. I would be grateful if you would confirm whether or not the application will be determined by delegated powers or at planning committee. If in the meantime if you require any further information then please don't hesitate to contact me.

Yours sincerely



Barrie Davies
Senior Planner

c.c. - Adrian Griffiths – AG Developments 1979 Ltd
Stefan Ropers – Graham Frecknell Architects (letter only)

07/00187/FUL'C3

Barrie Davies

From: Barrie Davies
Sent: 27 June 2007 18:09
To: 'YJPrichard@valeofglamorgan.gov.uk'
Cc: 'Stefan Ropers'
Subject: P/07/00187/FUL Chestnut Tree Cottage
Attachments: 2007.06.26_SITE SKETCH.JPG

VALE OF GLAMORGAN
COUNCIL

AMENDED PLANS

31.7.07

RECEIVED Date

Yvonne

I write further to our meeting last week in regard to the above planning application. In the meeting we discussed ways in which we could try overcome your concerns about the following issues, some of which were raised in the meeting and some in your earlier correspondence:-

1. Lack of curtilage to Chestnut Tree Cottage (CTH)
2. Too much hard-standing to the eastern edge of the site
3. Reduction in the copse due to highways insistence for visitor car parking
4. Moving the proposed dwelling away from the southern boundary
5. Increased planting along the southern boundary
6. Reduction in the footprint of the proposed dwelling
7. Reducing the size of the garage

Stefan has now prepared an amended sketch which I attach for your further consideration. The revised scheme addresses your concerns as follows:-

Amenity Space

The amenity area available to CTH has been increased to provide a better balance between the existing and proposed dwellings. CTH will now have a curtilage of 340 sqm whereas in the previous scheme it has 213 sqm i.e. an increase of 127 sqm (37%). The amenity space available to each dwelling is now of similar proportions to surrounding properties such as *Little Acre* and *Stepping Stones* as can be seen on the sketch.

Building Footprint

In your letter dated 18th May 2007 you suggested a *"part single story part two story property which will allow for a more spacious setting"*. By introducing a second floor in part of the building, the footprint of the proposed dwelling has been reduced from 141 sqm in the original scheme to 107 sqm in the revised scheme. The dwelling therefore takes up less site coverage leaving a greater amount of the site available for soft landscaping and amenity space. The roof level does not increase greatly as a result of the new storey as the building will be set lower into the site and the upper floor will incorporate a 'warm roof' to make more efficient use of the building height. As suggested, the building has also been moved further east to provide increased amenity space to the west of the site.

Car Parking

Whilst the revised layout still shows the provision of 7 car parking spaces, we are more than willing to reduce these down to 3 spaces for the new dwelling and 2 for CTH if required. The layout has been vehicle tracked and it works well.

Copse Planting

You will note that the revised scheme shows the reinstatement of much of the copse at the eastern end of the site. This could be further increased if the visitor space could be deleted as per my point above.

Hard-Standing Area

The amount of hard standing at the eastern end of the site has been significantly reduced and softened with additional planting. The site access is as narrow as permitted by highways and is framed with two specimen trees. Views into the site from the east will therefore be extremely limited.

Southern Boundary

The dwelling has been offset from the southern boundary to allow additional planting of specimen trees along the boundary.

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Page 2 of 2

Garage Size

The garage has been reduced in size from 44 sqm to 38 sqm.

In summary, I think it has to be accepted that the attached scheme is light years away from the 2 dwelling scheme which was dismissed at appeal. The current proposal is borne out of a thorough, well thought out design process that has comprehensively considered the surrounding landscape and neighbouring dwellings with input from conservation architects and specialist landscape architects. The revised scheme provides a better allocation of amenity space between CTC and the proposed dwelling such that the "spacious disposition" which the inspector refers to is maintained.

I would be grateful if you would consider this revised scheme at your earliest convenience and your reply by email would be gratefully received. If you wish to discuss the latest layout then please don't hesitate to give me call.

Best wishes

Barrie

Barrie Davies

Senior Planner

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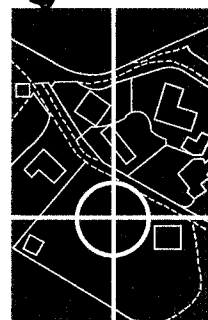
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17 September 2007
Our Ref: OJ/06.959

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Dear Yvonne

2007/00187/FUL

Construction of a detached part single, part two storey dwelling, garage and new access: Land adjacent to Chestnut Tree Cottage, Graig Penllyn

I am responding to your letter dated the 4th September to my colleague Simon Barry. Your letter raises 4 points which I address below:

1. **Planning Committee:** we note that the application can no longer be dealt with by delegated power. We will work with you to secure its consideration at the next Committee which is the 10th October.
2. **Landscape Proposals:** You ought to have received by correspondence dated 11th September a landscape plan from Anthony Jellard Associates. That letter also addressed the issue in relation to the southern boundary. I trust this meets with your satisfaction.
3. **S106 Agreement:** My Client is willing to enter into a Section 106 Agreement in relation to the transfer of land for additional amenity space. I trust you agree that this is a matter that can be taken forward in the event of the Council resolving to grant planning permission and there is no need to incur costs in relation to this at the present time.
4. **Highway Issues:** I am aware that you have been sent an email this afternoon from Hywel Evans of SBA with various plans relating to access arrangements and in particular the proposed works within the visibility splay including proposed levels, gradients and retaining structures. I trust these also meet with your approval. As regards the means of securing these works I can confirm that in the conveyance of Chestnut Tree Cottage, my Clients have reserved rights to remove any part of the existing wall as part of the vision splay works and driveway and

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that no plants or other structures are permitted within the visibility splay works. Moreover, I note that you refer to visibility splays of 2.4m x 33m and 2.4m x 24m whereas the original plans prepared by SBA on the basis of discussions with your highway colleagues were on the basis of 2.4m x 33m and 2.4m x 30m. Please can you confirm whether the requirement for the southeast visibility splay has been reduced to 24m.

I would be grateful if you could acknowledge receipt of this email and confirmation that the issues raised in your letter have been satisfactorily addressed.

Yours sincerely



Owen Jones
Associate Director

cc: Adrian Griffiths
Simon Barry

2007/00187/FUL

Appendix D

From: Neil McLean [mailto:neil@fidmac.freemove.co.uk]
Sent: 30 October 2007 16:02
To: Robert Thomas
Subject: Chestnut Tree Cottage - Craig Penllyn

Dear Mr Thomas

Some of the other local residents and I submitted letters of objection to this planning application earlier this year thinking that it was being reported to the Sept. Planning Committee. I also wrote to the Chair of Planning and local elected members urging them to look at the site for themselves. However, the application was deferred and apparently is now going to the next Planning Committee in Nov.

I am writing directly to you because I understand that your case officer (Mrs Prichard) and your other colleagues who have been involved are now inclined to recommend that this application should be approved.

I have attached my detailed comments for your consideration and I do not intend to rehearse those with you now. However, given the planning history, the sensitive nature of the site and the obvious conflict with UDP policies, Govt. advice and your SPG's I am completely mystified by your officers intended recommendation.

The developer and his advisers have used the tactic of first pursuing a scheme which would have been a gross over-development of the site and intrusion into the SLA and pushing that all the way, irrespective of the views of the local community. By gradually commuting the harm that would be caused, they have now managed to convince your officers that a new and separate dwelling would be acceptable. But surely there are still so many shortcomings and conflicts with policy that this cannot be the case?

For example, I have discussed the highway issues with two highway officers in neighbouring authorities and neither would accept as "limited re-development" a situation where there would be more than a doubling of traffic generation. Nor would they accept such significant relaxations of visibility standards outside a built-up area and on a steep gradient like this.

Apparently, legal agreements are being formulated to implement a re-sale of private amenity space by the developer back to the resident of Chestnut Tree Cottage. Even then, the size, configuration and open-ness of the site make it impossible to provide sufficient private and usable amenity space for two separate dwellings in accordance with your SPG requirements.

The Planning Inspector made it clear with the first scheme that residential development, which involves the construction of a wide access and new visibility splays, would open-up the lane and unacceptably sub-urbanise this part of the village. The impact of the latest access design would be virtually the same as the one upon which he commented. The existing situation is one of mature hedgerows abutting the lane - not set at the back of a wide visibility splay. Please look at my detailed comments on this issue. I am amazed that your highway officer would even contemplate a recommendation to approve where visibility splays extend over a separate private garden on one side and through agricultural land (over which the applicant has no control) on the other. Existing and proposed vegetation is so close to these splays that their continuing maintenance would be nearly impossible for your staff to enforce.

In his landscape and visual assessment, David McQuitty for the developer says that the proposed hedgebank along the southern boundary, incorporating standard trees in a few locations, would be a positive contribution to the natural landscape heritage of the area. In reality, the developer cut down the mature trees that once formed this boundary, before the appeal was dismissed. As a result, the Planning Inspector described this as "elevated land of an open character at the sensitive interface of the rural village and open countryside". As I explain in my detailed comments, the re-creation of a soft woodland edge to the village with

new housing development in such close proximity would be incompatible. The miniature trees shown on the landscape drawing would not screen the new buildings from the surrounding SLA. Larger woodland species, together with a significant indigenous hedgerow, would have adverse consequences for sun-light penetration to the new residence. There are plenty of examples around the village of what happens in those circumstances! A recommendation to approve the soft landscaping scheme, with trees so close to the proposed buildings and hard-surfaces would be contrary to the latest advice in sections 13, 14 and 15 of BS5837 (2005).

Your Council has recently refused a planning application nearby for a new out-building at Moorlands Farm (see application reference 2007/00273/FUL) because of its visual impact on the Upper Thaw Valley Special Landscape Area. That building would have been smaller in scale and well-screened by established trees and even though the site was outside the settlement boundary, it would have had much less impact on the SLA than a new dwelling to the south of Chestnut Tree Cottage. As a local resident, I had no objection to that proposal. I know that your Council is striving for consistency in the determination of planning applications and if the Moorlands Farm scheme warranted a refusal because of its visual impact then surely so does this one?

Accordingly, I would be grateful if you could carefully consider whether your officers' recommendation to approve would be appropriate in this case.

2007/00187/FUL

D

Rosevine Cottage
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Near Cowbridge
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CF71 7RQ

Head of Planning and Transportation
The Vale of Glamorgan Council
Dock Office
Barry Docks
Barry CF63 4RT
Date: 24.08.07

My reference: CTC.let24

Your reference: P/DC/YP/2007/00187/FUL

Dear Sir

Planning application for the construction of a detached part single, part two storey dwelling, garage and new access on land adjacent to Chestnut Tree Cottage, Craig Penllyn - reference 2007/00187/FUL

Thank you for your letter dated 13.08.07. I wish to register my objection to the amended planning application and I would be grateful if you would consider my comments in preparing your report to the Planning Committee. This is a development proposal to which I have already made objections in my previous letter to you dated 03.04.07 under reference CTC.let18. Accordingly, I would ask for all my previous, relevant comments to be taken into account.

I would summarise my objections to the amended planning application as follows:

1. The design of the new access would be contrary to Government advice and would not meet with the requirements of the highway authority as stated in the Planning Inspector's report on appeal reference APP/Z6950/A/06/1198800. Accordingly, it would be dangerous to road users and to users of the new access.
2. The layout fails to provide the existing Chestnut Tree cottage with sufficient amenity space to meet the Council's approved standards and it does not pay sufficient regard to the spacious pattern of development in Craig Penllyn.
3. The development would have a detrimental impact on the appearance of the local landscape and the rural character of the area.

In my letter to you (reference CTC.let07 and dated 10.02.06) I expressed the view that the garden of Chestnut Tree Cottage would be capable of accommodating a new low-level dwelling only if it were to be located and designed so as to minimise its impact on the local environment and only if the cottage remained as ancillary accommodation to that new dwelling.

However, the developer has now sold Chestnut Tree Cottage, which has the following implications for the site:

1. A new access must be constructed, which fully meets modern highway standards and which is capable of accommodating traffic generation from two separate residences.
2. The visibility splays for the new access must cross the garden of Chestnut Tree Cottage, which is now in separate ownership.
3. Sufficient private amenity space must be provided to serve both the new dwelling and the existing Chestnut Tree Cottage.
4. Three separate car parking spaces must be provided to serve Chestnut Tree Cottage, four additional spaces to serve the new dwelling, plus sufficient off-road manoeuvring space for both the dwellings.
5. The new dwelling must be sited a sufficient distance from Chestnut Tree Cottage so as not to have an adverse effect on the privacy and the amenity of its residents.

My detailed objections and comments on the submitted documents and plans

1. **The design of the new access would be contrary to Government advice and would not meet with modern safety standards**

Had Chestnut Tree Cottage been retained by the developer to serve as ancillary accommodation to a new dwelling then the proposed vehicle access would have been required to serve only one dwelling. In such circumstances, where there is limited re-development combined with an access improvement, then the Government advises that permission may be granted even though the access would still be below standard. See paragraph B11 of Technical Advice Note (Wales) 18 – March 2007.

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Accordingly, it would have been possible for more modest improvements to have been made to the existing vehicle access, which could have preserved the rural character of the adjoining lane.

However, the developer has not retained the ownership of Chestnut Tree Cottage and the planning application is for a new, independent dwelling. This means that the new access must be capable of accommodating traffic generation from two separate residences.

In 2006, when planning appeal reference APP/Z6950/A/06/1198800 for new residential development was being determined, your Council informed the Planning Inspector that there needed to be visibility splays in both directions measuring at least 2.4m x 33m. Please refer to paragraph 7 of the written report on the appeal decision.

Yet in the latest revised site plan (Drawing Number AL.0.01 – Rev P5) the minor road distance has now been reduced to 2m and the major road distance in a southerly direction measures only 27m – to the centre of the carriageway. These are substantial relaxations in the Council's safety standards.

Your assistant Mr Paul Harrison has explained to me that the reason the highway authority is prepared to accept these further reductions in the recommended distances is because of the advice in paragraph B11 of the new TAN 18, which was published after the appeal decision. That is, the planning application is within an existing development site served by an existing substandard access, so that there should be scope for a "limited redevelopment" that incorporates a substantial access improvement, even though the improved access would still be below standard.

But this planning application cannot be described as a "limited redevelopment". It is for an entirely new development on a site in separate ownership from the existing residence. Chestnut Tree Cottage is not even included within the planning application boundary.

The proposal is for the construction of a new dwelling with a floor area in excess of 210m², a new domestic garage with a floor area of 38m² and seven external car parking spaces. At the present time, the land within the planning application boundary contains only a domestic garage with a floor area of 18.5m² and three external car parking spaces.

Since the existing garage and parking spaces no longer serve Chestnut Tree Cottage, traffic generation from the site is now virtually zero. It is also relevant that planning permission has never been granted for the existing garage or the parking spaces on the application site or indeed for its use as a domestic garden. Although these may have become lawful developments for the benefit of Chestnut Tree Cottage with the passage of time, the site has now been disused for more than 12 months and the development thereon no longer has any association with the original cottage. In similar situations elsewhere, where property remains unoccupied for a significant period, your Council (based on planning case law) has judged that lawful development rights have been lost.

If the application site has no extant permissions for development and if the lawful use has now reverted to agriculture, how can the scheme to build a new dwelling be defined as "redevelopment"?

Even if the existing vehicle access were still associated with Chestnut Tree Cottage, the new development would result in more than a doubling of the traffic movements onto the rural lane. I have now consulted with two neighbouring planning authorities and their officers have confirmed that they would certainly not accept an increase from one separate dwelling to two, within the definition of "limited redevelopment".

Nor would they allow a reduction in the minor road distance from 2.4m to 2.0m where the following constraints apply:

- the access is outside a built-up area;
- there is a significant gradient on the major road;
- there are hedgerows in close proximity to the major road which may impede visibility if uncut; and
- the major road is not wide enough for an oncoming vehicle or cyclist to avoid an emerging vehicle that may protrude beyond the 2m minor road distance

All of these constraints would apply to the new access at the application site and if it to be safe for users of the rural lane and the new driveway then it must at least have visibility splays as recommended by Appendix B of TAN 18 for these circumstances.

Even applying the relaxed standards which your Council seems prepared to accept on Drawings AL.0.01 – P5, the visibility splays in both directions would cross private garden areas and agricultural land, in three different ownerships. In such circumstances it is incumbent on the developer to demonstrate that he has the necessary control over all the land required for the visibility splays. Please refer to paragraphs 28 and 37 of Welsh Office Circular 35/95. Nowhere in the submitted information has the developer been able to demonstrate this control.

Mr Harrison has explained to me that, were planning permission to be granted then he would recommend the imposition of a condition limiting the use of the private garden areas. He said that the condition would need to ensure that there was an uninterrupted view from the centre line of the new access to all parts of the two visibility splays above a height of 600mm

and that this would be maintained in perpetuity. How could such a condition be enforced when the garden of Chestnut Tree Cottage is neither owned nor under control of the applicant?

Furthermore, in order to achieve the southern visibility splay shown on Drawing AL.0.01 – P5 it would be necessary to partially remove and reshape the mature, road-side hedge-bank outside the south-eastern corner of the application site. This would require re-grading and/or retaining works on land outside the planning application boundary. It would certainly lead to undesirable damage to the road-side hedge but again how could the applicant be required to do these essential works when he neither owns nor controls this adjoining land.

With the proposed and the existing hedgerows in such close proximity to the edge of the visibility splays as shown on Drawings AL.0.01 – P5 and 183/01, I believe that it would be unrealistic for the LPA to expect clear visibility to be maintained in perpetuity because the natural growth of vegetation would very soon cause obstructions. Please refer to this extract from 'Development Control Advice Note 15 - August 1999':

"The area within visibility splays (both those beside the minor road and those required for forward visibility) must be cleared to provide a surface no higher than 250mm above the level of the adjacent carriageway. Minor departures from this requirement, such as the retention of a single slender pole or column, may be permitted at the discretion of the Department as long as visibility is not materially affected. Once provided, visibility splays must be retained and kept clear. In this regard it will be helpful for trees and shrubs to be planted at least 3m to the rear of the visibility splay to allow for future growth."

As recently as August last year, the Council and a Planning Inspector confirmed that a new residential access in this location must have minimum visibility splays of 2.4m x 33m in both directions. 12 months later, the application drawings show these distances as being substantially reduced to levels that neighbouring planning authorities would certainly not accept. I do not agree with Mr Harrison's interpretation that the proposal represents a limited redevelopment of an existing development site and I suggest that you need to give further consideration as to whether the access shown on Drawings AL.0.01 – P5 would be safe and would accord with Government guidance.

The latest figures for housing land availability in the Vale of Glamorgan illustrate that there is an over-supply. With the balance of planning policy and an appeal decision weighing against the residential development of the site, I find it difficult to understand why you would be prepared to relax highway visibility requirements, apparently to facilitate the development. If there were to be an accident in this location after the development has been completed then it leaves the Council open to challenge.

2. The layout fails to provide the existing Chestnut Tree cottage with sufficient amenity space to meet the Council's approved standards and it does not pay sufficient regard to the spacious pattern of development in Craig Penllyn

In paragraph 8 of the appeal decision, the Inspector says: "The fact that the proposal would more than meet the amenity space standards of the *SPG – Amenity Standards* of 2006 does not in my view overcome the shortfall of effective open space, particularly (for) Chestnut Tree cottage, which would now have a very limited curtilage. In this respect the proposal does not pay sufficient regard to the more spacious pattern of development in this attractive village."

I have compared the latest Drawing AL.0.01 – P5 with Drawing Number AS01 that was the subject of the Inspector's comments. I calculate that the increase in amenity space that would certainly be available to Chestnut Tree cottage under the new scheme would be less than 25m². This is the area that I have shaded green on the attached photocopy of Drawing AL.0.01 – P5.

There are three other hatched areas, which I have shaded yellow and orange on the copy of Drawing AL.0.01 – P5, which the agent maintains in his e-mail of 27.06.07 would increase the curtilage of Chestnut Tree Cottage by 127m² as compared with the previous scheme. Yet none of these areas has actually been included within the curtilage of Chestnut Tree Cottage as defined on Drawing AL.0.01 – P5 and there is an ambiguity here which requires clarification.

In any event, the yellow shaded areas could not fall within the definition of usable amenity space because they lie within vehicle access or visibility splay areas. The orange shaded area would be partially occupied by a car parking space and therefore its usable area would also be reduced.

Chestnut Tree Cottage has a floor area of 120m² and submitted Drawing AL.0.01– P5 illustrates quite clearly that even with the inclusion of the usable part of the orange shaded area, insufficient amenity space would remain around the cottage to meet the Council's standard. Much of it comprises steps, pathways or other hard surfaces and does not fit the definition of usable space in the SPG. Furthermore, the proposed reduction of the road-side wall to a height of 600mm would expose much of the amenity space to users of the highway and to the occupants of Llwyn Celyn.

In very similar circumstances (see appeal reference APP/Z6950/A/00/1051415) the Planning Inspector concluded that the lack of remaining amenity space for an existing dwelling was a significant factor in his dismissing the appeal for a new dwelling.

2007/00187/FUL

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In fact, the inclusion of the green and yellow shaded areas and the isolated and grade separated orange area, would do very little to change my perception that Chestnut Tree Cottage would be left within a cramped and under-sized curtilage that pays insufficient regard to the more spacious pattern of development in the surrounding village.

3. **The development would have a detrimental impact on the appearance of the local landscape and the rural character of the area**

In paragraph 7 of the appeal decision, the Inspector makes the following observation: "In order to satisfy the required visibility splays of 2.4m by 33m it would be necessary to make substantial changes to the road frontage of the property. Currently Chestnut Tree Cottage is served by a short access to the garage, which has little visual impact on the rural surroundings. A wide access would be constructed about 10m to the south east of the cottage together with the required visibility splays to enable emerging drivers from the site and approaching vehicles and pedestrian traffic to view each other in time in the interests of highway safety. Such works would involve the removal of scrub vegetation adjoining the garage and a section of hedgerow and trees flanking the highway and also the lowering and re-aligning of an existing stone boundary wall along the frontage of the rural lane nearest to the cottage."

In paragraph 8 he summarises the consequences of this as follows: "I consider that apart from opening up the site to greater view, the development would unacceptably sub-urbanise a site in a village which still retains some of its rural character."

The new proposal would have virtually the same consequences as those which the Inspector described in paragraph 7 of his appeal decision and which he considered to be unacceptable. These consequences are inevitable if an access and visibility splays are to be created which meet with the requirements of the highway authority.

In paragraph 4.4 of the Statement that accompanies the planning application (the PS) it is stated that the removal of the road-side trees and hedgerow and their replacement with a low-level earth bank upon which nothing could exceed a height of 600mm would not constitute opening-up the lane. To the contrary, submitted Drawings AL.0.01 – P5 and 183/01 clearly illustrate that it would result in the opening-up of the lane and it is illogical to try to suggest otherwise.

To the south of the new access, the mature road-side trees and hedgerow, which are a characteristic of the rural Vale, would be replaced by an open area of low-level shrub planting. At present, there is no comparable feature along the entire length of Vistla Lane.

To the north of the new access, the road-side stone wall would be reduced to about half its present height and a flat terrace would be formed behind, before a secondary, higher wall would be constructed to delineate the small garden. Similar design features are common-place in sub-urban gardens but they are certainly not a characteristic of the Vale countryside.

The proposal would still involve the construction of a substantial two storey dwelling on a narrow and exposed site. In addition, it would be necessary to provide seven car parking spaces and access for two separate residences, as well as trying to protect the privacy and amenity of Chestnut Tree Cottage. Accordingly, the new buildings would be situated in close proximity to the southern edge of the land ownership boundary. This would necessitate a substantial amount of ground excavation work and the construction of a retaining wall near the southern boundary which, despite the amendments shown on Drawing AL.0.01 – P5, would leave insufficient space for any substantial and effective screen planting.

The result would be that the roofs of the new dwelling and the garage would still be visible above the sky-line when viewed from the adjoining hillside to the south. The new buildings would also be clearly visible from the Special Landscape Area on the eastern side of Vistla Lane. Both these important vistas are referred to by the Inspector in paragraph 5 of the appeal decision. The clutter of possibly seven parked cars on the site (three in tandem at an elevated level and clearly visible from the rural lane) would exacerbate the urbanising effect of the development.

At paragraph 5.9 of the "Landscape and Visual Assessment" that accompanies the planning application (the LAVA) it is stated that a new hedge along the southern boundary and standard trees in a few locations will present a soft edge to the development as seen from the land to the south.

However, in order to re-create a discernable "soft edge", which did exist before the applicant cut down the standing trees, it would be necessary to plant sufficient numbers of deciduous/evergreen forest species along the southern side of the new dwelling and the garage, which simply could not be accommodated within the layout shown on Drawing AL.0.01 – P5. Of the specimen trees shown on the southern boundary only one has a canopy spread in excess of 3m. By comparison, a mature native ash or oak would have a canopy spread in excess of 20m on maturity.

Future residents would almost certainly be anxious to maintain an open aspect to the south and it is very unlikely that a new hedge would ever be allowed to reach a height at which it would contribute to the creation of a soft edge. If it were allowed to do so, then it would prevent sun-light penetration to the specially designed high-level windows in the south elevation of the dwelling.

2007/08187/FUL

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Furthermore, some of the specimen trees shown on Drawing AL.0.01 – P5 are planted close to buildings and hard surfaces. Empirical evidence will show that many of the residents of Craig Penllyn (in comparable circumstances) have lopped or even felled maturing woodland trees to prevent problems of canopy spread, root invasion, leaf-fall and loss of sunlight.

At paragraph 5.4 of the LAVA it states that the aerial photograph shows the site as bounded on three sides by residential properties, giving it a sense of belonging to the village. Please contrast this with paragraph 5 of the appeal decision. Here the Inspector describes the site as being "on elevated land of an open character at the sensitive interface of the rural village and open countryside."

Conclusion

At paragraph 5.24 of the PS and elsewhere in the submitted documents, the Planning Inspector is quoted as having said in his appeal decision that: "there is no objection to the principle of residential development of the site". This has clearly become a major tenet for the developer in his attempt to justify the construction of a new dwelling on the site.

However, the Inspector is being misquoted. Please refer to the copy of a letter which I received from the Planning Inspectorate following the appeal decision and which was attached to my letter to you dated 03.04.07 under reference CTC.let18.

In fact, what the Inspector is saying is that it seems to him that the policy section of the Vale Council has no objection to the principle of residential development at the site, based on their comments before the determination of planning application reference 05/01639/FUL.

This is perfectly reasonable because the site lies within the settlement boundary which has been identified for Craig Penllyn by Policy HOUS 2 of the UDP and where there is a positive presumption in favour of development (in principle). However, for development to be permissible (in practice) it must also be consistent with all of the criteria in Policy HOUS 8. There can be no doubt, that even in its amended form the new planning application would still conflict with four of those criteria.

The Planning Inspector has already confirmed that the visibility splays at the new access would need to be at least 2.4m x 33m. The new application Drawing AL.0.01 – P5 illustrates that these requirements cannot be met.

The Planning Inspector has adjudged that the previous application left insufficient, effective amenity space for Chestnut Tree cottage. Also, that the very limited curtilage remaining for the cottage meant that the layout paid insufficient regard to the more spacious pattern of development in Craig Penllyn. The agent is now claiming that there would be a significant transference of curtilage land back to Chestnut Tree Cottage but given the ambiguities on Drawing AL.0.01 – P5, this remains uncertain. In any event, much of the land proposed for re-transference could not be used as amenity space and the amended layout would still fail to overcome the deficiencies identified by the Planning Inspector.

The Planning Inspector has made it clear that residential development, which involves the construction of a wide access and new visibility splays, would open-up the lane and unacceptably sub-urbanise this part of the village. If a new and independent dwelling is to be constructed on the site then these consequences are inevitable.

The Planning Inspector has described the site as being elevated land of an open character at the sensitive interface of the rural village and open countryside. He said of the previous scheme that it would form an unacceptably hard edge of development between the village and the open countryside.

The scale and layout of the residence in the new planning application would still not allow sufficient space for effective landscaping to create a soft edge on this sensitive boundary and the development would still have a detrimental impact on the appearance of the local landscape and the rural character of the area.

In the case of a recently submitted planning application for a new two storey out-building at Moorlands Farm (see application reference 2007/00273/FUL) you have recommended refusal to the Planning Committee on the basis of its visual impact on the Upper Thaw Valley Special Landscape Area. That building would have been smaller in scale and well-screened by established trees and would have been much less conspicuous than a new dwelling to the south of Chestnut Tree Cottage. Surely if that planning application warrants a recommendation to refuse then so does this one.

I am very concerned that the tenor of the e-mail from the agent dated 27.06.07 indicates that you may now be proceeding towards a recommendation to approve the amended proposal despite the fact that it would still have many of the undesirable consequences referred to by the Planning Inspector and identified by local residents and others in previous correspondence. I am firmly of the opinion that the planning application would still conflict with Strategic Policy 1 and Policies ENV 4, ENV 10, ENV 11, ENV 27, HOUS 8 and HOUS 11 in the adopted UDP and should be refused.

Yours faithfully

Neil McLean B.Sc. Dip T.P. M.R.T.P.I.

2007/0187/FUL 'D' ~~A222~~

(MG)

For the personal attention of Mr D R Thomas

Rosevine Cottage
Vistla Road
Penllyn
Vale of Glamorgan
CF71 7RQ
Tel: 01446 774485

Mr D R Thomas
Department of Planning & Transportation
The Vale of Glamorgan Council
Dock Office
Barry Docks
Barry CF63 4RT

Reference: CTC.let32

Application reference: 2007/00187/FUL

Date: 02.11.07

Dear Mr Thomas

Planning application for the construction of a detached part single, part two storey dwelling, garage and new access on land adjacent to Chestnut Tree Cottage, Craig Penllyn - reference

Some of the other local residents and I submitted letters of objection to this planning application earlier this year thinking that it was being reported to the September Planning Committee. I also wrote to the Chair of Planning and local elected members urging them to look at the site for themselves. However, the application was deferred and apparently is now going to the next Planning Committee in November.

I am writing directly to you because I understand that your case officer (Mrs Prichard) and your other colleagues who have been involved are now inclined to recommend that this application should be approved. I have already submitted my detailed comments in response to your letter of consultation dated 13.08.07 and I do not intend to rehearse those with you now. However, given the planning history, the sensitive nature of the site and the obvious conflict with UDP policies, Government advice and your SPG's, I am completely mystified by your officers intended recommendation.

The developer and his advisers have used the tactic of first pursuing a scheme which would have been a gross over-development of the site and intrusion into the SLA and pushing that all the way, irrespective of the views of the local community. By gradually commuting the harm that would be caused, they have now managed to convince your officers that a new and separate dwelling would be acceptable. Yet the latest proposal would still have many of the consequences that the Planning Inspector decided would be unacceptable in September last year.

I have discussed the highway issues with two highway officers in neighbouring authorities and neither would accept as "limited re-development" a situation where there would be more than a doubling of traffic generation. Nor would they accept such significant relaxations of visibility standards outside a built-up area and on a steep gradient like this.

Apparently, legal agreements are being formulated to implement a re-sale of private amenity space by the developer back to the resident of Chestnut Tree Cottage. Even then, the size, configuration and open-ness of the site make it impossible to provide sufficient private and usable amenity space for two separate dwellings in accordance with your SPG requirements.

The Planning Inspector made it clear with the first scheme that residential development, which involves the construction of a wide access and new visibility splays, would open-up the lane and unacceptably sub-urbanise this part of the village. The impact of the latest access design would be virtually the same as the one upon which he commented. The existing situation is one of mature hedgerows abutting the lane - not set at the back of a wide visibility splay. Please look at my detailed comments on this issue. I am amazed that your highway officer would even contemplate a recommendation to approve where visibility splays extend over a separate private garden on one side and through agricultural land (over which the applicant has no control) on the other. Existing and proposed vegetation is so close to these splays that their continuing maintenance would be nearly impossible for your staff to enforce.

2007/00187/FUL

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In his landscape and visual assessment, David McQuitty for the developer says that the proposed hedge-bank along the southern boundary, incorporating standard trees in a few locations, would be a positive contribution to the natural landscape heritage of the area. In reality, the developer cut down the mature trees that once formed this boundary, before the appeal was considered. As a result, the Planning Inspector described this as "elevated land of an open character at the sensitive interface of the rural village and open countryside". As I explain in my detailed comments, the re-creation of a soft woodland edge to the village with new housing development in such close proximity would be incommensurate.

The miniature trees shown on the landscape drawing would not screen the new buildings from the surrounding SLA. Larger woodland species, together with a significant indigenous hedgerow, would have adverse consequences for sun-light penetration to the new residence. There are plenty of examples around the village of what happens in those circumstances! A recommendation to approve the soft landscaping scheme, with trees so close to the proposed buildings and hard-surfaces would be contrary to the latest advice in sections 13, 14 and 15 of BS5837 (2005).

Your Council has recently refused a planning application nearby for a new out-building at Moorlands Farm (see application reference 2007/00273/FUL) because of its visual impact on the Upper Thaw Valley Special Landscape Area. That building would have been smaller in scale and well-screened by established trees and even though the site was outside the settlement boundary, it would have had much less impact on the SLA than a new dwelling to the south of Chestnut Tree Cottage. As a local resident, I had no objection to that proposal. I know that your Council is striving for consistency in the determination of planning applications and if the Moorlands Farm scheme warranted a refusal because of its visual impact then surely so does this one?

Accordingly, I would be grateful if you could carefully consider whether your officers' recommendation to approve would be appropriate in this case.

Yours sincerely

Neil McLean

Neil McLean B.Sc. Dip T.P. M.R.T.P.I.

2007/00187/FUL 'E' ~~R222~~**Thomas, Rob**

From: Clay, Catherine V L (Cllr)
Sent: 12 November 2007 16:24
To: Thomas, Rob
Subject: planning matters. Please take 2&3 to committee.

1) Application no. 2007/01411/FUL Garden of Ty Canol, Penllyn

If you are minded to recommend approval of this application I would ask that the delegated be removed and that it comes to committee.

2) Application no. 2007/01098/FUL Limes Gate Cottage, Cowbridge.

This application is recommended for approval in spite of the fact that it is in a conservation area where I feel that it will look totally out of place. The new houses that have been built on the old garage site have a well finished wall between them and the river which does not look intrusive nor spoil the view from the old bridge. The proposed decking which will stick out over the river will be very visible from the bridge and will be incompatible with everything around it as well as being a particular eyesore for the neighbours, and intruding on their privacy.

I would like to support my fellow councillor in asking committee to go on a site visit before deciding this application

Yours Catherine Clay

3) Application no. 2007/00187/FUL Garden of Chestnut Tree Cottage, Penllyn

In view of the complicated planning history on this site and the dismissal of a previous appeal I would ask committee that they go and see this plot of land before they make a decision.

Yours Catherine Clay

15/11/2007

PA.44

2007/00217/FUL

11 Elm Grove Lane,
DINAS POWYS,
Vale of Glamorgan,
CF64 4AU.

Tel. Home 029 20515000
Office 029 20613777

Your Ref. P/DC/KJ/2007/00217/FUL

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

30th. September 2007

Dear Mr. Thomas,

Re. Town and Country Planning Act 1990 (as amended)
Application No. 2007/00217/FUL
Wesley Hall Site, Station Road, Dinas Powys
Provision of 15 apartments and 1 No.
3 Bedroom House with on site parking and provision of access road

Thank you for your letter dated 20th. September.

I attended your offices on 26th. September and inspected the amended drawings submitted on behalf of the applicant.

It relates to a more intensified use/development of the former Wesley Hall site, coupled with the use of the rear gardens of No.s 31 and 33 Station Road, bringing the apartment blocks substantially closer to the properties in Elm Grove Lane. No.s 12, 13 and 14 Elm Grove Lane will only be separated from the blocks proposed for the gardens to the rear of 31 and 33 Station Road by one garden and the hardcored private drive leading up from Cardiff Road to Elm Grove House. Windows in the proposed apartments will overlook my Dining Room/Sitting Room patio doors and our side garden which incorporates the main patio.

2007/00 217/FUL

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The blocks will be set at a higher level than the Elm Grove Lane houses, with apartments 4, 5, 6, 7, 8 and 9 having windows, double doors and/or balconies looking directly towards those houses being a major intrusion into their privacy. The balconies to apartments 10, 11, 12, 13, 14 and 15 will give the opportunity for the occupiers of those units to step out and look towards the Elm Grove Lane houses.

It must be borne in mind that the existing Wesley Hall only incorporates three windows at Lower Ground Floor level, together with a personnel exit door looking towards the Elm Grove Lane houses; however, there are no windows at Ground or First Floor levels. The proposals are totally unacceptable.

I understand that the proposed developers have acquired the rear gardens of 31 and 33 Station Road from the owners of those properties, and in my opinion if any development is to be permitted on these areas of land, then any windows should look towards the rear of those properties (the plans submitted show that no windows overlook those properties). There is no reason why the blocks cannot be sited along the eastern boundary, i.e. towards Elm Grove Lane and incorporate windows looking towards the west and rear of 31 and 33 Station Road.

The application incorporates "back garden development" in an important Conservation Area. It is essential that the character of the village is maintained and I consider that consent should not be permitted to the rear of 31 and 33 Station Road.

You will be aware that the Elm Grove Lane development received a Civic Trust Award in 1978 in respect of the development of sixteen houses built within the Conservation Area. It will be seen from the attached leaflet that the Citation reads "The site has been sympathetically developed making use of the mature trees, and changes in levels add interest to the layout, at the same time **respecting the aspect and privacy of each house**. The care and attention paid to external detailing have greatly contributed to the success of this development". One of the significant benefits of the houses at Elm Grove Lane is that none of the Living Rooms are overlooked by windows of neighbouring properties. Quite clearly, the application before you will override this feature.

2007/00217/FUL

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The development would result in a significant increase in traffic movements to and from the site along a comparatively narrow section of Station Road opposite the Methodist Chapel. The scheme also only provides for 25 car parking spaces for sixteen units as follows :-

- 1 No. – 3 Bedroom house
- 14 No. – 2 Bedroom apartments
- 1 No. – 1 Bedroom apartment

It appears to me that there is insufficient car parking provision for house/apartment owners and visitors. The 25 car parking spaces proposed would result in an unacceptable intensified use of this section of Station Road, and the provision of any additional spaces would only increase the problem.

I contend that the proposal to develop 16 units on this site would be a gross over development in an important Conservation Area. It is essential that a firm stance is maintained against such schemes in this locality. In my opinion, any development should be restricted to the existing foot print of Wesley Hall. The garden areas to the rear of 31 and 33 Station Road are not suitable for an apartment block development. The Council has previously refused applications for back garden developments in the area of land between Station Road and Cardiff Road.

Yours sincerely,

GRAHAM MORRIS

SOUTH GLAMORGAN



Fonmon Village Pond,
near Rhoose

Complete restoration of a village pond which had become overgrown with trees and undergrowth

OWNER Sir Hugo Boothby
EXECUTED BY 25 organisations and volunteers

Triangular stone-walled village pond, with an island in the middle, is the focal point of Fonmon, a small hamlet. This remarkable transformation, all carried out by volunteers, involved the excavation of some 1,200 tons of mud and silt, construction of a new drainage channel across the 24 metres of the pond, and clearance of trees and undergrowth. Where once there was nothing but mud and weeds, there is now again, after 30 years, a living pond.



Residential Development,
Elm Grove Lane, Dinas Powis.

16 houses built within the conservation area of Dinas Powis

OWNER Owner occupied
DESIGNER Hird and Brooks Architects
CONTRACTOR W Cowlin and Son Ltd

This group of houses is a successful addition to the heart of an old village. A rural quality has been maintained without sacrificing variety or individuality. The site has been

sympathetically developed, making use of the mature trees, and changes in levels add interest to the layout, at the same time respecting the aspect and privacy of each house. The care and attention paid to external detailing have greatly contributed to the success of this development.



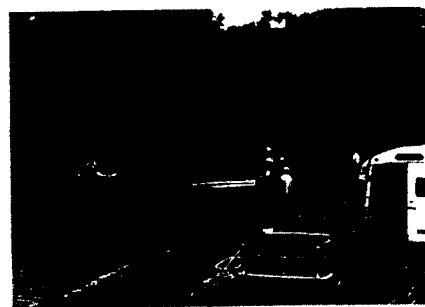
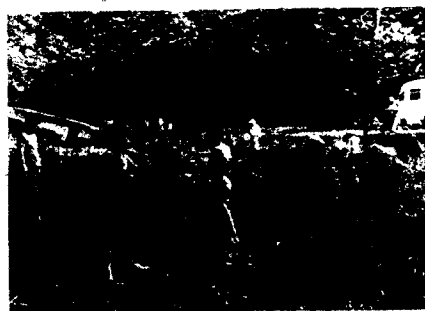
Trinity Street Pedestrianisation,
Cardiff

Pedestrianisation of a street in the historic area around St John's Church

CONTRACTOR County Surveyor's works services division

Closing some of the main streets of Cardiff to traffic has made a big impact on the public. It has also had a radical effect on conditions in the city's main shopping area, which have greatly improved. Though the way in which it has been executed is not particularly distinguished, the handling of street lighting and paving is more sensitive here than elsewhere, and is commendable for brightening up central Cardiff.

WEST GLAMORGAN



Aberdulais Basin, at the Junction of
the Neath and Tennant Canals

Dredging, clearance and restoration of the 19c Canal Basin, used originally for mooring of horse-drawn barges

PA.48

OWNER Port Tennant Company
DESIGNER AND CONTRACTOR Neath and Tennant Canals Preservation Society

Trees, silt, old rubbish and reeds gradually choked this Basin until it was almost unrecognisable. The extensive work involved has revealed numerous early industrial structures, and created a public amenity area, which is a focus for river sports and activities. As a result the County is re-considering the route of the A465 motorway through the Neath Valley to avoid spoiling this interesting area. This imaginative scheme has made an outstanding contribution locally, both in historic and recreational terms.

NORTHERN IRELAND

COUNTY DOWN



Purdysburn Village, Belfast

A housing scheme involving the rehabilitation of 18 existing houses, and the building of a further 20 new houses

OWNER Northern Ireland Housing Executive
Executive
DESIGNER The Director of Development,
Northern Ireland Housing Executive
CONTRACTOR P J Murray & Partners

This scheme has resulted in a very harmonious integration of old and new housing, possessing a coherent village identity. The picturesque quality of the mid-nineteenth century cottages has been enhanced, and their setting improved by the layout of the new housing, which blends with them in scale and colour. Landscaping is generous, and serves to tie together the old and the new. Already the scheme has a hamlet-like character with its former blacksmith's forge and trim gardens.

Rob Thomas - Head of Planning & Transportation
Vale of Glamorgan Council
The Dock Office
Barry Dock
Barry
CF63 4RT

Edward Vick - Town Clerk
West House
Stanwell Road
Penarth
CF64 2YG

Telephone 02920 700721
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Case Officer :

Date 19/07/2007

Application No :07/00295/FUL

Type : C'TTEE

Status : 0 New Application

Date Received :02/07/2007

Applicant : Crest Nicholson (SW) Ltd.
Crest House
Lime Kiln Close
Stoke Gifford
BRISTOL
BS34 8ST

Agent/Architect : Mr. D. Jones
Crest Nicholson (SW) Ltd.
Crest House
Lime Kiln Close
BRISTOL

Location : Penarth Heights
Harbour View Road
PENARTH
CF64 1HE

Parish :
N.G.R. :

Road Class :

Proposal : To demolish the existing flats and construct 377 residential units and associated highway infrastructure and open space.

TOWN AND COUNTRY PLANNING ACT 1990 - LOCAL COUNCIL OBSERVATIONS

Penarth Town Council have considered the Application No 07/00295/FUL and observations thereon are as follows :

The Town Council supports the approval of the application in general terms and wishes the following views to be taken into account in the determination of this development proposal:

Design Considerations

1. The elevated position of the site overlooking Cardiff Bay means that the development will have a significant visual impact over a wide area, particularly from the direction of Cardiff where the site presents the 'face' of Penarth. To this extent it is considered that the north facing elevation of the development presents a deeply disappointing and unimpressive profile of the overall scheme. There is a need for a more impressive townscape.
2. The Town Council is not convinced that the building form at the western end of the development provides a landmark building of sufficient quality which the site position would seem to warrant.

Affordable Housing

3. The Town Council is of the opinion that the site offers the scope to provide more affordable housing than the 20% indicated in the development proposal.
4. The assertion in the design statement that affordable housing is pepper-potted across the scheme is disputed. It is mainly concentrated at the western end of the development and the grouping of the affordable housing does not meet with the description of 'pepper-potting'.

Transportation Assessment

5. Grave concerns are expressed over statements and assumptions contained in the Transportation Assessment. Whilst it is acknowledged that this was prepared in August 2005 on the basis of a development of approximately 450 residential units, many of its findings do not appear to bear out current day to day problems associated with traffic movement in the town. As this report has been prepared to support the developer's planning application, it is essential that an independent assessment is made of its contents in order that the Vale of Glamorgan Council, as the local planning authority, can properly assess the transportation impact of the development proposed. As it stands, it appears that the Transportation Assessment has skirted the traffic implications of the proposed development.

Rob Thomas - Head of Planning & Transportation

Edward Vick - Town Clerk

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6. As part of its sustainability argument, the report suggests that a substantial number of residents will work from home, work locally or commute by public transport to other workplace destinations. The number of residential units proposed suggests that the development will accommodate in the region of 1,000 new residents. If 50% of residents were economically active it appears that the report is suggesting that in excess of 150 people would find work within Penarth thus avoiding the need for car journeys. Whilst this might be statistically correct, this number of job vacancies does not exist or is likely to materialise and in any case assumes that jobs can be matched to residents' abilities and aspirations. Even if a proportion of existing Penarth residents moved to the site, the overall impact could see some 500 people or more commuting out of the town to work. The likely reality is that most of the residents will work outside of Penarth.

7. If public transport is to play a significant role in meeting the commuting needs of residents, there needs to be a significant improvement in the public transport infrastructure. The Transportation Assessment assumes there will be a greater use of public transport. However, without significant investment from the rail authorities it is difficult to image residents of the new development opting for commuting by train rather than by car due to capacity issues; the need for significant improvements in rolling stock; frequency and reliability; as well as accessibility. Similarly bus services to Cardiff, although frequent, are not attractive to commuters because of routes travelled within Cardiff and the delays associated with road congestion. If the development produces an assumed 500 additional commuters, a third split between car, bus and train will generate an additional 160-170 vehicles using the roads in and out of Penarth even taking into account car sharing schemes.

8. In the opinion of the Town Council this development proposal should be used as a springboard to secure improvements in public transport links. These can be summarised as follows:-

(a) the rail infrastructure serving Penarth needs significant investment, particularly in relation to Cogan and Dingle Road. The Cogan Junction where the line splits between Barry and Penarth is an acknowledged pinch point by Railtrack and the Welsh Assembly Government. Its capacity needs to be increased; the line into Penarth needs to be duelled; and station facilities need to be developed to serve the Penarth Haven and Marina area. Such investment is likely to relieve pressure on the road network serving Penarth as well as Dinas Powys.

(b) Improvements to Cogan and Dingle Road Stations are required to aid accessibility to pedestrians. This is particularly relevant to the pedestrian bridges and both stations fail to comply with disability access arrangements.

(c) The road bridge over the railway line at Cogan needs widening to improve vehicular capacity on the main road into the town.

(d) Direct non-stop bus services from Penarth to Cardiff City Centre and Cardiff Bay might prove to be a viable alternative to the car for some commuters.

9. The assumption that children will attend school on foot or by cycle is not borne out in other parts of the town where 'Safe Routes to School' initiatives have not seen a significant reduction in car journeys involving the transport of younger children in particular. This assumption serves to illustrate the flawed nature of many of the assumptions in the Transportation Assessment.

10. There is no mention of the adequacy of existing school places or for that matter the capacity of existing G.P./dental provision to serve the development proposed. If capacity is not available in the immediate locality then additional pressure will be put on the road network.

Air Quality Impact Assessment

11. The Town Council views with some suspicion the assertion that an increase in pollutant concentrations as a result of increased traffic flows, are predicted to remain within relevant objectives. Proposals for controlled pedestrian crossing points on Windsor Road together with the possibility of signalling the existing mini-roundabout junctions will result in five sets of traffic lights within a mile stretch of Windsor Road. During peak periods the existing and additional traffic flows inevitably will be queuing with engines generating maximum emissions at idling speeds. Air Quality is already borderline

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along this route and it is difficult to see how predicted air quality levels can be shown to be realistic.

Ecology and Landscape Issues

12. It is noted that there could be a potential conflict between measures to protect and enhance the habitat for bats and the recommendations contained in the Tree and Woodland Management Reports. It is considered essential that no works are undertaken to trees and woodland without an assessment being carried out of the effect on the bat habitat and that this should be a condition of any planning permission, assuming approval of the application.

Trees

13. The Town Council notes the assertion that none of the trees within the development site are of such significance, in terms of their landscape or visual value, to justify retention if the proposed development requires their removal. Notwithstanding, the tree cover on the site is an important townscape feature and tree removal needs to be kept to a minimum and certainly no more than that scheduled in the report accompanying the planning application. It is requested that trees removed on account of the development be replaced with semi-mature trees at a minimum ratio of 1:1.

Demolition (Noise & Dust) Mitigation Statement

14. In the interests of the amenity of neighbouring occupiers to the development site and the quiet enjoyment of their properties, the hours of operation of stone crushing machinery during the working day should be limited to the hours of 8.30a.m. to 5.30p.m. Monday to Friday and never on Saturday or Sunday.

Public Art Strategy

15. The report in relation to a strategy for public art is welcomed.

Play Facilities

16. The non-replacement of the play area which existed on the site is a matter of concern. There would appear to be scope to incorporate a children's play area in the vicinity of the area described as Arcot Green on the submitted plans rather than rely on Plassey Square Play Area to meet the development's needs.

S.106 Contributions

17. It is noted that the Planning Support Statement indicates that confirmation is still awaited on the use and distribution of S.106 contributions. The Town Council would hope to be able to comment on the intended use of such contributions and as an adjoining site owner, seeks a financial contribution to improve the Harbour View Leisure Gardens site.

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Appendix B

07/00295/FUL



Asiantaeth yr
Amgylchedd Cymru
Environment
Agency Wales

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

Ein cyf/Our ref: SE/2007/101354/01-L01

Eich cyf/Your ref:

P/DC/JMC/2007/00295/FUL

Dyddiad/Date: 11 April 2007

Annwyl Syr/Madam / Dear Sir/Madam

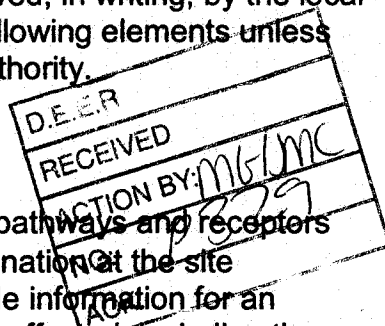
**TO DEMOLISH THE EXISTING FLATS AND CONSTRUCT 377 RESIDENTIAL
UNITS AND ASSOCIATED HIGHWAY INFRASTRUCTURE AND OPEN SPACE
FORMER BILLY BANKS SITE OFF HARBOUT VIEW ROAD, PENARTH**

Thank you for referring the above application, which was received on 15 March 2007. I apologise for the delay in reply, but hope that our comments will still be taken into consideration.

We would request that the following conditions are incorporated into any planning permission granted: Please note that points 1-3 of the first condition have already been carried out by the applicant to our satisfaction.

CONDITION: Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A desk study identifying:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.



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4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the express consent of the local planning authority.

REASON: To prevent pollution of the water environment.

CONDITION: There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

REASON: To prevent pollution of the water environment.

CONDITION: If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

REASON: To ensure that the development complies with approved details in the interests of protection of controlled waters.

CONDITION: No soakaways shall be constructed in contaminated ground.

REASON: To prevent pollution of groundwater.

INFORMATIVE/ ADVICE TO APPLICANT:

The Environment Agency recommends that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination when dealing with land affected by contamination.
2. Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.

Refer to our website at www.environment-agency.gov.uk for more information.

CONDITION: A 5 metre buffer zone shall be provided along both sides of any open watercourse within the site. The buffer zone shall be measured from bank top (bank top is defined as the point at which the bank meets normal land levels). The buffer zone shall be free of structures, hard standing, footpaths, fences and overhanging structures. Domestic gardens and formal landscaping shall not be incorporated into the buffer zone. The buffer zone shall be managed to develop a natural character (comprising native plant species only of local provenance) and left as a natural area for wildlife.

REASON: To maintain and/or enhance the character of the watercourses and provide undisturbed refuges for wildlife using the river corridor.

NOTE: Buffer zones along watercourses enhance the ecological character of the watercourse and provide undisturbed refuges for wildlife using the watercourse corridor. They are important for the following reasons:

- (i) to allow the watercourse to undergo natural processes of erosion and deposition, and associated changes in alignment and bank profile, without the need for artificial bank protection works and the associated destruction of natural bank habitat;

- (ii) to provide for the terrestrial life stages of aquatic insects, for nesting of water-related birds, and for bank-dwelling mammals;
- (iii) to provide a 'wildlife corridor' that links a number of habitats and provides wildlife with a wider range of linked habitats;
- (iv) to maintain a zone of natural character, with vegetation that gives rise to a range of conditions of light and shade in the watercourse itself. This mix of conditions encourages proliferation of a wide range of aquatic species;
- (v) to prevent overshadowing of watercourses by structures; and
- (vi) to reduce the risk of accidental pollution from run-off.

The Environment Agency asks to be consulted on any details submitted in compliance with this condition.

CONDITION: There shall be no light spill from external artificial lighting into the watercourse and adjacent corridor habitat. To achieve this the specifications, location and direction of external artificial lights should be such that the lighting levels within 5 metres of the top of bank of the watercourse are maintained at background levels. The Environment Agency considers background levels to be a Lux level of 0-2.

REASON: To minimise light spill from the new development into the watercourse and adjacent corridor habitat. Artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat.

CONDITION: There shall be no storage of materials related to the development within 5 metres of any open watercourse within the site. This area must be suitably marked and protected during development and there shall be no access within the area during development. There shall be no fires, dumping or tracking of machinery within this area during development.

REASON: To reduce the impact of the proposed development on the watercourse buffer zone and the movement of wildlife along the watercourse corridor. Buffer zones along watercourses should be undisturbed and maintained for wildlife.

We request that the applicant provides clarification on the following points:

- As already discussed, an interceptor is to be fitted to catchment 2 surface water system discharging into Penarth Marina. We would ask how the applicant intends to address the issue of detergent contamination of surface water drainage from vehicle washing, window cleaning etc. from the residential occupants of the finished development. Detergent will render an interceptor ineffectual and oil contamination may be discharged into Cardiff Bay.
- How will the applicant manage the ongoing maintenance of any interceptor going forward? Will contact details be available for relevant parties in case of a pollution event?
- Will the interceptor have a shut off valve installed so that pollutants or contaminated fire water runoff can be contained then pumped out without discharge to receiving controlled waters?

Recommendations and informatives

As stated in previous correspondence (ref 1/FD/RH/GJP/E15 dated 9 June 2005) regarding the drainage strategy, the Environment Agency has no attenuation requirements for this area of the catchment.

The Local Authority's Engineering Department should establish that any such discharge from the site into the adjacent culverts/ordinary watercourses will not cause or exacerbate flooding between the proposed point of connection from the development into the existing system and the Marina downstream of the site.

If surface water attenuation is needed for this development, it is essential that the developer enters a suitable long-term legal agreement to ensure satisfactory long-term maintenance of the attenuation system installed.

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. The Environment Agency resists culverting on conservation and other grounds, and consents for such works will not normally be granted except for access crossings.

We would request that all construction is done to industry best environmental practise and that all relevant Pollution Prevention Guidance's are adhered to.

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. Carriers transporting waste from the site must be registered waste carriers. Buildings when demolished can give rise to hazardous Wastes i.e. asbestos. These are subject to additional control prior to disposal. The Environment Agency can advise the applicant on the regulations concerning Hazardous Wastes.

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.

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

The local sewerage undertaker should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows generated as a result of the development, without causing pollution.

For any foul and surface water discharging to an existing combined system, it is advisable to have knowledge from the sewer undertaker where the combined sewer overflows are. This is useful in locating the source of pollution or dealing with fire service activities.

The proposed development lies within 250 metres of a former landfill site. This site received inert material such as top and subsoils only. It is thought unlikely that they are producing landfill gas in any quantity sufficient to become hazardous. However, we would advise the applicant contacts a consultant competent in the investigation and assessment of a site which may have potential gas problems. Suitable remedial

measures, as agreed with Local Authority, incorporated into the development should alleviate any possible problems. The applicant should be informed that the responsibility for the safe development and secure occupancy of this development rests with them. The comments and advice given above for the landfill site are made entirely without prejudice and without any liability, accepted, implied or given on behalf of the Environment Agency.

It is recommended an ecological appraisal of the application site should be carried out before development proposals are progressed further. This is to allow the nature conservation impacts of the development to be adequately assessed and help to identify suitable mitigation (e.g. provide a more sensitive site layout) and compensation measures, if applicable.

The applicant should carry out a Phase I Habitat Survey over the whole site. Field surveys should establish the baseline state of the site, and should provide information on any plants, insects and animals present – either seen or deduced from signs, particularly those designated as rare, legally protected or that feature in a Biodiversity Action Plan for the region; topographic, archaeological, heritage and landscape features.

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

Yn gywir / Yours faithfully



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 Crest Nicholson (South West) Ltd.

End

Appendix C

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07/00295/KL

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Asiantaeth yr
Amgylchedd Cymru
Environment
Agency Wales

The Vale Of Glamorgan Council
Development Control
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Ein cyf/Our ref: SE/2007/101354/02-LO
Eich cyf/Your ref:
P/DC/JMC/2007/00295/FUL

Dyddiad/Date: 01 November 2007

Annwyl Syr/Madam / Dear Sir/Madam

**TO DEMOLISH THE EXISTING FLATS AND CONSTRUCT 377 RESIDENTIAL
UNITS AND ASSOCIATED HIGHWAY INFRASTRUCTURE AND OPEN SPACE
FORMER BILLY BANKS SITE OFF HARBOUR VIEW ROAD, PENARTH**

Thank you for referring further information in respect of the above site. I apologise for the delay in reply, but hope that our comments will still be taken into consideration. In response to the points raised in the letter dated 23/07/08 from Crest Nicholson, we can comment as follows:

Condition 1

In our letter of 11 April 2007, we requested a four-part condition relating to the risks associated with contamination at the site be incorporated into any planning permission granted. As explained in our letter, parts 1 to 3 have been covered to our satisfaction but we would request the submission of a verification report once the works are complete (Part 4). As the content of the verification report is directly linked to the information submitted in relation to parts 1, 2 and 3, we request the condition be retained in its entirety.

Conditions 2 and 4

Condition 2 (relating to the discharge of foul or contaminated drainage from the site) is agreed to be unnecessary, since our concerns are covered by our comments on the drainage strategy. However, Condition 4 remains relevant.

Our comments on the proposed drainage strategy made in our letter of 11 April still stand and we are awaiting clarification on three points (bottom of page 3 of the letter).

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INVESTOR IN PRO

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We would also add a further recommendation to the drainage strategy that the maintenance of the interceptor is to be continued for the life of the development rather than just in the building stages. For a further discussion about the drainage strategy, please contact Andi Kemp in our Environment Management team (tel: 02920 245908).

Condition 5

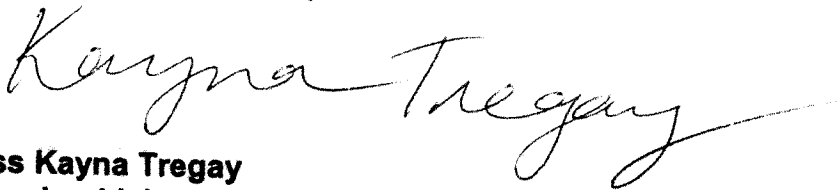
If the watercourse is in need of remediation then ecological enhancement works are welcomed. Condition 5 remains relevant and it is important it is adhered to whether remediation or landscaping takes place or not. The greater the width of the buffer zone that can be provided, the better it will be for wildlife.

We have not received a copy of the Woodland Management Report so cannot comment on any mentioned specific enhancement proposals to the watercourse.

With regards to the existing footpath that crosses the watercourse and improvement proposals to it, Condition 5 remains relevant, as this crossing already exists and affects a limited stretch of watercourse. Improvement proposals to the crossing should seek to reduce any ecological impact that may currently exist.

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

Yn gywir / Yours faithfully



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

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REGENERATION

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Crofts, Jane M

From: Hart, Neil GF
 Sent: 16 November 2007 08:14
 To: Crofts, Jane M
 Cc: Bevan, Tom F; Gay, Paul; Punter, Miles E; Quick, Robert J; Goldsworthy, Marcus J; Thomas, Rob; White, Mark
 Subject: FW: Planning Application No. 2007/00295/FUL ----- Penarth Heights, off Harbour View, Penarth. your ref. P/DC/JMC/2007/00295/FUL

Jane, Further to my comments of the 23rd May 2007 in respect of the above, there have been a number of meetings held with the developer which has now resulted in receipt of the following amended drawings ----- 18280/SK.101 P10, 18280/SK.102 P10, 18280/SK.103 P10, 18280/SK.104 P1, 18280/SK.105 P1 and 18280/SK. 106 P1, received on the 6th Nov. 2007.. The comments contained below are in respect of these drawings and I should therefore be grateful if you would ensure that your report is based upon these proposals. If you have any drawings that may supersede these would you please ensure that I am advised and provided with copies.

Road Geometry.

The residential layout as illustrated remains basically unchanged from the original proposals. However, the developer has now revised the highway layout to conform with the 'Manual for Streets' and is prepared to offer for adoption such areas as would make it difficult to sustain an objection. The level of relaxation from recognised standards of visibility and geometry is such that there is still a level of concern, but with appropriate surface finishes, street furniture and engineering details it is considered that these issues can be resolved.

The information as provided relates solely to the plan layout with no sections or constructional details. Any consent should therefore condition the need for the necessary information to be provided and approved prior to any works commencing on site.

Car Parking.

Despite the concerns raised in my comments of the 23rd May 2007 there has been little or no change to the density of the proposed development and consequently my concerns regarding the inadequacy of the proposed parking to serve the development remain unchanged. The original layout for 377 units as illustrated on Drg. No. PO3 contained 579 parking spaces [Drg. No. PO8]. UDP Policies ENV27 and HOUS8 require residential developments to meet the Councils Parking Standards. These are contained in the Parking Guidelines published by the Standing Conference on Regional Policy in South Wales. The required parking provision for this development is 801, but only 579 are provided. The guidelines were amended in 2001 to reflect changing views on the provision of parking and a move towards maximum provision rather than minimum provision, to encourage means of transport other than the private car. However, there was no change to the residential parking standards, reflecting the fact that these are a function of car ownership rather than car use. There is provision for a relaxation of the parking requirements where there is evidence of low car ownership levels, however there is no evidence to support this action in respect of this application.

To reflect the close proximity of good public road and rail services, and to mirror the parking provisions within the redevelopment of Penarth Marina, it would normally be considered appropriate to relax the need for visitor parking [one space per five units] with the reduced visitor needs being provided 'on street'. However, due to the proposed carriageway widths of 4.8mtrs. and the proposed allocated parking arrangement there is little or no capacity for 'on street visitor parking' and the subsequent reduction of 75 spaces cannot be applied.

The required parking provision of 801 spaces to meet the required standards is based upon 60 one bed units, 131 two bed units, 88 three bed units and 98 four / five bed units [twenty of these being possibly five bed]. The standard applied to these numbers is one bed - 1 space, two bed - 1.5 space, three bed - 2 spaces and four / five bed - 3 spaces with an additional one space per five units for visitor parking. This results in 801 spaces required, a shortfall of 222 spaces

The failure to provide adequate off - street parking will result in the parking being displaced to adjacent existing residential areas that already have parking problems, with detrimental effect to the free flow of traffic within these areas. It is established 'highway policy' that all 'allocated' parking should be off road, [ie. outside the public realm], with the 'street', where convenience and safety allow, providing visitor and disabled parking. ie. as has been proposed with the eastern end of the development in the vicinity of Royal Close.

In summary ----- There are serious highway objections to the submitted proposals for the following reasons:--

1. The proposed development will generate additional on-street parking that will create traffic hazards to the detriment of highway safety and the free flow of traffic.
2. The additional on-street parking will also be displaced to adjacent areas, again to the detriment of highway safety and the free flow of traffic.

Note. Notwithstanding the above, it should be noted that if consent is granted for this application or any amended layout for the site, a condition must be attached that a Section 106 Agreement must be entered into for necessary off-site highway improvements prior to planning consent being granted.

These off-site works include:-

Signalizing of Windsor Road / Penarth Marina Roundabout.

Junction alterations to Plassey Street / Windsor Road Roundabout.

Replacement of footbridge over railway line connecting Dingle Road with Windsor Road.

Footway / cycleway improvements within the immediate area to encourage the use of public transport.

The developers representative [Mr. Barry Peacock] has been advised that in order to simplify matters, all highway areas within the site should be extinguished via Section 247 of The Town and Country Planning Act 1990 and the new areas for adoption to be the subject of a Section 38 Highways Agreement. ----- If appropriate, would you please remind the developer of this requirement in your response.

Trusting that the whole of the above shall be included in your response to members.

Regards, Neil.

Appendix E 07/00295/FUL

Crofts, Jane M

From: Bosley, Allan P
Sent: 27 April 2007 16:23
To: Crofts, Jane M
Cc: Beaman, Phil; Bevan, Tom F; Hart, Neil GF
Subject: 2007/00295/FUL - Penarth Heights, 377 residential units etc

Jane

Reference your memo of 12 March 2007, I would comment as follows on drainage matters as per the Drainage Strategy Document enclosed with the Application.

GENERAL DRAINAGE

1. It is intended that the proposed main foul and surface water sewers, including a sewage pumping station, will be adopted by WW under S104 of Water Industry Act 1991. WW should be requested to confirm that the details are acceptable to them.
2. it is noted that some of the proposed S104 (potentially adoptable by WW) foul and surface water sewers are located outside the proposed public highway. It is a requirement of WW that the Developer provides permanent easement widths for sewers within land outside the public highway and these easements have restrictions on future development / tree planting etc. Part of the land may be offered for adoption to the Council as public open space. It is therefore recommended that you seek comments of Operational Manager for Grounds and Parks Maintenance.
3. it is intended to cross Council owned land outside the Planning Application site boundary to lay proposed sewers. The comments of the appropriate Client Dept(s) should be sought.
4. you should seek the comments of Highway Development re their requirements relating to highway drainage

SURFACE WATER DRAINAGE

1. Proposals indicate that surface water drainage from part of the site will connect to the public sewerage system, with on-site attenuation. It is recommended that you seek the comments of WW.
2. Surface water drainage from the remainder of the site will discharge freely to Penarth Marina, ie no on-site attenuation. It is recommended that you seek the comments of WW and EA.
3. In respect the proposed discharge of surface water, as in 3 above, to the Marina, the Applicant should also be requested to provide written confirmation from the Owner (the Council (?) - not sure which Dept) and Operator of the Marina that the proposals and the rate of discharge are acceptable to them.
4. It is noted that it is a requirement of the EA that an oil / petrol interceptor be provided prior to a connection to the Marina. The Document states that this will be installed off-line from the proposed S104 sewers and that it will be privately maintained. Again you should seek the comments of WW that this is acceptable to them
5. Regarding the interceptor referred to in 5 above, it is essential that the Developer enters into a suitable long term Legal Agreement to ensure satisfactory long term maintenance of this installation and should provide evidence that he has done so.
6. The ownership of the land on which the proposed oil interceptor is to be sited should be queried with the Developer and the comments of the potential land owner (Highways or Grounds and Parks Maintenance) should be sought.

FOUL DRAINAGE

1. It is intended that the proposed foul drainage connects to the public sewerage system; WW should therefore be requested to confirm that the details are acceptable to them.

LAND DRAINAGE

1. There is an existing watercourse, which issues near the northern boundary of the site, and will be affected by the proposed development. This watercourse eventually discharges into the Marina, via land drainage pipes / ditches, and is shown on the submitted Crest Nicholson Drawing No 2025/501A -Proposed Schematic Drainage Strategy. The Developer will be required to maintain flows within the watercourse, during and after the works, and should be requested to submit appropriate details showing proposals to maintain the same to the Local Planning Authority prior to the

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commencement of any works.

OTHER COMMENTS NOT RELATING TO DRAINAGE

1. Reference is made to a Remediation Statement on contamination within the Drainage Strategy Document. It is therefore recommended that you seek the comments of the appropriate statutory bodies in this respect, in particular the EA and possibly Regulatory Services.

Regards, Allan



CHIEF CONSTABLE

BARBARA WILDING, QPM,

PRIF GWNSTABL

Appendix F

07/00295/FUL

Crime Reduction Department
Barry Police Station
Gladstone Rd
Barry
Vale of Glamorgan
CF63 1TD

e mail: richard.collins@south-wales.pnn.police.uk

Tel 01446 731627

Fax 01446 731616

4th May 2007

Planning and Transport,
Vale of Glamorgan Council,
Dock Office
Barry Docks
Barry
CF63 4RT.

Dear Jane,

Planning Application No: 2007/00295/FUL

Development: Penarth Heights

In respect of the above application for full planning permission, please see the following comments made by the Vale of Glamorgan Divisional Architectural Liaison Officer.

We welcome the opportunity to comment on this development, which is in an area that has previously caused concern for the Police and the local community.

Crime Analysis

Any crime analysis of the area to be developed would not give a true reflection of the problems that may be encountered. The existing flats have been empty for a number of years and the crime that has occurred has mostly been in relation to theft of heating systems from the empty flats and minor incidents of criminal damage.

However analysis of Alexander ward in Penarth, for the past 3 years, shows us that Windsor Rd and Plassey St have suffered over 700 crimes.

Autocrime and burglary of garden sheds/garages have been a consistent problem in the area.

More recently theft of pedal cycles has become an increasing problem in Penarth.

Entrance to the development

Residential areas should be designed to facilitate natural surveillance and have a clearly defined entrance and identity. Physical or symbolic barriers should be used at the entrance to the estate designing in features such as rumble strips, change of road surface (by colour or texture).



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Road Layout

Traffic calming measures

Enforcement issues

Car Parking

} See attached document prepared by
Pc Paul Daniels

Visitors Parking

There is concern that 27 visitor-parking spaces for the development are not adequate. Parking of vehicles is an issue that often causes neighbour disputes that require Police intervention.

If the parking for the development remains as it is, there would inevitably be a drain on local Police resources.

The allocated visitors parking lots V23 – V27 are in an isolated position with little surveillance and they are also adjacent to an area of 'public open space'.

Vehicles that are parked at this location are vulnerable to attack.

I would recommend that these parking bays be reviewed in relation to improving surveillance over them or relocating them in order for maximum natural surveillance to be achieved

Courtyard Parking

- Ensure that courtyard entrance is overlooked, well defined and clearly an entrance to 'private' space
- Ensure a good level of evenly distributed white light in communal parking areas.
- These areas should have their own lighting source and not reliant on street lighting.
- Locate windows for well used ground floor rooms such as a kitchen-diners on the rear elevation, to promote natural surveillance of the rear courtyard
- Ensure adequate first floor windows at the rear of the dwellings

Footpaths and Cycleways

Public footpaths and cycleways form a vital part of the communications network in both urban and rural settings. They also often provide an important local or strategic recreational amenity. Their provision is strongly encouraged by current government planning guidance, but awareness is needed of the potential problems that poorly located or poorly designed footpaths can have. They can, for instance, provide opportunities for unobserved access to the rear of buildings, means of escape for offenders and opportunities for crimes against people. Furthermore, poorly designed or sited footpaths may cause users to feel ill at ease and give rise to fear of crime, particularly after dark. This is likely to lead to reduced level of use, which reduces the benefit to the community and will in turn exacerbate the problem. Well-designed, well-used and well-maintained footpaths on the other hand provide fewer opportunities for crime and are likely to feel safer.

The footpath linking Chichester Rd with Hill Terrace is the only pedestrian route linking the development with the main public transport areas i.e. bus routes on Windsor Rd and train stations at Dingle Rd and Cogan. It is likely therefore that this footpath will have considerable use. It is essential that this footpath is designed in such a manner as to afford its users a safe and comfortable passage.

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It is important that the pedestrian has good visibility along the route of the footpath. Keep visual obstruction of the way ahead to a minimum and maximise natural surveillance over the footpath by providing views from adjacent buildings.

There is limited surveillance of this route and consideration should be given to the re-orientation of plots 174 and 175 to face the entrance of the footpath. The footpath should be a minimum of 3m wide and would benefit from having a light coloured surface treatment. Metal halide lighting should be used in a vandal proof housing.

Could the link between Hill Terrace and Chichester Rd be opened up as a wide, continuous stepped rise, rather than a series of dog-legged steps?

The footpath linking Woodland Place with Woodland Road provides an easy means of travelling in a vehicle between the two areas. This area should be controlled to prevent through access by vehicles / motor cycles using appropriate obstructions.

Perimeter

I have concerns over the perimeter fence to the rear of Apartment block C,D and E, at Ridgeway Cres.

This area backs on to open woodland that leads on to the railway line linking Penarth to Cardiff. Local criminals have historically used the railway line as a 'rat run'. There is no surveillance of this area and the adjacent woodland and railway line provide the hiding place, anonymity and escape route that create an environment in which criminality can occur. In my opinion the parking areas of Apartment blocks C,D and E, will be targeted by criminals.

The fence line from the rear of block C, to the end of the fence line at the rear of block E, should be robust and fit for purpose. It should be a minimum height of 2.2m, it should be anti-climb (toe proof and finger proof) and anti-cut with good visibility through it.

Cycle stores

As previously mentioned in the crime analysis section of this report, shed burglary and pedal cycle theft are emerging as areas of concern in the Vale of Glamorgan, particularly in the Penarth area.

All cycle stores on the development should be located inside buildings or secured to a 'secured by design' standard.

I would recommend that the cycles are stored in a secured and enclosed storage facility that provides natural surveillance, with a suitable locking facility on the door and secure access points for the cycles.

Apartment block A

The railings to the front should be continued around to the car park entrance in Royal Close. This would stop the area being used as 'public open space'. Consideration should also be given to designing in gates or security measures at the car park entrance to reduce the opportunity for crime and to further define the area of 'private space'.

Apartment block C

Railings would be preferable along the front perimeter of the parking area adjacent to this plot. (either side of the vehicle access points). This would maximise surveillance of the area and again would reduce the opportunity for crime.

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It appears from the plans that a boundary treatment is preventing access to the disabled parking area at this location.

Apartment blocks D + E

These blocks are shown to have a gated vehicle entrance, however there are pedestrian entrances allowing free access into this area. If the intention is to create a secure environment for the vehicles to be parked, then all entrances should be gated.

The vehicle gate should be a minimum of 1.8m in height and any accompanying / adjacent pedestrian gate or railings are to be of matching height.

Communal Doors

The communal entrance doors should be fitted with an audio and video access control system allowing the occupiers to verify pedestrian movement and prevent casual intrusion.

Woodland Place

It is important that defensible space is planned into the development in this area, affording protection for dwellings, defining private space and public space, especially in the area of the dwellings located around the public open space.

St Josephs Mews

Where footpaths run alongside properties and there are ground floor windows, defensible space should be designed in, to protect the windows, in the form of low walls / railings/ shrubbery.

The footpath between the buildings leading to Woodland Place should have a good level of lighting provided.

Royal Close

The rear gardens of the properties at this location are vulnerable, as they are adjacent to an area of public open space. The rear boundary walls should be a minimum of 1.8m high, brick built with trellis topping.

Balconies

The design of the balconies should restrict criminals from attempting to enter the first floor balconies to gain access. Enclosures to balconies at all levels should be designed to exclude handholds and to eliminate the opportunity for climbing up, down or across between balconies.

Planting and shrubbery

Planting on the development should not impede the opportunity for natural surveillance and must avoid the creation of potential hiding places. As a general recommendation, where good visibility is needed, shrubs should be selected to have a mature growth height no higher than 1 metre, and trees should have no foliage below 2 metres, thereby allowing a 1 metre clear field of vision.

Street Lighting

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The street lighting layout should be carefully designed to cover all vulnerable areas without causing shadows. This can significantly reduce potential danger spots and reduce the fear of crime.

It is recommended that white lighting, metal halide is used around the site.

Bin /Refuse Storage

Is there adequate provision for bin storage? If not then scenarios can develop whereby bins that are left outside storage areas can be used as climbing aids to balconies.

CCTV

As part of Section 106 agreement, consideration should be given for the developers to contribute towards CCTV that will cover main highways and vulnerable areas, as well as additional revenue costs associated with long term monitoring.

Affordable Housing

In terms of the 'Affordable Housing', consideration should be given to tenancy agreements and the misuse of parking spaces in way that is likely to cause Anti Social Behaviour. E.g. repairing / restoring, untaxed and unlicensed vehicles.

This behaviour has been seen in similar developments

It is noted that no Secured by Design application has been made for the affordable housing. It is felt that if this remains the case, then once residents move in to the social housing, we would be informing them of this fact. It would be remiss of us not to do so as the assumption is that all social housing in Wales complies with Secured by Design approved standards.

Although the location of this proposed development is in a low crime area, developers must be mindful not to '*design in crime*'.

Secured by Design

South Wales Police operate the 'Secured by Design' initiative. This is an Association of Chief Police Officers' and Home Office scheme, which promotes the inclusion of crime prevention measures into developments. I would recommend that this development should be built to 'Secured by Design' standards, which would include all specifications for windows and doors on this complex.

Pre-Build Agreement

If the Developer incorporates the recommendations made within my report, an application could be made for a Secured by Design Award.

It is now possible for developers to enter into a Secured by Design Pre-Build Agreement. This would enable the developer to market and publicise the proposed development as a 'Secured by Design site' as a result of entering a written agreement to build the site to SBD agreed standards.

For further information on this agreement please visit www.securedbydesign.com

Please do not hesitate to contact me if you wish to discuss any recommendations regarding this application.

For additional information on designing out crime, please see www.securedbydesign.com

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If you wish to discuss any aspect of this report, then please do not hesitate to contact me.

The Crime and Disorder Act 1998 created a statutory partnership between local authorities, the police and other key partners to work together in reducing crime and disorder in all aspects of their work.

Section 17 of the Act states:

"It is the duty of the authority to exercise its various functions with due regard to the likely effect on crime and disorder in its area --and the need to do all that it reasonably can to prevent crime and disorder."

Crime prevention advice is given free without intention of creating a contract. The Police Service does not accept any legal responsibility for advice given. However if the advice is implemented it could reduce the opportunity for crimes to be committed.

Yours sincerely,

Dick Collins
Architectural Liaison Officer
Police Constable 2981

South Wales Police

Working with the Community



Appendix G 07/00295/KL

Heddlu De Cymru

Cydweithion Gyda'r Gymuned

CHIEF CONSTABLE

BARBARA WILDING, QPM,

PRIF GWNSTABL

Operational Support Division,
Traffic Management Unit,
Traffex Wales,
Traffic Management Centre,
M4 Junction 32,
Coryton,
Cardiff.
CF14 7EF.

D.C. Collins,
A.L.O.
Vale of Glamorgan B.C.U.,
Barry.

Re: Planning Application 0700295 Penarth Heights Development.

The Police take the view that the roads within new residential developments, in particular feeder roads, should be designed to achieve low vehicle speeds. This will negate the need for reactionary measures at a later time when speed enforcement or road engineering has to be considered to address excessive speed issues.

It is accepted that the topography on the proposed site will to some degree limit the scope for design opportunities, however, we do have concerns that vehicle speeds may become an issue when this development is completed.

The sheer volume of current traffic regulation orders within the Vale of Glamorgan area place a heavy burden on our limited resources. Therefore, the police are reluctant to support any further traffic orders unless a proven safety problem has been identified.

It is proposed to introduce one-way schemes within the development and it is submitted that compliance by residents and visitors is likely to be low. The police would be unlikely to support a proposal for a traffic regulation order for the proposed one-way schemes. Likewise, it would be desirable to ensure that adequate parking provision and preventative measures are included at this stage to negate the need to introduce traffic orders at a later date.

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The application includes parking provision at a number of junctions within the development. It is the view of the police that visibility issues will arise, and the trees that will be planted in close proximity to the junctions will create a further reduction to the visibility of drivers when egressing from these parking areas, particularly when executing a reversing manoeuvre. It is accepted that reversing onto a main carriageway is contrary to the highways act, however, this is often ignored.

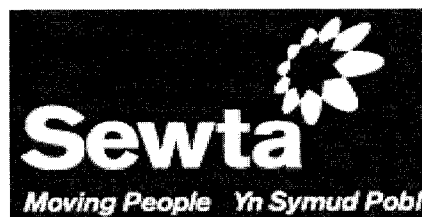
The police are concerned that the parking allocation for residential properties on the development is below the required level. It is accepted that the public should be encouraged to use public transport in preference to private motor vehicles. However, the reality is that many householders own two vehicles and expect to be able to park near to their homes not only for convenience but to be able to maintain surveillance of their vehicle. Inadequate parking provision will undoubtedly result with indiscriminate parking by both residents and visitors to the development.

Finally, Woodlands Road appears to be a long and mainly straight section road overlooking the marina and Cardiff Bay area. The police are concerned that this could lend itself to high speeds as the view and ambience it is likely to attract non- residents to the area. In addition, this could also create parking issues on this section of road, specifically parking on the verges and measures should therefore be installed to address this potential problem.

P.I.Daniells,
Traffic Management and Casualty Reduction Officer

Appendix

H 07/00295/FUL



Mrs J.M. Crofts
Transport and Planning
The Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

Sarah Pomicter
Regional Travel Plan Co-ordinator
South East Wales Transport Alliance
Ty Gwent, Lake View
Llantarnam Park, Cwmbran
NP44 3HR

Wednesday April the 4th, 2007

Planning application.

Reference: P/DC/JMC/2007/00295/FUL

Dear Mrs Crofts,

Thank you for allowing me to make my observations known on the Penarth Heights proposal. I have outlined these into bullet points for ease of reference, please see below:

- It is not known whether a Transport Assessment (TA) been undertaken for this development. A TA is critical for this development in order to assess the impact of the proposed development on the wider road network.
- The number of residential units on the proposed site is rather small (377) and so would not normally require a Travel Plan, however the tenants are changing from council to private. With potentially more professionals living on the site the number of cars owned by each household will increase dramatically compared to its previous tenants which will have a major impact on the surrounding highway infrastructure. To reduce this impact every tenant should be given access to facilities and information to encourage them to travel using more sustainable modes when possible— walking, cycling, public transport. The TA should have taken this into account.
- The site appears to have two access points which both evidently filter out on to Plassey road. This road already suffers from traffic congestion at peak times by commuters and the school run, again ways to reduce the use of single occupant vehicles needs to be addressed as well as changes to the road networks.
- Due to the close proximity of the school, the developer should be including some safe links to the school as there are currently no crossings to assist children. This should include plenty of direct safe, lit walk/cycle ways leading down from Penarth Heights to the school area to encourage more families to walk to school. The school would benefit from developing their own Travel Plan in the meantime to encourage current pupils to walk and/ or cycle where possible, therefore when the new units are finally inhabited it will be the trend to travel to school in this way. The School Travel Plan may include the setting up of a Walking Bus scheme. Sponsorship for a Walking Bus and other safe routes to school projects could help to reduce the school run congestion somewhat.
- The East and West side of the development are separated into cul de sac's which could cause some concerns with emergency access if one of the entrances becomes blocked off by parked cars etc. Are the road widths wide enough to cope with this and is the highlighted link road at Woodlands place a relief road for this purpose?

- This no through route will mean no bus operators will be prepared to come on to the site. Access to public transport may therefore be limited and so again walk and cycle ways leading to Plassey Road and the surrounding roads where buses currently serve need to be in place to ensure accessibility. The developer will need to work in partnership with bus operators to make sure these pathways are located in the correct areas – i.e. where the buses currently stop.
- Due to the fact that the site has been empty for two years the bus operators need to be informed as early as possible of the development, as old services that ran near the site may have been removed. Facilities such as bus shelters and information need to be provided on and around the site.
- If you refer to the DFT Guidance to Transport Assessment 4.81 states that 'the Government considers that a travel plan should be submitted alongside planning applications that are likely to have significant transport implications'. Due to this sites close proximity to Cardiff City Centre and a local school I think this should be undertaken to help reduce the negative impact on the area. The TA should be accompanied by a Travel Plan.
- The UDP for the Vale of Glamorgan council (1996 – 2011) has not planned for or allocated for this development (p.89 –Policies and proposals) and therefore it has no outline planning permission. Under the residential development criteria on p.106 it highlights that a proposal should not have any unacceptable effect on the amenity and character of existing or neighbouring environments by noise, traffic congestion, exacerbation of parking problems or visual intrusion. I believe this development will cause traffic, parking and noise effects if a Travel Plan does not accompany their planning application.
- TAN 18, advice notes indicate that a travel plan should be integrated into the TA process where significant additional trips (commuting and the school run will apply here) are likely or significant effects on the surrounding transport networks (road and public transport) would occur. Similar to the DFT is states that it should be incorporated with a transport assessment.
- To back this further, the Vale of Glamorgan council are demonstrating best practice through its own Travel Plan; this may be used to assist the developer.
- Given the local context and with reference to the above documents I strongly recommend that Penarth Heights develops a Residential Travel Plan which should include some financial support towards the local school and transport providers.
- The Welsh Assembly Government wishes to promote the adoption of travel plans to Businesses, Schools, NHS trusts and more recently residential developments – looking at travel patterns from their origin. My role has been funded by the government to work with all of the above across South East Wales, giving free advice and assistance on developing Travel Plans. I am also able to put people in touch with support services and local transport operators.

I trust that I have responded in sufficient detail, if you have any queries please contact me.

Kind regards,

Sarah Pomicter
Regional Travel Plan Co-ordinator
Work: 01633 463451
Fax: 01633 463399

Appendix

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Statws/Status:

Cyhoeddus / Public

DESIGN
COMMISSION
FOR WALES
COMISIWN
DYLUNIO
CYMRU

Adroddiad Adolygu Dylunio:
Design Review Report:

29 March 2007

Dyddiad Cyfarfod / Cyflwyno'r Deunydd:
Meeting Date / Material Submitted:

14 March 2007

Lleoliad/Location:

Penarth Heights

Disgrifiad o'r Cynllun
Scheme Description:

Residential

Cleient/Asiant:
Client/Agent:

Vale of Glamorgan Council
[Mark White]

Developer/Datblygwr:

Crest Nicholson [Paul Talbot]

Pensaer/Architect:

Edward Cullinan Architects
[Colin Rice]
Nicholas Pearson Associates
[Nicholas Pearson]

Awdurdod Cynllunio:
Planning Authority:

Vale of Glamorgan Council
[Rob Thomas, Jane Crofts]

Statws Cynllunio:
Planning Status:

Detailed application submitted
March 07

Y Panel Adolygu Dylunio/
Design Review Panel:
John Punter (cadeirydd/chair)
Cindy Harris (swyddog/officer)
Charlie Deng (swyddog/officer)
Carole-Anne Davies CEO, DCFW

Douglas Hogg
Ashley Bateson
Phil Roberts

Lead Panellist:

John Punter

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07/00298/FU

Cyflwyniad/Presentation

Proposals for this site at Penarth Heights have been presented to DCFW twice before - in November 2004, when we commented on the tender bids, and in July 2005 after Crest Nicholson had been appointed. With this application just submitted, the total dwelling numbers have been reduced to 377, with 20% affordable units pepper potted through the site. There is a greater mix of housing types, sizes and tenures with more emphasis on family housing. The urban grain is similar to the original proposal with a proposed density of 54 du/ha. The 'Home Zone' approach on the side streets has led to an ongoing discussion with the Highways Department to achieve consensus on a number of issues. There is now a clearer hierarchy of streets, with 'garden streets' running at right angles to the Ridgeway. These are 'Home Zones' with a mix of diagonal car parking and small courtyards, and each space is designated. The Ridgeway itself has been narrowed to 16 metres with shared surfaces, public squares and parking courts to calm traffic. Each intersection on the Ridgeway is defined by four storey apartment buildings with three storey townhouses between. Parallel car parking is provided on the Ridgeway.

To the north Ridgway Crescent has been terminated two thirds of the way along its length creating a cul-de-sac, and continuing as a footpath across the parkland. Hard standing and garage access is now from the rear, where a car parking court has been created between two apartment buildings.

The number of apartment blocks on Arcot Green has been reduced to one of four storeys, and the two storey mews blocks between the two crescents have street level garages with flats above. The two storey terraced houses to the north are articulated with projecting bays and recessed porches, while those facing south are executed as a plain curved terrace with monopitch roof units either side of the footpath. The villa-style houses on Woodlands Road have gables at the front. A 'colour strategy' has been adopted to reinforce a sense of place.

Changes to the proposed edge and boundary treatment have resulted in 1.2m high railings [1.8m high in rear gardens] instead of a 2m high fence on Arcot Green. Existing walkways are retained and enhanced and lit with low light bollards. Open spaces such as Plassey Square have been simply and minimally landscaped in response to community consultation. The Arcot Triangle too has been simplified and connections strengthened. Management guidelines have been produced for the amenity space to the north, including a programme to eradicate Japanese knotweed.

The parking ratio is 150% and an integral public art strategy will be adopted. An EcoHomes rating of Very Good will be achieved. Sustainable forms of construction have been explored and green roofs are being considered for the buildings below Arcot Green. The existing community centre will be relocated - possibly to St Pauls church hall on Arcot Street which is in need of renovating.

The Local Authority raised the following key issues of concern to them:

- The reconciliation of planning issues with highways issues, in order to support the 'Home Zone' approach.
- A wish to see a larger scale of development on top of the ridge to the north and overlooking the marina to provide a strong skyline.
- A wish to keep the mews courts and crescents low rise, with views from existing properties protected.

Ymateb y Panel/Panel's Response

The Panel congratulated the project team on the excellent design statement and presentation materials. We commented that this might well be the best scheme that DCFW has seen of this type and scale.

With regard to our previous comments, we were informed that the parking ratio had been increased to provide a better match with the new mix of dwellings and this was a market based decision. Highways officers had sought a parking ratio of 200%.

The Panel expressed in principle support for on-street parking, but questioned how well it was integrated with the landscaping and the protection of private space. The design team acknowledged that this was a compromise solution and that the degree of permeability was not ideal, with large cul-de-sacs rather than through routes. The segregation of adoptable areas proved a further constraint.

Parallel parking is provided on the Ridgeway as highways officers would not allow parking at right angles to the road. A one-way traffic system through the home zone area has resulted from the Highways Authority's injunction against cross-overs at junctions. This follows advice contained in DB32 which is about to become redundant and the Panel was not convinced that this injunction was necessary, given the launch of the Manual for Streets effective from 31 March 2007. We advised against an over-engineered solution with lots of signage and preferred the design team's more subtle approach of slowing traffic with changes in street surfaces, furniture and trees, which should convey the necessary messages and encourage eye contact between driver and pedestrians.

The Panel noted the circuitous nature of the routes around the allotments and asked the design team to look at solutions which would improve the permeability in this area, possibly re-introducing the link between Woodlands Road and Royal Close, and providing a direct footpath link between Plassey Square and Woodlands Road. We thought the relationship between the crescent and the linear housing appeared awkward in plan especially on the western side and that this transition needed to be better managed.



The Panel was concerned about the dominance of 'up-and-over' garage doors at street level in the Woodlands Road villas. We were told that large first floor windows had been introduced to compensate for the lack of animation at street level. Further west on Woodlands Road, we were told that the blank walls at the end of the housing blocks were necessary to negotiate the changes of level, but would be landscaped. The Panel acknowledged that the change in levels effectively precluded rear access.

The Panel considered that the issue of the skyline and views from the Marina had been very well handled.

The team claimed that the scheme has a strong social sustainability element, with 20% affordable housing, based on shared equity and renting, and developed with United Welsh Housing Association. Some of the units are earmarked for the rehousing of existing tenants. The distribution of affordable housing will be in clusters of no more than 10 units and two bungalows are included to increase the variety of housing type. The Panel considered that a relocated and improved community building will be an important social facility and a good way of retaining the church.

The Panel noted that the provisional EcoHomes rating was borderline Very Good, and we questioned whether this was sufficiently ambitious. We were disappointed to see the inclusion of individual gas boilers as we thought that this scheme had enough critical mass to justify a district heating scheme, which could include CHP. We urged the design team to re-examine the potential for more efficient energy supply systems. The developer stated that improving the EcoHomes rating to Excellent was unlikely to be viable, even though the Panel advised that this was due to be required for all public housing in the near future, and that statutory requirements for sustainable housing are being continuously improved.

We were informed that modern methods of construction [MMC] might be used and these would improve the environmental performance. The Panel urged the team to establish and support local supply chains and to use a timber frame system in the construction. We thought that using u-PVC doors and windows would be highly detrimental to the perceived quality of the buildings and to any aspiration towards sustainable construction.

Cycling provision will be improved to meet BRE criteria, and will be provided on street where possible. The Panel was reassured to hear that an allocation approach will be used to govern the home zone car parking.

An approach to sustainable drainage has been developed in conjunction with the Environment Agency. Balancing ponds have been removed and all surface water now drains down into the marina.

The Panel acknowledged the local authority's Public Art Strategy and SPG which had informed the developer's own and the commitment to a percent for art investment strategy, as recommended in the SPG. The appointment of a specialist consultant already in place was also welcomed. We urged the

team to look at ways of engaging professional artists with the relevant status, experience and track record to work in support of the environmental strategy and with associated technologies, thereby adding value. This approach needs to be incorporated into the design at an early stage, ideally pre-application, and so is now urgent, particularly the role of the "choreographic role" of the proposed lead artist. Thought should be given to using creative projects to enhance community engagement strategies linked to the community centre and potential use of the Church, as well as enhancing the allotments as a focus for community activity. The Panel asked that where "signature works" might be used, great care is taken to ensure a sophisticated approach. The proposed public art panel should be carefully managed by the appointed consultants, as should local relationships with Public Art Wales and the Arts Council of Wales.

Crynodeb/Summary

The Panel expressed positive support for this proposal and congratulated the design team on the excellence of their presentation. In many ways this is a very high quality scheme and one that has the potential to be an exemplar in terms of urban design. It is therefore particularly unfortunate that the sustainability strategy lacks the necessary ambition and commitment to deliver genuine low carbon development.

Our comments and recommendations are summarised thus:

- We strongly support the imaginative 'Home Zone' approach to the design and layout of streets and parking spaces. The landscaping strategy, allocation of parking spaces and minimal signage all reinforce this exemplary design approach.
- We would like to see improved permeability and the reconnection of Woodlands Road at its eastern end, as well as a direct footpath from Plassey Square to Woodlands Road.
- We support the distribution of the affordable housing, which we are pleased to see includes a social rented element, and the relocation of the community centre and the renovation of the church.
- It is vitally important for the overall success of this project that there should be a commitment to achieving EcoHomes Excellent. The potential for a district heating scheme should be re-evaluated. The use of locally sourced materials should be maximised and timber frame construction systems explored. U-PVC doors and windows should be avoided in favour of timber or composite timber/aluminium.
- The public art strategy is promising but needs to be integrated into the design development as soon as possible.
- We endorse the strategy of restricting the colours used in different zones and will watch this aspect of the development with interest.

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Appendix

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07/00295/FUL

Penarth Heights Section 106 Legal Agreement – Summary Paper**INTRODUCTION**

The purpose of this paper is to identify the heads of terms and details of the planning obligations to be contained within the Section 106 legal agreement to accompany the planning application (reference 07/00295/FUL) if Planning Committee are minded to grant planning permission for the development. This paper should be read in conjunction with the Planning Committee report (Meeting date 13th December 2007).

Various relevant Council departments were consulted on the proposed development at Penarth Heights on 20th December 2006. Their comments along with the Local Planning Authority's response and the final schedule of planning obligations are detailed below.

Where relevant, reference is made to the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP), relevant Supplementary Planning Guidance (SPG), and the Penarth Heights Planning and Design Guidelines (2004).

SUMMARY OF PLANNING OBLIGATIONS

Planning Obligation	Value
Transport	£1,560,700.00
Affordable Housing	In kind contribution
Public Art	£700,000.00
Community Facilities	£800,000.00
Education Contribution	£783,160.00
Public Open Space	£578,450.00
20 years commuted sums	£546,700.00
Environmental Health	£738.00
Admin fee	£8112.00
Total	£4,977,860.00

TRANSPORT

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The Vale of Glamorgan Council appointed specialist consultants Atkins to undertake an initial Transport Assessment in 2003. This work has been updated and a report of prioritised transport schemes has been produced by Atkins which outlines those schemes to be pursued through the Section 106 legal agreement. This report has been endorsed by the Operational Manager for Engineering Design. The findings of the report are summarised through a list of schemes reproduced below.

Penarth Heights Prioritisation of Transport Infrastructure Improvements –
Report by Atkins (May 2007)

	Ref	Important schemes	Cost
✓	P	A cycle path linked to the proposed Penarth Marina cycle route	£125,000.00
✓	C	A new footbridge at Dingle Road station	£700,000.00
✓	C4	New footway on Cogan Railway Station concourse and improved lighting in car park and along the footway access (outside Council's control)	£50,000.00
✓	C3	Improved lighting and access arrangements to Cogan Station from Andrews Road	£30,000.00
✓	V1	Signalisation of the Cogan Hill / Terra Nova Way roundabout (including controlled crossing)	£165,000.00
✓	V2	Signalisation of the Windsor Road / Plassey Street roundabout	£95,000.00
✓	H	Provision of cycle storage facilities at Cogan and Dingle Road railway stations (outside Council's control)	£20,000.00
✓	V3	Improved cycle and pedestrian facilities along Hill Terrace providing a safe link between the south western corner of Penarth Heights and Windsor Road/Plassey Street	£100,000.00

	Ref	Desirable Schemes	Cost
✓	M	Refurbishment where necessary of footways linking Penarth Heights to public transport routes and other important destinations	£40,000
✓	D	Improved pedestrian/vehicle segregation at Cogan railway station (outside Council's control)	£5,000
✓	D2	Improved lighting and dropped kerbs over the entire length of Railway Terrace	£10,000
✓	D1	Relocate and upgrade the zebra crossings between Arcot Street and High St	£35,000.00
✓	Q	Travel Plan - encourages alternative sustainable travel modes (walking, cycling, public transport, car sharing/car pooling, initiates awareness campaigns	£20,000.00
X	K	Public information within Penarth Heights showing cycle and pedestrian routes to destinations in Cardiff, Dinas Powys and Penarth, and information about cycle storage at these destinations	£15,000.00

✓	A, G	Pedestrian and cycle route improvements between Penarth Heights and Plassey Street / Windsor Road, including signage	£100,000.00
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	Ref	Optional Schemes	Cost
✓	E	Bus stop improvements (Windsor Road)	£40,000.00
✓	C6, C2, N	Windsor Road Improvements (tactile paving, dropped curbs, pedestrian refuges)	£25,000.00
✓	D5	Dropped Kerbs at Dingle Road/ West Terrace Junction	£700.00
X	J	Promotion of cycle storage facilities on trains (outside Council's control)	Unknown
X	F	Diversion of bus from Windsor Road through the development	£91,000.00 per annum for 3 years = £273000

LPA Response:

Local and national planning policies outlined below establish the importance of enabling and encouraging the use of sustainable travel methods. Planning obligations are widely recognised as the legitimate tool for securing the necessary improvements. The package of measures listed above contain a mix of schemes likely to improve travel choice and enable modal shift away from the private car.

UDP Policy **HOUS 8** provides criteria against which residential development proposals are assessed. It states that (inter alia) proposals must have no unacceptable effect on the amenity and character of existing or neighbouring environments by virtue of noise, traffic congestion, exacerbation of parking problems or visual intrusion. The improvement of walking, cycling and public transport facilities alongside traffic management measures should mitigate problems of traffic congestion and parking problems.

UDP Policy **TRAN 9** (Cycling Development) states that provision will be made for cycle routes and facilities, particularly within and between the Vale of Glamorgan and Cardiff, and linking to the National Cycle Network.

UDP Policy **TRAN 10** (Parking) states that parking facilities will be in accordance with the approved parking guidelines, and will be related to the type of land use, its density and location; accessibility to existing and potential public transport facilities; and the capacity of the highway network.

The **Penarth Heights Planning and Design Guidelines** (2004) states that the transport improvements and obligations on the developer will be the subject of appropriate legal agreements. It also stresses the importance of enabling walking, cycling and public transport.

Planning Policy Wales (2002) emphasises the role of creating sustainable places and states that local planning authorities should assess the extent to

which new developments minimise the need to travel and increase accessibility by modes other than the private car (paragraph 2.5.3 refers). Chapter 8 outlines measures through which land use planning can help achieve the Assembly Government's objectives for transport, including improving accessibility by walking, cycling and public transport, supporting traffic management measures and supporting necessary infrastructure improvements. Paragraph 8.7.5 states that planning obligations may be used in appropriate circumstances to secure off-site improvements in public transport, walking and cycling, where such measures would be likely to influence travel patterns.

TAN 18 'Transport' (2007) outlines the important role of planning obligations in securing transport improvements and states that planning authorities may use planning obligations to secure improvements in roads, walking, cycling and public transport resulting from a proposal and where such improvements would be likely to influence travel patterns (paragraph 9.20 refers).

In consultation with the Highway Authority, the Local Planning Authority has identified the following planning obligations which are recommended in respect of Transport:

Cogan Hill & Terra Nova Way Junction Contribution (V1)	£165,000
Windsor Road & Plassey Street Junction Contribution (V2)	£95,000
Dingle Road Station Footbridge Contribution (C)	£700,000
Cogan Station Improvements Contribution (C4, C3, D)	£85,000
Bus Stop Contribution (E)	£40,000
Cycle Storage Contribution (H)	£20,000
Pedestrian / Cycle Link Contribution (P,V3,M,D2,D1,A/G,C6/C2/N,D5)	£435,700
Travel Plan (Q)	£20,000

The terms of the legal agreement will allow flexibility in implementation to take account of the future feasibility of schemes and changes over time, to enable funds to be used on alternative appropriate transport schemes if necessary.

The following desirable and optional transport schemes were dismissed as explained below:

- Provision of public information within Penarth Heights (K) was dismissed because this can be covered more effectively within the remit of the site specific Travel Plan.
- Promotion of cycle storage facilities on trains (J) was dismissed because it would be very difficult for the Council to implement as the trains are operated by a third party.
- Diversion of bus from Windsor Road through the development (F) dismissed because it is not feasible given the layout of the proposal and is not desirable for operational reasons and taking account of high bus frequency of buses on Windsor Road which is a short distance from the site.

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AFFORDABLE HOUSING

The provision of 20% affordable housing to be provided on site was secured through the land sale. This equates to 75 units of affordable housing, which are to be provided as follows:

- 8 no. 1 bed flats (11%)
- 4 no. 2 bed flats (5%)
- 2 no. 2 bed bungalows (3%)
- 24 no. 2 bed houses (32%)
- 7 no. 4 bed houses (9%)

Within this provision 10% will be low cost market housing, namely 4 no. 2 bed houses and 4 no. 3 bed houses. The retained affordable housing provider for this development is the United Welsh Housing Association.

The above provisions are in accordance with the approved Affordable Housing Brief for Penarth Heights (as amended) which was approved by the Council's Cabinet on 24th May 2006 (minute C2465 refers).

LPA Response:

In accordance with UDP Policy **HOUS 12** and the **Affordable Housing SPG**, all housing developments accommodating over 50 dwellings are expected to make provisions for affordable housing. On eligible sites, at least 20% of the total dwellings should be affordable. Planning obligations will be required in order to secure the affordable housing provision, either on-site or through a financial or other contribution. The Penarth Heights Planning and Design Guidelines (2004) outlined that the Council expects 20% affordable housing provision on site as part of the new development.

Planning Policy Wales (2002) and the **MIPPS 01/2006** provides the Assembly Government's land use planning policies in respect of housing.

TAN 2 'Planning and Affordable Housing' (2006) states "The strong presumption is that affordable housing secured through planning obligations will be provided on the application site so that it contributes to the development of socially mixed communities."

In consultation with the Housing Department, the Local Planning Authority has identified the following planning obligation which is recommended in respect of Affordable Housing:

75 units of affordable housing shall be provided on site, being the equivalent of 20% of the total number of residential units.

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PUBLIC ART

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The Head of Economic Development & Leisure has commented he would expect the 1% for public art policy to be applied. The contribution could be spent on art based works enclosing some of the open space or as part of the community centre project.

The submitted plans indicate areas on site where commissioned pieces of public art could be located.

The developer's agent advised that the construction costs for the development will equate to £70,000,000. Therefore, the contribution for public art in this case equates to £700,000.00.

LPA response:

The **Penarth Heights Planning and Design Guidelines** (2004) stated that the Council is keen to see public art carefully integrated within the development.

The Council introduced a percent for art policy in July 2003 which is supported by the Council's adopted **Public Art SPG**. On major developments, developers should set aside a minimum of 1% of their project budget specifically for the commissioning of art and, as a rule, public art should be provided on site integral to the development proposal.

The Local Planning Authority has identified the following planning obligation which is recommended in respect of Public Art:

The sum of £700,000 shall be set aside for the provision of Public Art including the provision of facilities which enable the creation of art.

It is envisaged that up to £300,000 of the public art contribution for the development will be used to commission individual artworks to be provided on site and the remainder will be used as part of the regeneration of St. Paul's Church to create a community centre where community arts projects can take place.

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COMMUNITY FACILITIES

The potential for restoration of the Vale of Glamorgan Council owned St. Paul's Church building to create a community hub offers a unique opportunity to provide a community facility to serve the future residents of the site. The estimated cost for the renovation is £1,200,000.00.

The restoration would provide the opportunity for a wide range of activities including youth related activities. The Children's Services Department need access to space in Penarth for supervised contact (generally day time) and for activities after school / early evening with youngsters. The Director of Learning and Development considers the proposals to upgrade the facilities at St. Paul's as its priority. The project also offers the opportunity to provide an arts venue in this part of Penarth.

LPA Response

UDP Policy **HOUS 8**(vi) permits new housing developments within settlement boundaries provided that (inter alia) adequate community and utility services exist, are reasonably accessible or can be readily and economically provided.

UDP Policy **REC 4** (Provision for the Disabled and Elderly) favours recreation proposals which include provisions for the needs of the disabled and elderly.

The Local Planning Authority has identified the following planning obligation which is recommended in respect of Community Facilities:

The sum of £800,000 shall be payable to the Council as a contribution to provide or enhance community facilities in the vicinity of the site.

As noted above, it is envisaged that around £400,000 of the public art contribution for the development will be added to the community facilities contribution and used towards the regeneration of St. Paul's Church to create a community centre where community arts projects can take place.

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EDUCATION

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The Education Department have commented that pupil numbers derived from new housing developments are based on the following calculation and have been calculated for the Penarth Heights development based on a total of 317 units (i.e. not counting the 60 no. 1 bed flats):

- Pre school – No. of dwellings x 0.1 = 32 pupils
- Primary – No of dwellings x 0.278 = 88 pupils (including 8 welsh medium / roman catholic)
- Secondary (Age 11-16) – No of dwellings x 0.208 = 66 pupils (including 7 welsh medium / roman catholic)
- Secondary (post 16) – No. of dwellings x 0.04 = 13 pupils

Where the calculated requirement cannot be met by available spare capacity within existing schools, a contribution will be required to enable additional places to be brought into use.

- Pre-school – There is sufficient capacity within Penarth.
- Primary – The development will require expansion of existing school provision to be able to accommodate the pupil numbers generated by the development. (NB There is sufficient capacity at welsh medium and roman catholic primary schools.)
- Secondary – The development will require expansion of existing school provision at Stanwell School to be able to accommodate pupil numbers generated by the development.

Costings are based on the area recommendations per pupil place as outlined in the Department for Education and Skills, Building Bulletin 98 & 99, with a build cost of £1600 per square meter for primary school provision and £1830 per square meter for secondary school provision.

- Primary - 80 pupils require 248sqm at £1400 = £396,700 + £50,000 project costs = £446,700.
- Secondary – 36 pupils (beyond existing capacity) require 162sqm at £1830 = £296,460 + £40,000 project costs = £336,460.

The total education contribution required is £783,160.00

LPA response:

The provision of school facilities to meet the needs of future school-aged occupiers of the development is fully justified by planning policies as outlined below. The costs calculated above are considered to reasonably relate to the proposed development.

UDP Policy **HOUS 8**(vi) permits new housing developments within settlement boundaries provided that (inter alia) adequate community and utility services exist, are reasonably accessible or can be readily and economically provided.

Planning Policy Wales (2002) states that planning policies and proposals should, inter alia, promote access to education. It notes that development control decisions should take account of social considerations relevant to land use issues, which includes education provision (paragraphs 3.3.2 and 9.2.8 refer). Paragraph 12.1.1 states "Adequate and efficient infrastructure, including services such as education and health facilities along with water supply, sewers, waste management, electricity and gas (the utilities) and

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telecommunications, is crucial for the economic, social and environmental sustainability of all parts of Wales.”

In consultation with the Local Education Authority, the Local Planning Authority has identified the following planning obligation which is recommended in respect of Education:

A financial contribution of £783,160 will be payable to the Council to provide and enhance education facilities required as a result of the development.

PUBLIC OPEN SPACE

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The Operational Manager for Parks and Grounds Maintenance has recommended the following enhancements to public open space and recreational facilities to serve the new development.

Scheme	Cost
Plassey Square new playground facility	£110,000
Arcot Street Triangle refurbishment	£50,000
The Woodland Bowl Lighting	£43,000
Paget Road Skateboard facility	£150,000
Paget Road Multi Use Games Area	£40,000
Paget Road Playground facility	£110,000
Fees (15%)	75,450
Total	£578,450

In addition £546,700 is required as a commuted sum to ensure these facilities are adequately maintained for a 20 year period.

LPA response:

In accordance with UDP Policy **REC 3**, within residential developments open space will be sought at a minimum standard of 2.43 hectares per 1000 population (0.6-0.8 hectares for children's playing space and 1.6-1.8 hectares for outdoor sport). The assessment will be carried out in light of existing provision in the locality. Where it is impractical to provide open space on site or where existing open space provision is deficient in quality in the immediate locality, the Council may be willing to accept alternative provision i.e. off site contribution payments.

In accordance with UDP Policy **REC 6**, within new developments, **children's play facilities** shall be provided at a standard of 0.2-0.3 hectares per 1000 population (falling within the provisions set down in Policy REC 3). The term "children's play facilities" refers to children's outdoor play equipment e.g. adventure playgrounds.

Policy **REC 12** seeks to maintain and improve Public Rights of Way and recreational routes throughout the Vale. The improvements to the Bowl including upgrading the pedestrian link to Penarth Marina with lighting will help to achieve this aim.

The **Penarth Heights Planning and Design Guidelines** (2004) stated that the site enjoys a good quality and mature landscape setting already which should be improved and opportunities exist for new and upgraded open spaces. It specifically acknowledged the need to upgrade and improve the areas known as the Bowl, Plassey Square and Arcot Street Triangle. The guidelines also outlined the Council would expect appropriate play facilities and outdoor recreational facilities to be provided to adoptable standards, and that a 20 year commuted sum for maintenance would be sought on the areas to be adopted.

The Local Planning Authority has identified the following planning obligations which are recommended in respect of Public Open Space:

- A sum of £578,450 shall be payable to the Council to upgrade existing areas of public open space including the provision of play and recreational equipment.
- A sum of £546,700 shall be paid as a commuted sum to provide for the future maintenance of the public open space and play and recreational equipment referred to above.

The terms of the legal agreement will allow flexibility in implementation to take account of the future feasibility of schemes and changes over time, to enable funds to be used on alternative appropriate schemes if necessary.



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ENVIRONMENTAL HEALTH

The Environmental Health department stated: "In order to further monitor the ambient air quality within the proximity of Penarth Heights, we would require monitoring both prior to and post development." The cost of this exercise equates to £738.00. They further state: "This information will assist significantly in measuring vehicle emissions arising from both the development and the immediate locality – and hence provide information on air quality impacts of this and future developments."

LPA response:

UDP **Policy 2** favours proposals which encourage sustainable practices including pollution control.

UDP **Policy 8** states that developments will be favoured in locations which minimise traffic levels and associated unacceptable effects.

UDP Policy **ENV 29** (Protection of Environmental Quality) states that development will not be permitted if it would be liable to have an unacceptable effect on either people's health and safety or the environment.

In light of the above policies, it is considered reasonable to expect the developers to pay for the monitoring of the pollution effects of the development in order to mitigate against harm and protect the environment.

The Local Planning Authority has identified the following planning obligation which is recommended in respect of Pollution Control:

The sum of £738 shall be paid to the Council to be used to monitor the ambient air quality within the proximity of the site.

PLANNING OBLIGATIONS ADMINISTRATION FEE

07/00295/FUL

This fee is payable by developers on all planning agreements entered into after 1st January 2007, to cover the cost of monitoring and implementing the planning obligations contained in the legal agreement. It is calculated as 20% of the planning application fee which in this case equates to £8112.00.

**CONSULTATION RESPONSE: HEAD OF ECONOMIC DEVELOPMENT & LEISURE
(ECOLOGY)****APPLICATION REFERENCE: 2007/00295/FUL****APPLICATION SITE: Penarth Heights, Off Harbour View Road, Penarth.****Ecological comments in respect to this application are as follows:****BADGERS**

The current ecology report submitted states (section 4.3) that there were no historical records of Badger and that the species were not considered present. Section 3.2.17 states that no evidence was seen of Badger (setts, tracks, dung, paw-prints or hairs) and habitats on the site were considered to be sub-optimal.

However it is noted that the application site includes areas of dense scrub that could not all be accessed (sections 3.2.5, section 3.2.11. It was therefore not possible to exclude the possibility that the site may be used by badger.

It is further noted in previous correspondence that a previous EIA states that 'surveys were undertaken "where possible" within 30m of the site boundary, suggesting that some areas could not be included. 30m is the recommended minimum distance required for a protection zone around an active sett. Since badgers are a mobile species it is recommended that the EIA states that the results of this survey are backed up by a further survey to be undertaken by the developer before the commencement of the project to ensure that no active setts are within 30m of the site boundary at that time.'

- It is therefore recommended that the applicant be made aware that badgers and their setts are protected under The Protection of Badgers Act 1992.
- It is recommended that the application site be further surveyed for badgers in line with the guidance above to ascertain presence or absence prior to the granting of consent.

BATS *

The bat report submitted with the application states that buildings might contain potential roosting features (section 4.1.3). The buildings scheduled for demolition in this application may provide potential roost sites for bats.

- It is recommended that the developer 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.
- It is recommended that a full bat survey of the buildings be conducted by a licensed bat 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. This information is reiterated in section 4.2 of the bat report.

Bats and trees

- It is also recommended that an assessment of any large/mature 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 This is also highlighted in section 4.2.2 of the bat report.
- 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

Bats and lighting.

The preliminary bat survey submitted, states the foraging and commuting of at least four species of bat, these being Common Pipistrelle, Soprano Pipistrelle, Noctule and Myotis sp. These bats were recorded following linear habitats including woodland edges, scrub and buildings (section 3.2.4)

The Bat report submitted with the application highlights light pollution as a potential impact on the bat populations on site, with potential to affect bat commuting and foraging areas (section 4.1.4).

Given the potential impacts of lighting on bats on site it is recommended that further information setting out details of the proposed external lighting be submitted for approval prior to the granting of any consent to include details of the location, type, level and positioning of proposed lighting. It is recommended that a lighting scheme be drawn up which is informed by the bat survey data, including both the existing data and any further data collected through the additional surveys requested, which minimises potential impacts on bat flight lines.

NESTING BIRDS

The buildings/ 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 / works affecting the buildings 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.

REPTILES

Reptile presence/absence surveys carried out in September 2005 identified Slow Worm and Common Lizard on site.

- It is recommended that the applicant be informed that reptiles are protected under the Wildlife and Countryside Act 1981.
- It is recommended that a condition of consent be that a **reptile mitigation strategy OR clearance methodology** be submitted to the local authority for approval prior to the

commencement of works. The site clearance for reptiles should be undertaken under the supervision of an experienced ecologist.

JAPANESE KNOTWEED.

Japanese Knotweed is present on the site.

Under the Wildlife and Countryside Act 1981, Schedule 9, Section 14 (as amended by the CROW Act 2000) it is an offence to deliberately cause Japanese Knotweed to grow in the wild. Under the Environmental Protection Act 1990 (Duty of care) regs 1991, soil contaminated with Japanese knotweed is classed as "controlled waste" and can only be disposed of at a registered site and with a waste licence.

- To ensure compliance with the legislation afforded to Japanese Knotweed and its movement and disposal it is recommended that a scheme for the eradication of Japanese Knotweed be completed prior to the commencement of works on site. It is noted that a scheme is currently ongoing.
- It is recommended that the scheme includes ongoing control measures post-development to ensure that the area remains clear of this species.

WOODLAND MANAGEMENT/SCRUB.

The ecology report states that in parts of the site *Buddleia* or Butterfly-bush occurs. It is recommended that the management plan includes a programme to remove the Buddleia on site, an alien plant which is displacing native vegetation. Gaps can be filled with appropriate native scrub/tree planting or can be allowed to regenerate naturally.

Native tree/scrub planting.

It is recommended that where replanting is proposed, native tree/scrub species, appropriate to the natural woodland setting and local area, be used wherever possible.

***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 dormice) 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.

Appendix



07/00295/FUL

Barry & Vale Friends of the Earth

Cyfeillion y Ddaear, y Barri a'r Fro
14 Robert Street, Barry CF63 3NX



Cyfeillion y Ddaear

Chief Planning Officer, attn. Jane Crofts

VOG Council,

12 April 2007

Dock Offices, Barry

Objections to "Penarth Heights" Planning Application 07/00295/FUL

Lack of regard for Climate Change

We believe with the government that climate change is of prime importance for sustainable development. The local planning authority should and is empowered on this account to take a much stronger stance on CO₂ and carbon footprints of developments. Authorities should consider rejecting applications, advises the TCPA, if they significantly add to CO₂ emissions. Applying this to Penarth Heights means rejection if it is significantly worse than best practice benchmark projects.

Adaptation and resilience to stronger storms is important but is unaddressed (Crest Nicholson new houses in Penarth Haven suffered from storms soon after construction; this position is far more exposed). This issue of 'climate proofing' appears to have been ignored, not addressed by strengthened buildings or layout design for relatively sheltered routes and tree planting.

Crest Nicholson's declared policy to maximise opportunities for energy conservation sounds good. But they say they will meet a standard of 20 kgCO₂/m²/yr without justifying this as maximising opportunities. They say the dwellings are in "tight housing clusters" and "maximise shelter from the wind". Their design does not do this. In the exposed hill-top location, wind cooling will be high. If the figure is to be believed, they have to give the actual wind conditions and assessments based on them. It also leaves the problem of monitoring and enforcement post-construction – they should include a scheme for this and a guarantee of modifications/upgrade if dwelling fall below the stated standard.

Moving to Zero Carbon Development

Central Government says sustainable development and the UK's commitments prescribe a need for new housing to lead the way in delivering low carbon and zero-carbon housing *Building A Greener Future: Towards Zero Carbon Development* (DCLG Dec.2006). They propose mandatory rating from April 2008 of all new homes against the standards set out in the Code for Sustainable Homes.

Additional new-build cost for "Z squared" standard (10%) and funded by increased mortgage results in greater savings in energy and water than the extra cost of mortgage repayments (WWF *One Planet Living in the Thames Gateway*). Crest Nicholson claim to meet the "v good" Ecohomes standard, but this is little influenced by carbon-related standards. Their rating is zero marks out of 2.73 for renewable/low emission energy sources and 1.75 out of 5.25 for daylighting (their Sustainability Appraisal specifies considering the trade-off between natural light and heat losses, but this has not been done).

Central government believes that a zero carbon target is the most robust framework for reducing the carbon footprint of new development and give a definition of zero Carbon. It accepts there are circumstances in which offsetting measures outside the development can be more cost-effective, so allowing a case for taking account of off-site measures.

Crest Nicholson propose nothing on offsetting. Wind turbines on site or devices on top of the blocks of flats may be practicable. Solar panels or windows with embedded photovoltaics could be included. There is plenty of experience, stemming from the pioneering Merton Borough. The 'Merton rule' as it has become known requires developers to ensure at least 10% of all energy production for new development comes from renewable energy equipment on site. Many Councils have followed Merton, encouraged by central government (www.themertonrule.org). Crest should be asked to come up with proposals to meet the minimal standard of 10% offsetting plus more ambitious proposals towards Defra's target of 100% offsetting by 2015.

Crest say they will use natural gas fuel and give no consideration to biomass fuelling, eg. of collective heating systems, which is far better in terms of fossil CO2 emissions. Heat metering is now readily available, so Crest should investigate biomass fuelling for individuals as well as collective. Drying clothes is high in energy use, unless external spaces are provided – how do they propose to "provide secure drying space" for each of the housing types? They say they will install "efficient" ventilation systems, but energy efficiency requires design for natural ventilation and heat exchangers. From their Sustainability Appraisal, it appears that Crest are not up with best practice; an independent expert auditor should be engaged to examine the "sustainability" claims.

Dubious Ecohomes claims

The 'ecohomes' scoring (internal and not validated, it appears) is dubious. They award themselves 2 out of 2 marks for public transport, when the scheme does nothing for it and is designed to stop buses circulating through the estate. The score sheet (in *Sustainability Statement*) does not include the Ecohome "excellent" rating, which this development could be designed to meet.

Low standard in day-lighting (only 33% of best 'ecohome') and poor sound insulation (zero on 'ecohome' score). These show that statements in the Sustainability Appraisal on trading-off natural lighting against thermal losses and on acoustic insulation from outside sources or between dwellings appear to have been disregarded.

no renewable or low emission energy generation. Westminster government talks of requiring new developments to include 10% generation from solar, wind etc., as already required by some Councils, yet Crest Nicholson proposes nothing

poor service by public transport – the layout does not allow a bus/minibus to circulate through the estate (for limited mobility people)

no safe route to school for primary children walking through the estate, using safe/supervised crossing points.

The excuse given for not considering renewable or low carbon energy was that the "very good" rating is achieved without it – this is not a planning reason (and probably untrue if the assessment were impartial). The Council should ask for an independent assessment and for an appraisal for meeting the "excellent" ecohomes rating.

Demolition Material

The documents include no commitment about demolition waste, only sections on asbestos and on dust and noise mitigation. All we have is the general statement in the Sustainability Appraisal that "consideration will be given... to recycle or re-use of demolition materials" where buildings are demolished. It is a failure that such consideration has not (yet) been given. The promise (s.5.1) that "during construction... a waste minimisation strategy to be implemented and monitored" would be too late and is hardly credible.

Central policy has long been pushing the need to recycle demolition waste and the VoG's UDP and minerals plan gives lip service. Defra backed by WRAP (Waste & Resources Action Programme) has just issued proposals to require major construction projects to have Site Waste Management Plans. As relevant guidance and good practice exists, Crest Nicholson should be asked to provide such an SWMP.

Deficiencies in Community Facilities

Lack of compliance with *Planning Policy Wales* (9.3.1) Where housing development is on a significant scale... it should be integrated with existing or new... retail development and with community facilities.

When the Billybanks were populated, there was a local pub and shop/post office. These have gone and no alternative retail site is allocated. The Community Centre that housed a play group with outside playspace has disappeared. The proposed costly plan to convert or rebuild the St Paul's martial arts centre is uncertain. This £1.6 M scheme needs to be assessed against alternatives that better integrate with the new community.

The UDP Rec 3 requires Open Space *within* new Residential Developments, at 2.43 ha per 1000 projected population, of which ~70% is for outdoor sport, 30% children's playing space.

The Policy requires regard to the extent and nature of local needs and the opportunity to satisfy that need in the locality. The UDP evidence on this (playing fields far under-provided in Penarth; none in this part of the town) is ignored. Each housing development is required to provide the minimum quota and aim to help make up the town's shortfall below UDP/Playing Fields Association standards. An all-weather pitch or similar is very feasible. Proper consideration is needed.

Child Play Facilities are required (under Policy REC6) which says children require a range of facilities including play spaces for younger children, provided near homes for children of pre-school age. The limited gardens and little private space should imply more generous provision.

Amenity of the Scheme

Planning Policy Wales accepts high density housing (9.3.4), but warns where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas.

There is no evidence of such "careful consideration". Houses are crowded in on the hillside overlooking Plassey Street backs, with no space for tree 'landscaping'. That traffic will be rushing up and down the narrow residential streets of Plassey Square has been a repeatedly-expressed concern of residents, and the proposals ignore it.

Lack of a Local Housing Needs Assessment

In 2005, WAG issued a 'Local Housing Assessment Guide' to provide a common system for all authorities to use when calculating their overall housing requirements - and to help them judge how much affordable housing they need to provide. The guidance aimed to increase the quantity of affordable housing provided through the planning system and included an 'Affordable Housing Toolkit', giving mechanisms available to local authorities and their partners to increase the supply of affordable housing. Assessments of housing needs in total numbers should be broken down by tenure, price and size

A decision on this application is premature until a Local Housing Need Assessment is available. The Cogan Hall Farm 'affordable' housing has gone to 'starter' homes to buy on shared ownership basis, but not social housing for eligible people in the greatest need.

Transportation Assessment

Penarth's roads do not have capacity to take the extra traffic from the 377-home development. Crest Nicholson's consultants base their claim of plenty of road capacity on standard numbers for the various road links. However, it's the *capacity of junctions* that is critical. The consultants say it's not possible to enhancing the Windsor (Tesco) junction and they have ignored the Barons Court junction (they say, with agreement of the Council, but that is invalid as a planning reason and must be rejected).

They do say the ARCADY traffic model predicts queuing and delay at the Windson (Tesco) roundabout and add that the CISV will have greater impact on this problem than Penarth Heights. This is no reason for ignoring the problem, rather the opposite. They suggest the VoG should improve the junction or, alternatively, reduce traffic speeds in Windsor Rd. Since the traffic is



often congested there, speed reduction is nonsensical. As there are VoG plans and funding to "improve" this junction's capacity, the proposal fails on this crucial aspect.

No measures to secure travel objections are proposed on grounds that "Crest is awaiting guidance from the VoG" on intentions for the s.106 money. There is no information on the sufficiency of this money or much expectation that it would be spent towards 'sustainable' travel. So objections of inadequate public transport remain valid. The 90-minute bus service is quite inadequate, buses out of Penarth are caught in congestion and the route to the (Dingle Rd) station is poor and the train service is already overcrowded at peak and of poor quality (rolling stock and reliability). They suggest buses over the Barrage as a solution, so withhold development permission until that is secure.

Car parking is planned at an average of 1.5 cars per dwelling. There is no reason for increasing this from the previous figure of 1.3 car spaces per dwelling. Contrary to the Sustainability Statement, car parking does dominate the exterior environment and interfere with walking/cycling paths and children's playspace.

Since a car-based development has severe, even insuperable, problems, the developers should be asked to consider accepting a "Grampian" condition that residents do not keep private cars, except for possible car-pools or local car-hire system. Without such a scheme, the development should be rejected.

Failure to plan for Cycling

The 'sustainability' statement claims to "provide safe routes for cyclists and pedestrians" but the plan does no such thing. The proposed cycleway over a new Ely river bridge is mentioned (placed wrongly on the map), the retail park and sports village are said to be "accessible by bicycle" but no link provided. The transportation assessment initially proposes an "endeavour to provide a direct connection to Tesco superstore" at the west end, next suggests upgrading the zig-zag path from the centre, then instead recommends linking to Paget Road at the east end - to route cyclists across the Barrage. This shows not only inconsistency but fails to plan an obvious and necessary link. Their verbal excuse (at exhibition) was that Council officers vetoed the western and zig-zag links, but their veto is neither a planning reason nor acceptable.

Air quality assessment

This assessment assumes "free flow" of traffic, so doesn't recognise the high pollution from congested traffic. Nor does it see the 'canyon' of Windsor road, Cogan where pollution builds up. So the consultants' calculation is 'unfit for purpose'. The Vale's own air quality monitoring has found NO₂ exceeding the standard and must be given greater weight than simplistic calculation.

The AQ Review says NO₂ is not decreasing as is NO_x with 'cleaner' cars; in 2002 and 2003 the NO₂ annual standard was exceeded in Cogan, in 2004 exceeded at Barons Court, on readings from diffusion tubes. Measurements and weather conditions vary, as do the sitings of tubes. Further monitoring is underway following the rebuilding at Barons Court. Experts say the 1-hour mean standard is sensitive to increased NO₂ direct from vehicles. The Vale has not measured this in Penarth, so the applicants need to do it at the critical positions in Cogan and at Barons Court.

The assessment claims (3.1.2) a "general decreasing trend with time" for NO₂, which is wrong on the figures given, and contrary to the AQ review's evidence. DEFRA's AQEG report last summer confirmed the NO₂ problem as real and probably due to changing vehicle emissions. Use of standard calculations as in DMRB is unreliable - actual measurements should be made.

Community Involvement

The Sustainability Statement promised this, but it has been very limited. Points made at the first exhibition about eg. safe routes to school and walking-cycling links out from the west towards Tesco have been ignored. The promise "to provide safe routes for pedestrians and cyclists" is empty. The remaining residents on-site who have the greatest claim have not been involved or represented at liaison meetings. Many questions have gone unanswered, as to be resolved by the Council. We maintain that community involvement needs to be extended.

----- compiled by Max Wallis 12 April 2007

JP/JCD/Office

20th June 2007

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

Directors:

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BSc CEng FIEE MCIBSE FConSE FFB

Paul Phillips
MSc IEng MIEE MIE MCMI DMS

Jeff Price
CEng MCIBSE FConSE FFB

Matthew Williams
MSc BEng (Hons) CEng MIEE MCIBSE

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BEng (Hons) ACIBSE MIHEEM

Consultant:

Trevor Hockley
CEng MCIBSE MSOE MIPlantE

Associates:

David Airey
IEng ACIBSE MSOE MIPlantE

Darren Ferson
BEng (Hons) CEng MIEE MCIBSE

Dear Sirs

Town and Country Planning Act 1990

Application No. 2007/00295/FUL

Location: Penarth Heights, Off Harbour View Road, Penarth

Further to your letter ref: P/DC/JMC/2007/00295/FUL dated 15th June 2007, we would like to restate the following comments:-

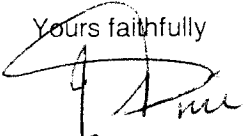
- As a major employer in Penarth we are currently experiencing an unacceptable level of congestion which is not only costing us business but is also inhibiting recruitment.
- Our staff cannot afford to come in to the office for 8.30am if they have to leave before 9.15am to go elsewhere. This is due to the constant queue of cars trying to get onto the roundabout, at Tesco, from two directions.

These queues then merge to get onto the Cogan roundabout and then through the new traffic lights. This is further exacerbated by the narrowing of the railway bridge.

- We understand from the local press that your Consultants advise that the junctions are not operating at full capacity and can accommodate the extra traffic that 377 apartments will generate. We can through painful experience advise that Terra Nova Way and the Tesco roundabout can't.
- Whilst being generally supportive of the redevelopment of the Cardiff Bay and Penarth areas the development has, without the extra 377 units, outgrown the road infrastructure.
- It is therefore our opinion that without substantial reinforcement of the road network the application should be refused otherwise we may have no other course of action but to relocate.

We trust these comments are of assistance.

Yours faithfully


Jeff Price
McCann & Partners

office/jeff/1-20jun07-jcd-vale of glamorgan



INVESTOR IN PEOPLE

Faraday House

Terra Nova Way, Penarth Marina, Cardiff, CF64 1SA

Tel: (029) 2035 2450 Fax: (029) 2035 2451

E-mail: office@mccannp.com

Web: www.mccannp.com



Offices in Cardiff and Swansea

PA 98



From: Partridge, Natalie L
Sent: 26 June 2007 09:35
To: Crofts, Jane M
Subject: FW: 07/00295/FUL Objection to revised application

Copy of email sent via Customer Care

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

From: Marc Buehner [mailto:mbuehner@mac.com]
Sent: 25 June 2007 15:23
To: developmentcontrol@valeofglamorgan.gov.uk
Subject: 07/00295/FUL Objection to revised application

Dear Planning officer,

I object to the above re-submitted application on the grounds that the resubmission did not address my earlier concerns which were:

Significant negative impact on traffic combined with lack of any means to offset such an impact
The proposed site does not adequately honour the principle of sustainable development

Explanation:

According to the TA produced by the developers, the proposed 377 new dwellings will produce an additional 2,658 car trips per day. This amount of traffic will further exacerbate the already tight traffic situation in Penarth, particularly during peak times. The planning application contains no measures of offsetting this negative impact. One measure would be to lower the number of expected car trips by providing and promoting alternative modes of transport. Many trips will be made into Cardiff or the Bay. A pedestrian and cycle bridge over the River Ely would enable such commuters to cycle and thus could reduce the number of car trips, and thus reduce the expected rise in congestion and pollution. Unless such provision is made as part of the application, I feel I must object to the proposal. This proposal heavily plans for car usage (570 parking spaces for 377 dwellings). Provision for sustainable transport is minimal. Cycle storage in the buildings and one new cycle path down to Tesco are not enough. In order to fulfil sustainability criteria for transport, sustainable forms of transport needs to be actively encouraged and enabled, for instance by liaising with the council to provide safe cycling routes from the development into Penarth Town centre and into Cardiff (e.g. the Ely River Bridge, see point 1).

Furthermore, I would like to point out that the TA supplied by the developers appears somewhat out of date. Considering the amount of local opposition this development is receiving, and in particular taking into account that this opposition largely centers on the negative impact on traffic, I would like to ask that the TA is reconsidered.

Regards,

Marc Buehner
159 Stanwell Road
Penarth CF64 3LN

07/00295/Ful

jmc

Partridge, Natalie L

From: Karl Eldridge [keldridge@ntlworld.com]
Sent: 11 April 2007 23:31
To: developmentcontrol@valeofglamorgan.gov.uk
Subject: Re: Penarth Heights Planning Application, No: 07/00295/Ful

F.A.O. Jane Croft, Principal Planning Officer, Vale of Glam Docks Office

From: Karl Eldridge and Susan Jones of 19 Plassey Square, Penarth, CF64 1HD

We are writing to raise objections / express concern to the above planning application.

Whilst we recognise that the abandoned and derelict 'Billy Banks' estate needs to be demolished and the area redeveloped, we have the following concerns (in no particular order of priority):

- That the existing green spaces surrounding the present estate will be lost through the proposed plans.
- That the population and hence traffic in the area will significantly increase, putting pressure on local amenities (GP surgeries, schools, leisure facilities, etc.), and, in particular, pose significant safety issues in relation to increased traffic. Our young children regularly use the recreational area in front of our property (Plassey Square). How will the safety of children be ensured if this is to be used as one of the through roads? We propose a blocking off of roads around the Square, or in the least a one-way system with traffic calming measures.
- Parking in the area is likely to become problematic. What measures are in place to deal with this?
- Rodent control. We have heard many reports from local residents on problems with rats. Having recently seen a rat in our garden we are concerned that the demolition will cause problems in terms of vermin if not dealt with properly. The recently demolished Cardiff Ice Rink caused many problems with rats in the surrounding areas. How can you avoid this happening in this area?
- We are concerned that the new build to take place behind the existing houses on Plassey Square is planned too close to existing properties. We would welcome more distance and less height so that existing views are not obscured.
- We are concerned about potential structural damage to existing properties during the demolition and build. How will this be measured and dealt with? There is also the problem of noise and dirt pollution. Will any measures be in place for this, as well as safety measures to manage the demolition and build.
- What improvements are likely to be carried out in existing areas? We understand that there are plans to enhance facilities on the Square. What and when is happening with this? We could certainly do with improved street lighting, better play areas, more green space, safe walking and cycling routes, better policing, etc. We propose that some of the monies from this development be used on regenerating the area, that existing properties be regenerated and a new community facility be developed.

Could you please ensure that these concerns are available to the Planning Committee prior to a decision on this application being made. We would also appreciate a response to the queries we have raised in relation to this development.

We look forward to hearing from you,

Regards,

Karl Eldridge & Susan Jones

12/04/2007

PA.100

L

07/00295/Fu

9 Plassey Square
Penarth
South Glamorgan,
CF64 1HB

10.4.07

Dear Sir/Madam,

We would like to object to the proposed plans for Penarth Heights locally known as the 'Billy Banks'. Whilst the revised plans are preferable to the original ones, they do not address the concerns we have regarding the increase in traffic that will occur should this development go ahead.

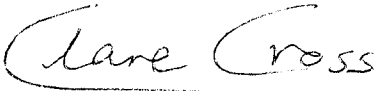
Our main concerns are:-

The traffic using the Barons Court junction is already at a standstill during peak times especially from 7:30 to 9:00 in the morning. The proposed development would significantly increase the traffic, causing even more congestion and pollution problems. At present, the existing road infrastructure is wholly inadequate and there has been no provision made so far for the building of new roads, nor has there been any proposals suggested for the improvement of public transport or the provision of cycle/foot paths as far as we are aware.

The provision for car parking within the development will be inadequate.. The ensuing result will be that the additional cars which will come with this development will be parked all around the fringes of the development, effectively taking parking spaces from existing residents. Whilst we applaud efforts to reduce car ownership by restricting the number of car parking places this surely has to go hand in hand with improvements to public transport.

The residents of this proposed development will be using Plassey Square as an entry and exit road making it an issue of safety for the many children who regularly play on the Square.

Finally we feel that this development has been very greedy in that all the Green Spaces are to be developed upon including existing children's play areas and dog walking routes thus, it would seem that Crest Nicholson has no plans for including any Green Spaces of their own within the development, but will be appropriating Plassey Square's green for the purposes of their own residential development.

  Clare Cross

Jerry and Clare Cross

127 Plassey Street
Penarth
Vale of Glamorgan
CF64 1EQ

11th April, 2007

Dear Jane Croft,

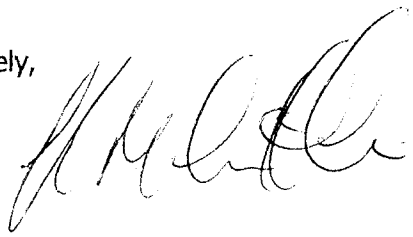
Planning Application 07/00295/Ful

I wish to comment on the above application and to convey two or three major concerns that I feel have not been adequately considered.

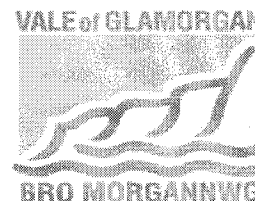
1. I am concerned that the size of the development is beyond the limit that local services can cope with. As far as I am aware there has been no plan to develop train or bus services, medical services, library or community services (creation of a community centre – the school on the corner of High Street and Plassey Street would surely have been ideal). I would be interested to hear how the council wishes to improve these services in line with the influx of residents.
2. The square is the only area in this part of Penarth Centre that is an open area with a charming view of the Bay. Coaches of foreign tourists circle the square almost daily to get a chance to look out over Cardiff. From the plans, it appears that blocks of flats will be built to a height that will obliterate this view and detract from the quality of life from local people. I hope I am wrong about this and that the Council has seen the potential of turning this area including the Square itself into something very special for the area. From the plans it does not look as though this is the case. Would it not be possible to have flower beds and shrubs well laid out as in Alexandra Park to create a feature of the square instead of the low-maintenance plan presently proposed?
3. The most important concern of all is the issue of access in and out of Penarth. I have no idea how the Council intends to deal with this as by the very geographical nature of the area, there is no room for extra roads to be built. Windsor Road even now is regularly congested back to the Plassey Street Roundabout. Local residents that I have spoken to are fearful of the future with a situation where they cannot get to work in the mornings and taking up to an hour to get out of Penarth.
4. Finally the issue of construction traffic is also of concern. We are all worried that not only are we going to have years of misery with heavy vehicles making further traffic problems but also creating noise and disturbance in the area.

I trust that serious consideration will be given to these points.

Yours sincerely,


Keith Little

Highway Observations
(Additional Comments)



07/00711/FUL A

07 / 00711 / Full

RE:-Site at Old Farm Mews, Station Road, Dinas Powys.

Further to your recent consultations with the Local Planning Authority and the applicant (Hoole & Walmsley Architects) in relation to the previous highway comments dated 25th July 2007 which objected to the proposals as submitted of which I enclose a copy for ease of reference are still unresolved.

However, if the Local Planning Authority are minded to approve this application The Highway Authority would advise that the Local Planning Authority that the following conditions should be taken into consideration:-

- (1) In the absence of any documentary evidence of the previous Legal Agreement entered into by the former developer Poil Development (West) and the former Highway Authority (South Glamorgan County Council) under Section 38 of the Highways Act 1980 (dated 14th July 1988) being passed to our Legal Department on reorganisation.

In order to resolve the above matter and the issues relating to previous vision splay objection (item 2), the Highway Authority will require the developer to enter into a legally binding agreement to secure the proper implementation of the required works to bring the existing road up to the Vale of Glamorgan Council's adoptable standards which will include an appropriate bond.

- (2) The applicant will require the developer to enter into a legally binding agreement in the form of licences to construct a buildings over area to form part of the adopted highway which will include charges for the permission and maintenance of the licences.
- (3) No works whatsoever shall commence on site until the design calculations duly certified by a Professional Engineer, and full Engineering details of structures / buildings overhanging areas to form part of the adopted highway, retaining walls / structures, soakaways, water culverts etc abutting or within close proximity to the proposed highway have been submitted to and approved by the Local Planning Authority.
- (4) There shall be structures whatsoever within 450mm of the edge of carriageway in the interest of highway / public safety to avoid any possible collisions between vehicles travelling along the road and the proposed structures

- (5) Where the proposed structures overhangs the existing / proposed grassed verge or hard landscaped area which will be required to form part of the adopted highway shall have a clear head room of 2400mm in the interest of highway / public safety
- (6) The existing vehicular / pedestrian access connecting onto Station Road shall provide and maintain a vision splay of site frontage x 3m in both directions in the interest of highway / public safety.
- (7) The proposed individual vehicular access to ease dwelling shall incorporate vision splay of 12m x 2m in both directions in the interest of highway / public safety.
- (8) There shall be no obstructions e.g walls inclusive of piers, fencing, gates etc or Planting exceeding 600mm in height above carriageway channel level which will obstruct the required vision splays.
- (9) The proposed design layout shall incorporate onsite parking for both residents an visitors in accordance with the Parking Guidelines.
- (10) All areas required for onsite parking shall be surfaced in a bound material to be agreed and approved by the Local Planning Authority before the proposed extension is brought into beneficial use.
- (11) No gates, doors of other structures whatsoever shall open out over the adopted highway in the interest of highway / public safety.

The applicant is required to submit to the Local Planning Authority for approval all necessary details to satisfy the aforementioned conditions.

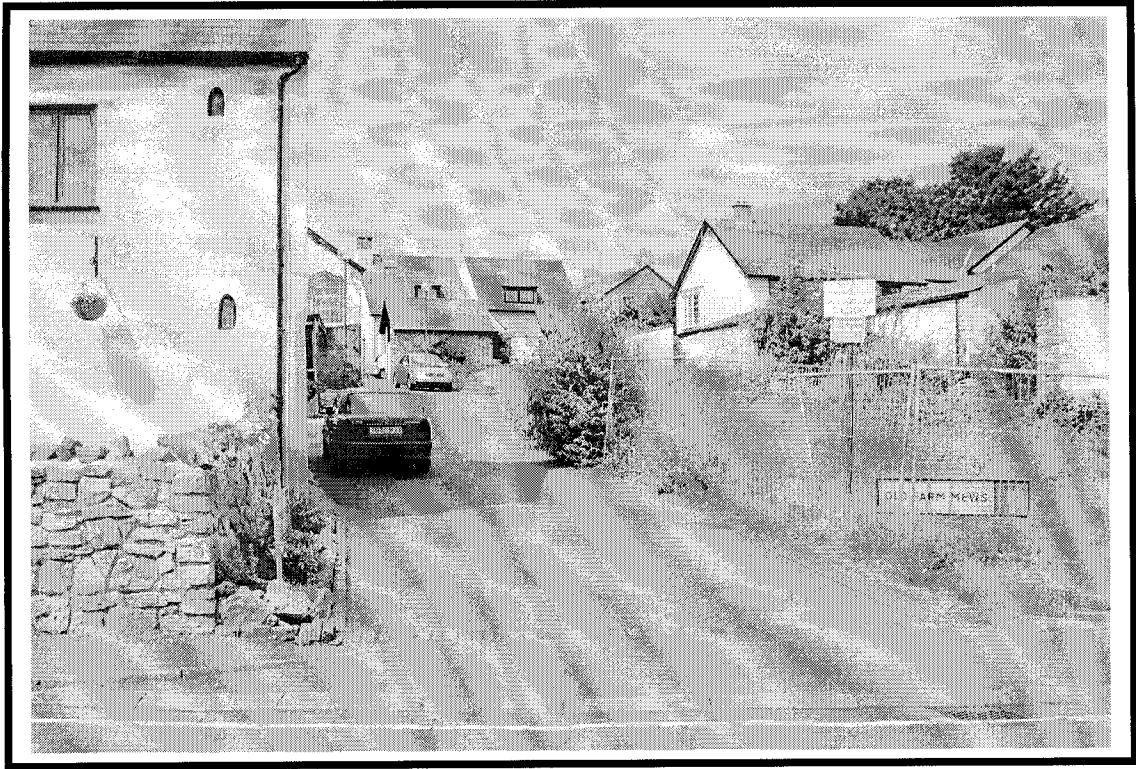
07/00711/FUL

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L. M. Howells
3rd December 2007

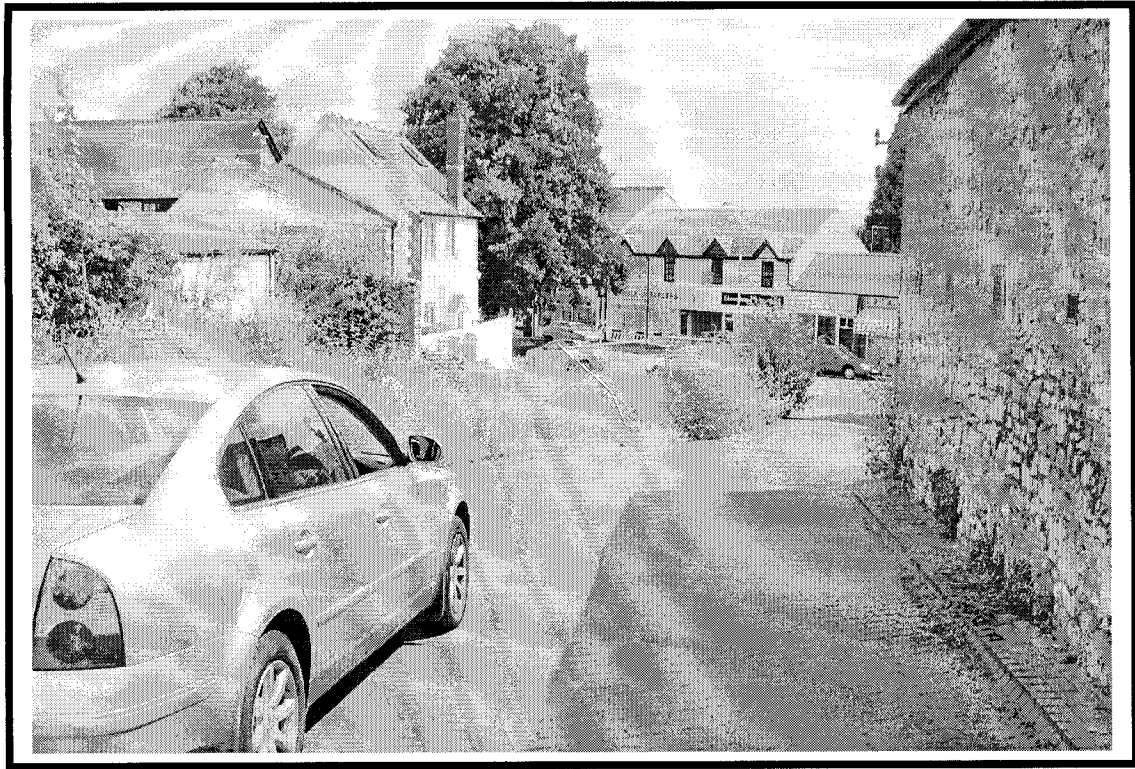
Planning Officer:- Jane Crofts (JMC)

Enc Site Photographs to follow
Previous highway comments dated 25th July 2007



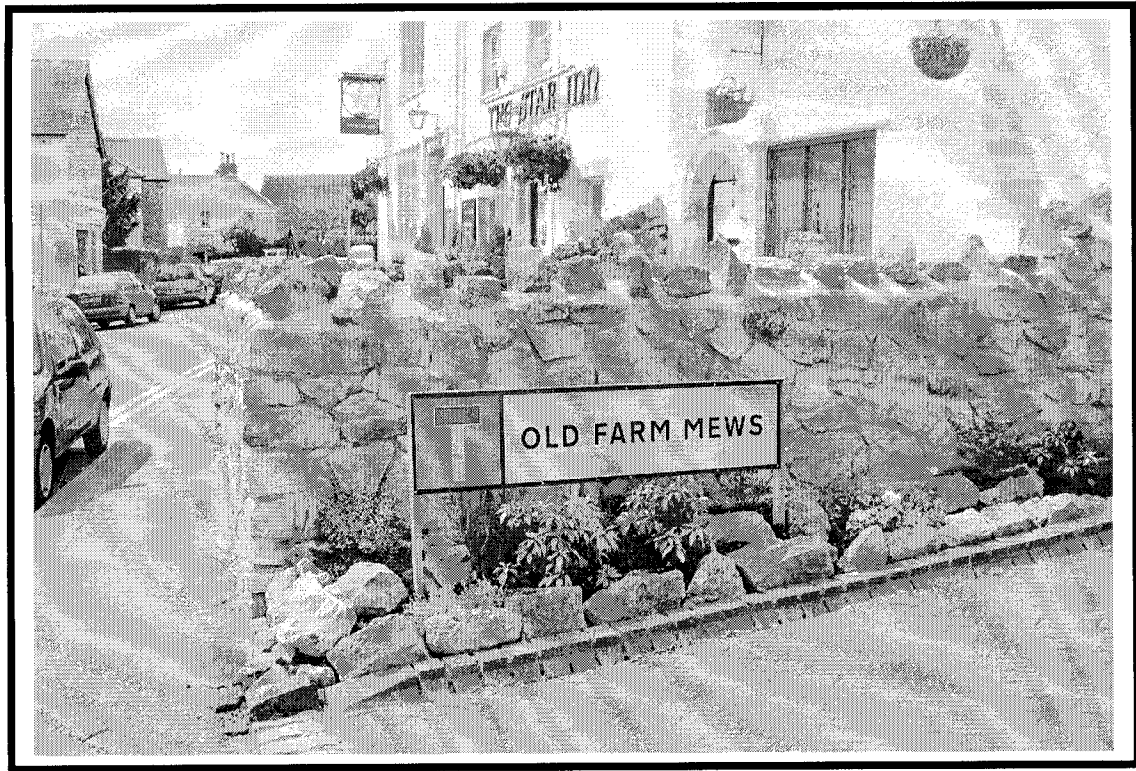
07/00711/FUL A





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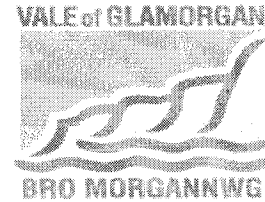




07/00711/FUL

Highway Observations

07/00711/FUL A



07 / 00711 / Full

RE:-Site at Old Farm Mews, Station Road, Dinas Powys.

Further to a recent site inspection carried out in relation to the submitted planning application for a new housing scheme consisting of two semi - detached dwellings and two detached dwellings at the above location.

The Highway Authority would inform the Local Planning Authority that " Old Farm Mews " is not adopted at present although it would appear that the developers Poil Development (West) Ltd entered into a legal agreement with the former Highway Authority (South Glamorgan County Council) under Section 38 of the Highways Act 1980 on the 14th July 1988.

In relation to the submitted proposals the Highway Authority would advise the Local Planning Authority that there are no highway objections to the proposals to develop the vacant site as residential in lieu of 2 small commercial units as previously approved.

However, there is an objection to the submitted proposals for the following reasons:-

- (1) The proposed development fails to provide adequate onsite parking for both Residents and visitors in accordance with the Parking Guidelines and Appendix 6 – Car Parking Guidelines of The Vale of Glamorgan Adopted Council's Adopted Unitary Development Plan 1996 – 20011 Which will generate additional on street parking on this narrow road (less than 5.5m) to the detriment of highway and public safety.
- (2) The individual vehicular accesses lacks adequate visibility for vehicles emerging in both directions along the road and to the existing / proposed maintenance strip which will create hazards to the detriment the detriment of highway / public safety.
- (3) The proposed 1st and 2nd floor elevations of Plots " A ", " C " and " D " overhang areas previously identified for adoption (Maintenance strips) within the aforementioned Legal agreement and the proposed continuation of the of these maintenance strip of varying width as proposed would create hazards to the detriment of highway / public safety.

- (4) The proposals to siting and configuration of the proposed double width solid timber doors > 900mm in height fronting the vehicular access as proposed with insufficient vision splays to serve the individual plots as identified above, would also result in the gates being opened outwards over the maintenance strip and adjoining road creating hazards to the detriment of highway / public safety.

L. M. Howells
25th July 2007

07/00711/FUL A

Planning Officer:- Jane Crofts (JMC)

Site Photographs to follow

Appendix B

07/00711/ful

1b Old Farm Mews,
Dinas Powys,
Vale of Glamorgan.
CF64 4AZ.

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

Planning Application Old Farm Mews.
Ref.2007/00711/ful.

18th June 2007.

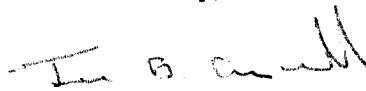
Dear Sirs,

Having viewed the plans for the proposed development in the Parish Council offices,I write to express my concern about the development as shown in the plans and details.

The design and character of the buildings shown are not in keeping with the coservation status of the village. The density of the development is also of concern to me,the existing Old Farm Mews is already congested where it joins Station Road,as this area is used as an unofficial car park by non residents which has in the past caused difficulty for emergency vehicles trying to gain access to Old Farm Mews.The addition of at least 8 more vehicles can only make this situation worse.

Having spoken to some of the other residents in Old Farm Mews a development that is in accord with the buildings would be welcomed,but not what is being proposed.

Yours faithfully,



John B.Averill.

Appendix B

07/00711/FUL

Flat 11,
Britway Court,
Britway Road,
Dinas Powys.
Vale of Glamorgan.
CF64 4AL.

Dear Sir,

28 June 2007,

**Town and Country Planning Act, 1990 (as amended),
Application No 2007/00711/FUL.**

Location : Site at Old Farm Mews, Station Road, Dinas Powys,

Proposal : New housing scheme providing two semi-detached dwellings and two detached dwellings.

Thank you for your invitation to comment upon the above application. I have four comments as under.

- (1) The proposal seems to me to pay scant regard to the fact that the works are intended to take place in a Conservation Area where, by definition, the area must be protected and preserved against decay and change of nature and character. By no stretch of the imagination can you say that the proposed buildings represent no change in the character of the village centre at Dinas Powys.
- (2) The intended structures are on three levels and to place them on the south side of Britway Court courtyard would result in an over-bearing and sun- blocking obstruction which would seriously affect the quality of the natural light which I currently enjoy. By extension, the value of my property would be greatly reduced.
- (3) The additional traffic entering the proposed construction site from the north end of Station Road will have difficulty in turning right across the north-going flow of traffic , in what is a very narrow part of Station Road and steps would have to be taken to greatly reduce or prohibit the Station Road parking in this area which villagers have long enjoyed.
- (4) On a matter of detail; contrary to that shown on the site drawings, the northern boundary of the proposed building site appears to be interrupted by a number of short excursions from neighbouring properties.

I trust that after due consideration this application will be roundly rejected.

Yours sincerely,

G. A. Jones

(J. Jones)

B

07/00711/FUL

7 Britway Court,
Britway Road,
Dinas Powys,
Vale of Glam
CF64 4AL
Tele 02920 513554
susiemurray@btinternet.com

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

23rd June 2007

Dear Sir,

Re: Application Number 2007/00711/FUL
Old Farm Mews, Station Road, Dinas Powys

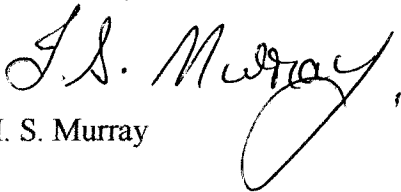
With reference to the above application, both my husband and myself have inspected the plans and both strongly object to this new housing scheme.

The properties will overlook our courtyard where the residents like to sit as we have no gardens with our flats. Number 14 Britway Court has the lounge window to the side of the building which will block the light. The proposed properties are three storeys high with flat roofs and although the plans state that they will be no higher than the surrounding properties, the third floor windows will obviously be much higher than other properties in this area.

We were under the impression that the village square is a conservation area and if this is the case, then the front of the house which will be actually on Station Road is totally out of character with the square and will be an absolute eyesore.

It would be appreciated if you would let us know the decision on this application as we are concerned that the building of these houses may devalue our property.

Yours faithfully,



Mrs I. S. Murray

B

07/00711/Fu

Barbara & Paul Scourfield
1 The Mount
Dinas Powys
Vale of Glamorgan
CF64 4AB

Tel No 02920 514465
Mob 07974 794835
E- Mail scourfield@btinternet.com

12th July 2007

Mr R Thomas,
Head of Planning and Transportation
Vale of Glamorgan Council
Docks Offices
Barry
CF63 4RT

Dear Mr Thomas

Re Planning Application No0700711Ful Residential Development at
Old Farm Mews, Station Road, Dinas Powys, CF64 4AZ

We are the owners of 1A Old Farm Mews the property nearest the proposed development and wish to register our objections to the Proposals on the following grounds:

1 Old Farm Mews is an un-adopted Highway and is purely an access there are already 6 residential units off this access and we believe this development of a further 4 residential units is in breach of Planning Guidelines.

2 Over development and unsuitable development of an important site in the middle of a small village within a conservation area.

3 No allowance has been made for the removal and storage of refuse from the site. At present all 6 of the residences on Old Farm Mews because of its lack of adoption have to carry all refuse to the end of the Mews for collection. This situation will be further exacerbated by almost a 100% by the proposals. This will lead to Environmental Health issues with large amounts of refuse being left on a small area.

4 There are at present problems with traffic entering the Mews emergency vehicles have been prevented from entering and leaving the Mews. We relate this from observation and from personal experience. No improvements to the entry are indicated. Given the number of vehicles in the proximity these situations will only increase

'B' 07/00711/FU

5 Proximity and level of a viewing balcony to bedrooms of 1A and 1B Old Farm
Mews

Whilst we are objecting to these specific proposals we do not object to a
development of the site in principal only that be sympathetic and in scale with
its environs

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Barbara J & Paul V Scourfield'. The signature is fluid and cursive, with a large initial 'B' and 'P'.

Barbara J & Paul V Scourfield

Appendix C 07/00711/FUL

P/DC/JMC/2007/00711/FUL

D.E.E.R
RECEIVED
ACTION BY: JMC
NO: 987
ACK:

Old Court
6 Station Road
Dinas Powys
Vale of Glamorgan
CF64 4DE

Dear Sir/Madam,

02.11.2007

I would like to comment upon the **ENVIRONMENTAL AND ECONOMIC REGENERATION** application details for the proposed site at Old Farm Mews, given its proximity to our dwelling.

The architect kindly came to visit us around the time the plans were submitted and showed us the plans, model, etc. We discussed the site in depth so that all of our questions were answered.

In summary, my wife and I wholly support the plans as they are. We feel the architect has achieved

C

07/00711/FUL

good

~~the correct balance of~~ space utilisation and minimised the impact to the existing dwellings in Old Farm Mews by having 2 parking spaces each.

With respect to the design, we again are in support, ~~the same~~ as we would prefer a design that showed creativity and quality, ^{rather} than some other design of plain, red brick, uncharacteristic nature, or indeed of a cheap and basic design. The current planned design gives the right message for Dinas Powys Village - quality and character.

I would like to propose to the residents in Old Farm Mews than we consider an entrance system to the road once/during built. Yours faithfully,
Simon + Penny Jones. 0790 9893801

13 Nov 07 17:29

John Avon & Co. Ltd

01443 791503

p.1

2007/00711/FUL

P 234

Appendix

D'07/00711/FUL

Glynderwen House, Ynysybwl, Pontypridd, CF37 3LY
T: 01443 791927. F 01443 791503 e-mail john.avon@virgin.net

John Avon & Co
Chartered Building Surveyors

Fax

To: Rob Thomas:Planning From: Geoff Iveson
Fax: 01446 704847 Pages: 7 inc
Phone: 01446 704656 Date: 13.11.07
Re: Planning Application ref:2007/00711/FUL CC: Chris Hope: 01446 738779

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

* Comments: this fax is for the attention of the person named. It should not be disclosed to any other person. If you have received this fax in error please destroy it and telephone the above number. Please accept our apologies for any error.

Dear Sirs

We attach for your attention a copy of our letter to the Planning Department reference the above application. We understand that the letter has not reached your departmental officer who is in fact away from the office on leave for this week.

We did not have the opportunity to review the previous applications on this site until Friday 2 November as the clerk was unable to retrieve the files, some of which were on microfiche, until that date.

We would stress that the proposals seriously affect the natural light into the only windows to the main habitable room at ground floor of our clients dwelling at 4A Station Road. The officers report just seen on your website clearly does not view this as a matter for which the Planning Officer should have any regard. The development would seriously prejudice the existing residential amenity of the adjoining properties 4 and 4A Station Road.

We would expect you to provide details of the rationale behind the Officers recommendations for Approval against what in the past has appeared to be significant grounds for refusal. However, we are given to understand that Councillor Val Hartrey will be requesting a site visit to review the location and position of the development prior to the Application being determined.

We would ask you to note that the Appendices noted on your Planning Portal Officers Report do not show. We understand that Highways have made several points about the development proposals in respect of visibility, access and parking none of which appear in the Officers Report shown.

We have advised our client to seek an immediate Judicial Review of the decision should this Application be Approved at Committee.

Yours faithfully

John Avon & Co

2007/00711/FUL

P.234

07/00711/F

Appendix

D

Our Ref: B.HJON.NGI

Your Ref:

Date: 7 November 2007

The Vale of Glamorgan Council
Development and Economic Regeneration
Planning Department
The Dock Office
Barry Docks
Barry CF63 4RT

**JOHN
AVON**

— & Co. —

CHARTERED
• BUILDING •
SURVEYORS

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E-mail: john.avon@virgin.net

Dear Sirs

Planning Application Ref: 2007/00711/FUL
Residential development at
Old Farm Mews, Dinas Powys.

We have been instructed by Miss H Jones of Ty Cefn, 4A Station Road Dinas Powys to make objection on her behalf to the proposed development of an area of vacant land adjacent to 4 & 4A Station Road Dinas Powys.

The first point we are instructed to comment upon is the lack of written notification to Miss Jones about the development proposals. She did not, so we are informed, receive any written notification about the Application. We are given to understand that others in the vicinity did receive letters from you containing notices about the application. As an immediately adjoining neighbour to the site, and perhaps one most affected by any development of the land, it is of some considerable concern that no written notification was provided.

In summary the points we raise as objection to the proposed development are:

- The proposed development would greatly overshadow the immediately neighbouring dwelling removing most of the daylight from habitable rooms and indeed all of the sunlight from habitable rooms.
- The proposed development does not take into consideration overlooking of habitable rooms in the neighbouring dwelling.
- The design of the proposed development is incongruous as the site is located in the centre of a Conservation Area.
- The proposal shows an over development of a small site leaving very little, if any, amenity space for the dwellings.
- The proposed development takes no account of DDA requirements for access; the proposed footpath/pavement is barely 900mm wide.

We provide more substantial detail to those objections noted above as follows:



ARCHITECTURAL & INTERIOR DESIGN
BUILDING CONSERVATION & REFURBISHMENT
BUILDING SURVEYS & DISPUTES
DISABILITY ACCESS

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Directors: N G Iveson P J Iveson

N G Iveson MRICS
P J Iveson Dip ID

VAT Reg No 484 2173 41

We have now had the opportunity of making an inspection of the planning Application submitted by Hoole & Walmsley Architects as agents on behalf of Poil Developments Ltd Reference 2007/00711/FUL.

We note there are several inconsistencies in their submissions that we consider you should be aware of prior to your determination of the Application, together with several other matters that we consider you should have regard to prior to determination of the Application.

Firstly in the Design Statement included in the Application pack reference is made, Page 2 paragraph 2, to the existing surrounding properties.

"the site is an infill site set between a former estate agents and a former newsagents"

Even at a cursory inspection of the site by the Applicants or their agents they could not have failed to notice that to the north there are two dwellings. At a glance neither are used, or purport to be used as anything other than dwellings whatever their previous use. Whether or not the premises was once a newsagents is somewhat immaterial since they have been dwellings, with or without retail use at the front, for some years. To the south side of Old Farm Mews what was described as a former estate agents office is in fact quite clearly a single dwelling and has been such for some time.

It is of extreme concern that no other reference is made in the Design Statement to the properties at the north or south of the application site as being anything other than former retail or office premises. It is somewhat disingenuous of the Applicants Agents to describe the properties that immediately abut the Application site as being "former" premises and not what they actually are. Quite clearly this description has been included to provide the impression that a residential development adjacent to retail premises would be more acceptable. It is of course possible that the Applicants or agents would not expect a Planning Officer to carry out a site inspection.

Page 2 Paragraph 3 notes that there are six dwelling served from the private access road known as Old Farm Mews, indeed the access road is shown as being in the ownership of the Applicant.

The Application shows it is proposed to build four additional dwellings with access along Old Farm Mews. There are already six dwellings sharing this same access.

We should be pleased to learn what the Authority's Policy and Guidelines are on Private Estate Roads and the number of dwellings that may be served from such a road. If the road is to be adopted we would appreciate the Authority's Guidelines on the minimum width of such access roads and provision of pavements for pedestrians.

We also did not note any Access Statement prepared by the Applicant or his Agent. From an inspection of the plans, access to parts of the proposed development appear difficult given the difference in levels along the access road. The width of the pavement is shown at about 0.9M. We should be pleased to learn of your guidance on this issue and accessibility.

However, we are particularly concerned here with the proposal to construct a pair of semi-detached dwellings at the eastern edge of the site fronting Station Road. It is these proposals that would most affect our client, Miss Jones, at 4A Station Road.

The proposals show, on Plan Ref No 1001-AL10, a ground floor layout plan of the development. This appears to be built directly against the north boundary. This boundary is the boundary wall to the property's 4 and 4A Station Road that are situated at the north side of the site.

Plan Ref No 1001-AL11, shows a first floor layout plan of the proposed development. This indicates a window to a habitable room positioned in the north elevation, that is, the wall against the boundary. What the proposals do not show however is that the dwelling at 4A has windows to habitable rooms on its south elevation such that the two are directly opposite. This plan also shows a balcony to the west elevation that is also directly overlooking the windows to the dwelling at 4A.

Plan Ref No 1001-AL12, shows a second floor layout plan. This indicates a balcony to be constructed to the north and west of the proposed dwelling both of which directly overlook the property at 4A. This plan also shows a balcony at the front of the proposal, the east elevation, directly overlooking the property to the front No 4 Station Road.

Plan Ref No 1001-AL33, shows a proposed north elevation of the development. The lower portion of the development, towards the eastern end of the site, fronting Station Road, cannot be seen except from within 4 and 4A. Both these dwellings are along the north boundary. It is not therefore a possible view of the proposed development unless both 4 and 4A Station Road are demolished.

We have checked the height of the proposals and the height of the existing dwellings and found the following:

The height of the eaves to Ty Cefn, 4A Station Road, is 5M from pavement level;

The proposals show a development on the immediately adjoining site of three storey's having a height to the flat roof of 9.5M above pavement level

This is nearly twice the height of the existing dwelling at 4A.

The proposal is sited as shown and indicated on the drawing as not more than 2.5m away from the front elevation of the dwelling at 4A.

4A Station Road faces south and has windows to habitable rooms **only** to the south, front, elevation at ground floor and to a habitable room, a bedroom, at first floor. It is highly realistic to assume that were the development to proceed there would be little or no natural light admitted to these rooms. Indeed there are no windows to the north or east elevations of the dwelling. There is only a single window to the west serving a bedroom at first floor. This window would also be directly overlooked by any adjoining development of more than single storey height.

The width of the small yard to the front of 4A, between the front elevation and the boundary wall was measured. We note this measurement to be not more than 2.3M. Therefore we can safely assume that were the development to proceed then there would be little or no daylight afforded the ground floor main habitable room of 4A.

While the Right to Light is not, in itself, a Planning issue, we consider that to grant permission for a development that would certainly so flagrantly flout modern socially acceptable living standards and basic amenities, such as daylight, would be a retrograde step for the Authority.

Furthermore we are given to understand that Miss Jones is not minded to allow access over her land for the purposes of erecting scaffold to enable access during construction. This is her right in law.

We have also made study of the previous Planning Applications made on this site. We have also been afforded the opportunity of studying the Application made to convert the original retail shop and living accommodation at 4 Station Road to two separate dwellings, now 4 & 4A. For ease of your reference this is Planning Application No 01/00800/FUL.

It was clear that during the course of the work being undertaken to carry out the conversion and alteration of the original retail/living premises to two separate dwellings several matters were brought to the attention of the developer and his agent about the appearance of the converted dwellings. It is clear that the premises are located in a Conservation Area, as does the adjacent site, now the subject of an Application.

Mr Nick Renwick of Noel Architects, the agents, requested permission on behalf of the developers to remove a chimney stack atop the property now known as Ty Cefn 4A Station Road.

From a letter dated 03/05/02 signed by Miss H M L Buckingham of the Vale of Glamorgan Planning Department to the developers agent, we quote-

"Removal of the chimney stack is considered detrimental and would impact upon the character of the building and upon the historic character of the Conservation Area. The Vale of Glamorgan Council would therefore not support the proposed loss of the chimney stack."

The letter goes on to quote the various policy notes ENV15, ENV18, ENV25 and guidelines and advice contained within the Planning Guidance Wales together with Circular 61/96 (Historic Environment), and, perhaps quite significantly,-

"Chimney stack details make an important contribution to the character and appearance of a building and are sometimes useful in estimating periods of construction styles Architects and contractors."

Although the loss of individual stacks may not appear significant, cumulatively the loss of chimneys, or their unsympathetic modification can have a significant impact on the quality of the historic character of a conservation area".

We also quote from the notes of the Conservation Officer

"This building is very important in the setting of the Conservation Area both to the front elevation over looking the square itself and to the exposed side elevation".

In the file you have there is some considerable correspondence with the Architect, Mr Nick Renwick, about the style of the proposed alterations and conversion of a single dwelling with shop to two separate dwellings. This correspondence concerns the external appearance and details to be incorporated in the completed project. Some of these refer to the details of sliding sash windows and double-glazing, use of renders and colours as well as the retention of the chimney stack.

In determining the Application before you we consider you should have special regard to the not inconsiderable effort and work that has gone into the alteration and conversion of the property at 4 & 4A Station Road to ensure that the finished building met with strict Guidelines for the Conservation Area in which it obviously prominently features. The application before you seeks to obliterate *the exposed side elevation* (facing south and therefore to the immediate north of the application site) that just six years ago was deemed particularly worthy of consideration by yourselves as important in the setting of the Conservation Area.

Turning now to the history of the site of the proposed application we have seen the past files showing the applications and the determination.

In 1983 the vacant site was granted Outline Planning Permission Ref No 83/0247 for the erection of offices, shops and residential.

A number of Conditions were attached to the permission in particular:

Condition 4. " Detailed Plans shall show a scheme which pays due regard to the privacy and amenity of adjacent properties";

Condition 5 "no windows of habitable rooms of the proposed property shall directly overlook the windows of the habitable rooms of any other property at a distance of less than 70 feet";

and

Condition 6. " shall be low profile single storey..... "

The Grant of permission has now lapsed since no development took place regarding the proposed use of the site at the front as shops offices and residential.

We refer again to an application made by the same developer Ref No 84/0117 which was approved with Condition imposed:

"Approved but with a low profile single storey with no overlooking"

Some considerable correspondence ensued from the Council to the Applicants Agent about the overlooking to 4 Station Road and loss of light to the habitable rooms of 4 Station Road

Yet a further Application for the same site was made, again by the same developer, in 1997 Ref No 97/0769. This was Refused for the reason:

Appendix
D

07/00711/FUL

"1) The proposal represents development out of keeping with the character of this part of the Dinas Powys Conservation Area and would therefore be contrary to Policy EV19 of the Approved County of South Glamorgan Structure Plan and Policies C1 & C2 of the Approved East Vale Local Plan".

You have before you for consideration a scheme for development of the vacant land that is not so much different, in terms of use and density of development, from those that the Applicant has previously applied for. However, in this instance the proposals show a modern structure that is not at all in keeping with the surrounding area and is certainly not even worthy of consideration in a Conservation Area despite the Agents referral to several previously constructed schemes that, as far as can be ascertained, are outside the Dinas Powys Conservation Area and were constructed, at the latest, ten years ago.

It should be noted that the Planning Authority saw fit to grant the application, ref 01/00800/FUL, to alter 4 Station Road to two separate dwellings after refusal of the application reference 97/0769

We are aware that the Right to Light is not a consideration when granting Planning Permission. However, the Right to Light does, in law, over-ride Planning Permission. It has been demonstrated above, that there is an established use of habitable rooms in the properties now known as 4 & 4A Station Road for a minimum of twenty years. This leads us to the conclusion that should the development be granted permission there would be a strong case for an Injunction against the developer from carrying out any development of the land. We would suggest to our client that this is a course of action open to her.

In the light of the above, and in particular the fact that Miss Jones did not receive a letter of notification about the Application, you will take note of the objections to the proposals and application by Poil Developments Ltd.

Yours faithfully


N G Iveson MRICS
John Avon & Co

2007/00711/FUL P.234

07/00711/FUL

Appendix D

Our Ref: B.WALK.NGI

Your Ref:

Date: 8 November 2007

The Vale of Glamorgan Council
Development and Economic Regeneration
Planning Department
The Dock Office
Barry Docks
Barry CF63 4RT

**JOHN
AVON**

— & Co. —

CHARTERED
• BUILDING •
SURVEYORS

GLYNDERWEN HOUSE
YNYSYBWL

PONTYPRIDD CF37 3LY

Telephone: 01443 791927

Fax No: 01443 791503

Mobile: 07976 833508

E-mail: john.avon@virgin.net

Dear Sirs

Planning Application Ref: 2007/00711/FUL
Residential development at
Old Farm Mews, Dinas Powys.

We have now been instructed by Mr & Mrs G Walker of 4 Station Road Dinas Powys to make objection on their behalf to the proposed development of an area of vacant land adjacent to 4 & 4A Station Road Dinas Powys.

We have previously been instructed in this matter by Miss H Jones of 4A Station Road. In general the objections put forward on behalf of Miss Jones are broadly similar to those now made on behalf of Mr & Mrs Walker, that is, in summary:

- The proposed development would greatly overshadow the immediately neighbouring dwelling removing most of the daylight from habitable rooms and indeed all of the sunlight from habitable rooms.
- The proposed development does not take into consideration overlooking of habitable rooms in the neighbouring dwelling.
- The design of the proposed development is incongruous as the site is located in the centre of a Conservation Area.
- The proposal shows an over development of a small site leaving very little, if any, amenity space for the dwellings.
- The proposed development takes no account of DDA requirements for access; the proposed footpath/pavement is barely 900mm wide.

Mr & Mrs Walker did in fact receive a notification from yourselves about the Application. Unfortunately this coincided with the birth of their first child so, perhaps understandably, little notice was taken and they did not see the drawings at that time.

However, as noted above their objection to the proposal is in similar vein to the objection made by Miss Jones.



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Directors: N G Iveson P J Iveson

N G Iveson MRICS
P J Iveson Dip ID

VAT Reg No 484 2173 41

Appendix C D

07/00711/12

4 Station Road may well have been a newsagents shop with living accommodation previously but it is now patently obvious that it is a dwelling to which access is gained along a narrow path at the south side of the building. To refer to the property as a former newsagents with the implication that it is now no longer in use is, as noted in our previous letter, somewhat disingenuous of the Applicants Agents, Hoole and Walmsley.

The proposals show, on Plan Ref No 1001-AL10, a ground floor layout plan of the development. This appears to be built directly against the north boundary. This boundary is the boundary wall to the property's 4 and 4A Station Road that are situated at the north side of the site.

Plan Ref No 1001-AL11, shows a first floor layout plan of the proposed development. This indicates a window to a habitable room positioned in the north elevation, that is, the wall against the boundary. What the proposals do not show however is that the dwelling at 4 has windows to habitable rooms on its south elevation such that the two are opposite. This plan also shows a balcony to the east elevation that is also directly overlooking the windows to the dwelling at 4.

Plan Ref No 1001-AL12, shows a second floor layout plan. This plan shows a balcony at the front of the proposal, the east elevation, directly overlooking the property to the front No 4 Station Road.

Plan Ref No 1001-AL33, shows a proposed north elevation of the development. The lower portion of the development, towards the eastern end of the site, fronting Station Road, cannot be seen except from within 4 and 4A. Both these dwellings are along the north boundary. It is not therefore a possible view of the proposed development unless both 4 and 4A Station Road are demolished.

There are roof lights on the south side of the pitched roof to 4 giving natural light to a habitable room, a bedroom. The height of the proposed development would allow overlooking directly from above into that room.

We have checked the height of the proposals and the height of the existing dwellings and found the following:

The height of the eaves to 4 Station Road, is 6M from pavement level;

The proposals show a development on the immediately adjoining site of three storey's having a height to the flat roof of 9.5M above pavement level

This is somewhat higher than the height of the existing dwelling at 4.

The proposal is sited as shown and indicated on the drawing as not more than 2 m away from the front elevation of the dwelling at 4.

4 Station Road faces south and has windows to habitable rooms at first floor, a bedroom, and at second floor there are roof lights giving daylight to a bedroom. It is highly realistic to assume that were the development to proceed there would be little or no natural light admitted to the first floor bedroom and the current proposal would allow over looking from a higher level into the bedroom at second floor.

The width of the small yard to the front of 4, between the front elevation and the boundary wall was measured. We note this measurement to be not more than 1.8M.

Appendix

01/00711/KC

While the Right to Light is not, in itself, a Planning issue, we consider that to grant permission for a development that would certainly be against modern expectations of ordinary householders to benefit from natural light and have some degree of privacy. It is also certainly contrary to Planning Guidelines.

It is certain that Mr & Mrs Walker would not permit the yard area that serves as the pathway to their front entrance to be used for the erection of scaffold to aid the construction of the development and they are perfectly within their legal rights to do so.

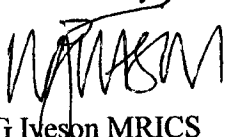
Regarding the matters of the Application 01/0080/FUL made for the conversion of the premises at 4 Station Road we would refer you to the letter sent by this practice dated 7 November on behalf of Miss Jones which details the correspondence and notes regarding the renovation of the property and the appearance relating to the Conservation Area. The same comments apply.

As far as previous Application on the vacant site adjacent we would again refer you to our letter dated 7 November sent on behalf of Miss Jones as again exactly similar comment applies.

We would ask that you take this letter as a strong objection to the proposals contained within the Application ref. 2007/00711/FUL

We look forward to hearing from you in due course

Yours faithfully



N G Iveson MRICS
John Avon & Co

WESTERN PERMANENT PROPERTY MANAGEMENT COMPANY

Appendix

FD

07/00711/ful

46 WHITCHURCH ROAD
CARDIFF CF14 3LX
TEL: 029 2023 5151
FAX: 029 2066 8806
info@wppmc.com

Head of Planning & Transportation
Vale of Glamorgan Council
Barry Docks
Barry
CF63 4RT

9th November 2007

Dear Sirs,

Re: Planning Application for Development
Application 2007/00711/Ful
Old Farm Mews, Station Road, Dinas Powys

As nominated Managing Agents to Britway Court, we have been instructed to contact you in regard to the proposed planning listed above.

Understandably, the residents vehemently oppose such a proposal citing several valid factors;

1. Any such development would infringe the privacy of our clients.
2. The proposal is certainly not conducive to maintaining the aesthetics of a conservation area.
3. Vehicle negotiation, especially of the emergency kind, will be severely hampered by additional properties being developed within such a limited proximity.
4. The values of our clients' properties will almost certainly be affected detrimentally.

We trust the comments will be considered and ultimately lead to the refusal of the proposal when all factors are taken into account.

We await your response.

Yours faithfully,



N Gregory
Managing Agent
Britway Court Limited

Appendix 'D'

07/00711/FUL

Our Ref: B.HJON.NGI

Your Ref:

Date: 14 November 2007

The Vale of Glamorgan Council
Development and Economic Regeneration
Planning Department
The Docks Offices
Barry Docks
Barry CF63 4RT

**JOHN
AVON**
— & Co. —

**CHARTERED
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SURVEYORS**

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Fax No: 01443 791503
Mobile: 07976 833508
E-mail: john.avon@virgin.net

Dear Sirs

Planning Application Ref: 2007/00711/FUL
Residential development at
Old Farm Mews, Dinas Powys.

Further to our previous correspondence in this matter we are now in receipt of the Planning officers report and recommendations. We have also made study of the various noted Planning Policies referred to in the Officer's report.

We note the Planning Officers report recommends approval of the proposed development. Clearly no regard has been paid to the Planning Guidance 'Amenity Standards' or Planning Policies. For the record we attach a copy of the Vale of Glamorgan UDP Supplementary Planning Guidance Amenity Standards.

For ease of reference the relevant clauses have been underlined. There can be no mistake or misrepresentation as to the clear meaning of those clauses underlined.

It is quite clear that the planning officer, in making a recommendation for approval, has blatantly disregarded your own guidelines and Planning Policy Wales 2002.

The Planning Officers recommendations and report to the Planning Committee are in the public domain. As you are aware the Local Authority is publicly accountable for their actions therefore we should be obliged to receive a full explanation of the reasons for the recommendation made by the Planning Officer.

Previous planning history of the site shows that permission has been refused for development of any structure other than single storey. This was noted by the Planning Department and indeed a Condition of the Approval granted was made to ensure protection of existing amenities of neighbouring properties. This was and is in accord with your Supplementary Planning Guidance Amenity Standards. Those Standards are clearly set out to ensure that developments of the nature of



ARCHITECTURAL & INTERIOR DESIGN
BUILDING CONSERVATION & REFURBISHMENT
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N G Iveson MRICS
P J Iveson Dip ID

VAT Reg No 484 2173 41



**The Vale of Glamorgan UDP
Supplementary Planning Guidance**

AMENITY STANDARDS

1. BACKGROUND

1.1 This Supplementary Planning Guidance (SPG) has been prepared in the context of Planning Policy Wales (2002) as additional information for the Vale of Glamorgan Unitary Development Plan.

1.2 The purpose of this guidance is to explain the Council's amenity standards for residential development in a clear, concise and easily interpreted manner. In doing so, it is hoped that anyone involved in residential development, whether they be a professional developer or a member of the public, will be able to understand what standards are required of their proposed developments. For the purposes of this document residential development is defined as the construction of new dwellinghouses and blocks of flats, the conversion of existing buildings into residential properties and the extension of existing dwellinghouses within the residential curtilage.

1.3 The provision of residential amenity standards can have a significant impact on the quality of developments constructed and the living environment created. The amenity standards contained within the Guidance Note are intended to ensure that new residential development within the Vale of Glamorgan contributes towards a better environment and quality of life for residents, without adversely affecting the amenity enjoyed by residents. Amenity in this instance may be considered to be the pleasantness and agreeability of living environment.

2. STATUS OF THE GUIDANCE

2.1 This guidance was approved for development control purposes by the Council on 8th January, 1999 (Minute No. 995 refers). This document has subsequently been updated in light of Planning Policy Wales (2002). This Guidance will be used as a material consideration in determining planning applications and appeals.

3. NATIONAL GUIDANCE

3.1 National Planning Guidance is contained within Planning Policy Wales (2002). This states:

"9.3.3 Insensitive infilling or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character and amenity. This includes any such impact on neighboring dwellings such as serious loss of privacy or overshadowing."

"9.3.4 In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential developments."

3.2 In accordance with the above guidance, this Guidance Note has been prepared to supplement policies contained within the UDP. Applications for development will, therefore, be determined in the light of the guidance contained in this note and with due regard to all other material considerations.

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4. SCOPE OF THE GUIDANCE

4.1 The UDP, through policies contained within the Environment and Housing Chapter seeks to ensure that all new development within existing residential areas provides an acceptable level of amenity and privacy and does not adversely affect the amenity of existing properties. This Guidance Note seeks to expand upon the guidance contained within the Plan and to provide clarification of the Council's requirements for new residential development in the Vale of Glamorgan.

4.2 The standards contained within this Note are not intended to be prescriptive. The objective is to ensure that all new residential development is of an acceptable design and layout which respects the character and amenity of the area in which it is located.

4.3 All planning applications for residential development will be considered in the light of these standards. Relaxation of these standards will be considered where it can be demonstrated that they are justified by the particular circumstances of the development. In particular consideration will be given to the relaxation of standards for developments such as Penarth Haven which seeks to bring derelict and / or degraded land and buildings back into beneficial use.

5. AMENITY STANDARDS AND POLICIES

General Guidance

POLICY 1: PRIVACY AND VISUAL AMENITY MUST BE SECURED IN ANY PROPOSED DEVELOPMENT BY CAREFUL DESIGN OF BUILDINGS AND THE RELATIONSHIP BETWEEN BUILDINGS AND FEATURES SUCH AS TREES, HEDGES, PUBLIC SPACES, FOOTPATHS AND SCREEN WALLS AND FENCES.

5.1 It is essential that careful consideration is given to the layout and design of all residential developments and that all elements of the overall design are considered comprehensively within the context of site constraints and opportunities. Trees and hedges can provide an attractive form of screening. Screen walls and fences are features which with careful design can provide privacy, particularly along boundaries.

Changes in level, in particular by using the natural contours of the site, can be exploited to provide privacy as well as visual amenity. In formulating proposals for the layout of residential developments, careful consideration should be given to ensure that a balanced approach is taken to the design, which attempts to reconcile the visual qualities of a development with the need for crime prevention.

Amenity Space Within Residential Developments

POLICY 2: THE COUNCIL WILL ENSURE THAT USABLE, ADEQUATE AND APPROPRIATE PRIVATE AMENITY SPACE IS PROVIDED AS PART OF RESIDENTIAL DEVELOPMENT.

5.2 The amenity space provision within the curtilage of residential development is generally considered to constitute front garden areas, private rear garden areas and areas of enclosed communal space available to residents only. This definition excludes footpaths, driveways and parking areas located within the curtilage of developments. The provision of adequate and usable private amenity space within the curtilage of a development is extremely important to meet the requirements of residents for functional and relaxation space. Private rear garden areas are used for a number of purposes e.g. relaxation, entertainment, gardening and cultivation, washing and drying, D.I.Y., storage etc.

5.3 In view of both the Government's and the Council's policy to encourage recycling and re-use of household waste material (including the composting of green and organic waste) adequate provision should be made for temporary storage within new residential developments. An accessible and suitably located area of sufficient size to store dustbins/wheelbins, re-cyclable material containers and a compost bin should be identified within private amenity spaces (recommended size of hard surfaced areas are three square metres per dwelling).

5.4 The Council recognises that different types of residential accommodation may require different forms of private amenity space. Therefore, for the purposes of this guidance the Council will implement different standards for the provision of amenity space within the

6.

*The Vale of Glamorgan UDP Supplementary Planning Guidance
Amenity Standards*

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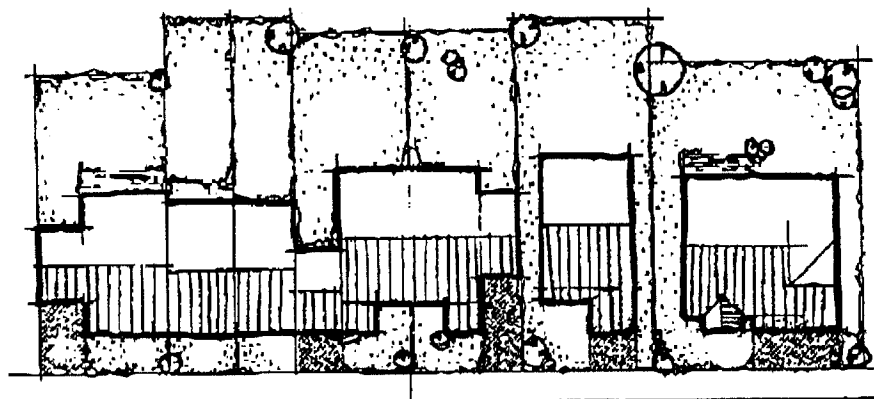
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Illustration 1 : Examples of amenity space provision within the curtilage of a dwellinghouse, from L - R, a 3 bedroom terrace, a 2 bedroom terrace, 3 bedroom semi detached, 3 bedroom detached and 4 bedroom detached.



curtilage of dwelling houses and flatted developments.

(i) **Provision of Amenity Space for Dwelling houses**

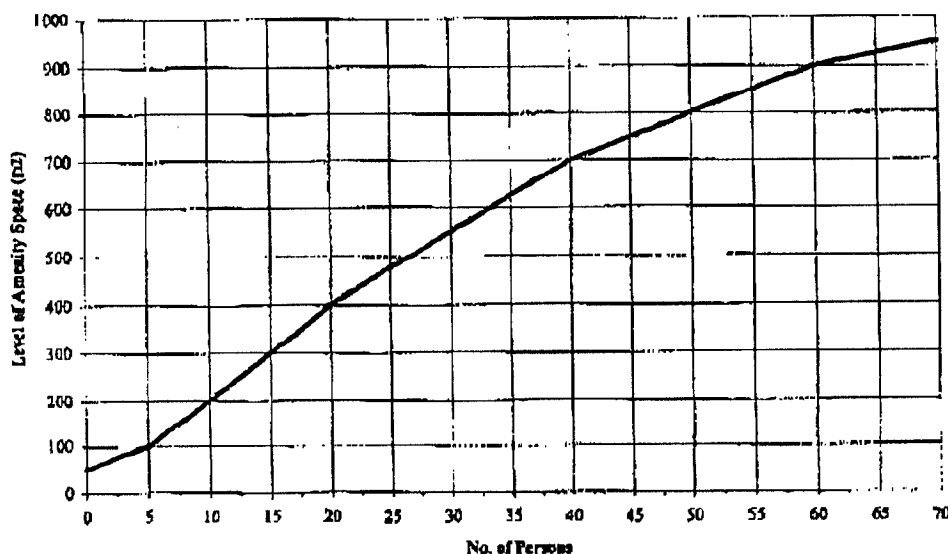
5.5 In self contained housing developers should aim to provide a minimum of 1m² of amenity space per 1 m² of the gross floor area of the dwelling (inclusive of garage space). Generally 70% of the total amenity space provided should be accommodated in the private rear garden areas of the dwelling. Gardens should be of a usable shape, long thin gardens or ones with acute angles should be avoided. An essential requirement of all private gardens is a degree of

privacy. Developers should aim to provide visual privacy for at least part of the garden. Ideally this should be achieved through the orientation of buildings, the distance between them and the positioning of windows. Illustration 1 provides an indication of how these standards may be applied in practice.

(ii) **Provision of Amenity Space for Flatted Developments**

5.6 The provision of individual areas of amenity space per residential unit created in flatted developments may in practice be inappropriate and unworkable. In these circumstances developers should provide private communal

Table 1 : Amenity Space provision for Flatted Developments



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garden areas which are clearly defined, controlled and accessible to all occupants. Design of these areas should be carefully considered to ensure that all functional requirements of the residents, such as relaxation, clothes drying, refuse storage, etc. are located and designed in such a way as to avoid conflicts.

5.7 The size of any communal garden should relate to the number of people who have access to the space and are likely to use it. In flatted developments, developers should aim to provide a minimum of 20m² amenity space per person. The amount of space required will be calculated on the basis of maximum amount of people which can be accommodated. In practice, as Table 1 illustrates, this figure may be reduced as the number of residents intended to be accommodated within the development increases.

Residential Privacy and Amenity

POLICY 3: THE CONSTRUCTION OF NEW RESIDENTIAL DEVELOPMENT MUST RESPECT THE CHARACTER OF EXISTING RESIDENTIAL DEVELOPMENT, WHILST ENSURING THAT THE PRIVACY AND AMENITY OF SURROUNDING PROPERTIES ARE SAFEGUARDED.

5.8 A sense of privacy within a residential property, coupled with freedom from overlooking in private garden areas are fundamental to the enjoyment of residential properties. Crucial to the issue of privacy and amenity is the manner in which new development is incorporated into existing residential areas. Developers should aim to ensure that new development is designed to minimise its impact upon both the amenities of surrounding properties and the streetscene. New development should be designed to respect the form of existing housing. Consideration should be given to issues such as density, garden size and the orientation and siting of buildings.

Illustration 2 : New Development which fails to consider the urban context

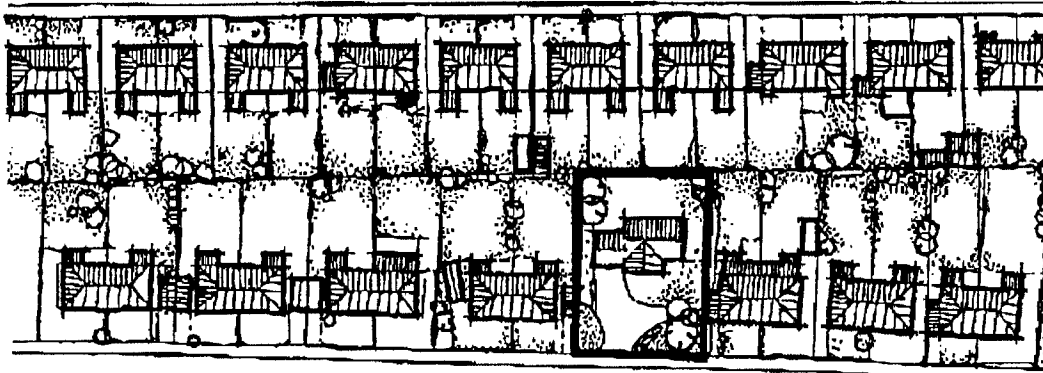
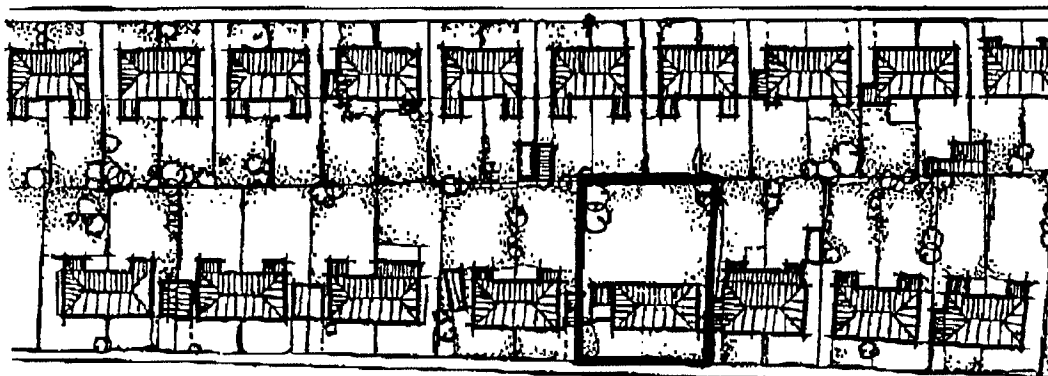


Illustration 3 : New Development which respects its urban context



8.

*The Vale of Glamorgan UDP Supplementary Planning Guidance
Amenity Standards*

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Developers should aim to avoid siting new dwellings close to existing residential boundaries.

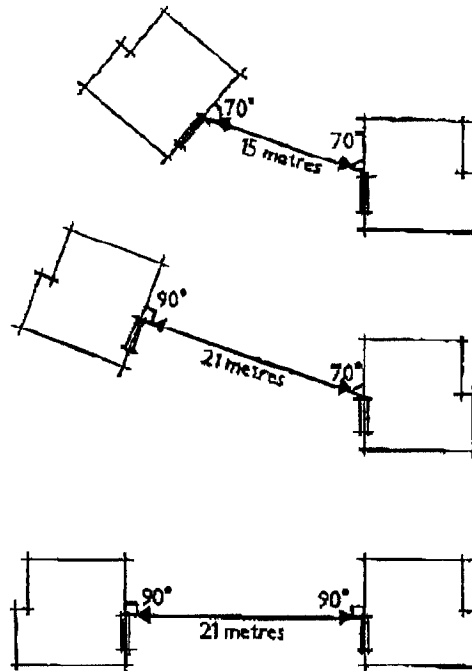
5.9 The positioning of windows, roof terraces and balconies which look directly or have the appearance of looking directly into habitable rooms of surrounding properties or allow clear views of private rear garden areas are not acceptable. Developers should ensure that the design of new residential developments respects the privacy of surrounding properties. In order to achieve this objective the Council encourages developers to consider the use of alternative types of fenestration such as roof lights, high level windows and obscure glazing.



POLICY 4: A MINIMUM DISTANCE OF 21 METRES (70 FEET) MUST BE PROVIDED BETWEEN OPPOSING PRINCIPAL WINDOWS OF DWELLINGS.

5.10 The distance of 21metres is in the opinion of the Council the minimum distance necessary between opposing principal windows to ensure residential privacy. A principal window is for the purposes of this Guidance Note defined as the main window, or secondary window of more than one metre in width, in a living room, dining room, bedroom or kitchen. In practice the minimum distance required between principal opposing windows may be reduced depending upon the angle of view. Table 2 provides an indication of the extent to which distances may be reduced. As Diagram 2 demonstrates, the reduction of distance between principles windows is dependant upon the horizontal angle included between the shortest line joining any part of the principle window.

Diagram 2 : Distance between Opposing Principal Windows (metres)



5.11 Many new developments located within existing residential areas are dependent upon the large garden curtilages of existing dwellings to accommodate the necessary distance. This practice is unacceptable and developers should aim to ensure that new dwelling houses have a minimum rear garden length of 10 metres.

Table 2 : Distance between Opposing Principal Windows of Dwellings (metres)

Degrees	90	80	70	60	50	40	30	20	10	0
90	21	21	21	21	15	12	8	6	4	2
80	21	21	21	15	12	8	6	4	2	
70	21	21	15	12	8	6	4	2		
60	21	15	12	8	6	4	2			
50	15	12	8	6	4	2				
40	12	8	6	4	2					
30	8	6	4	2						
20	6	4	2							
10	4	2								
0	2									

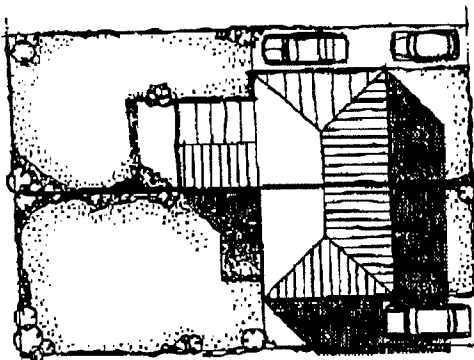
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POLICY 5: THE CONSTRUCTION OF RESIDENTIAL DEVELOPMENT SHOULD NOT RESULT IN AN UNACCEPTABLE LOSS OF DAYLIGHT OR SUNLIGHT TO NEIGHBOURING PROPERTIES

5.12 The siting of two or more storey developments within close proximity of an existing residential boundary can result in an unreasonable loss of daylight and sunlight to neighbouring properties. As a result these properties and their gardens can be made gloomy and unattractive resulting in an unacceptable reduction in the quality of life of the residents. Developers should aim to ensure that development proposals do not by virtue of their scale or location result in an unacceptable loss of daylight and/or sunlight to habitable rooms or private garden areas of neighbouring properties. In order to overcome the problems of overshadowing, consideration should be given to siting the development away from neighbouring boundaries (see paragraph 5.12 above), stepping back the upper storeys of the building and the use of shallow pitched rooflines.

Illustration 4 : shows the impact a poorly designed extension can have on private garden area of the adjacent property

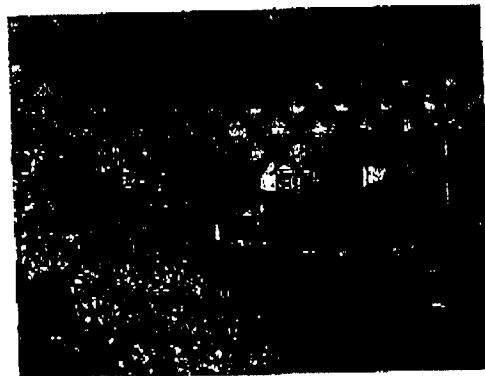


POLICY 6: PROPOSALS FOR NEW RESIDENTIAL DEVELOPMENT SHOULD CONTAIN APPROPRIATE LANDSCAPING AND HAVE REGARD TO EXISTING LANDSCAPE FEATURES.

5.13 In order to mitigate the impact of new development upon the existing urban fabric consideration should be given to the use of appropriate landscaping and means of enclosure.

Successful landscaping schemes rely on the sensitive and imaginative co-ordination of natural features such as vegetation, landform and water, together with paving, walls, lighting and street furniture. Developers should assess existing landscape features and seek to retain those of environmental and ecological value. Consideration should be given to the incorporation of existing mature trees and hedgerows into residential development and their protection during works. Guidance on this matter is contained within the Council's Supplementary Guidance Note relating to Trees and Development.

5.14 The erection of appropriate means of enclosure such as walls and fencing may also assist in mitigating the impact of new development upon existing properties. Careful consideration should be given to the siting and design of all means of enclosure to ensure that they respect the character of the area and do not unacceptably affect the amenity of surrounding properties.



An example of an attractively landscaped development

6. FURTHER INFORMATION

6.1 Further information and general advice on the submission of planning applications for residential development can be obtained from:-

Development Control Group,
Directorate of Economic Development,
Planning, Transportation & Highways,
Vale of Glamorgan Council,
Dock Office, Barry Dock,
Barry. CF63 4RT.
Telephone (01446) 704800

10. The Vale of Glamorgan UDP Supplementary Planning Guidance Amenity Standards

2007/00711/PL

P234

Appendix E

07/00711/PL

Goldsworthy, Marcus J

From: Jacqui Walmsley [jacqui@hoolewalmsley.com]
Sent: 14 November 2007 09:32
To: mjgoldsworthy@valeofglamorgan.gov.uk
Cc: 'hoole & walmsley ARCHITECTS'
Subject: Old Farm Mews

Dear Marcus,

I have had a look through the planning committee agenda. I am slightly concerned that the comments from highways in the appendix have been included without revision as it could raise concerns with committee.

I understand Jane Croft intends to include conditions in an approval, however it may be helpful if I make you aware of our response to the comments should it come up for discussion at committee.

Response to Highways comments:

1. 2 parking spaces have been created for each property. Current problem parking on the lane that causes obstruction for other vehicles requiring access to Old Farm Mews, is naturally alleviated as garages would be obstructed by parked vehicles.

2 & 3. The proposals follow the latest Manual for Streets Guidance. We propose that the established shared use of the existing lane is allowed to continue, with a private verge allowing intermittent pedestrian refuge along its length, with ground cover planting where required to allow for a 2m vision splay for emerging vehicles, taken from the edge of the shared use lane. Service runs exist within the lane and street lighting already exists on the south side of the lane, to the rear of the Huntsman restaurant, and at the top end of the proposed site negating the need for maintenance strips. We propose the road as constructed be adopted on completion of the development as originally intended under a section 38. We also note that the section 38 referred to, accommodated two storey building across the full width of the road creating a tunnel (attached to the now listed adjacent property) through which access to the rear development would be gained.

4. Includes an inaccurate statement; the plans indicate sliding & sliding inward folding gates with no outward opening.

I hope this is helpful. Please don't hesitate to contact me if you require anything else. My mobile is 07971833046.

Kind Regards,

Jacqui Walmsley

Hoole & Walmsley Architects
RIBA Chartered Practice

14/11/2007

PA.135

Thomas, Rob

From: Clay, Catherine V L (Cllr)
Sent: 12 November 2007 16:24
To: Thomas, Rob
Subject: planning matters. Please take 2&3 to committee.

1) Application no. 2007/01411/FUL Garden of Ty Canol, Penllyn

If you are minded to recommend approval of this application I would ask that the delegated be removed and that it comes to committee.

2) Application no. 2007/01098/FUL Limes Gate Cottage, Cowbridge.

This application is recommended for approval in spite of the fact that it is in a conservation area where I feel that it will look totally out of place. The new houses that have been built on the old garage site have a well finished wall between them and the river which does not look intrusive nor spoil the view from the old bridge. The proposed decking which will stick out over the river will be very visible from the bridge and will be incompatible with everything around it as well as being a particular eyesore for the neighbours, and intruding on their privacy.

I would like to support my fellow councillor in asking committee to go on a site visit before deciding this application

Yours Catherine Clay

3) Application no.2007/00187/FUL Garden of Chestnut Tree Cottage, Penllyn

In view of the complicated planning history on this site and the dismissal of a previous appeal I would ask committee that they go and see this plot of land before they make a decision.

Yours Catherine Clay

Date/Dyddiad:

Ask for/Gofynwch am:

Telephone/Rhif ffôn:

Fax/Ffacs:

Your Ref/Eich Cyt:

My Ref/Cyt:

e-mail/e-bost:

11 November 2007

01446 773637

gacox@valeofglamorgan.gov.uk

The Vale of Glamorgan Council
Members of the Council's Office,
Civic Offices, Holton Road, Barry CF63 4RU
Tel: (01446) 700111

Textphone/Ffôn Testun: (01446) 709363
www.valeofglamorgan.gov.uk

Cyngor Bro Morgannwg
Swyddfa Aelodau'r Cyngor,
Swyddfeydd Dinesig, Heol Holton, Y Barri CF63 4RU
Ffôn: (01446) 700111

VALE of GLAMORGAN



Mr D R Thomas
Head of Planning & Transportation
Vale of Glamorgan Council
Dock Office
Barry
CF63 4RT

2007/01098/FUL
APPENDIX A

Dear Rob

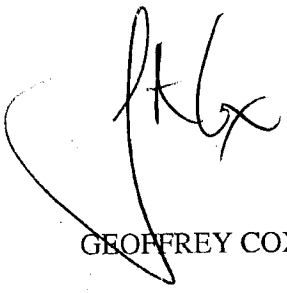
Planning Application Ref 2007/01098/FUL
Limes Gate Cottage, The Limes, Cowbridge

The planning application detailed above is on the agenda for the Planning Committee to be held on Thursday 15 November 2007.

I should be pleased if table for members at the meeting the attached photograph. This shows the river Thaw and the rear of Limes Gate Cottage where building work is taking place, and where the application is for the provision of timber decking extending over the river.

I believe that the photograph will help members who do not know the area in their deliberations.

Yours sincerely


GEOFFREY COX

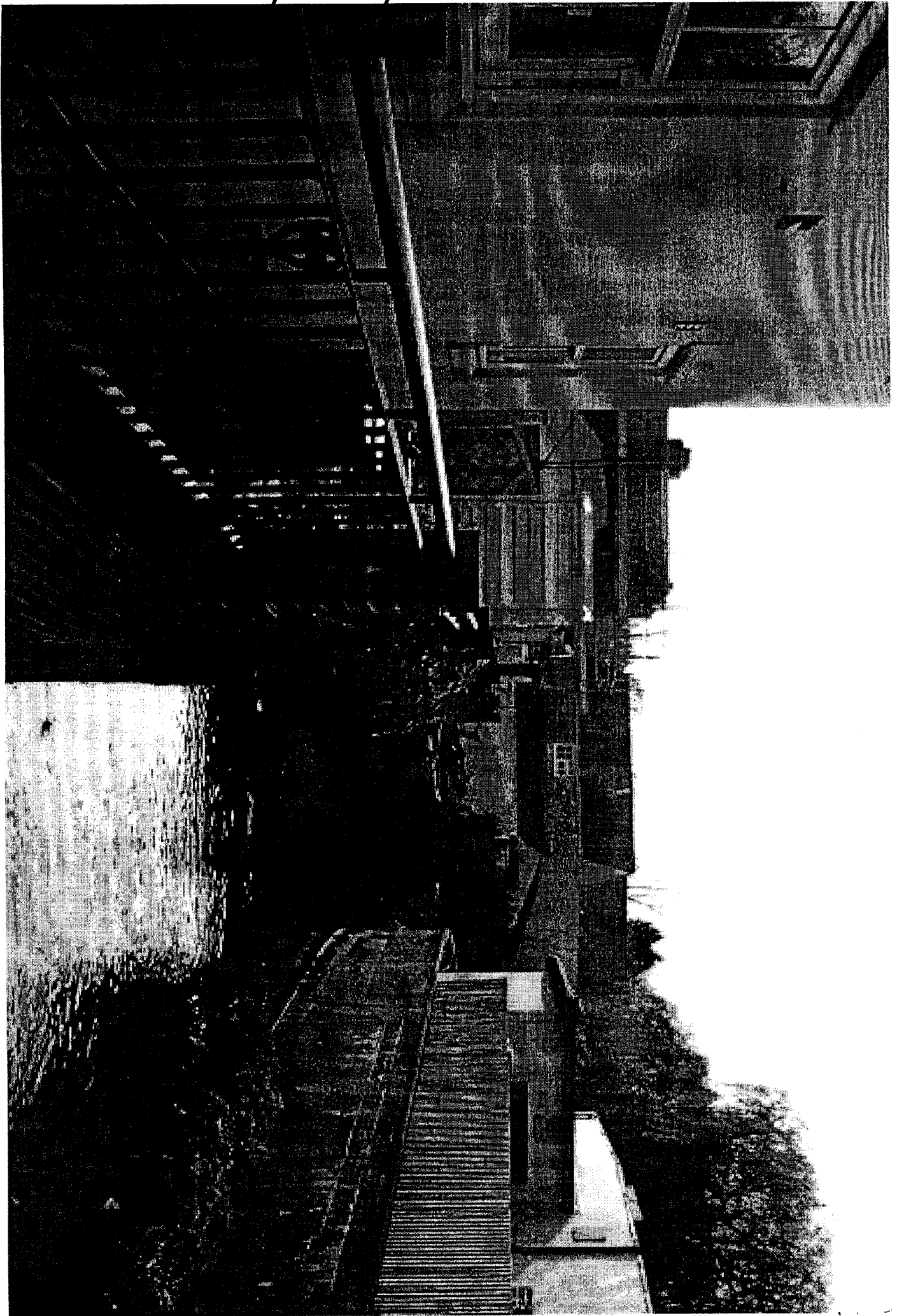
27 St John's Close, Cowbridge

Please reply to home address:
Antonwch eich ateb i'r cyfeiriad cartref:

John Maitland Evans, Chief Executive/Prif Weithredwr
Directors/Cyfarwyddwyr: James Cawley, Community Services/Gwasanaethau Cymunedol; Sian Davies, Finance, ICT & Property Services/Cyllid, TGC ac Eiddo;
Peter Evans, Legal & Regulatory Services/Y Gyfraith a Gwasanaethau Rheoli; Bryan Jeffreys, Learning & Development/Dysgu a Datblygu;
Rob Quick, Environmental & Economic Regeneration/Adnewyddu Amgylcheddol ac Economaidd.
Correspondence is welcomed in Welsh or English/Croesawir Gohebiaeth yn y Gymraeg neu yn Saesneg

2007/01098/FUL

'A'



2007/01098/FUL

'B'

(M G)

ANDERSON AND ASSOCIATES
Architectural Consultants Surveyors and Planners

39 High Street, Cowbridge
Vale of Glamorgan, U.K.

CF71 7AE

Tel/Fax: 0044 1446 772180

E-mail: isaac@ander-assoc.freemove.co.uk

Your Ref:

Our Ref: IB/GB

8th November 2007

Mr. Rob Thomas
Head of Planning and Transportation
Vale of Glamorgan Council
Dock Office
Barry Docks, Barry, CF63 4RT

Dear Mr. Thomas,

Re: Limes Gate Cottage, The Limes, Cowbridge – Proposed timber decking
Application No: 2007/01098/FUL

Further to the above we will appreciate it, if you could copy this letter and enclosure to each Council Member of the Planning Committee, determining this application.

We will briefly point out some relevant items as follows:

No neighbours living adjacent or near the above property, will be affected by the proposed decking. The only location where the decking will be viewed, is from the High Street, over the bridge. Please see enclosed sketch view.

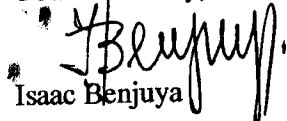
The proposal has been approved by the Environment Agency.

An example of existing decking/bridge over the river Thaw, is by the Café at the Penny Lane end, where it is also used for setting customers around tables over the river.

This proposal will not constitute a precedent by itself, because:

- a) There are no other similar locations in Cowbridge, where fronting the decking is an existing non residential building.
- b) The projecting deck will be at least 3m away from the adjacent property to the West, and 1m to the car park at the East.
- c) The proposed planting along the front of the deck, will provide screening and privacy, as shown on the enclosed view drawing.
- d) Decking materials will be black steel cantilevered joists, and railings, in keeping with the character of the conservation area, and as recommended by the Planning and Conservation Officers.
- e) Although this proposal will provide a much needed additional amenity area to the dwelling (main reason for its design), the total resulting amenity area will still be below the minimum standard required for new built.
- f) Views from High Street will show the property being in harmony with its original character, and in addition, the proposal will provide an interesting and quaint feature which will enhance the local environment.

Yours sincerely;


Isaac Benjuya

P.S. Attached is a letter from the Applicant.

T.R.Anderson ARICS & ARIBA

-1-

Isaac Benjuya MCIAT, B.Arch

2007/01098/FUL 'B'

Mr. Rob Thomas
Head of Planning and Transportation
Vale of Glamorgan Council
Dock Office
Barry Docks
Barry, CF63 4RT

7th November 2007

Dear Mr. Thomas,

Limes Gate Cottage, The Limes, Cowbridge, proposed decking.

With regards to the above, I will be obliged if you, and the Council Members determining this application, could take into account the following points supporting this application.

1. The timber decking design is to give Limes Gate a much needed amenity space, more in proportion to the size of the new traditional house (planning permission granted for 1st floor extension, 1st May 2007). In order to maintain two car parking spaces, avoiding further High Street parking, very little amenity space remains (approximately: 10' by 12'), for a detached property.
2. The timber decked garden will be seen from the High Street, and every attention has been given to ensure a pleasing and attractive feature, which can be enjoyed by Cowbridge residents and visitors to our Market Town.
3. The design has been created to conform to both the requirements of the Planning and Conservation Departments, aesthetically, and the Environment Agency's regulations and their regard for wild-life and the waterway. Therefore the work will abide by the requirements of two official bodies.
4. With regard to objections raised by my next door neighbour, and neighbouring friends objections:
Firstly, this property was sold to me by Reed & Evans, my next door neighbours and main objectors.
Secondly, the rear timber-decked garden cannot be seen by residents at The Limes. Neither neighbours' amenities, nor their views are impacted by this proposal. Therefore I suggest that any neighbours' objections have no factual reason or validity in this case, as in the same way as all Cowbridge residents, they will see this timber decked-garden from the High Street only, and not from their own properties. It is therefore important to creating an attractive vista for all.
5. No precedent would be set by acceptance of the proposal. Further upstream, to the other side of High Street, a bridge has been built spanning the river Thaw. This bridge is used for commercial purposes providing a seated serving area for a coffee shop: A feature over the entire river's width.

(Continued)

2007/01098/FUL

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(Continued)

6. The Planning Department recommend this proposal for approval.
7. I am very much aware that my property looks in shabby state at the moment. However, optimally, the structure of the timber-decked amenity space needs to be built in conjunction with the new rear house extension. As a result, building works have to cease until this matter is resolved, and so the "eyesore" will remain.
8. I therefore hope that the Council will agree with the Planning Department and the Environment Agency and approve this proposal, allowing me to get on with building my home and decked garden, with the latter adding to the charm of the view down stream, over the river Thaw.

Please can you copy this letter to the Councillors for their information. Thank you.

Yours sincerely,

Catherine M Rosewell

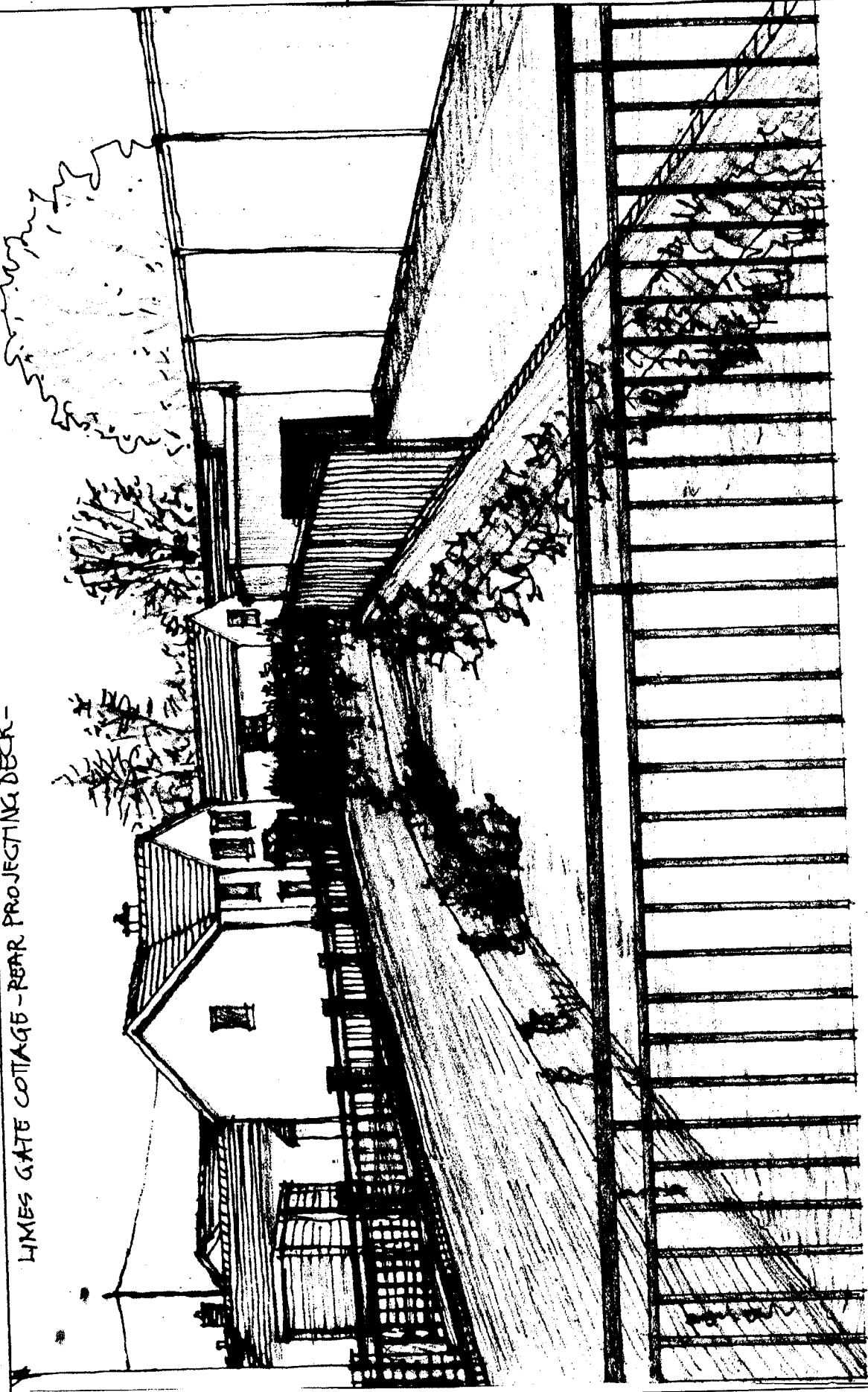
Mrs. Catherine Rosewell

The Old Post Office
Boverton
Llantwit Major
Vale of Glamorgan, CF61 1UF

2007/01098/FUL 487

LIMES GATE COTTAGE - REAR PROJECTING DECK -

VIEW FROM HIGH STREET



Original report which was submitted to Planning Committee on 10 October 2007

2007/01121/FUL Received on 7 August 2007

Rhodri Davies, Asbri Planning Ltd., 32 Lambourne Crescent, Llanishen, Cardiff.,
CF14 5GG
Newydd H.A. (1974) LTD., Ty Cadarn, 5, Village Way, Tongwynlais, Cardiff.,
CF15 7NE

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

SITE DESCRIPTION

The application site is the former nursery on land adjacent to Cemetery Road, Barry, and lies opposite the junction of Barry Road and Tynwydd Road. The land was formerly used as a Council nursery, however, it has not been in active production for over 10 years. The land is mainly in grass with several dilapidated single storey buildings on either side of the road. Either side of Cemetery Road is lined with mature trees and there are several less mature trees located within an informally delineated central reservation. There are no protected trees within the site.

The site measures 0.9 hectares in size in total, and is comprised of two parcels of land, one of each side of Cemetery Road. The first section, to the east of the highway, measures 190m x 23m deep and the opposite parcel is comprised of a linear strip, 23m x 120m in size and a triangular parcel to the rear of size 60m x 40m. The eastern parcel is bounded to the rear by allotments and the western parcel of land is bounded by the rear gardens of the properties on St. Teilo's Avenue and Barry Road.

The site is served by 2 No. access points, the main access being along Cemetery Road from Barry Road, and a second access along St. Teilo's Avenue.

DESCRIPTION OF DEVELOPMENT

This is a full application for the construction of a development of affordable housing, comprised of 42 No. dwellings and 24 No. flats (2 blocks of 12).

The scheme proposes a residential development comprised of three different house types of a mix of 2, 3 and 4 bedroom terraced and detached dwellings. The east elevation facing Cemetery Road contains 3 terraces, containing 5, 7 and 8 dwellings respectively, and the two blocks of flats. The west elevation facing Cemetery Road contains two terraces, of 8 and 10 dwellings. The triangular piece of land towards the west of the site contains a crescent of 4 No. detached dwellings.

- The two bedroom dwellings have a general footprint of 6m wide x 7.5m deep with a ridge height of 5.5 metres and ridge height of 9.2 metres.
- The three bedroom dwellings have a general footprint of 6m wide x 9m deep with a ridge height of 5.5 metres and ridge height of 9.5 metres.
- The four bedroom dwellings have a general footprint of 7.5m wide x 8m deep with a ridge height of 5.5 metres and ridge height of 9.2 metres.
- The main front section of the apartment blocks measures 19.5m wide x 9m deep and both contain a rear projecting element of size 8.5m wide x 8m deep. The blocks measure 14.7m in height.

The proposed dwellings are to be finished externally in a mix of coloured render and brickwork, with blue/black roof tiles and U-pvc fenestration.

The site's primary access is off Barry Road, at the roundabout junction with Tynwydd Road. The scheme proposes a one-way system along Cemetery Road, around a tree lined central reservation. The central island also contains 6 areas of informal visitor parking. The dwellings are each served by 1-2 allocated parking spaces within the front portions of their curtilages, accessed directly off Cemetery Road and the new crescent within the western portion of the site. The apartment blocks are served by 24 No. parking spaces in total, located to the fronts of the blocks and in a communal parking area to the rear.

The proposed layout indicates two areas of public open space within the development, one opposite the crescent of 4 No. detached houses, and one at the junction of Cemetery Road and St. Teilo's Avenue. Further space is located within the central reservation, however this has not been identified as a formal area of open space with any seating or recreational facilities.

The application proposes the retention of the existing trees along either side of Cemetery Road, along with the trees along either side of the triangular section of the site. Additional new trees are proposed along the central reservation of Cemetery Road, along the eastern side of Cemetery Road and at the entrance to the site on Barry Road.

The application has been supported by the following documents:

- Ecological Appraisal.
- Reptile Translocation Strategy.
- Tree Survey.
- Statement of Sustainability.
- Design Statement.
- Planning Statement.

PLANNING HISTORY

1986/01158/REG4 - Temporary Portakabin. Approved.

1988/00498/REG4 - Portakabin office. Withdrawn.

1989/00973/REG4 - New boundary fence. Approved.

1998/00155/REG3 - Relocation of storage and office units. Approved.

The site has not been subject to any planning applications for its re-development.

CONSULTATIONS

Barry Town Council have raised a 'very strong objection' to the proposal on the following grounds:

- The proposal is an overdevelopment of the site.
- The proposal is out of keeping with the area.
- The processional route to the cemetery will be adversely affected.
- The level of additional traffic.

Environment Agency Wales were consulted and have responded with a "Standard Advice" guidance note for developers.

The Head of Visible Services (Highway Development) has provided the following comments:

"There are no highway objections to the proposals subject to the inclusion of the following conditions:

- (1) Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering details of the required highway improvements, with sections, street-lighting etc., have been submitted to and approved by the Local Planning Authority.
- (2) All highway improvements and the creation of the supporting traffic orders shall be completed to the satisfaction of the Local Planning Authority prior to the beneficial occupation of any dwelling contained within this application.
- (3) The developer will enter a legal agreement with the Council [Section 278 Highways Act 1980] prior to any works commencing within the adopted highway.
- (4) All costs associated with the provision of the highway improvements and traffic orders [including legal and engineering fees] shall be borne by the developer.

Dwr Cymru/Welsh Water were consulted on the application and have raised no objection subject to conditions relating to the drainage of the site.

The Council's Ecologist's comments are attached to this report as Appendix A, but are summarised as follows:

- Nesting Birds: Development should be carried out outside the nesting season unless it can be demonstrated that nesting birds are absent.
- Bats: Whilst no evidence of bats was found, the developer should be made aware of the possible presence of bats and the legislation that protects them.
- Badgers: It is recommended that quarterly monitoring of the badger site is carried out prior to construction.
- Reptiles: It is recommended that a reptile clearance and translocation methodology be submitted and agreed prior to construction works commencing.

REPRESENTATIONS

Adjacent occupiers were notified and a site notice was posted. To date a petition containing 185 signatures and two letters of objection have been received in relation to the application. The petition cover is attached as Appendix B and the objection letters as Appendix C, however, the points of objection are summarised below:

- The development would result in the loss of an attractive green space.
- The development will cause noise and disturbance.
- There would be an increase in traffic and pollution.
- The development would have a detrimental impact on the value of surrounding properties.
- There would be no parking space for funerals and the development would result in the loss of a sensitive setting and approach to the cemetery.
- There are insufficient play areas within the development.
- Cemetery Road is a popular route with dog walkers and learner drivers.
- Cemetery Road is used by parents waiting to pick up children from St. Helen's RC Junior School on Tynewydd Road.
- The scheme is an overdevelopment of the site.

- There is insufficient parking to serve the development.
- The submitted ecology survey does not take account of all wildlife that may be living in the area.
- The development will overlook rear gardens of existing properties.

REPORT

Planning Policies

The planning policy framework is comprised of national planning policy guidance contained within Planning Policy Wales (March 2002) and local planning policies within the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011.

The following are a list of relevant Part 1 (Strategic Policies) and Part 2 Policies contained the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011.

Part 1 Strategic Policies

Policy 1 and Policy 2.

Part 2 Policies

POLICY ENV11 – PROTECTION OF LANDSCAPE FEATURES

POLICY ENV15 – LOCAL SITES OF NATURE CONSERVATION IMPORTANCE

POLICY ENV16 – PROTECTED SPECIES

POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS

POLICY HOUS2 – ADDITIONAL RESIDENTIAL DEVELOPMENT

POLICY HOUS8 – RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS2 SETTLEMENTS.

POLICY REC3 - PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENTS.

POLICY REC6 - CHILDREN'S PLAYING FACILITIES.

POLICY TRAN10 – PARKING

The following Supplementary Planning Guidance is also of relevance:

- Sustainable Development.
- Amenity Standards.
- Public Art.
- Trees and Development.
- Barry Development Guidelines SPG.

Issues

Given that the site falls within the residential settlement boundary of Barry, the principle of residential development is considered acceptable subject to the proposal satisfying the relevant policies and guidance. The land has formerly been used as a Council nursery but has been dis-used for in the region of ten years.

The development is located within a predominantly residential area and the application site is bounded by the residential streets of Barry Road and St. Teilo's Avenue and the allotments and cemetery. It is therefore considered that the nature of the development is compatible with the existing adjacent uses in that the proposal would not be likely to cause nuisance or harm to existing residential amenity.

Site Layout

The development would be served by two existing access points, primarily from the roundabout at the junction of Barry Road and Tynewydd Road, and also along the western of the site from St. Teilo's Avenue. A secondary cul-de-sac is proposed to serve a small crescent of detached houses in the western portion of the site.

The site is primarily comprised of the two long linear parcels of land, along which the various terraces and 2 No. apartments blocks are proposed. Given the relatively limited depth of these areas, it is considered that this represents the most efficient use of the land and the most practical layout. The layout has been proposed so as to achieve a 'boulevard' development, which would be most compatible and sympathetic with the character of the existing tree-lined avenue. It is also considered that the retention and expansion of the existing central reservation, with the planting of further trees, would add considerable character to the highway and would improve the visual amenities of the site.

Whilst the proposal represents a relatively dense level of development, the terraces would be positioned some 11m back from the highway. Accordingly it is considered that the layout would not appear as cramped or as an overdevelopment of the land, and it would retain an appropriate degree of openness to Cemetery Road. Areas of informal open space are proposed at the junction with St. Teilo's Avenue and in the triangular parcel of land to the west of Cemetery Road. While no formal play areas have been identified, there is space within the development to achieve this, either within the informally denoted areas, or within the enlarged central reservation. These issues can be confirmed as part of the Legal Agreement.

The two apartment blocks are located relatively centrally within the eastern section of the development, which would achieve a level of symmetry to this linear frontage, and the remaining terraces are comprised of a mix of dwelling types.

In summary, the approach reflects a traditional approach to street layout with a particular emphasis on providing a street scene and urban form of simple yet effective layout.

Scale, Design and Materials

The terraces are comprised of a mix of sizes and type, which have stepped roof planes and frontages. It is considered that this form of development, including large and smaller gable features, would serve to break up the overall massing of the development, and would appear visually as a more interesting façade than single continuous frontages. The use of a mixture of coloured renders and brickwork would further serve to enhance the overall design and appearance of the development.

Whilst the dwellings are approximately 9m to the ridges, it is considered that they are of a form and massing that is compatible with the surrounding established residential developments, and would not appear as overscaled within the site. The apartment blocks are approximately 14m in height, however they are located well within the site, 55m from Barry Road, and they would therefore not be overly prominent within the wider street scene. It is considered that the scale and form of the apartment blocks relate appropriately to the terraces of dwelling houses.

Highways and Parking Considerations

The Highways Engineer has raised no objections to the scheme, both in terms of the highway layout and level and arrangement of off and on-street parking. The highway layout is primarily comprised of the one way system around Cemetery Road.

In terms of parking, between one and two spaces are provided per unit and provision is made for 24 No. visitor spaces within the highway adjacent to the central reservation. Whilst the Council's parking guidelines require 2 No. spaces for units of this size, these guidelines are post-dated by Planning Policy Wales (2002), which explicitly states at paragraph 8.4.2 that minimum parking standards are no longer appropriate and that Local Planning Authorities should ensure that new developments should provide lower levels of parking than have been achieved in the past. In addition, the site is well served by public transport facilities, located adjacent to a regular bus route on Barry Road.

Privacy and Amenity

With regards to impact on the privacy and amenity of the existing occupiers located adjacent to the site and future occupiers within new site, the site layout and orientation of the dwellings is such that the distance between habitable windows satisfies the requirements of Policy 3 of the Supplementary Planning Guidance Amenity Standards.

Whilst concerns have been raised by one neighbour on Barry Road in respect of overlooking, there are no balconies proposed on the apartment block, which is located in the region of 50m from that property. It is therefore considered that the development will not cause demonstrable harm in this respect. The apartment blocks also do not contain windows on elevations that would overlook the rear gardens of new dwellings within the development.

In relation to the provision of amenity space, the Supplementary Planning Guidance Amenity Standards requires a minimum of one square metre of amenity space per one square metre of gross floor area. Furthermore it also requires that 70% of the amenity space should be accommodated in the private rear gardens, which shall also be private and of a usable shape. Whilst the majority of units are deficient in the level of amenity space, each is served by an adequate and useable rear garden, which would satisfy the basic outdoor requirements of the occupiers. It is also considered reasonable to accept a small shortfall in amenity space given the linear nature of the site and the need to achieve a desirable layout of the site.

Ecology

An ecology survey has been undertaken for the site as a whole. The ecology survey concluded that the application type supported a limited range of habitat types, including poor semi-improved grassland, scrub and scattered broad leaved trees. The survey also noted that there was no recent evidence of bat or badger activity.

The Council's Ecology report has noted that there does not appear recent activity of bats or badgers, but has recommended quarterly monitoring of potential badger site prior to construction works commencing.

The application was also accompanied by a Reptile Translocation Strategy, in respect of the presence of slow worms on the site. The strategy proposes the re-location of the slow worms to Cosmeston Lakes Country Park, which has been identified as the most appropriate receptor site. This site was identified in consultation with the Council's Ecologists. However, the Ecologist has recommended conditions to be attached to any consent relating to a 'reptile clearance methodology'.

The developer's attention should also be drawn to the relevant legislation that is afforded to protected species that may be found during the site during the course of construction works.

Other Specific Objections

Whilst the development would result in the loss of the grassed areas, the land is not identified as public open space within the Unitary Development Plan and there is therefore no in principle policy objection to the development of the land. It is further considered that the retention and introduction of new trees will serve to retain the green amenity value of the road.

It is alleged that the development will cause noise and disturbance and that there would be an increase in traffic and pollution. Whilst there is likely to be a degree of noise and disturbance as a result of the development, this is an inevitable by-product of construction and does not in itself warrant the refusal of the application. It is also accepted that the development would result in an increase in vehicle movements, however, the Highways Engineer has concluded that the existing highway network is capable of accommodating the development.

The impact of the development on the value of surrounding properties is not a planning consideration.

Objections have been raised due to the loss of parking spaces for people visiting the cemetery and waiting to pick up from the school. Whilst the road may have been used as such, the highway is not designated for these purposes and it is considered that sufficient parking is available on-street in the surrounding area within walking distance of the cemetery and school. The development would not prohibit the use of the public highway by dog walkers or learner drivers.

The objections in respect of overlooking, parking provision and the density of the development have been addressed above within the body of the report,

Section 106 Issues

As a result of the consultation responses and requirements set out within Supplementary Planning Guidance, the following matters should be considered to form part of a Section 106 Agreement:

- Retention of dwellings as affordable housing.
- Traffic Regulation order costs.
- Highway improvements.
- Sustainable transport facilities.
- Public art.
- Community facilities.
- Children's play area.
- Recreational facilities.
- Transferral of public open space.
- Education facilities.

The specific details of each aspect of the Legal Agreement are contained within the recommendation below.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV11 - Protection of Landscape Features, ENV15 – Local Sites of Nature Conservation Importance, ENV16 – Protected Species, ENV27 – Design of New Developments, HOUS2 – Additional Residential Development, HOUS8 – Residential Development Criteria – Policy HOUS2 Settlements, REC3- Provision of Open Space Within New Residential Developments, REC6- Children’s Playing Facilities and TRAN10 – Parking, the proposed scheme is considered acceptable in respect of the principle of residential development, density, layout, siting, design, material and finishes, and is considered acceptable having regard to highway considerations and impact on the amenity of existing and future occupiers.

RECOMMENDATION

Subject to the applicant first entering into a Section 106 Legal Agreement to include the following necessary planning obligations:

- The dwellings to be built as part of the development built under the planning permission shall be built and thereafter maintained as affordable housing units in perpetuity.
- The developer shall pay the Council a traffic contribution (£9,500) to cover the costs of administration and implementation of Traffic Regulation Orders (TRO's) required as a result of the development.
- The developer shall enter an agreement made under Section 278 of the Highways Act 1980 to upgrade the adopted highway at the access points to the development site on Cemetery Road and St. Teilo’s Avenue through the provision of new street lighting, kerbing, planting and footway and carriageway resurfacing.
- The developer shall pay the sum of twenty five thousand pounds (£25,000) to the Council to improve Sustainable Transport Facilities serving the site.
- The developer will provide public art on site to a value of at least 1% of the build costs of the development or provide a financial contribution to the same value in lieu of on site provision for the Council’s public art fund.
- The developer shall pay the sum of twenty five thousand pounds (£25,000) to the Council to provide or enhance Community Facilities in the vicinity of the site.
- The developer shall provide Recreation Facilities in the form of children’s play equipment on site to a specification to be agreed by the Local Planning Authority or provide a financial contribution in lieu of such provision.
- The developer shall pay a commuted sum to be agreed by the Local Planning Authority following submission of a maintenance scheme for the Recreational Facilities, to be used to maintain the Recreational Facilities for a 20 year period.

- The developer shall transfer at no cost to the Council, any areas of public open space land to be adopted by the Council and pay an associated commuted sum to ensure the maintenance of such land for a 20 year period.
 - The developer shall pay the sum of sixty nine thousand five hundred and twenty pounds (£69,520) to the Council to provide or enhance Educational facilities available for future occupiers of the site.
 - The Legal Agreement will include the standard clause requiring the payment of a fee set at 20% of the value of the planning application fee (£3,416.00 in this case).
1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason:

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

2. This consent shall relate to the plans registered on the 2 August 2007 other than where amended by plans reference 002/Rev: F, received on the 16 August 2007.

Reason:

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

3. A scheme providing for the fencing of the trees to be retained and showing details of any excavations, site works, trenches, channels, pipes, services and areas of deposit of soil or waste or areas for storage shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. No development shall be commenced on site until the approved protection scheme has been implemented and the scheme of tree protection shall be so retained on site for the duration of development works.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

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4. Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering details of the road layout including sections, levels, details of street lighting and surface water drainage have been submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter be carried out strictly in accordance with the agreed details.

Reason:

In the interests of highway safety and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

5. Full details of a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with, shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details.

Reason:

To ensure effective drainage facilities are provided and that no adverse impact occurs to the environment or the existing public sewerage system, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

6. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority which shall include indications of all existing trees on the land to be retained, together with measures for their protection in the course of development, and details of all new landscaping and trees as indicated on Drawing No. 002/Rev F of the plans hereby approved.

Reason:

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

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

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

8. Prior to their use in construction of the dwellings hereby approved, samples of the ridge and roof tiles, bricks, render and hard landscaping shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved samples.

Reason:

To ensure that the visual amenities of the area are safeguarded and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

9. No development shall commence until details of the finished levels of the site in relation to existing ground levels and finished ground levels are submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

To ensure that the visual amenities of the area are safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order) the dwellings hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage of the dwellings hereby approved without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

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

Reason:

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

13. Prior to the commencement of development, a Reptile Clearance Methodology shall be submitted to and agreed in writing by the Local Planning Authority, which shall be prepared in accordance with Countryside Council for Wales guidance.

Reason:

In order to ensure the appropriate re-location of any protected reptiles within the site, and to ensure compliance with Policy ENV16 of the Unitary Development Plan.

14. Between the date of this consent and the commencement of development, quarterly monitoring of potential badger sites, as identified within the submitted Phase 1 Habitat Survey, shall be carried out, and the results of these surveys provided in writing to the Local Planning Authority.

Reason:

In order to ensure the protection of protected species within the site and to ensure compliance with Policy ENV16 of the Unitary Development Plan.

15. 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, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

16. A scheme for the maintenance of the landscaped areas within the site shall be submitted to and agreed in writing by the Local Planning Authority, prior to the first beneficial occupation of any of the units. The areas shall thereafter be maintained in accordance with the approved scheme.

Reason:

To ensure the satisfactory maintenance of the landscaped open areas and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

NOTE:

1. **Notwithstanding the submitted ecology survey, the applicant and any future developer should be made aware of the following legislation.**

All British bats are European Protected Species under Annex IV of EC Directive 92/43/EEC ('The Habitats Directive'). This Directive has been transposed into British Law under the Conservation (Natural Habitats &c.) Regulations 1994. Bats are fully protected under Schedule 5 of The Wildlife and Countryside Act 1981 (as amended). It is also an offence under the Countryside and Rights of Way Act 2000 to deliberately kill or disturb a European Protected Species or recklessly damage or destroy the breeding site or its resting place.

Notwithstanding the lack of bats evident at the time of survey, if bats or any other protected species are found to be present during the development, work must stop and advice be sought from the Countryside Council for Wales (CCW).

Under the Wildlife and Countryside Act 1981, it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. I therefore recommend that work be carried out outside the nesting season, which is generally recognised to be from 1 March to 31 July, unless it can be demonstrated that nesting birds are absent.

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).

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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.

07/01141/FUL

49 Redlands Road
PENARTH CF64 2WD

Tel : 02920 701708

Mr Morgan P Howell
The Vale of Glamorgan Council
Dock office
Barry Docks
BARRY
CF63 4RT

APPENDIX A

Wednesday 3RD October 2007

Your reference: 2007/01141/FUL

Dear Mr Howell

We would like to comment on the proposed planning application for the above.

Firstly, we would like to inform you that even though the proposed planning application has not been approved work is almost complete and the dormer window extension once again bears no similarity to the planning application submitted.

It is much larger to the extent that it is now the same height as the ridge of the roof, the width extends to the roof boundary and the two windows appear to be one similar to the size proposed and the other much larger.

The overall effect is a heinous imposing structure which invades the privacy and limits the amount of sunlight considerably to neighbouring properties as well as being highly visible and imposing from adjacent streets in particular Earl Road.

Although we are totally against the proposed application, in the event of this being approved, we would urge you at the very least to impose a condition that obscure glass be fitted in the dormer windows.

If the proposed plans were adhered to, this in itself would not be in keeping with the architectural integrity of the adjacent properties designed by the eminent architect Coates Carter, and it would diminish our privacy greatly and likely to devalue our property.

What's more we have been extremely tolerant and accommodating over this matter but feel more could have been done by the Vale Council when first advised the project was in an advanced stage of completion particularly when planning consent had not been given or action against the project manager whoever that maybe for the barefaced disregard of the legal process. With regards to transparency of process is it correct for a Planning Officer to enter into negotiations with an architect over an acceptable size of structure before being in possession of all the facts surrounding an application in particular the comments and concerns of residents affected? Does this mean each planning application is not assessed on its own merits and the process followed is not fair and transparent?

We trust you will duly consider our comments and we would be happy to discuss any aspects of our concerns with you.

Kind regards,

Mr & Mrs P. Teillet



c.c. Councillor R Birch

From: Brig F.P.Crawley, CBE.

07/01251/FUL'A

The Gardens,
Crossways,
COWBRIDGE,
CF71 7LJ.

Tel: 01446 772164

E-mail: petercraw@goolemail.com

22 September 2007

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

Dear Sir,

Application 2007/01251/FUL.

Conversion and extension to residential use of existing barn.

Pen y Bryn, Crossways, Cowbridge.

I have studied the subject application and note it bears close resemblance to a previous withdrawn application for this site, except now the application attempts to draw on tourism and eco friendly arguments to underpin a fragile case. In my view there are a number of factors, which should deny approval

1. The proposed residence is an unwarranted intrusion into the countryside, and mars a site which for many years was untouched.
2. The footprint of the proposed residence is two and a half times the existing barn, and excessive for the site size.
3. The site lay untouched for 20 plus years and really was eco friendly, until changing hands recently.
4. The proposed access to the site is dangerous and inadequate in the interest of road safety. Any access onto this narrow road will always be a hazard.

I would hope that the application will be refused, but in the event of permission being given I ask that my last point above is given careful consideration, and clear stringent conditions imposed on any development. The country road giving access to the site carries a surprising level of traffic, and over the whole northern boundary of the site is a very narrow single-track road, with no verges. Any access will need to be wide and deep enough to provide unobstructed vision in both directions, with a large enough turning radius for delivery vehicles of reasonable size to enter the site. An alternative might be

07/01251/Ku'A₂

incorporating a lay bye into the site access. If suitable conditions are not imposed the blocking of the road by delivery vehicles is inevitable. However the creation of any access will cause considerable irreparable damage to the existing charming old country lane, and always remain a traffic hazard. Additionally I question if sufficient parking is being proposed for an establishment offering B&B.

Yours Sincerely,

A handwritten signature in cursive script, appearing to read 'F.P. Crawley'.

F.P.Crawley.

07/01251/FUL 'B'

ANDERSON AND ASSOCIATES
Architectural Consultants Surveyors and Planners

39 High Street, Cowbridge
Vale of Glamorgan, U.K.
CF71 7AE

Tel/Fax: 0044 1446 772180

E-mail: isaac@ander-assoc.freemove.co.uk

Your Ref:

Our Ref: IB/GB

5th October 2007

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

FAO: Mrs. Y. Pritchard

Dear Sir,

Application No: 2007/01251/FUL – Conversion of Barn to tourist accommodation, at Crossways, rear of Pen y Bryn, Nr. Cowbridge

Further to your letter of 11th September please find enclosed four copies of the access visibility study requested.

We are meeting Mr. Paul Harrison on site next week, to look at the access, and be advised whether our proposal is acceptable in Highways terms.

Thereafter we will send you the requested Access Statement.

We are obviously willing to issue to you an Ecology survey as you requested, but the season is almost at an end, and Ecologists contacted cannot take up this job, as they are busy finishing their reports on other sites.

This is a situation not of our Client's making, and we hope that a pragmatic appraisal should win the day.

So if this approach is still possible, we would request that the Ecology report be considered as a Condition for the Approval, or failing this, that the application be frozen until the next habitat's season, where the survey can be undertaken.

Your last paragraph does inform us that this application would be no more acceptable, based on Council policy and national guidance, than the one withdrawn in November 2005.

(Continued...)

07/01251/PLM'B₄

ANDERSON AND ASSOCIATES
Architectural Consultants Surveyors and Planners

39 High Street, Cowbridge
Vale of Glamorgan, U.K.

CF71 7AE

Tel/Fax: 0044 1446 772180

E-mail: isaac@ander-assoc.freemove.co.uk

Your Ref:
Our Ref: IB/GB

3rd September 2007

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

0701251 FULL

Dear Sir,

Re: Proposed conversion of Stone Barn and extension, to provide Tourist/B&B accommodation at rear of Pen y Bryn, Crossways, Cowbridge
Planning Application No: 2007/026352/--

Further to the above and your letter dated 25/06/07 addressed to our Client, Mr. Hugh Field, please find enclosed copy of the following documents, as requested:

1. Full Layout drawing No 4, showing extent of garden curtilage, vehicular access, and the Southern Orchard (4 copies).
2. Engineer's Report on the structural condition of the barn, with photographs.
3. Sustainability Report
4. A letter of explanation from the Applicant

The Ecology survey could not be undertaken by the Ecologists contacted, as they were fully booked for this season. This work can be undertaken in the next season, and could be conditioned in the case of Planning Approval for this project.

This application would comply with Policy Tour 1, and Tour 2. The site, being adjacent to a residential area, is in keeping with the National Planning Guidance for Tourism, and the UDP objectives for employment and tourism.

The application provides for the preservation of the barn (which is in good structural condition), and its use (as extended), for the provision of Tourist/B7B accommodation. The rural character of the local area will be preserved. There will be acceptable private amenity to the scheme, without undue intrusion into the rural landscape.

The residential use of land is adjacent to the site, at its immediate East and Southern areas.

(Continued...)

07/01251/FUL'B_s

(Continued...)

**Head of Planning and Transportation
Vale of Glamorgan Council**

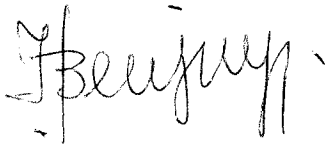
The Applicant in his explanatory letter, mentioned developments permitted in recent years, in the vicinity of the site.

We believe this proposal will preserve and enhance the setting and character of the local environment, and will also provide the opportunity for employment within the local Tourism industry.

We hope the above is satisfactory and look forward to hearing from you.

Yours faithfully,

Isaac Benjuya



Copy: Mr. Hugh Field

0701251FUL

07/01296/mu 'A'

From Mr Gregory Bull Q.C.

Caia House
St Nicholas
Vale of Glamorgan
CF5 6SE

Tel/Fax: 01446 760164

23-9-07

The Chief Planning Officer,
Vale of Glamorgan County Council,
Holton Road,
Barry.

Dear Sir,

Re Native Woodland Ltd Burial Ground at Coedarhydyglyn St Nicholas

My wife and I wish to object to the proposal to create a burial ground near to our home.

The developer has not bothered to consult us although we are affected by the proposal. Indeed the only people in the locality consulted, are those who either live on the land of the landowner or are in some way connected to him.

It is only some months ago that the landowner submitted plans to erect a crematorium and or cemetery on the same land. The council rejected the scheme, and no appeal followed that rejection.

My neighbour Mr Dewey and I commissioned a report from a town and country planner to oppose that scheme. Its contents remain valid in relation to this scheme. You have a copy of that report.

It seems to my wife and I, that this application is a cynical attempt by the landowner to achieve part of his original plan by stealth.

Firstly there is no need for this type of development. That there has only been 33 funerals at the "sister site", confirms that this is a fringe requirement.

Secondly, the site itself is not the ultra pretty place for quiet burial. The A48, is likely to get busier rather than quieter as time progresses.

Thirdly access to the site is poor, via a quiet narrow lane, from which it is already

07/01296/KM 'A₂'

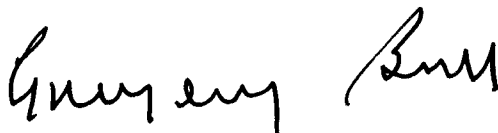
difficult to gain access to and egress from. The significant speed of traffic along the A48 will undoubtedly lead to a serious road accident when confronted by a slow moving funeral.

I disagree with the assertion that there will be no significant increase in traffic. The number of cars attending a funeral is pure conjecture on the part of the applicant who has no experience in this county. It is not only those attending funerals who will access the site, but also those visiting graves.

Fourthly although the applicant says that there will be no buildings or memorials, this is not the case at other developments. We believe that once this development is granted that there will be further applications to alter the original grant which may be difficult to resist. There is bound to be pressure from relatives to have some kind of memorial

Fifthly, any development other than farming is detrimental to the area. We must shore up the divide between Cardiff and The Vale at all costs. This development is unnecessary. We should not threaten the countryside unless the case for the benefit of local people is overwhelming. This scheme is not for local people. They do not seek it.

Yours Faithfully,

A handwritten signature in black ink, appearing to read 'Gregory Bull', written in a cursive style.

Gregory Bull

07/01296/FUL A'
CAE FFYNNON, 12 GER-y-LLAN, St NICHOLAS, CARDIFF, CF5 6SY³
Telephone: 01 446 760726

Your ref: 2007/01296/FUL

9 October 2007

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

Dear Sir

Planning Application – Natural Burial Ground – Coedarhydyglyn, St Nicholas

I wish to object to the planning application in respect of a natural burial ground at Coedarhydyglyn, St Nicholas.

The grounds of my objection are as follows:

1. A burial ground at the proposed location would increase the traffic flow in both directions on the A48 and, by its nature, such traffic would be slow moving and often consist of a large number of vehicles. There would be delay to east bound traffic on the A48 while a west bound funeral cortege turned into the burial ground and when traffic departed in either direction from the burial ground.
2. Funeral corteges would also create further traffic congestion at Culverhouse Cross. This major junction is already substantially overloaded and will become more so with the increased retail development at the Tesco store. It must also be considered in the light of the large residential and hotel development proposed on the ITV site at Culverhouse Cross.
3. The combination of a slow moving funeral cortege going to the burial ground and heavily laden slow west bound lorries on Tumble Hill would cause additional delays to other traffic and, possibly, a traffic hazard as vehicles attempted to pass the slow moving vehicles.
4. The historical village of St Nicholas is situated in a Conservation Area in a rural part of the Vale separated from the urbanised City of Cardiff and the retail developments at Culverhouse Cross by mainly agricultural areas and isolated houses along the A48. A development of the nature proposed is out of character with this environment.
5. I understand that the proposed development is contrary to the Vale Unitary Development Plan. If a development were approved, it would be likely to lead to other planning applications being made for commercial and / or residential developments on land between Culverhouse Cross and St Nicholas. This would eventually lead to St Nicholas becoming an extension of the City of Cardiff. This would be wholly unacceptable to a village community.

07/01296/FUL'A'
4

Vale of Glamorgan Council – 9 October 2007

6. I am not aware of any need or demand for a natural burial ground in the Vale of Glamorgan. It appears that this application has been submitted solely for the purpose of commercial gain and it is not in the interests of the local community. The application appears to have been submitted in substitution for the refused planning application number 05/01663/4 for a crematorium on or adjacent to this site.

Yours faithfully



T Knowles

07/01296/FUL B1

Native Woodland Ltd

EXECUTIVE SUMMARY

This report has been prepared in support of a planning application to the Vale of Glamorgan Council for the creation of a new natural burial site at Coedarhydyglyn Park; a designed parkland landscape comprising approximately 12 acres and occupying a ridge of high ground with open views toward the north east. The site is owned by Rhodri Traherne and leased to Native Woodland Limited.

Site Design & Use

- A new natural burial site at Coedarhydyglyn will deliver numerous benefits to the local community without losing the agricultural land use or changing the historic landscape.
- Access to the site is via an existing drive off the road to St. Georges, north of the A48. An existing area of hardstanding will be used as a car park. A footpath will lead through trees, into the burial ground. An unpaved track will provide vehicular access into and out of the site adjacent to the southern site boundary.
- In order to preserve the historic designed landscape, tree planting will be restricted to peripheral areas and no headstones will be permitted. No burials will take place close to underground services where the depth to bedrock is less than 2.3m.
- Directional road signs will be erected on approach to the site.
- No embalmed or preserved bodies will be interred and all coffins must be constructed of natural biodegradable materials.
- Based upon the experience at Native Woodland's closest site at Usk, it is anticipated that the frequency of burials will be low and the number of cars visiting the site will be small.
- Vale of Glamorgan Council Highway Department's Group Engineer and Planning Liaison Officer have visited the site and have concluded that the planned access is suitable and safe, recommending that a passing bay is built and visibility splays are maintained.

Environmental Parameters

- The site has only ever been open parkland.
- Glamorgan-Gwent Archaeological Trust concludes that it is unlikely that any archaeological features will be disturbed by the proposals.
- The site is not located within a National Park, National Nature Reserve or an Area of Outstanding Natural Beauty.
- The Chief Inspector of Historic Parks and Gardens in Wales has given verbal confirmation that she has no objections to the proposals.

07/01296/VL'B₂

Native Woodland Ltd

Cowbridge, Glamorgan - Llanidloes, Shropshire

- The Environment Agency (EA) have no pollution inventory entries or pollution hazards within 600m of the site.
- Vale of Glamorgan Council's Assistant Ecologist has concluded that they have no species records which would be of import.
- The soil profile is characteristic of Quaternary till deposits.
- The geology of the local area is comprised of argillaceous, locally decalcified massive limestone and rare sandstone of the Upper or, possibly, Main Limestone of the Carboniferous Dinantian Visean Formation.
- The site is outside any recognised flood risk area and falls within a Catchment Abstraction Management Strategies (CAMS) area.
- No groundwater was encountered during intrusive site investigation works, which included borehole drilling.
- There are two springs and two wells in the vicinity of the site. Both springs are ephemeral and neither is used for potable supplies. The closest well (310m) is disused and sealed. Neither well is registered with the EA as active.
- There are no Council records of registered private water supplies within 1km of the site.
- The site is not located within a Source Protection Zone catchment area.
- Using the EA vulnerability assessment protocol, the site can be characterised as being of low vulnerability.

Impacts

- The proposals will have no negative impact on traffic or road safety.
- The aesthetic quality of the site will be protected.
- Development is likely to increase biodiversity.
- There are no recorded archaeological features within the site; a watching brief will be maintained during operation.
- The proposals will have no effect on soil structure or composition.
- The proposals will have no effect on the underlying geology.
- There are no risks to groundwater quality attributable to surface water runoff.
- The proposed change of use will have no adverse impact on local or regional groundwater quality.

07/01296/FUL 'B'₃

II TECHNICAL SUMMARY

This study assesses the potential environmental impacts of a new natural burial site planned for Coedârhydyglyn, Vale of Glamorgan. The assessment is in general accordance with current published guidance and legislation and incorporates; review of published information, consultations with statutory authorities and regulators, site reconnaissance, trial pit excavation, borehole drilling, groundwater monitoring and percolation testing.

The site occupies approximately 12 acres of parkland in the Vale of Glamorgan at grid reference ST103742 and is owned by Rhodri Traherne and leased to Native Woodland Limited.

Site Design & Use

There is a growing demand for a more environmentally friendly, sustainable alternative to traditional cemetery burial and cremation. Creation of a new natural burial site at Coedârhydyglyn will deliver numerous benefits to the local community including relieving pressure on Local Authority cemetery space, preservation of an historic designed landscape and enhancement of biodiversity.

Access to the site is via an existing drive off the road to St. Georges, north of the A48. Close to the site, there is an existing area of hardstanding which will be used as a car park. A footpath will lead through trees, into the burial ground. An unpaved track will provide vehicular access into and out of the site adjacent to the southern site boundary.

In order to preserve the historic designed landscape, no headstones, grave markers plaques, trees or shrubs over graves will be permitted. It has been agreed with CADW that tree planting will be located in specific areas to enhance the landscape of the park. No burials will take place close to underground services or where the depth to bedrock is less than 2.3m.

Directional road signs will be erected at the approach to the site.

No embalmed or preserved bodies will be accepted and all coffins must be constructed of natural biodegradable materials.

Based upon the experience at Native Woodland's closest site at Usk, it is anticipated that the frequency of burials will be low and the number of cars visiting the site will be small. Families will be hold services off-site with only close family and friends attending the committal.

Vale of Glamorgan Council Highway Department's Group Engineer and Planning Liaison Officer have visited the site and have concluded that the planned access is suitable and safe, recommending that a passing bay is built and visibility splays are maintained.

Environmental Parameters

The site is not located within a National Park, National Nature Reserve or an Area of Outstanding Natural Beauty.

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Native Woodland Ltd

Cyngorfa Gwent / Proposed Natural Burial Site

Since the date of the earliest map of the area, the site has only ever been depicted as open parkland. The COFLEIN mapping and database resource records 8 protected sites within the local vicinity; all of which are within the class; Gardens, Parks and Urban Spaces. Glamorgan-Gwent Archaeological Trust concludes that it is unlikely that any archaeological features will be disturbed by the proposals. The Chief Inspector of Historic Parks and Gardens in Wales has visited the site and she has confirmed her understanding of the low-impact nature of the proposals and given verbal confirmation that she has no objections. The Environment Agency (EA) database contains no pollution inventory entries or pollution hazards within 600m of the site.

The Assistant Ecologist of the Countryside and Environmental Projects department of the Vale of Glamorgan Council has concluded that they have no species records which would be of import. Potential concerns over nesting birds, reptiles and bat roosts are addressed by the slender nature of the trees and the current usage of the proposed car park.

Ground conditions across the site have been investigated by desk top research, trial pit excavation, in-situ testing and borehole drilling. The soil profile is characteristic of Quaternary till deposits; a thin layer of topsoil over slightly clayey, slightly silty medium grained sand with varying proportions of gravel, cobbles and, rarely, boulders of argillaceous and fossiliferous limestone. Throughout the eastern two-thirds of the site, the sand and gravel is underlain by light brown medium firm slightly silty, sandy clay with some subrounded gravel, cobbles and, rarely, boulders of argillaceous and fossiliferous limestone. In the western third of the site, the sand and gravel is underlain by reddish brown firm sandy clay with subrounded gravel.

Within the area to be used for full plot interments, bedrock comprised of weathered argillaceous and fossiliferous limestone or weathered sandstone underlies the sandy clay at depths of more than 2.30m.

Percolation tests recorded an average percolation rate of 4.97 sec/mm (0.02cm/sec).

The geology of the local area is comprised of argillaceous, locally decalcified massive limestone and rare sandstone of the Upper or, possibly, Main Limestone of the Carboniferous Dinantian Visean Formation. This was confirmed in two boreholes drilled to 25m. No voids, joints, fissures or fault planes were encountered.

The site is outside any recognised flood risk area and falls within a Catchment Abstraction Management Strategies (CAMS) area.

No groundwater was encountered during intrusive site investigation works.

Vertical fluid transport through the drift deposits will be exclusively by intergranular flow. Transport through bedrock in the unsaturated zone will be dominated by intergranular flow, with joints and fissures contributing a minor element. There are no obvious karst features in the local topography and borehole logs indicate that the site is underlain by the more decalcified, more massive and less structurally disturbed limestone of the Upper Limestone, which is less prone to develop such features.

There are two springs and two wells in the vicinity of the site. Both springs are ephemeral and neither is used for potable supplies. The closest well (310m) is disused and sealed. Neither well is registered with the EA as active.

There are no Council records of registered private water supplies within 1km of the site.

PA.172

The site is not located within a Source Protection Zone catchment area.

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07/01296/FUL'B_s'

Native Woodland Ltd

Coedarydyglyn - Burial Site - Local Burial Ground

Standard EA reference values used in estimating potential pollutant loading from green cemeteries have been compared to those applicable to the subject site. At Coedarydyglyn, grave plot density is much lower, there will be significantly more grass coverage mean annual rainfall is significantly higher. Mean effluent concentrations are estimated to be only 30%, 26% and 20% of typical values at years 1, 5 and 10 respectively. Burial to soil volume and mass ratios at the site are 15-16% lower than estimated for the model green burial site.

Results confirm that the EA model for Vulnerability Class Assessment is both valid and conservative with respect to the subject site.

Effluent transport potential through the drift deposits is high, however the considerable depth to the surface of the saturated zone and the dominant mechanism of intergranular flow, mitigate against the high permeability of the drift deposits and combine to indicate a very low potential for transport between source and receptor.

Using the EA vulnerability assessment protocol, the site can be characterised as being of low vulnerability.

Impacts

07/01296 FUL

The proposals will have no negative impact on traffic or road safety. Projected vehicle movements represent an insignificant increase and, with the addition of a passing place and maintenance of visibility splays, the Council has confirmed that road safety will not be compromised.

The overriding consideration in the design and management of the burial site has been to preserve and protect the landscape. The aesthetic quality of the site will be protected rather than compromised in any way.

As there will be no material change to existing habitats, the ecological diversity at the site will not be adversely affected. Development is likely to increase biodiversity.

There are no recorded archaeological features within the site. A watching brief will be maintained and the Glamorgan Gwent Archaeological Trust will be informed if artefacts are encountered.

There is no potential for the proposals to have any effect on soil structure or composition and there is no potential for the proposals to have any effect on the underlying geology.

The recommended method of vulnerability assessment is appropriate for the subject site. Indeed, relative pollutant loads and volume and mass ratios indicate that implementation will produce highly conservative results.

Employing the accepted protocol for risk assessment, the site is characterised as being of low vulnerability.

It is concluded that the proposed change of use at the site will have no adverse impact on local or regional groundwater quality.

07/01325/ful APPENDIX A

From: stevehydeengland@aol.com
Sent: 12 November 2007 10:09
To: MRLucas@valeofglamorgan.gov.uk
Subject: Re: Aberthaw Ash Recycling Plant: application for new stack

Thanks for that martin.

My main concern will be whether there will be any noise or other disruption to our quality of life here in the hamlet associated with the building and operation of this item.

Whilst we are in contact could I mention a separate issue please. Another resident told me there had been an item in the GEM about the use of MBN at Lafarge cement works. I am aware of this of course but they mentioned to me that there was a planning application in for a large mechanical conveyor belt to replace the current system. Again I will be concerned about this both in terms of noise associated with the operation and also in terms of visual impact on our area. I am increasingly concerned that emissions and noise are constantly increasesing as both the power station and the cement works expand and develop. Each development adds to the problems. I do feel that both parts of Aberthaw are constantly under threat due to this and that some kind of coordinated plan to look after the area is needed. Few areas of the Vale face so many problems.

Anyway thanks for the information.

Steve Hyde

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07/01366/FUL

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Version 1. 11.4.03

Statutory notice

Pollution Prevention and Control Act
1999

The Pollution Prevention and Control
(England and Wales) Regulations 2000
(S.I.2000 No.1973).



**ENVIRONMENT
AGENCY**

Notice Requiring Further Information

To: Mr. Duncan Robinson
Environmental Manager
RWE npower
Windmill Business Park
Whitehill Way
Swindon SN5 6PB

Application number: RP3133LD

The Agency, in exercise of its powers under paragraph 4 to schedule 4 of the above Regulations, requires you to furnish the further information detailed in the attached Schedule. The information, which is for the purpose of determining your application, dated 28th March 2006, for a permit, should be sent to the following address within 70 days of the date of this notice.

Address to which information should be sent:

Environment Agency
Aust SPG Office
c/o Motion Media Technology Centre
Severn Bridge
Aust
Bristol BS35 4BL

Signed:

A W Leakey

Authorised to sign on behalf of the Environment Agency

Date of signing

26th July 2006

The Environment Agency
Rivers House
St. Mellons Business Park
Fortran Road
St. Mellons
Cardiff CF3 0EY

The Environment Agency

07/01366/FUL

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What the law says

The Pollution Prevention and Control (England and Wales) Regulations 2000 (S.I. 2000 No. 1973) say -

Paragraph 4 to Schedule 4

That the Agency may require the applicant to furnish further information for the purpose of determining the application;

Paragraph 4 to Schedule 4

That if the applicant fails to furnish the required further information within the specified period, the Agency may treat the failure as a deemed withdrawal of the application if it sends a notice to that effect.

Paragraph 15(2) to Schedule 4

For the purposes of calculating the time allowed for the Agency to determine your application, no account is taken of the period starting when this notice is served and ending on the date the applicant furnishes the specified information.

Regulation 30

If it appears to you that it would be contrary to the interests of national security for any information furnished in response to this notice to be entered on the public register, you may give notice to that effect to the Secretary of State. Please include a copy of any notice given with your response. Information so notified will not be entered on the Public Registers until the Secretary of State has determined it should be.

Regulation 31

You may apply to the Agency for any information that you provide in response to this notice to be excluded from the public registers on the grounds that it is commercially confidential. Please include any such application, together with reasons, with your response. The Agency will determine whether the information is commercially confidential and will notify you of its decision. If we decide it is commercially confidential, it will not be entered on the public registers. If we decide it is not commercially confidential, it will not be entered on the public registers until a period of 21 days from the notification has elapsed. During this period you would be able to make an appeal against our decision to the Secretary of State, and the information will not be entered on the public registers, if required, until your appeal is finally determined or withdrawn.

Regulation 32(1)(f)

It is an offence for a person to knowingly or recklessly make a statement in response to this notice which is false or misleading. Any person guilty of this offence shall be liable -

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both

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Data Protection Notice

Any personal information contained in this notice and any response to this notice will be processed by the Environment Agency to fulfil its regulatory functions. It may be disclosed to third parties in connection with the statutory functions of the Agency and will be placed on the relevant public registers. You have a right of access to the information you have provided and the right to apply to a court for rectification of that information, in accordance with data protection legislation.

07/01366/FUL A

SCHEDULE

1. Section B1.3.1 – Application Site Report (ENV/078/2006)

- a) Please provide annotation of the installation plan(s), clearly distinguishing between areas of buildings, hardstanding, concrete, tarmac and open ground (type to be described i.e. grass verge, shingle, gravel etc). Please also provide details of the hardstanding in the coal stockpile area.
- b) Please resubmit the site drainage/pipeline plans, references: Figure A6 (UKP/ATB/1058/AP2 & UKP/ATB/A091/AP1), Figure A7 (UKP/ATB/1060/AP3) and Figure A8 (UKP/ATB/160/AP3), (as a larger plan to a smaller scale) clearly identifying construction features (i.e. above/ below ground, open/closed to the surface) and including all material transfer & effluent drainage, manhole access, culverts, sump, soakaway and interceptor locations. It should be possible to identify the site drainage features in each of the site process and storage areas. It should be possible to identify the construction details of each feature. Please highlight where any above ground pipework passes over any areas not comprising of good quality concrete hardstanding.
- c) Please provide details of pollution prevention measures (for example shut off valves etc) which prevent the discharge of any surface spillage directly to the surface water other than the use of the interceptor.
- d) Please provide details of formalised inspection and maintenance procedures for areas where hardstanding is relied upon as a pollution prevention measure (i.e. in vicinity of storage tanks etc).
- e) Please provide details of any regular inspection procedures and integrity testing undertaken for tanks, pipework, drains and bunds.
- f) Please provide information on the construction and known integrity of all tanks, any sumps, soakaways, culverts and interceptors at the site.

07/01366/FUL A

- g) Please provide information for all bunds demonstrating that the bund construction (base and sides, plus any coatings/sealants or additional protection measures) and capacity (compared to tank capacities) is compliant with Box 5 of the Agency H7 Guidance.
- h) Please provide information for all bunds where pipework is routed through the bund wall highlighting whether or not the capacity of the bund below the pipework is Box 5 compliant (i.e. capacity of the bund below the pipework entering the bund is 110% of the largest tank or 25% of the total tankage whichever is greater).
- i) Please provide details of what containment measures are in place for containing any spillage from the effluent treatment tanks (for example bunding, concrete hardstanding, kerbing etc).
- j) Please clarify what secondary containment is provided for the external hose associated with Tank 11 (i.e. bund/kerb area / concrete hardstanding etc).
- k) Please highlight any activities / maintenance / inspection associated with the railway line.

2. Section B2.1 – In-process controls/Assessment of best available techniques

- a) Appraisal of Options for NO_x Reduction at Aberthaw Power Station, ENV/122/2006 – The assessment of best available techniques (BAT) for NO_x emissions reduction is not sufficiently rigorous, omits consideration of several potentially viable options and does not explore the benefits of the options in sufficient detail. Please submit a revised NO_x BAT assessment including the following additional options: single and dual unit Selective Catalytic Reduction (SCR), unit output de-rating. The assessment shall also use an appropriate methodology (e.g. Environmental Quotients as described in Horizontal Guidance Note H1 or similar) to more rigorously aid ranking of the option benefits. The sensitivity of the option costs to projected remaining station operating life and assumptions about SCR catalyst life shall also be explored by the assessment. Consideration of the viable options in relation to sector affordability shall also be made.

07/01366/FUL A

- b) Appraisal of Options for NO_x Reduction at Aberthaw Power Station, ENV/122/2006 – Please provide clarification of the reasons for elimination of the following options from the NO_x BAT assessment: advanced automated combustion control techniques (e.g. Geometric process control); coal selection; burner replacement/modification (e.g. cyclone burners with fuel pre-heat nozzles and venting to over-fire air). Where applicable these options shall be included in the revised NO_x BAT assessment requested under point a) above.
- c) Flue gas desulphurisation (FGD) options appraisal – Please provide a copy of the report: Salway, A.G., (2003), Appraisal of Options for FGD at Aberthaw Power Station, Innogy plc, InnogyOne, Swindon.
- d) Flue gas desulphurisation (FGD) options appraisal – Please provide a BAT assessment demonstrating that the proposed post-FGD flue gas re-heat temperature of 50°C is optimised to mitigate the impact of reduced plume buoyancy upon increased ground level concentration and localised deposition of pollutants.
- e) Marine discharge BAT assessment – The application does not contain proposals or assessment of options for the minimisation of discharges of List 1 and 2 Dangerous Substances into the Bristol Channel. Please submit a rigorous BAT assessment using the Horizontal Guidance Note H1 methodology or similar, including consideration of the following options: electrostatic precipitator extension, sodium tetrasulphide injection, zeolite sorbent injection, activated carbon and lime injection and high throughput bag filter installation, flue gas chlorine injection with low pH/oxidant dosed FGD pre-scrubber with waste water treatment, FGD seawater suspended solids removal, flue gas chemistry modification (e.g. chlorine scavenging), coal pre-treatment and selection.
- f) Combustion controls – Please describe in more detail the current controls and procedures employed to ensure that combustion is optimised and emissions minimised. The systems covered shall include coal selection, testing and trials; coal mill control, including particle size distribution; boiler burner configuration and combustion air control, start-up and shutdown optimisation.
- g) Air quality management - Please describe in more detail the current and proposed future controls to be employed to ensure that local air quality standards and objectives are achieved under abnormal operating conditions and adverse weather patterns.

07/01366/FUL A

- h) FGD process control - Please describe the measures proposed for the control of the seawater FGD process, including, but not limited to: absorber seawater flow rate and outlet temperature; absorber flue gas pressure drop, entrained moisture and re-heat exit temperature; seawater treatment plant pH, dissolved oxygen and suspended solids.

3. Section B2.4 – Raw Materials

- a) Coal diet: it is noted that only indicative coal composition details have been provided. Please provide composition details of proposed future coal diet, particularly for operation post-FGD installation when trace element content of coals will have particular importance in terms of marine discharges of List 1 and 2 Dangerous Substances. Provide justification for coal selection in terms of sulphur content vs. FGD performance, volatile matter content vs. NO_x performance, List 1 and 2 Dangerous Substances content vs. marine effluent load and leachability during storage.
- b) Please confirm that all caustic soda used for boiler water treatment ion-exchange resin regeneration is membrane cell grade with maximum mercury content of 0.15 ppm w/w.
- c) The application contains conflicting data regarding town's water (supplement water) usage rates. Please confirm the actual town's water usage rate for 2004 and 2005.

4. Section B2.5/6 – Waste handling/recovery/disposal

- a) Please provide estimates of quantities of waste sludge/solids accumulating in FGD seawater handling systems and details of proposed handling and recovery/disposal of such waste streams.

07/01366/FUL A

5. Section B2.7 – Energy

- a) The Environment Agency is aware that corrosion of condenser tubes has resulted in periodic leakage of seawater into the steam/condensate circuit at Aberthaw power station. Please provide an estimate of any adverse effects upon unit efficiency of such leakage due to excessive blow down rates or condenser performance deterioration, both historically and currently. Please also provide details of procedures and controls used to ensure that station efficiency related to condenser performance is optimised.
- b) Please provide an assessment of the potential for implementation of the following energy efficiency improvement measures at Aberthaw power station: improved pump/fan drive efficiency for existing and proposed new plant, evaporator scorification, blow-down heat recovery and further preheating of boiler feed water with steam.

6. Section B2.8 – Accidents

- a) The Environment Agency is aware from previous inspection activity that gas oil tanks 1 and 2 are installed in bunds with concrete floors that do not extend underneath the tanks. Please clarify the operational status of these tanks since the commencement of FGD enabling works and what actions have or will be taken to upgrade the bunds to meet BAT standards if these tanks remain in use.
- b) Please clarify and provide relevant examples (e.g. vessel overfill protection) of the extent of environmentally critical process automation, back-up, soft and hard-wired interlocking and shutdown systems associated with the existing and proposed extended installation.
- c) Oil-filled transmission cables are present at the power station. These are claimed to be the responsibility of National Grid. Please confirm that no oil-filled cables are present within the installation boundary or clarify how RWE npower maintain control over the integrity management of any cables within the installation boundary.
- d) Please provide details of the infrastructure and procedures that are in place to ensure site security.

07/01366/FUL A

7. Section B2.9 – Noise

- a) Please clarify the reasons for the apparently high variability of the background noise levels identified at the sensitive receptors and confirm that these background levels were determined with no operational activities taking place.
- b) Please provide a summary of the noise rating levels (L_{AR} , T_r) at the sensitive receptors measured under a representative range of operating conditions.
- c) Please confirm the detailed specification of the noise control measures proposed in relation to new plant and equipment associated with the seawater FGD process and the biomass handling facility, with particular attention to the FGD ID booster fan and the biomass hammer mills.

8. Section B2.10 – Monitoring

- a) Please provide details of the ambient air quality monitoring undertaken as part of the power station air quality management plan. Details shall include relevant technical standards applied and how they are achieved.
- b) Please provide details of the ambient dust deposition monitoring undertaken to assess fugitive emission levels. Details shall include relevant technical standards applied and how they are achieved.
- c) Please provide details of the proposed monitoring arrangements for the control of FGD absorber and seawater treatment plant performance. Details shall include relevant technical standards applied and how they will be achieved.
- d) Please provide details of the proposed monitoring arrangements for discharges of Dangerous Substances from the FGD process and other power station operations, with reference to how the requirements of Council Directives 76/464/EEC, 84/156/EEC and 83/513/EEC will be met.

07/01366/FUL A

9. Section B2.11 – Closure

- a) Please provide demonstration that the proposed FGD process has been designed and will be constructed so as to ensure that decommissioning is facilitated. Particular attention shall be given to underground/below surface structures, their integrity management and monitoring.

10. Section B4.1 – Assessing the impact of emissions

- a) IPPC H1 Environmental assessment for Aberthaw power station, ENV/114/2006 – Screening of marine discharges uses a coastal dispersion rate of $250 \text{ m}^2/\text{s}^{2/3}$. Please describe how this rate has been derived with reference to the nominal “high” coastal waters dispersion rate of $25 \text{ m}^2/\text{s}^{2/3}$ given in HGN IPPC H1. Confirmation is required that the rate used is representative of dispersion conditions locally at the outfalls rather than in the wider Bristol Channel. Please resubmit the screening assessment using the most appropriate dispersion rate for local impacts. Note also that the discharge is made into the Bristol Channel rather than the Severn Estuary.
- b) IPPC H1 Environmental assessment for Aberthaw power station, ENV/114/2006 – Please confirm that the screening of marine discharges for iron includes the contribution from ferrous ion dosing of the FGD absorber seawater effluent.
- c) IPPC H1 Environmental assessment for Aberthaw power station, ENV/114/2006 – Screening of air quality impacts does not use the latest air quality target values for arsenic, nickel, hydrogen fluoride and hydrogen chloride. In addition the assessments have omitted fluorine and inorganic fluorides, hydrogen bromide and hydrogen iodide. Please resubmit the screening assessment incorporating these aspects.
- d) Impact of significant aquatic emissions, ENV/088/2006, Section B4.1.1 - Description of the Quality and Receptor sensitivity of the Receiving waters/Table 5.2 EQS values for dissolved constituents. Note that the River Thaw is a designated Salmonid fishery under Fresh Water Fish Directive. The impact of unionised ammonia, total ammonium salts, BOD, chlorine, DO, nitrite and phosphate discharges associated with the proposed FGD process and current station operation need to be assessed, where appropriate.

07/01366/FUL A

- e) Impact of significant aquatic emissions, ENV/088/2006, Section 7.2 Numerical Scheme - Although the model has previously been agreed to be fit for purpose, the scheme for the cell that receives the discharge has been amended. The new approach, 'Implicit Upwind Iterative Backward Difference scheme', is not adequately explained and its suitability needs to be agreed. How does this approach differ from that originally used for the Section 36 Application? It is stated that this approach is not suitable for calculations in other cells as it can under predict estimated concentrations. Please confirm that it does not under estimate concentrations in the discharge cell. This is particularly of concern when running on the larger grid FAR FIELD model. When running in the FAR FIELD mode it is not adequately explained how results for the 'out falls' location are calculated, i.e. how much dilution is allowed. Please clarifying these points and provide updated model output data if necessary.
- f) Impact of significant aquatic emissions, ENV/088/2006, Section 7.4.4 Predicted temperature - The scale used for the graphical representation of temperature profiles make them very difficult to read. Please provide higher resolution plots of the affected coastline area in order to improve data interpretation.
- g) Impact of significant aquatic emissions, ENV/088/2006, Section 7.5.2 Environmental effects of pH – globally marine pH levels are reported to be falling due to increasing atmospheric carbon dioxide concentrations. Please provide an assessment of whether or not such effects are likely to alter the conclusions of the current pH impact assessment over the projected operating lifetime of the seawater FGD process.
- h) Impact of significant aquatic emissions, ENV/088/2006, Section 7.6.1 The FDG process and Nitrate - It is stated that further tests are being carried out to better understand the relationship between NO_x and NO₂ in Aberthaw power station flue gas. Please provide the results of these tests and reassess the environmental impact, if necessary using worst case assumptions, i.e. 90% removal of NO₂ from the flue gas by the FGD process.
- i) Impact of significant aquatic emissions, ENV/088/2006, Sections 7.6. Nitrate, 7.7 Copper, 7.8.Mercury - Please provide graphical representation of modelled water column concentration profiles at sufficient resolution so that individual 60 metre concentration contours can be read. The graphical plots shall also clearly show the location of the discharge out falls and sensitive receptors.

07/01366/FUL A

- j) Impact of significant aquatic emissions, ENV/088/2006, Section 7.8.3 Mercury Modelling - It is stated that mercury is now of less concern because the FGD process is now better understood. It is not clear how mercury behaviour in the FGD process is better understood without reference to specific information obtained from operating plant. It is known that recent operational trial work at Kilroot power station in Northern Ireland suggested that up to 42% of the mercury presented to the seawater FGD absorber was removed from the flue gas. Please provide worst-case assessments of marine mercury discharge impact based upon 42% mercury removal rates, worst-case sediment/water column partitioning, including consideration of the effect of pH depression upon mercury speciation, and the highest mercury levels expected in actual coal sources likely to be fired at Aberthaw power station.
- k) Impact of significant aquatic emissions, ENV/088/2006, Section 7.8.5 - The approach of discounting the highest 0.6% of data has not been previously agreed. Are the results shown in Figure 7.5 repeated for other determinands?
- l) Impact of significant aquatic emissions, ENV/088/2006, Section 7 Assessment of Potential for Impacts - The potential for bio-accumulation of metals in biota in the locality of the seawater out falls has not been assessed quantitatively. Please provide an assessment of predicted mercury, cadmium, copper, chromium, iron, lead and selenium contamination levels in relevant marine species after start up of the seawater FGD process using an appropriate methodology and based upon the worst-case predicted discharges of these pollutants. The assessment shall demonstrate that the standstill provisions of the Dangerous Substances Directive 76/464/EEC and daughter directives for List 1 substance concentrations in biota tissue will be met in the vicinity of the seawater out falls under the worst-case emissions scenario. If the predicted contaminant levels are above guideline values or show increases above current background levels an assessment of impact associated with human consumption of relevant local fishery catches shall be undertaken. These assessments shall use local existing contaminant concentration data where possible. Alternatively, bio-concentration factors appropriate to the discharge conditions, i.e. high sulphate, low pH seawater, shall be used. It should be noted that environmental survey work to gather contamination levels in biota would be best carried out during February/March if this data is not already available. It is also currently anticipated that a local baseline survey of contaminant concentrations in the water column, sediments and biota will be required before additional discharges of relevant Dangerous Substances are permitted.

07/01366/FUL A

- m) Air quality impact assessment for Aberthaw power station, ENV/075/2006 – The post-FGD scenario with FGD shut down does not appear to be worst-case. It is not clear why only a single unit in isolation operating at 50% load without FGD is considered. Please justify elimination of the following scenarios: all three units operating at 50% load without FGD, one unit at 50% load without FGD and two units operating at full load with FGD or provide additional air quality impact assessments for these operating scenarios.
- n) Air quality impact assessment for Aberthaw power station, ENV/075/2006 – FGD is projected to be non-operational for "a small fraction of the year". Please provide a quantified estimate of FGD availability, based upon data for existing seawater FGD unit operations and describe how local air quality impacts will be controlled during these periods.
- o) Air quality impact assessment for Aberthaw power station, ENV/075/2006 – The sensitivity of modelling results to terrain effects has been carried out. Please confirm that the terrain effects associated with the current and future proposed profile of the pulverised fuel ash landfill mound have been eliminated as part of this process or undertake further modelling sensitivity analysis.
- p) Air quality impact assessment for Aberthaw power station, ENV/075/2006 – Please confirm that the post-FGD stack discharge temperature of 50°C is a guaranteed minimum operating temperature and explain how any projected deterioration in the re-heat exchanger performance during unit operating cycles has been taken into account.

ENDS

Lucas, Martin

07/01366/FUL

B

To: stevehydeengland@aol.com

Subject: Aberthaw power station and cement works

Mr Hyde

I can confirm that we have an application for a kiln feed elevator at the cement works to replace an existing system. It will form part of the main mass of large buildings at the works and will be an enclosed vertical elevator 60 metres in height to feed material from the silos to the kilns. The new structure will be approx 660 metres from your property. It's not easy to describe the structure as it has the appearance of plant or machinery but the plans are available for inspection at this office if you want to see them.

That application will be reported to the Planning Committee on 13th December so I will need any comments by the end of next week.

Your concerns re noise and other disruption from the proposed stack on the processing building on the power station are noted and will be drawn to the attention of Members when that application is considered.

Martin Lucas
Senior Planner Minerals

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

From: stevehydeengland@aol.com [mailto:stevehydeengland@aol.com]

Sent: 12 November 2007 10:09

To: MRLucas@valeofglamorgan.gov.uk

Subject: Re: Aberthaw Ash Recycling Plant: application for new stack

Thanks for that martin.

My main concern will be whether there will be any noise or other disruption to our quality of life here in the hamlet associated with the building and operation of this item.

Whilst we are in contact could I mention a separate issue please. Another resident told me there had been an item in the GEM about the use of MBN at Lafarge cement works. I am aware of this of course but they mentioned to me that there was a planning application in for a large mechanical conveyor belt to replace the current system. Again I will be concerned about this both in terms of noise associated with the operation and also in terms of visual impact on our area. I am increasingly concerned that emissions and noise are constantly increasing as both the power station and the cement works expand and develop. Each development adds to the problems. I do feel that both parts of Aberthaw are constantly under threat due to this and that some kind of coordinated plan to look after the area is needed. Few areas of the Vale face so many problems.

Anyway thanks for the information.

Steve Hyde

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

From: Lucas, Martin <MRLucas@valeofglamorgan.gov.uk>

To: Choo Yin, Candido <CChooYin@valeofglamorgan.gov.uk>; James, Jeffery (Cllr)

<HJWJames@valeofglamorgan.gov.uk>; 'stevehydeengland@aol.com'

<stevehydeengland@aol.com>; 'kgneighbour@btinternet.com'

<kgneighbour@btinternet.com>

Sent: Mon, 12 Nov 2007 8.41am

07/01366/FUL

C

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



Chief Planning Officer, VOG Council,
Dock Offices, Barry

22 November 2007 *Cyfeillion y Ddaear*

Fax 01446 704847

Objection to RWE Aberthaw Ash Recycling Plant – planning application for new stack

The ash-recycling plant including its new stack is defined by the EA as a directly associated activity of the main combustion activity (ANNEX A – e-mail from Tony Leahey). As part of the power station installation, its construction is a modification to that installation and process.

As a modification to a Schedule 1 EIA installation (s.2(a)), this application qualifies as Schedule 2 EIA if it is "likely to have significant effects on the environment by virtue of factors such as its nature...". The fact that ammonia abatement has had to be added to the plant – with sea-water washing determined as BAT by the EA – establishes that the impact was likely to be significant without this (or if the sea-water wash breaks down). The requirement for the high stack of the present application is additional confirmation.

We understand there was no EIA when the ash recycling/block-making plant was originally approved. This adds force to the need to regularise the situation by requiring an Environmental Statement at this stage. Schedule 3 requires consideration of cumulative effects. As the ash recycling plant is being developed concurrently with the FGD plant, thresholds apply in combination as well as separately. It needs to be re-considered as EIA development and the appropriate documents to be submitted.

We note that RWE submitted further information on 9th Nov. (ANNEX A - Anna Bendall to M Lucas). <<Ground Level Impacts of the Aberthaw Ash Recycling Plant gs927 versMP.doc>>
That document qualifies as Reg. 19 'Further Information' and for public comment under Reg.19(3)

We are aware that RWE has prepared several further documents that supplement the EIA of the FGD plant modifications to the power station, which were submitted to the Environment Agency in response to the 26 July 2006 Schedule 4 Notice (separate e-file). Some of this information had a bearing on air pollution assessment (ANNEX B examples) and is relevant to the present application. This information could be but has not been submitted as part of an Environmental Statement for the ash-recycling plant modifications.

The processes in the plant involve:

- # drying the ash and stripping ammonia (entrained via flue gas conditioning)
- # seawater wash of the separator air stream to take out the ammonia
- # re-burn of the ash to reduce the carbon content to condition it for block-making;

In the third process, the more volatile trace metals are likely to be released. The EA cites mercury of which 42% is taken out in the Kilroot sea-water wash, so the majority is available for release in the re-burn process. Lead is similarly available, also cadmium, nickel and vanadium to lesser extent. The EA Sched. 4 Notice required worst-case assessments of mercury "based upon 42% mercury removal rates... and the highest mercury levels expected in actual coal sources likely to be fired at Aberthaw power station".

The case officer has informed local people that the stack emissions will be ammonia, CO2 and water vapour. However, the EA is licensing the stack for emissions under two headings:

A5 [25 metre high single flue stack located at NGR ST03058 65958]
Particulate Matter and entrained droplets

07/01366/FUL

C

PFA recycling plant seawater scrubber
No visible release

A5 [25 metre high single flue stack located at NGR ST03058 65958]

PFA recycling plant seawater scrubber
Ammonia 2 mg/m³

The public and perhaps the Council have not been informed of the particulates. The EA did not ask in the Sched.4 questions for information on trace metals. We know cadmium, mercury and lead are in the metal-enriched coatings on flyash micro-particles – the cadmium in particular is found to come off in RWE's leaching tests. These three all vaporise at relatively low temperatures and all are likely to be present in the re-burn gases.

The EA say (ANNEX A) they have not considered the block-making process, and would need a license variation to permit that. Their 'no comment' on the present application may therefore depend on this misunderstanding. They should be asked to comment on the potential emissions of toxic trace metals and assist with evaluation of this issue. It might imply an increase of stack height, the immediate subject of this application.

We question if the stack is sufficiently high to disperse the potentially harmful plume. To check the stack height calculation, there should be sufficient information not only on the efflux velocity, discharge rate and temperature, but also on close-by buildings (within 5 stack heights) that might disturb the plume via downwash etc. As the 53 metre ash mound is about twice the stack height, dispersion modelling is needed. RWE was required to conduct dispersion modelling for the main (153m) stack that took the mound into account (Schedule 4 Notice); the mound is clearly of greater significance for dispersion of the ash-plant's plume.

We therefore object to this planning application until

- a) sufficient information on the emissions is obtained and released for public consideration and/or
- b) this information is supplied as part of an amended EIA application in parallel with the PPC application covering the power station development.

Max Wallis
Barry & Vale Friends of the Earth

Attached file RP3133LD further information notice 1.pdf

ANNEX A

RE: Aberthaw generating station PPC - Ref. RP3133LD

Date sent: Thu, 22 Nov 2007 17:51:18

The quoted correspondence refers to the "ash recycling plant" that was included within the scope of the original PPC permit application. The Environment Agency also requested further information relating to the proposed activity during the determination, which was placed upon the public register. This aspect of the power station operation was, therefore, included within the scope of the original application consultation process. The draft PPC permit does include the proposed ash recycling process as a directly associated activity of the main combustion activity.

I am not aware that the ash recycling process includes block-making facilities and such activity is not included within the scope of the current draft PPC permit. This activity would require an application for variation after issue of the PPC permit.

I hope that the above provides sufficient clarification. Please let me know if you have any further queries.

Tony Leakey
PPC Compliance Team

07/01366/FUL

C

From: Lucas, Martin
Sent: 12 November 2007 11:12
To: James, Jeffery (Cllr)
Subject: RE: Aberthaw Ash Recycling Plant: application for new stack

Cllr James

That is correct. The Agency have confirmed that the requirement for the stack has been agreed with them as part of the impending PPC permit application for the station and as such they have no adverse comment to make on the planning application.

Martin Lucas
Senior Planner Minerals

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

From: Bendall, Anna [mailto:ANNA.BENDALL@RWEpower.com]
Sent: 09 November 2007 15:38
To: MRLucas@valeofglamorgan.gov.uk
Cc: Marner, Peter; Salway, Geoff; Picton, Mark
Subject: Ground Level Impacts of the Aberthaw Ash Recycling Plant

Martin,

As requested, please find attached a short summary of ground level impacts of the ash recycling plant in relation to ammonia.

If you have any queries about this please refer them to Peter Marner as I will be on leave / out of the office all next week.

Kind regards,
Anna Bendall

<<Ground Level Impacts of the Aberthaw Ash Recycling Plant gs927 versMP.doc>>

ANNEX B

10. Section B4.1 – RWE response Assessing the impact of emissions to 26 July06 Schedule 4 Notice. *Air Pollution Questions*

- a) Environmental assessment for Aberthaw power station, ENV/114/2006 – Screening of air quality impacts does not use the latest air quality target values for arsenic, nickel, hydrogen fluoride and hydrogen chloride. In addition the assessments have omitted fluorine and inorganic fluorides, hydrogen bromide and hydrogen iodide. Please resubmit the screening assessment incorporating these aspects.
- b) Impact of significant aquatic emissions, ENV/088/2006, Section 7.8.3 Mercury Modelling - It is stated that mercury is now of less concern because the FGD process is now better understood. It is not clear how mercury behaviour in the FGD process is better understood without reference to specific information obtained from operating plant. It is known that recent operational trial work at Kilroot power station in Northern Ireland suggested that up to 42% of the mercury presented to the seawater FGD absorber was removed from the flue gas. Please provide worst-case assessments of marine mercury discharge impact based upon 42% mercury removal rates, worst-case sediment/water column partitioning, including consideration of the effect of pH depression upon mercury speciation, and the highest mercury levels expected in actual coal sources likely to be fired at Aberthaw power station.
- c) Air quality impact assessment for Aberthaw power station, ENV/075/2006 – The sensitivity of modelling results to terrain effects has been carried out. Please confirm that the terrain effects associated with the current and future proposed profile of the pulverised fuel ash landfill mound have been eliminated as part of this process or undertake further modelling sensitivity analysis.

Thomas, Rob

07/01366/FUL

C

From: Lucas, Martin
Sent: 26 November 2007 11:03
To: 'wallismk@Cardiff.ac.uk'
Cc: Thomas, Rob; Goldsworthy, Marcus J
Subject: Aberthaw power station: application for new stack.

Mr Wallis.

I acknowledge receipt of your emailed letter of 22nd November, which will be taken into account when the application is considered by the Planning Committee.

As the proposal is not for the generation of electricity (and in any event the area of the recycling building is less than 0.5 ha) the Council is of the view that an Environmental Assessment is not required in this case. Also there is no mention of a block-making plant in either the original or current applications.

Martin Lucas
Senior Planner Minerals

Thomas, Rob

07/01366/FUL

C

From: Max Wallis [wallismk@Cardiff.ac.uk]
Sent: 27 November 2007 10:03
To: Lucas, Martin
Cc: Thomas, Rob; Goldsworthy, Marcus J; Barry&ValeFoE; kgneighbour@btinternet.com; Norman.Allen@environment-agency.wales.gov.uk
Subject: Re: Aberthaw power station: application for new stack.



ATT01519.txt (569 RWEsiteplan-SE.pdf
B)

(2 MB)

Dear Mr Lucas.

Thank you for your e-mail acknowledging Friends of the Earth's objection and indicating why you have not yet required EIA.

Please say why you consider the development to be under 0.5 ha. Whether or not it's written in the application, the company and the Council have portrayed it as a plan for making building blocks from the flyash - this would be the first stage of the plan, needing associated stores, yards and transport facilities. There is law preventing companies dividing up a development project in order to get under thresholds in size, so we expect the Council to be watchful on this score and require RWE to describe their future plans for the overall site.

On the EA map the site is about 3 ha; the areas of hardstanding together with buildings is about 0.7 ha. I attach the map - if you are using another one, please justify using that and if possible supply a copy.

Please explain why you disagree with the EA's decision on the power station licensing (apparently accepted by RWE) that the ash reprocessing is "directly associated activity", including the dispatch of the product to customers.

We would add to our objection:

- # absence of details concerning storage and transport of the input and product flyash. The latter is dry and need special containment in the light of declaration of the need for careful controls to abate fugitive emissions. The EA licence specifies nothing on this.

- # absence of any proposals for loading product flyash into rail wagons on the opposite side of the river, despite the Council and WAG policy favouring rail transport.

- # absence of any proposals for drainage waters from the hardstanding, at least the parts of it to be used for the current proposals, including bunds and oil traps.

On 26 Nov 2007 at 11:03, Lucas, Martin wrote:

- > I acknowledge receipt of your emailed letter of 22nd November, which
- > will be taken into account when the application is considered by the
- > Planning Committee.

>

- > As the proposal is not for the generation of electricity (and in any
- > event the area of the recycling building is less than 0.5 ha) the
- > Council is of the view that an Environmental Assessment is not
- > required in this case. Also there is no mention of a block-making
- > plant in either the original or current applications.

>

- > Martin Lucas
- > Senior Planner Minerals

>

>

>

>

> *****

Max Wallis 029 20 21 0708 / 87 6436
Barry & Vale Friends of the Earth
14 Robert St, Barry, Vale of Glamorgan

Thomas, Rob

07/01366/FUL

C

From: Thomas, Rob
Sent: 27 November 2007 14:24
To: 'Max Wallis'
Cc: Lucas, Martin; Goldsworthy, Marcus J
Subject: RE: Aberthaw power station: application for new stack.

Mr Wallis,

Thank for your e mail. A substantive response will be issued, once I have had an opportunity to consider the issues raised.

Rob Thomas
Head of Planning and Transportation

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

From: Max Wallis [mailto:wallismk@Cardiff.ac.uk]
Sent: 27 November 2007 10:03
To: Lucas, Martin
Cc: Thomas, Rob; Goldsworthy, Marcus J; Barry&ValeFoE; kgneighbour@btinternet.com; Norman.Allen@environment-agency.wales.gov.uk
Subject: Re: Aberthaw power station: application for new stack.

Dear Mr Lucas.

Thank you for your e-mail acknowledging Friends of the Earth's objection and indicating why you have not yet required EIA.

Please say why you consider the development to be under 0.5 ha. Whether or not it's written in the application, the company and the Council have portrayed it as a plan for making building blocks from the flyash - this would be the first stage of the plan, needing associated stores, yards and transport facilities. There is law preventing companies dividing up a development project in order to get under thresholds in size, so we expect the Council to be watchful on this score and require RWE to describe their future plans for the overall site.

On the EA map the site is about 3 ha; the areas of hardstanding together with buildings is about 0.7 ha. I attach the map - if you are using another one, please justify using that and if possible supply a copy.

Please explain why you disagree with the EA's decision on the power station licensing (apparently accepted by RWE) that the ash reprocessing is "directly associated activity", including the dispatch of the product to customers.

We would add to our objection:

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On 26 Nov 2007 at 11:03, Lucas, Martin wrote:

- > I acknowledge receipt of your emailed letter of 22nd November, which
- > will be taken into account when the application is considered by the
- > Planning Committee.

- >

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- > event the area of the recycling building is less than 0.5 ha) the
- > Council is of the view that an Environmental Assessment is not
- > required in this case. Also there is no mention of a block-making
- > plant in either the original or current applications.

- >

- > Martin Lucas

> Senior Planner Minerals

>

>

>

> *****07/01366/FUL C*****

Max Wallis 029 20 21 0708 / 87 6436

Barry & Vale Friends of the Earth

14 Robert St, Barry, Vale of Glamorgan

Thomas, Rob

2007/01366/AL

APPENDIX C

From: Lucas, Martin
Sent: 27 November 2007 10:18
To: Thomas, Rob
Subject: FW: Aberthaw Ash Recycling plant - new stack application



ATT08429.txt (590 AberthawAsh-plant ATT08430.txt (590 RP3133LD further
B) - FoE toVoG ... B) information n...

As requested

ML

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

From: Max Wallis [mailto:wallismk@Cardiff.ac.uk]
Sent: 23 November 2007 00:25
To: Lucas, Martin
Cc: developmentcontrol@valeofglamorgan.gov.uk; Barry & Vale FoE;
kgneighbour@btinternet.com; SteveHydeEngland@aol.com; PNStephens@aol.com
Subject: Aberthaw Ash Recycling plant - new stack application

Dear Mr Lucas,

Please find attached our objection to the Ash Plant proposal together with the file of the EA Schedule 4 Notice that we cite. We should appreciate confirmation that you will seek extra information from RWE and the EA as we propose.

Max Wallis 029 20 21 0708 / 87 6436
Barry & Vale Friends of the Earth
14 Robert St, Barry, Vale of Glamorgan

APPENDIX 'A'



HERBERT R THOMAS

CHARTERED SURVEYORS, AUCTIONEERS, VALUERS & ESTATE AGENTS

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

Tel 01446 772911 Fax 01446 776378 E-mail property@hrt.a-i-s.co.uk www.hrt.uk.com

06/01541

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: 6th December 2006

Direct Line: (01446) 776370

Email: wpt@hrt.a-i-s.co.uk

Dear Sir,

Planning Application No. 2006/0151⁴/RA3: Land Adjacent to Cogan Hall Farm,
Penarth

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 14th 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, FRAV, Andrew R. Thomas, BSc (Land Man), MRICS, FRAV, Robert P. Calcaterra, FNALIA.
W. Philip Thomas, Dip (Estate Man), MRICS, FRAV. Associate: Matthew T. Jarrold, BSc (Land Man), MRICS, FRAV.
Howell J. Edwards, BSc (Estate Man), FRICS, FRAV. Tim Vaughan, BSc (Hons) MRICS
Consultants: Robert Thomas, MA (Dip. Est Man), Cantab, FRICS, FRAV, Alison Ginn, BSc MRICS, FRAV.

VAT Reg No. 134 5476 67

06/01541/R93² 'A'

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/R93

8th December, 2006.

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

'A'

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

'A'

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 lose 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

'A'

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.

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

APPENDIX 'A'

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

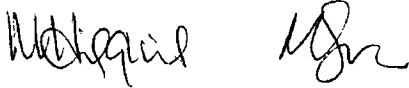
The last point we would greatly appreciate your consideration on is the re-opening of the footpath which runs in front of the cottages.

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

A'

APPENDIX 'A'

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.

'A'

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 Rudlyn
Dr. A.J. Blethyn


Dr. W.T. Young

06/01541/REQ3

'C'

B
2006/01541/RG3

P. 310



Mr R Thomas
Head of Planning
Vale of Glamorgan Council

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simon.leach@burgess-salmon.com

By Fax 01446 704622 and post

Our ref: SL02/PW02/8311.9999/LEACH

Your ref: 2006/01541/RG3

8 October 2007

When telephoning please ask for: Simon Leach

Dear Sirs

Land adjacent to Cogan Hall Farm, Penarth
Tenant: Trevor John Bailey

We have been instructed to act on behalf of Mr T J Bailey of Old Cogan Hall Farm, Sulley Road, Penarth, Vale of Glamorgan CF64 2TQ.

We have been instructed to write to you in connection with Mr Bailey's tenancy and a number of issues that arise in connection with plans to develop the farm. Our client's tenancy is a tenancy within the meaning of the Agricultural Holdings Act 1986.

We have only just been instructed and understand from our client that there is a meeting of the relevant Committee on Wednesday 10 October. Our client informs us that it was only yesterday that he saw the report that is being placed before the Committee.

Clearly we need time to investigate this matter with our client. We understand that you have already received correspondence from our client outlining a number of concerns about the development and the contents of the report.

We are writing so that you can note our interest and more importantly to request that the Committee defers consideration of the application on Wednesday so that we can have time to consider this with Mr Bailey.

Given the meeting is to take place on Wednesday, we have sent this letter by fax. Please acknowledge safe receipt and confirm that copies of this letter will be provided to the Committee members.

Yours faithfully

BURGESS SALMON LLP

WORK\6543382\w.1

Also at: Chancery Exchange 10 Fumival Street London EC4A 1AB
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Direct Dial: 01453 700622

Direct Email Simon.leach@loxleylegal.com

For the attention of Mrs J M Crofts
The Vale of Glamorgan Council
Planning & Transportation
Dock Office
Barry Docks
Barry
CF63 4RT

Sent by email: Planning&Transport@valeofglamorgan.gov.uk

Our Ref: SSL/1037.1

Your Ref: P/DC/JMC/2006/01541/RG3 13 November 2007
(Dictated 12 November 2007)

Dear Sir

Town and Country Planning Act, 1990 (as amended)
Application No. 2006/01541/RG3
Proposal: Layout and landscaping of public open space
Location: Land adjacent to Cogan Hall Farm, Penarth

Thank you for your letter dated 10 October addressed to Burges Salmon. We should be grateful if you could note that we have now been instructed to act on behalf of Mr Bailey and all further communications in this matter should be sent to us. We understand that there is a meeting of the Planning Committee this Wednesday 14 November at which the above application is again to be considered.

We met our client last Friday 9 November. We have only just had an opportunity to meet with our client and have obtained a substantial number of papers from him. We have yet to review these in detail and apart from those we are waiting for the solicitors previously retained by them in 2003 to send us their file of papers. They have called us today and told us they are retrieving their files from archives. It will be at least a few days before they are sent to us. Once we have had an opportunity to review all of those papers and take further instructions from our client then we shall be in a position to write to you substantively in connection with this particular application.

Therefore, our client requests that the application is deferred so we can write in detail. We think it will be common ground that the Council should make a properly reasoned and informed decision. Without a detailed letter on behalf of our client, the Council risks taking a decision that is not fully informed. That should be avoided.

One matter is raised now and although we have had only limited time in which to consider it, it seems to be of some importance.

The matter arises in this way:

- 1 We are instructed by our client that the above application includes an area of land that was the subject of an earlier application under the reference 02/00061/FUL. That application was received by the Council on 18 January 2002.

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Judith Bell
Michael Johnstone
Simon Leach

2006/01541/RES

- 2 On 11 August 2003, the Chief Executive of the Council gave an undertaking to our client, inter alia, that the planning permission 02/0061/FUL would not be implemented by the Council. There is also an earlier undertaking in similar form in May 2003.
- 3 Our client instructs us that this application, 2006/01541/RG3, relates substantially to the same land as 02/00061/FUL. If that is correct, then it appears that the Council is trying to avoid the undertaking referred to above. Perhaps we have misunderstood the position – if that is the case, please explain how.
- 4 Leaving to one side issues relating to the merits of the application, as a preliminary point, this must first be addressed. No reference is made to the undertaking in the report on this issue which was put before the Committee on 10 October.
- 5 Meanwhile, the point about the undertaking needs to be addressed. Taking this and the need for a substantive reply into account, the appropriate course of action is for any decision to be deferred. We look forward to receiving confirmation that you agree with that proposal.
- 6 As before, we should be grateful if you could ensure that copies of this letter are provided to the Committee members.

We look forward to hearing from you.

Yours faithfully



LOXLEY LEGAL SERVICES LLP

c.c.: drthomas@valeofglamorgan.gov.uk

MEMORANDUM / COFNOD

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



2006/01541/REG3

To / I:	Rob Thomas
Dept / Adran:	Head of Planning & Transportation
Date / Dyddiad:	14 th November 2007
Your Ref / Eich Cyf:	

From / Oddi Wrth:	Chris Fray
	Head of Economic Development & Leisure
My Ref / Fy Cyf:	HED&L/CF/lje3
Tel / Ffôn:	(01446) 704630
Fax / Ffacs:	(01446) 704622

Subject / Testyn: **Planning Application Ref. 06/01541/REG3**
Proposed Layout and Landscaping of Public Open Space, on
Land Adjacent to Cogan Hall Farm, Penarth

I refer to the above planning application, which is due to be considered by Planning Committee on 15th November 2007.

I have discussed the area shown in the planning application for public open space use, with my Legal and Estates colleagues and am writing to confirm that the area delineated in the plan accompanying the application does not include land which is subject to a tenancy agreement with Mr T J Bailey.


Chris Fray

Head of Economic Development and Leisure

c.c. Marcus Goldsworthy, Development Control
Lorna Cross, Estates
Irene Thornton, Legal Services