

M. Goldsworthy

Notice of Meeting PLANNING COMMITTEE

Date and time of Meeting THURSDAY, 17TH JANUARY, 2008 AT 6.00 P.M.

Venue COMMITTEE ROOM NO. 2, CIVIC OFFICES

Agenda

PART I

- 1. Apologies for absence.**
- 2. Minutes.**
- 3. To receive declarations of interest under the Council's Code of Conduct.**
(Note: Members seeking advice on this item are asked to contact the Monitoring Officer at least 48 hours before the meeting).
- 4. Report of the Vale of Glamorgan Conservation Advisory Group held on 3rd January, 2008.**

Reference -

- 5. Cardiff Local Development Plan - Preferred Strategy Report October 2007: Cabinet - 12th December, 2007.**

Report of the Director of Legal, Public Protection and Housing Services -

- 6. Site Inspections - 13th December, 2007.**

Correspondence is welcomed in Welsh or English/Croesawir Gohebiaeth yn y Gymraeg neu yn Saesneg

Reports of the Director of Environmental and Economic Regeneration -

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13. Any items which the Chairman has decided are urgent (Part I).

PART II

THE PUBLIC AND PRESS MAY BE EXCLUDED FROM THE MEETING DURING CONSIDERATION OF THE FOLLOWING ITEM(S) IN ACCORDANCE WITH SECTION 100A(4) OF THE LOCAL GOVERNMENT ACT 1972.

14. Any items which the Chairman has decided are urgent (Part II).

John Maitland Evans
Chief Executive

11th January, 2007

Local Government (Access to Information) Act 1985

Inspection of background papers - In the first instance enquiries should be made of Mr. C. Hope 01446 (709855).

E-Mail: chope@valeofglamorgan.gov.uk

To the Members of the Planning Committee:

Chairman: Councillor A.D. Dobbinson;

Vice-Chairman: Councillor Ms. R.M. Birch;

Councillors: R.J. Bertin, Mrs. M.E.J. Birch, G.A. Cox, A.M. Ernest, E. Hacker, A.D. Hampton, Mrs. V.M. Hartrey, M.R. Harvey, F.T. Johnson, G.C. Kemp, A.G. Powell, Mrs. A.J. Preston, Mrs. M. Randall, W.C. Vaughan, S.T. Wiliam, A.J. Williams and M.R. Wilson.

PLANNING COMMITTEE

MINUTES of a meeting held on 13th December, 2007.

Present: Councillor A.D. Dobbinson (Chairman); Councillor Ms. R.M. Birch (Vice-Chairman); Councillors R.J. Bertin, Mrs. M.E.J. Birch, G.A. Cox, E. Hacker, A.D. Hampton, Mrs. V.M. Hartrey, M.R. Harvey, G.C. Kemp, A.G. Powell, Mrs. A.J. Preston, W.C. Vaughan, S.T. William, A.J. Williams and M.R. Wilson.

Also present: Councillors Mrs. M. Kelly Owen and K.R. Stockdale.

650 APOLOGIES FOR ABSENCE-

These were received from Councillors A.M. Ernest, F.T. Johnson and Mrs. M. Randall.

651 MINUTES -

RESOLVED - T H A T the minutes of the meeting held on 15th November, 2007 be approved as a correct record.

652 DECLARATIONS OF INTEREST -

The following Members declared interests as shown below and vacated the room during consideration thereof:

Councillor R.J. Bertin	Agenda Item 9(v) - Employer was a consultee. (Councillor Bertin declared that he had been granted a dispensation by the Standards Committee to speak but not vote on matters in connection with Cardiff City Transport, with the exception of matters of Finance)
Councillor G.A. Cox	Planning Applications 2007/00295/FUL, 2007/01121/FUL and 2006/01541/RG3 - Former Cabinet Member
Councillor A.D. Hampton	Planning Applications 2007/00295/FUL, 2007/01121/FUL and 2006/01541/RG3 - Former Cabinet Member
Councillor Mrs. V.M. Hartrey	Planning Applications 2007/00295/FUL, 2007/01121/FUL and 2006/01541/RG3 - Cabinet Member

Councillor M.R. Harvey	Planning Applications 2007/00295/FUL, 2007/01121/FUL and 2006/01541/RG3 - Former Cabinet Member
Councillor G.C. Kemp	Planning Applications 2007/00295/FUL, 2007/01121/FUL and 2006/01541/RG3 - Former Cabinet Member
Councillor A.J. Williams	Planning Applications 2007/00295/FUL, 2007/01121/FUL and 2006/01541/RG3 - Former Cabinet Member

653 BUILDING REGULATION APPLICATIONS AND OTHER BUILDING CONTROL MATTERS DETERMINED BY THE DIRECTOR UNDER DELEGATED POWERS (DEER) -

RESOLVED -

- (1) T H A T the determination of building applications as listed in the report be noted.
- (2) T H A T the service of notices under the Building (Approved Inspectors Etc.) Regulations 2000, as listed in the report, be noted.

654 PLANNING APPLICATIONS DETERMINED BY THE DIRECTOR UNDER DELEGATED POWERS (DEER) -

RESOLVED - T H A T the report on the following applications determined under delegated powers be noted.

Decision Codes

A - Approved	B - No observations (OBS)
C - Unclear if permitted (PN)	E - Split Decision
F - Prior approval required (PN)	G - Approved the further information following "F" above (PN)
H - Allowed : Agricultural Condition Imposed : Appeals	N - Non permittal (OBS - objections)
J - Determined by NAFW	Q - Referred to Secretary of State for Wales (HAZ)
L - Approved <u>AND</u> refused (LAW)	S - Special observations (OBS)
P - Permittal (OBS - no objections)	U - Undetermined
R - Refused	V - Variation of condition(s) approved
O - Outstanding (approved subject to the approval of Cadw OR to a prior agreement)	

2004/01245/FUL	A	Caer Wigau Uchaf Farm, Pendoylan	Conversion of redundant stone built barn and cowhouse to provide new two bedroom dwelling ancillary to house.
2006/01318/FUL	A	Ford Farm, Llancarfan	Proposed conversion of existing workshop and store to form granny annex.
2007/00961/FUL	A	38, Eastgate, Cowbridge	Loft conversion and dormer extension.
2007/01144/FUL	A	Field opposite 23, St Brides Road, Wick	To retain stables, hay barn and railway boxes.
2007/01250/FUL	A	150, Colcot Road, Barry	Proposed enlargement of a formerly approved conservatory.
2007/01264/FUL	A	Old Froglands, Llanmaes	Converting existing garage/workshop to games room and attached internal/external stores to gym, building new lightweight glazed link to new timber framed swimming pool pavilion.
2007/01271/FUL	A	Wisteria Lodge, 7, The Mount, Dinas Powys	Extensions and refurbishment to include additional living rooms, bedrooms and bathrooms.
2007/01274/TPO	A	Springdale, West Street, Llantwit Major	Removal of side growth of Ash growing through Cypress and 30% crown reduction to remaining two Sycamores.
2007/01279/FUL	A	Glebe Farm, St Andrews Major, Dinas Powys	2 No minor extensions to existing cottage comprising sunroom and bathroom.
2007/01286/FUL	A	Land west of Llangan	3 stables and store area.
2007/01290/FUL	A	103, Phyllis Street, Barry	White tiled roof porch.
2007/01292/FUL	R	19, Tyle House Close, Llanmaes	Build new detached dormer bungalow.
2007/01294/FUL	A	6, Heol Ger-y-Felin, Llantwit Major	Single storey extension to side of dwelling.

2007/01298/FUL	A	18, Paget Terrace, Penarth	General refurbishment and alterations (Penarth renewal scheme) with front elevation and foundations rebuilt.
2007/01299/FUL	A	Tesco Store, Culverhouse Cross	Re-positioning of means of escape doors on external elevations of new foodstore.
2007/01300/FUL	A	19, Paget Terrace, Penarth	General refurbishment and alterations (Penarth Renewal Scheme) with front/side elevation and foundations rebuilt.
2007/01302/FUL	A	The Orchard, St. Hilary, Cowbridge	Installation of Solar Panels.
2007/01304/FUL	A	33, Elfed Avenue, Penarth	Part two storey part single storey extension.
2007/01305/FUL	A	3, Hazel Road, Penarth	Two storey extension.
2007/01306/FUL	A	The Hollies, Peterston-Super-Ely	Minor amendments to existing current permission 03/00852/FUL. Replace rear window with door, simplify driveway design.
2007/01308/FUL	A	107, Cedar Way, Penarth	Two and single storey extensions and porch.
2007/01311/FUL	A	7, Sandringham Close, Highlight Park, Barry	White UPVC Edwardian style conservatory approx dimensions 3.5m x 2.750m as on enclosed drawings.
2007/01315/FUL	A	14, Smithies Avenue, Sully	2 no. two storey residential dwellings.
2007/01320/FUL	A	28, Heol y Dryw, Rhoose Point, Rhoose	Retrospective application for porch to front of dwelling.
2007/01324/FUL	A	8, Clos Ogney, Llantwit Major	Side single storey extension to enlarge dining room.
2007/01328/FUL	A	88, Plymouth Road, Penarth	Conservatory.

2007/01332/FUL	A	23 Clive Place, Penarth	Conservatory and new balcony.
2007/01335/FUL	A	44, Westgate, Cowbridge	Retention of existing building ref no. 2006/00508/FUL.
2007/01336/FUL	A	52, Heol St. Cattwg, Pendoylan	Proposed extension to add bathroom to ground floor with pitched roof over garage conversion to form bedroom.
2007/01344/FUL	A	15, Llwyn y Gog, Rhoose Point, Rhoose	Proposed conservatory to rear.
2007/01350/FUL	A	1, Mountjoy Crescent, Penarth	Loft conversion with pitched roof dormers to side and rear.
2007/01352/FUL	A	5, Coed yr Odyn, Barry	Conservatory to be constructed at rear of property.
2007/01364/FUL	A	No. 3, Nant Hir, St Johns Hill, St Athan	Single garage to rear.
2007/01368/FUL	A	St. Jude, Penmark	Single storey extension to side and new conservatory.
2007/01374/FUL	A	Llanilltud Fawr Primary School, Ham Lane East, Llantwit Major	Erection of canopy.
2007/01382/FUL	A	32, Llwyn y Gog, Rhoose Point, Rhoose	Garage conversion into proposed dining room.
2007/01386/FUL	A	19, Afal Sur, Pencoedtre Village, Barry	Small dormer to front of already approved loft conversion. Side window in ground floor.
2007/01390/ADV	R	Lidl, Cennin Pedr, Pencoedtre Village, Barry	2 x Billboards: 1 x wallmounted, 1 x freestanding.
2007/00754/FUL	A	Land part of Great House Farm, Treoes, Vale of Glamorgan	Four detached houses and private roadway.
2007/00913/FUL	A	Springfield, Station Road East, Wenvoe, Cardiff	The demolition of the existing house to allow for a new purpose built two storey dwelling.

2007/01033/ADV	E	Cambria House, Penarth Road, Cardiff	External signage.
2007/01108/FUL	A	1, Glynne Tower, 12, Bridgeman Road, Penarth	Replacement of windows and external doors, modification of existing windows 2nd floor level, new balustrade and roof glazing.
2007/01171/FUL	R	Mornington Bungalow, Drope Road, St. Georges-Super-Ely	Add first floor to bungalow to provide 5 bedrooms with 2 en-suite bathrooms and 1 main bathroom. Add first floor to garage to provide office and storage space.
2007/01303/FUL	R	Field 7179 Aberthin Lane, Aberthin	Riding arena.
2007/01307/FUL	R	The Cottage, Ystradowen	Two storey rear extension and relocation of conservatory.
2007/01317/FUL	R	Box Cottage, Broughton, Cowbridge	Proposed new driveway.
2007/01319/FUL	R	Box Cottage, Broughton	Proposed new dwelling to garden of Box Cottage.
2007/01321/FUL	A	24, Trem Y Don, Barry	Outbuilding for existing swimming pool.
2007/01327/FUL	A	Arosfa, Ewenny Road, Wick	Single storey annex.
2007/01329/FUL	A	16, Jewel Street, Barry	Proposed conversion to 2 no. self contained flats.
2007/01330/FUL	A	Land adjacent 'Tregof', Ystradowen	Remove Planning Condition No. 3 on approval 06/01399.
2007/01334/ADV	A	Walston Castle, Port Road, Cardiff	Small entrance sign, freestanding.
2007/01338/FUL	R	Cynma House, Colwinston	First floor extension.
2007/01340/FUL	A	45, North Walk, Barry	Two storey side and single storey rear extensions to existing house.

2007/01341/FUL	A	5, Eastgate Street, Cowbridge	Demolition of existing conservatory and shed. Proposed conservatory and garage to form off-lane parking.
2007/01343/FUL	A	8, Raven Way, Penarth	Two storey side extension and single storey rear extension.
2007/01345/ADV	A	Site entrance off Sully Moors Road,	Freestanding sign with arrow indicating entrance into Cabot Carbon Site.
2007/01346/FUL	A	Lawn Cottage, Ystradowen, Cowbridge	Alteration and extension works.
2007/01355/FUL	A	Public telephone kiosk 02920 712568, outside Starbucks, Windsor Road, Penarth	Retention of existing public telephone kiosk and change of use to form combined public payphone and ATM.
2007/01356/FUL	A	1, Elm Grove Lane, Dinas Powys	Side extension.
2007/01360/FUL	R	50, Brookfield Avenue, Barry	Side/rear extension.
2007/01365/FUL	A	The Mill, St Georges Super Ely, Cardiff	Construction of detached garage.
2007/01378/FUL	A	Stoneleigh, St. Georges Super Ely	Installation of stainless steel flue.
2007/01397/FUL	A	3, Rookery Close, Sully	2 storey side extension (amendment to previously approved planning application 2006/01334/FUL).
2007/01398/FUL	A	2, Westbourne Road, Penarth	Single storey extension to the rear side of the property.
2007/01400/FUL	A	Wallace Fach Cottage, Wick Road, Ewenny	Remove existing timber garden and motor mower store and rebuild with stone and rendered block walls and slate roof.

2007/01401/FUL	A	22, St. Athan Road, Cowbridge	Proposed two storey extension to front of property to enlarge study/ bedroom and rear single storey extension to provide dining room.
2007/01413/FUL	A	2, Rutland Close, Barry	Conservatory to rear of property.
2007/01417/FUL	A	85, Port Road, Barry	Two storey extension.
2006/00481/FUL	R	Vicarage Lawns, Wick Road, St. Brides Major	Conversion and extension of existing garage for Granny Annexe accommodation.
2006/00880/FUL	A	Tinkinswood Farm, Off Dyffryn Lane, St. Nicholas	Retention of new vehicular access road into fields O.S. no 4347 and 3038 for safety reasons.
2007/00991/FUL	A	Langdale, Merthyr Dyfan Road, Barry	Demolition of existing bungalow and granny flat and replacement with two detached bungalows.
2007/01206/FUL	A	3, Factory Road, Llanblethian	Off road car parking.
2007/01234/LBC	R	The Old Dairy, Michaelston le Pit	Single storey extension of decorated rendered brickwork with standing seam metal pitched roof and timber windows. Existing pump house to be demolished.
2007/01353/FUL	A	Old Carriageway Stables, Hensol, Pontyclun	Demolition of existing stables and rebuilding of new proposed stables.
2007/01358/FUL	A	11, Porth Y Castell, Barry	Provision of timber steps to rear elevation.
2007/01369/FUL	A	6, Llety'r Eos, Rhose, Barry	Conversion of garage into an habitable room.
2007/01372/FUL	A	1, Mountbatten Road, Barry	Remove fence and replace with wall including a shed.

2007/01375/FUL	R	5, Plymouth Road, Penarth	Construction of off road parking at front of property to accommodate 1 no. vehicle.
2007/01383/FUL	A	108, St. Davids Crescent, Penarth	Garage.
2007/01388/FUL	A	Manor Piece, St. Hilary	Single storey kitchen extension and two storey living room/guest bedroom extension.
2007/01391/FUL	A	Dinas Powys Infants School, Cardiff Road, Dinas Powys	Two canopies on side nursery entrance and back entrance.
2007/01404/FUL	A	4, Purcell Road, Penarth, Vale of Glamorgan, CF64 2QL	Two storey rear extension.
2007/01405/FUL	A	2, Chandlers Way, Penarth Marina, Penarth	Balcony to rear of property and conversion of garage into study with window.
2007/01410/FUL	A	David Street, (Former post office site), Wick	Erection of double garage.
2007/01411/FUL	R	Ty Canol, Plot 2, Graig Penllyn, Cowbridge	Detached dwelling and associated external works.
2007/01414/FUL	A	Dow Corning, Cardiff Road, Barry	Weather Station attached to 16 metre tall mast.
2007/01418/FUL	A	3, Plas Taliesin, Penarth Marina, Penarth	Garage conversion and minor alterations.
2007/01420/FUL	A	7, Channel View, Penarth	Steel verandah to be bolted on to front of house with wooden decking floor supported by 2 steel legs welded to underside of floor.
2007/01424/FUL	A	20, Gelyn-y-Cler, Pencoedtre Village, Barry	Two storey side extension.
2007/01433/LBC	A	Barclays Bank, 62, High Street, Cowbridge	Installation of new replacement non-illuminated external signage.

2007/01438/FUL	A	5, Romilly Road, Rhoose	Conservatory to rear of property.
2007/01445/FUL	A	113, Redlands Road, Penarth	White UPVC Edwardian style conservatory.
2007/01532/OBS	N	Culverhouse Cross junction of A4232 and Cowbridge Road West, Ely, Cardiff	Retention of existing signs insitu 2 and propose 2 additional signs.
2007/00593/LBC	O	Nash Cottage, Nash Manor Gardens, Cowbridge	Alterations to include: constructing 3 new dormers, demolish timber conservatory, construct stone single storey side extension, general alterations and construct new boundary wall.
2007/01200/FUL	A	Brooklyn House, Piccadilly Road, Llanblethian	Double storey side extension.
2007/01354/FUL	A	204, Gladstone Road, Barry	Dormer loft conversion.
2007/01362/FUL	A	21, Clinton Road, Penarth	Proposed conservatories to ground and first floors.
2007/01380/OUT	R	Land to the rear of 2, Ringwood Crescent, St. Athan	Residential development - erection of 2 no. detached dwellings.
2007/01392/FUL	A	Land adjoining existing bungalow known as Awelon, Treoes	1 no. detached dwelling.
2007/01402/FUL	R	26, Cog Road, Sully	First floor extension to provide a bedroom and en-suite.
2007/01412/ADV	A	Ty Croes Cwrlwys/Culverhouse Cross House (formerly Daewoo), Copthorne Way, Culverhouse Cross	1 non-illuminated totem/monolith sign 1.2m x 4m. 1 illuminated above entrance door sign 2.44m x 0.53m
2007/01422/FUL	A	British Airways Maintenance Cardiff, Dragonfly Drive, Cardiff International Airport, Rhoose	Extend existing storage facility at BAMC site.

2007/01428/FUL	A	1, Highwalls Road, Dinas Powys	Take down section of wall to widen opening, new wooden gates/ fencing.
2007/01430/FUL	A	12, Barons Close, Llantwit Major	Proposed single storey side extension to provide bedroom and shower room.
2007/01432/FUL	A	40, Cosmeston Drive, Penarth	Conservatory to rear.
2007/01437/FUL	A	27, Clive Place, Penarth	Replacement window in dormer.
2007/01440/FUL	R	The Retreat (formerly Primrose View), Sigginstone	Planning Permission to retain the construction of a 1,200mm high fence which has been placed upon a 1,000mm high retaining wall.
2007/01443/FUL	A	24, Cwrt-y-Cadno, Llantwit Major	Retention of conservatory.
2007/01449/LAW	A	Hexion Speciality Chemicals Ltd, Sully Moors Road, Sully	Demolition of redundant portion of offices and laboratory buildings. Making good and cladding the interface with the remaining buildings.
2007/01452/FUL	R	119, Stanwell Road, Penarth	Two storey extension to existing dwelling plus rear conservatory.
2007/01476/FUL	R	12, Tudor Place, Llantwit Major	Demolish garage, construct double storey extension to side/front and rear of dwelling, porch to front, widen drop kerbs to roadside.
2007/01485/FUL	R	96, South Road, Sully	Enlarged front dormer to create new bedroom.
2007/01582/OBS	B	Brocastle Manor, Brocastle	Formalisation of existing woodland footpaths, 6 no. open concrete slabs to provide seating areas.

655 APPEALS (DEER) -

RESOLVED -

(1) T H A T the list of appeals received and decisions concerning appeals from the refusal of the Council on planning permission or in respect of enforcement action as detailed in the report be noted.

(2) T H A T the statistics relating to appeals for April 2007 to March 2008 and the list of forthcoming hearings and public enquiries as detailed in the report be noted.

656 TREES (DEER) -

RESOLVED - T H A T the report on the following applications determined by the Director under delegated powers be noted:

Decision Codes

A - Approved
E Split Decision

R - Refused

2007/01274/TPO	A	Springdale, West Street, Llantwit Major	Removal of side growth of Ash growing through Cypress and 30% crown reduction to remaining two Sycamores.
2007/01381/TCA	A	53, The Verlands, Cowbridge	Crown reduction of Norway Maple and fell Prunus, Malus, Prunus Ceriferas, Cherry and Lawson Cypress.
2007/01394/TCA	A	23, Church Avenue, Penarth	Fell 4 Leylandii.
2007/01470/TCA	A	Porth-y-Green House, Love Lane, Cowbridge	Fell Silver Maple.
2007/01480/TCA	A	23, Westgate, Cowbridge	Crown reduce one Birch, reduce height one Cherry.

2007/01373/TPO	A	Searoads, 5, Cliff Parade, Penarth	Remove overhanging branches of Hornbeam and Beech, prune overhanging branches of Oak - all three in garden of Searoad and remove two lowest branches of Lime.
2007/01415/TCA	A	1, Sycamore Cottages, The Broadshoard, Cowbridge CF71 7DA	Crown reduce by one third 1 No. Sycamore.
2007/01482/TCA	A	36, Westbourne Road, Penarth	Remove flowering Cherry tree.
2007/01512/TCA	A	Marsh House, East Aberthaw	Fell 15 Conifers.
2007/01523/TCA	A	Knottsberry, St. Nicholas	4 Ash stems in hedgeline and Macrocarpia in front garden.
02007/01524/TC A	A	Carreg Llwyd, Llanccarfan	Fell spruce.
2007/01571/TCA	A	The Kymin, Beach Road and St. Augustines Triangle	Works to trees.
2007/01242/TPO	R	The Coach House, Church Road, Llanblethian	Lopping of Ash.

657 ENFORCEMENT ACTION (DEER) -

(i) No. 71 High Street, Barry: New UPVC windows inserted into first and second floors (Grade II Listed Building)

Authorisation was sought for the service of a Listed Building Enforcement Notice in respect of the removal of timber sash windows and the installation of white UPVC windows to first and second floors within a Grade II Listed Building without the benefit of Listed Building Consent at No. 71 High Street, Barry.

In September 2006, it had been noted that a breach of planning control had taken place at No. 71 High Street, Barry. The site was visited and it was established that the timber windows in the front elevation of the property had been removed and replaced with new, white UPVC double glazed windows. The building is a Grade II Listed and as such the works observed require the

benefit of Listed Building Consent as they affect the building's character as one of special architectural interest.

In addition to the replacement windows, it was also noted that an advertisement canopy had been added to the ground floor shop of the building. Again, this canopy affected the special character of the building and the necessary Listed Building Consent had not been sought.

It was felt that the new UPVC windows were a completely inappropriate alteration to this listed building. They reflected nothing of the special architectural interest of the property and were particularly poor in design terms, being open casements, which only vaguely reflected with the original would have been. The materials in particular made the windows appear a particularly incongruous addition, which had a serious negative impact upon the special character and interest of the building.

With regard to the canopy, this was considered to be out of keeping with the character of the building. It was a prominent and incongruous feature that had a detrimental effect on the architectural interest of the building.

In view of the comments above, the modern windows and canopy had a profound negative impact on the character and appearance of the building recognised for its special architectural interests. As such, the development was considered to be contrary to Policies ENV17 and ENV27 of the Adopted Vale of Glamorgan Unitary Development Plan, which sought to ensure that the built and historic environment was protected and that new forms of development had regard to the context and character of the environment within which they were proposed.

In addition to the above, Planning Policy Wales (2002), Paragraph 6.5.7. stated that where a development proposal affects a listed building or its setting, the primary material consideration was the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historical interest which it possessed. By carrying out the works in question, the special character of the building had not been preserved and architectural interest of the property had been undermined.

RESOLVED -

(1) T H A T the Director of Legal, Public Protection and Housing Services be authorised to serve a Listed Building Enforcement Notice under Section 38 of the Planning (Listed Building and Conservation Areas) Act 1990 to require:

- (i) the removal of the white UPVC double-glazed windows at the first and second floor of the front elevation of the listed building;
- (ii) the replacement of these windows with appropriate timber framed, double hung box frame sash windows (in accordance with a scheme of works which will be attached to the Notice);

- (iii) the removal of the canvas canopy and all its fixtures and fittings from the front elevation of the building and make good any damaged surfaces resulting from these works.

(2) T H A T in the event of non-compliance with the Notice, authorisation be granted to take such legal proceedings as may be required.

Reasons for decisions

(1&2) To ensure the character of the Grade II Listed Building is preserved and the visual amenity of the area is protected.

658 GENERAL PLANNING MATTERS (DEER) -

(i) Vale of Glamorgan Local Development Plan (LDP): Draft Preferred Strategy and Initial Sustainability Appraisal (SA) Report

Cabinet on 12th December, 2007 had considered a brief overview of the Draft Preferred Strategy (including key background documents) and Initial SA Report.

Cabinet had

RESOLVED -

(1) T H A T the LDP Draft Preferred Strategy and Initial Sustainability Appraisal Report be endorsed for public consultation purposes in Spring 2008.

(2) T H A T the Director of Environmental and Economic Regeneration and/or Head of Planning and Transportation in consultation with the Cabinet Member for Planning and Transportation be authorised to make minor amendments to the LDP Draft Preferred Strategy and Initial SA Report prior to public consultation if required.

(3) T H A T, following consultation with both the Planning and Scrutiny (Economy and Environment) Committees, a further report be presented to Cabinet later in 2008 on the representations to the LDP Draft Preferred Strategy and Initial Sustainability Appraisal Report.

(4) T H A T each of the above recommendations be considered by both the Planning Committee and the Scrutiny Committee (Economy and Environment).

Reasons for decisions

(1) To ensure that the LDP is prepared in accordance with the LDP Delivery Agreement (October 2007) and to satisfy the requirements of the LDP and SEA Regulations.

- (2) To allow factual updates, correction of typographical errors etc. to be made to the reports prior to public consultation.
- (3) To make sure Cabinet is kept informed of progress on this matter.
- (4) For consultation purposes.

Having considered the decisions of Cabinet, Planning Committee

RESOLVED - T H A T the resolutions of the Cabinet be supported.

Reason for decision

In order to advise Cabinet of Planning Committee's stance on this matter.

(ii) Report to Planning Committee to Propose the Confirmation of a Tree Preservation Order

The Coach House was a separate two storey dwelling which was once part of The Old Rectory situated on a south facing slope, to the west of the village of Peterston-Super-Ely. Both structures were under the same Grade II Listing being of a 19th Century Gothic design and fell within the Peterston-Super-Ely Conservation Area.

The application sought permission to clear fell three semi-mature Sycamore trees and prevent regrowth. The trees were growing in the adjoining field, which belonged to Backway Farm and were in close proximity to the south facing boundary wall of The Coach House.

The Sycamores were given provisional protection following receipt of an application for felling under the Works to Trees in a Conservation Area procedure. It was felt that the trees as a cohesive group gave the attractive impression of one very large spreading specimen and therefore, allowing the felling of any or all would detract from the general impression of open countryside when viewed from footpaths south of the site.

Furthermore, The Coach House, which was included in the CADW Listing for the larger adjacent property The Old Rectory was viewed to be secondary in importance, visually, to the latter and that the Sycamores assisted in this perception by allowing the former to recede into the background copse of native trees, to the west.

The applicant's main concerns were summarised as follows:

- proximity of the Sycamores to structures meant they can only develop at the expense of the property and the already damaged retaining wall;
- there was the potential for damage to the drain run which was below the driveway and aligned with the retaining wall;

- all three trees overhung the conservatory (on the front elevation of The Coach House) and falling debris has cracked all but one of the glass panels.

A structural engineer's report had recommended that:

"...In order to restore the integrity of the wall and more importantly ensure that long term of the stability of the drainage system and foundations it is recommended that the trees in the influencing distance of the property should be removed..."

RESOLVED - T H A T the Tree Preservation Order be not confirmed.

Reason for decision

The retention of the trees could cause structural problems to an existing property in the future.

(iii) Extinguishment of Adopted highway at Ty Draw Farm, St. Andrews Major

The report was withdrawn.

(iv) B4267 Sully Moors Road, South Road and Hayes Road, Sully: Amendment to 40mph Speed Restriction Order

Members' approval was sought to amend the existing 40mph speed restriction Order on the B4267 Sully Moors Road, South Road and Hayes Road, Sully.

In September 2006 a Traffic Regulation Order was made to introduce a 40mph speed restriction on Hayes Road, Sully, together with additional short sections along Sully Moors Road and South Road, Sully. The implementation of site works, including the erection of signs, had since been delayed until the completion of a new section of footway along Hayes Road.

The extent of the Traffic Regulation Order, included speed restrictions on short sections of Sully Moors Road and South Road, Sully, adjacent to and including the roundabout. This meant that the roundabout would lie within the 40mph speed restriction area rather than the 30mph speed limit previously operating which appeared to compromise safety at this location.

It was considered opportune at this time to amend the Traffic Regulation Order to allow the roundabout to remain within the 30mph speed restriction area and to commence the 40mph speed restriction on Hayes Road close to the roundabout.

This would allow the existing signing to remain in Sully Moors Road and South Road, Sully, which would reduce the cost of implementation.

A local Member had indicated support for this proposal.

RESOLVED -

- (1) T H A T, subject to the views of the Chief Constable and other statutory consulted, public notice of the Council's intention to make a Traffic Regulation Order, the effect of which will be as shown at Appendix A to the report.
- (2) T H A T, in the event of no objections being received, the Order be made.

Reasons for decisions

- (1) To comply with the requirements of the Road Traffic Regulation Act 1984.
- (2) To allow the necessary works to be undertaken.

(v) Broad Street and Buttrills Road, Barry: Proposed One Way and Waiting Restrictions Traffic Order - Objection Received

Members were advised of an objection received to a proposal to introduce a "one way" traffic system in Broad Street, Barry, at its junction with Buttrills Road to its junction with Dock View Road, in the direction east to west and in Buttrills Road between its junction with Gladstone Road and Broad Street in the direction north to south together with various waiting restrictions.

One objection was received by e-mail from a resident of Buttrills Road, the main points of objection being:

- "1. Whilst I note the proposal to make Buttrills Road one way on the basis of traffic movement difficulties that sometimes result in traffic collisions, I consider that this proposal will add to the ongoing congestion evident at the roundabout at Broad Street and Gladstone Road.
1. I would respectfully suggest a better alternative to deal with the objective of the Highway Authority would be to employ traffic calming measures which would also not cause such inconvenience to residents of which I am one of Buttrills Road."

In response, Members were advised that the scheme in the Holton Road area was primarily designed to regenerate the centre of Barry by introducing improvements to provide an enhanced shopping environment and to increase trade. A feature of this scheme was a "one way" system along Holton Road from east to west to the junction with Buttrills Road. This proposal was designed to continue the "one way" system along Broad Street from its junction with Buttrills Road to the junction with Dock View Road together with ancillary waiting restrictions to the roundabout at Gladstone Road.

For many years the Traffic Management team had been aware of difficult traffic movements that sometimes resulted in collisions at the roundabout located at the northern end of this section of Buttrills Road at its junction with Gladstone Road and this scheme assisted by removing the "on" movement from the southern section of Buttrills Road.

The scheme would render the east bound section of Broad Street of little value as a route and the only traffic that would enter Broad Street from Gladstone Road would be service buses and delivery vehicles to shops near the junction and these would be able to use a short designated traffic lane and turn, at a new mini roundabout to be constructed at that location, to return to the main roundabout at Gladstone Road. The volume of traffic entering Broad Street from the roundabout would decrease and not add to congestion at the roundabout as suggested in the objection.

The suggestion by the objector to implement traffic calming measures in Buttrills Road was not an alternative option, as the "one way" scheme was not designed to control the speed of traffic on Buttrills Road but rather to improve the east west traffic flow and to prevent turning movements into Buttrills Road from Broad Street. It was likely that there would be an overall reduction in the volume of traffic in that section of Buttrills Road. Any traffic calming scheme would be a separate issue, which could be considered following implementation of the "one way" proposal, bearing in mind the change in traffic patterns likely to occur.

RESOLVED -

- (1) T H A T the objection be not acceded to and the Order be made as proposed.
- (2) T H A T the objector be notified accordingly.

Reasons for decisions

- (1) To allow the necessary works to be undertaken.
- (2) To clarify the Councils' position.

659 PLANNING APPLICATIONS -

Having considered the following applications for planning permission and, where necessary, the observations of interested parties, it was

RESOLVED - T H A T in pursuance of the powers delegated to the Committee, the following applications be decided as indicated and any other necessary action taken:

2005/01267/FUL Received on 9 August 2005

P.89

V. J. Thomas & Son, Pancross Farm, Llancarfan, Vale of Glamorgan,
CF62 3AJ
Morgans of Usk Limited, Woodside Works, Usk, Monmouthshire, NP15 1SS

Pancross Farm, Llancarfan

Retention of holding lagoon for separated slurry water and separator tank.

DEFERRED for a site visit.

2007/00179/OUT Received on 20 September 2007

P.94

ITV Wales & West, C/o ITV Plc., 200, Greys Inn Road, London., WC1 8HF
DTZ Consulting & Research, Marchmount House, Dumfries Place, Cardiff.,
CF10 3RJ

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

The application was withdrawn.

2007/00187/FUL Received on 8 February 2007

P.109

AG Developments 1979 LTD C/O Agent
Boyer Planning, 1b Oak Tree Court, Mulberry Drive, Cardiff Gate Business Park, Cardiff, CF23 8RS

Land adjacent to Chestnut Tree Cottage, Graig Penllyn

Construction of a detached part single, part two storey dwelling, garage and new access

Subject to the applicants first entering into a Section 106 Legal Agreement to:

- (a) Transfer the land, as hatched and referred to on Drawing No. AL.0.01P5, to the ownership and control of the occupier of Chestnut Tree Cottage to be included as part of the residential curtilage of that property.
- (b) Meet the Council's standard charge set at 20% of the planning application fee, (subject to a minimum fee of £150) for monitoring the implementation of the Agreement.

APPROVED subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the following schedule of plans:
 - Location Plan, Drawing No. AL.0.00.
 - Existing survey plan, Davies's Chartered Land Surveyors.
 - Site Plan and Site Sections, Drawing No. AL.0.01 P5, amended plan received 31 July 2007.
 - Floor Plan and Elevations, Drawing No. AL.0.100 P2, amended plan received 31 July 2007.
 - Elevations of Garage, Drawing No. AL.0.101 P1, amended plan received 31 July 2007.
 - Planting Strategy Drawing No. 183/02, amended plan received 12 September 2007.
 - Engineering details for Proposed Site Access, Drawing Nos. W62673/A/A01 to A06, received 19 September 2007.

Reason:

For the avoidance of doubt as to the approved details.

3. The proposed vehicular access and associated vision splays, along with the on site manoeuvring area and car parking shall be completed in accordance with the approved plans before the first beneficial occupation of the dwelling hereby permitted. The vehicular access, vision splays, manoeuvring area and parking shall thereafter be retained and maintained to serve both the new dwelling hereby permitted and the existing dwelling Chestnut Tree Cottage.

Reason:

To ensure the provision and maintenance of adequate access, on-site parking and manoeuvring to serve both existing and proposed dwellings in the interests of highway safety and in accordance with Policies TRAN10 - Parking and ENV27 - Design of New Developments of the Unitary Development Plan.

4. 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.

5. Before their use on site, further details, with samples, of the external finishes of the development, including the new stone boundary walls, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the approved details.

Reason:

In the interests of visual amenity and the character of the area in accordance with Policies ENV4 - Special Landscape Areas and ENV27 - Design of New Developments of the Unitary Development Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the dwelling 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.

7. 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 the purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected or placed within the curtilage of the dwelling 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.

8. The garage hereby approved shall not be physically altered or converted to any other domestic purpose without first obtaining the formal consent of the Local Planning Authority. The garage shall be available at all times for the parking of private motor vehicles associated with the dwelling hereby permitted.

Reason:

To ensure that adequate on site parking is retained in the interests of highway safety in accordance with Policies TRAN10 - Parking and ENV27 - Design of New Developments of the Unitary Development Plan.

2007/00217/FUL Received on 10 September 2007

P.122

CPG (Wales) Plc., Llantrisant Road, Llantrisant., CF72 8PG
David Preece DipArch RIBA, 44, Seabank, Penarth, Vale of Glamorgan,
CF64 3AR

Wesley Hall Site, Station Road, Dinas Powys

Provision of 14 no. 2-bed apartments and 1 no. 3 bedroom house with on site parking and provision of access road

DEFERRED for a site visit.

2007/00295/FUL Received on 28 February 2007

P.133

Mr. D. Jones, Crest Nicholson (SW) Ltd., Crest House, Lime Kiln Close, Stoke Gifford, Bristol., BS34 8ST

Mr. D. Jones, Crest Nicholson (SW) Ltd., Crest House, Lime Kiln Close, Stoke Gifford, Bristol, BS34 8ST

Penarth Heights, off Harbour View Road, Penarth

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

Subject to the applicant first entering into a Section 106 Legal Agreement to include the following necessary planning obligations.

The developer shall provide details of a Management Plan for all those areas of landscaping and open space lying within the application site edged red and

which are not included within the curtilage of the residential units or are not under the control of the Local Authority at the time of the development.

(Members should note that the following figures may be subject to variation between topic headings):

- The developer shall pay the following financial contributions in respect of off-site transport improvements:
 - Cogan Hill & Terra Nova Way Junction Contribution £165,000
 - Windsor Road & Plassey Street Junction Contribution £95,000
 - Dingle Road Station Footbridge Contribution £700,000
 - Cogan Station Improvements Contribution £85,000
 - Bus Stop Contribution £40,000
 - Cycle Storage Contribution £20,000
 - Pedestrian / Cycle Link Contribution £435,700
 - Travel Plan £20,000
- 75 units of affordable housing shall be provided on site, being the equivalent of 20% of the total number of residential units.
- 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.
- 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.
- A sum of £783,160 will be payable to the Council to provide and enhance education facilities required as a result of the development.
- 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 sum of £738 shall be paid to the Council to be used to monitor the ambient air quality within the proximity of the site.

- Subject to the applicants also entering into a Legal Agreement under Section 278/38 with the Highways Authority for the relevant highway works.
- 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 (£8,112.00 in this case).

APPROVED subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the following plans as detailed on the schedule below and the development shall be carried out strictly in accordance with these details.

Nicholas Pearson Associates Drawings:

NPA 10050 201; 202, 203 Rev C, 204, 205 Rev A, 206 Rev A, Figure M, Figure F, Figure A Rev A.

Gary Gabriel Associates Drawings:

18280 SK 101 Rev P11, SK102 Rev P11, SK103 Rev P11, SK 104 Rev P1, SK105 Rev P1, SK106 Rev P1.

Edward Cullinan Architects Ltd. Drawings:

P01 Rev B, P02 Rev A, P03, P04, P05, P06, P07, P08 Rev A, P09, P10, P11, P12.1 Rev A, P12.2 Rev A, P21, P22, P23, P24, P25, P26, P27, P31 Rev A, P32, P33, P34, P35, P36, P37, P40.1, P40.2, P41.1, P42.1, P42.2, P43.1, P44.1, P45.1, P45.2, P46.1 Rev A, P47.1, P47.2, P48.1, P48.2, P49.1, P49.2, P50.1, P50.2, P51.1, P51.2, P52.1, P52.2, P52.3, P53.1, P53.2, P54.1, P54.2, P55.1, P56.1, P57.1, P58.1, P58.2, P59.1, P60.1.

Reason:

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

3. Prior to the commencement of demolition on site details of the provision of parking for construction traffic and the routes for heavy construction vehicles, and means of defining and controlling such traffic routes, shall be submitted to and approved in writing by the Local

Planning Authority and the demolition and development of the site shall be carried out in accordance with the approved details unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To ensure that the parking provision and highway safety in the area are not adversely affected and to meet the requirements of Policies TRAN10 and ENV27 of the Unitary Development Plan.

4. Prior to the construction of any roads or paths on the site full details, including sections, details of drainage and materials for the surface finish and samples of such, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To ensure the provision of an acceptable and safe highway layout and to meet the requirements of Policies HOUS8 and ENV27 of the Unitary Development Plan.

5. Prior to their installation on site details of all means of external lighting for the site shall be submitted to and approved in writing by the Local Planning Authority and the approved means of lighting shall be fully implemented on site prior to the first beneficial occupation of that part of the development which it serves unless the Local Planning Authority gives written consent to any variation.

Reason:

In the interests of safety, visual amenity and ecology in the area and to meet the requirements of Policies ENV16, ENV27 and HOUS8 of the Unitary Development Plan.

6. Notwithstanding the submitted plans and prior to their construction on site full details, including cross sections, of all retaining walls and samples of the materials for their external finish, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details unless the Local Planning Authority gives prior written consent to any variation.

Reason:

In the interests of the visual amenities of the area and to meet the requirements of Policies ENV27 and HOUS8 of the Unitary Development Plan.

7. Notwithstanding the submitted details this consent shall not relate to fencing on the boundaries of the development with the public open spaces and amended details shall be submitted and implemented in accordance with Condition No. 8 below.

Reason:

To ensure that an acceptable means of enclosure is provided in the interests of the visual amenities of the area and the privacy and amenities of occupiers and to meet the requirements of Policies ENV27 and HOUS8 of the Unitary Development Plan.

8. Notwithstanding the submitted details full details, including sections to a scale of 1:1, 1:10, 1:20 of all fences, walls (other than as required by condition 6 above), railings and balconies shall be submitted to and approved in writing by the Local Planning Authority prior to their erection, construction or placement on site and the approved means of enclosure shall be carried out prior to the first beneficial occupation of the development to which it relates unless the Local Planning Authority gives prior written consent to any variation.

Reason:

In the interests of the privacy of occupiers of the site and the visual amenities of the area in general to meet the requirements of Policies ENV27 and HOUS8 of the Unitary Development Plan.

9. Notwithstanding the submitted details and prior to their use on site samples of the bricks, roofing materials, timber cladding and window and door materials and details, to a scale of 1:1, 1:10 and 1:20 as appropriate, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To ensure that the visual amenities of the area are enhanced and to meet the requirements of Policies ENV27 and HOUS8 of the Unitary Development Plan.

10. The landscaping of the site shall generally be in accordance with the layout as detailed on drawing Nicholas Pearson NPA10050 203 REV. C and full details of plant species, density and size at planting shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure landscaping of the site in order to meet the requirements of Policies ENV27 and HOUS8 of the Unitary Development Plan.

11. 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.

12. Prior to any demolition works or development on the site details showing a scheme of tree and watercourse protection shall be submitted to and approved in writing by the Local Planning Authority and the scheme of protection shall be fully implemented for the phase of development to which it relates prior to the commencement of demolition or work on that phase.

Reason:

To ensure that trees are protected in the interests of the visual amenities of the area and the watercourses on the site are not adversely affected and to meet the requirements of Policies ENV12 and ENV29 of the Unitary Development Plan.

13. Notwithstanding the submitted details of tree felling no trees shall be felled on site until a schedule of all trees on the site and those to be retained and those to be felled have been submitted to and agreed in writing by the Local Planning Authority and only those trees as agreed shall be felled unless the Local Planning Authority gives written consent to any variation.

Reason:

In the interests of the visual amenities of the area and to meet the requirements of Policies ENV12, ENV27 and HOUS8 of the Unitary Development Plan.

14. No phase of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas associated with that part of the development, have been laid out in full accordance with the details shown on the approved plans and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policies HOUS8, TRAN10 and ENV27 of the Unitary Development Plan.

15. Full details of secure parking on site for bicycles shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme of parking for bicycles shall be fully implemented on site prior to the first beneficial occupation of the phase of development, as identified in Condition No. 14 below, to which it relates.

Reason:

To ensure that satisfactory parking for bicycles is provided on site to serve the development, and to ensure compliance with the terms of Policies ENV27, HOUS8 and TRAN9 of the Unitary Development Plan.

16. The demolition and development on site shall be carried out in accordance with the approved phasing scheme as shown on drawing Edward Cullinan Architects Ltd., Ref: P07 unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To ensure a satisfactory form of development in the interests of the amenities of occupiers in the vicinity of the site and to meet the requirements of Policy ENV29 of the Unitary Development Plan.

17. Prior to the commencement of demolition works, details of noise levels at the boundaries of the site with the nearest noise sensitive areas, with details of mitigation measures for the control of noise and dust during demolition and construction works and details of wheel washing facilities, shall be submitted to and approved in writing by the Local Planning Authority and the demolition and construction works shall be undertaken in full accordance with the approved mitigation measures unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To ensure that the amenities of occupiers in the vicinity of the site are safeguarded and to meet the requirements of Policy ENV29 of the Unitary Development Plan.

18. The development shall be carried out in accordance with the findings of the ecology reports submitted with the application and all appropriate mitigation measures as detailed in the surveys shall be undertaken at the time of the development to safeguard and enhance the habitat and species of any protected species on the site.

Reason:

To ensure that protected species and their habitats are not adversely affected by the development and to meet the requirements of Policy ENV16 of the Unitary Development Plan.

19. The demolition and development of the site shall be undertaken in accordance with the method statements for the removal of contamination and waste and a verification report, including post-remedial sampling and analysis shall be submitted to the Local Planning Authority at the completion of the development.

Reason:

To ensure a safe environment for existing and future occupiers and to meet the requirements of Policy ENV29 of the Unitary Development Plan.

20. Operational hours of work for demolition and construction shall be Monday to Friday 08.00 -18.00 hours, Saturday 08.00 - 13.00 hours and there shall be no working on Sundays and Bank Holidays unless the Local Planning Authority give prior written approval to any variation.

Reason:

To safeguard the amenities of nearby occupiers and to meet the requirements of Policy ENV29 of the Unitary Development Plan.

21. Details of the method of gas protection for residential units on the site as identified in the Geotechnical Remediation Statement submitted with the application shall be submitted to and approved in writing by the Local Planning Authority prior to their construction on site and the residential units shall thereafter be constructed with the gas mitigation measures as approved.

Reason:

To safeguard the health and amenities of the occupiers of the units and to meet the requirements of Policy ENV29 of the Unitary Development Plan.

22. Prior to the first beneficial use of any phase of the site as approved under Condition No.14 above, oil interceptors shall be installed on each phase of the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To prevent contamination and to meet the requirements of Policy ENV29 of the Unitary Development Plan.

23. The development shall be carried out in accordance with the details, aims and principles of the Sustainability Statement submitted with the application other than as amended by the details submitted under cover of the letter dated 10 December 2007 from the applicants, which letter relates to specific elements of the construction of the residential units.

Reason:

To meet the aims of the Council's Sustainability Supplementary Planning Guidance and Strategic Policy 2 of the Unitary Development Plan.

24. No demolition shall take place outside the months of October to March other than with the prior written consent of the Local Planning Authority.

Reason:

To safeguard Protected Species present on the site and to meet the requirements of Policy ENV16 Protected Species.

25. Notwithstanding the requirements of Condition No. 18 above, further details of mitigation measures for bats shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of any buildings on the site.

Reason:

To enhance the ecological value of the site and protect the habitats of protected species on the site to meet the requirements of Policy ENV16 Protected Species.

2007/00643/FUL Received on 25 October 2007
P.157

Mr. Andrew Bower, 39, Montgomery Road, Barry, Vale of Glamorgan,
CF62 7DB

Mr. Andrew Bower, 39, Montgomery Road, Barry, Vale of Glamorgan,
CF62 7DB

39, Montgomery Road, Barry

Proposed new porch to front elevation, proposed conservatory, utility room and bathroom to rear elevation

DEFERRED for a site visit.

2007/00711/FUL Received on 16 May 2007

P.162

Poill Developments (West) Ltd., C/O 26, John Batchelor Way, Penarth Marina, Vale of Glamorgan, CF64 1SD

Hoole and Walmsley Architects, 63, Ffynnonau, Crickhowell, Powys, NP8 1DB

Site at Old Farm Mews, Station Road, Dinas Powys

New housing scheme providing two semi-detached dwellings and two detached dwellings

REFUSED

1. In the opinion of the Local Planning Authority the proposal due to the size, scale, form and design, would appear as a discordant and visually intrusive feature within the street scene which would adversely effect the appearance and character of this part of the Dinas Powys Conservation Area. Thus the proposal will neither preserve nor enhance the character of the Dinas Powys Conservation Area contrary to Policies ENV29 (Development in Conservation Areas), ENV27 (Design of New Developments) and HOUS8 (Residential Development Criteria – Policy HOUS2 Settlements) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance 'Amenity Standards; and national guidance contained in Planning Policy Wales March 2002 and Policy TAN12 Design.
2. The proposed development would result in a cramped and restricted form of development in close proximity to the adjoining properties at Nos. 4 and 4a Station Road. The proposal would therefore represent an unneighbourly form of development which would detract from the amenities reasonably expected to be enjoyed by the occupiers of these adjacent properties, contrary to Policies ENV27 (Design of New Developments) and HOUS8 (Residential Development Criteria – Policy HOUS2 Settlements) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the Council's Supplementary Planning Guidance 'Amenity Standards'.

2007/01098/FUL Received on 3 August 2007

P.172

Miss Catherine Rosewell, The Old Post Office, Boverton, Llantwit Major, Vale of Glamorgan, CF61 1UF

Anderson and Associates, 39, High Street, Cowbridge, Vale of Glamorgan, CF71 7AE

Limes Gate Cottage, The Limes, Cowbridge

Provision of timber decking to rear of cottage, extending above river thaw

APPROVED subject to the following condition(s):

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

Reason:

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

2. Notwithstanding the submitted details, the final level of the decking hereby approved shall be agreed in writing prior to its construction and thereafter the decking shall be erected in accordance with the approved details.

Reason:

In the interests of satisfactory development and in order to comply with the terms of Policy ENV27.

2007/01121/FUL Received on 7 August 2007

P.176

Newydd H.A. (1974) LTD., Ty Cadarn, 5, Village Way, Tongwynlais, Cardiff, CF15 7NE

Rhodri Davies, Asbri Planning Ltd., 32 Lambourne Crescent, Llanishen, Cardiff, CF14 5GG

Former nursery land adjacent to Cemetery Road, Barry

Erection of 61 No. affordable dwellings (made up of 39 No. houses and two locks of 11 No. flats) and associated works

Upon request by the required number of Members, recorded votes took place in respect of amended Motions, with voting taking place as follows:

That the application be deferred and returned to the applicants to reduce the density of the scheme:

For the Motion	Against the Motion	Abstain
Councillor	Councillor	Councillor
Ms. R.M. Birch	A.G. Powell	M.R. Wilson
A.D. Dobbinson	R.J. Bertin	
Mrs. M.E.J. Birch	W.C. Vaughan	-
E. Hacker	Mrs. A.J. Preston	
	S.T. William	
4	5	1

RESOLVED - T H A T the motion be not carried.

That the application be refused:

For the Motion	Against the Motion	Abstain
Councillor	Councillor	Councillor
A.G. Powell	Mrs. M.E.J. Birch	
R.J. Bertin	M.R. Wilson	
W.C. Vaughan	E. Hacker	
Mrs. A.J. Preston	A.D. Dobbinson	
S.T. William	Ms. R.M. Birch	
5	5	0

There being an equality of votes, the Chairman voted against the motion.

RESOLVED - T H A T the motion be not carried.

That the officers' recommendation be adopted:

For the Motion	Against the Motion	Abstain
Councillor	Councillor	Councillor
Mrs. M.E.J. Birch	A.G. Powell	
M.R. Wilson	R.J. Bertin	
E. Hacker	W.C. Vaughan	
A.D. Dobbinson	Mrs. A.J. Preston	
Ms. R.M. Birch	S.T. William	
5	5	0

There being an equality of votes, the Chairman voted in favour of the motion.

RESOLVED - T H A T the motion be carried.

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 £30,000 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 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 fifty nine thousand six hundred pounds (£59,600) 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).

APPROVED subject to the following condition(s):

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

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. This consent shall 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.

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.

2007/01141/FUL Received on 18 September 2007

P.186

Mr. & Mrs. Rasbuary, Garden Flat, 42 Arsley Road, Clifton, Bristol, BS8 2ST
C. T. Design Services, The Anchorage, Garth Hill, Gwaelod Y Garth, Cardiff,
F15 9HS

47, Redlands Road, Penarth

Retention of dormer window to rear & alterations to main roof

DEFERRED for a site visit.

2007/01185/OUT Received on 21 August 2007

P.190

Newydd H A (1974) Ltd, Ty Cadarn, 5, Village Way, Tongwynlais, Cardiff,
CF15 7NE

Rhodri Davies, Asbri Planning Ltd, 32 Lambourne Crescent, Llanishen,
Cardiff, CF14 5GG

63 - 73, Main Street, Barry

Outline planning application for the demolition of units 63-73 Main Street, Barry and the erection of 12 affordable dwellings (4 Townhouses, 6 no. 2 bed apartments and 2no 1 bed apartments) new access and parking.

Subject to the applicant first entering into a Section 106 Legal Agreement to include the following necessary planning obligations:

- 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. In this case the 1% for art has been calculated as six thousand three hundred and seventy eight pounds and seventy-five pence (£6,378.75).
- The developer shall pay the sum of twenty thousand pounds (£20,000) to the Council to provide or enhance public open space or recreation facilities likely to be used by the 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 (minimum £150.00 admin fee in this case).

APPROVED subject to the following condition(s):

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

Reason:

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

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

Reason:

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

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

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

Reason:

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

4. This consent shall relate to the plans registered on 21 August 2007, other than where amended by plans reference 022 Rev. B received on 18 September 200 and plans reference 021 Rev. D and 027 Rev. C received on 24 October 2007.

Reason:

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

5. Prior to the commencement of development, a Method Statement for the demolition and clearance of the site including details of mitigation measures to deal with noise and dust and the hours of works etc, shall

be submitted to and approved in writing by the Local Planning Authority. All measures as may be agreed shall be fully carried out during the redevelopment of the site.

Reason:

To ensure a safe and satisfactory form of development.

6. Prior to their use in the construction of the development hereby approved, samples of ridge tiles, roof tiles, brick and render shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory standard of development and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

7. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details shown on Drawing Ref. 027 Rev. C and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

8. No development shall take place until details of the proposed finished floor levels in relation to the existing ground levels and the finished levels of the site, have been submitted to and approved in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the agreed details.

Reason:

In the interests of visual and neighbouring amenity in accord with Policy ENV27 - Design of New Developments of the Unitary Development Plan.

9. 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.

10. 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 the purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected or placed within the curtilage of the dwelling 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.

2007/01251/FUL Received on 5 November 2007
P.201

Mr H.W. Field, Pen y Bryn, Crossways, Cowbridge, Vale of Glamorgan,
CF71 LJ
Anderson and Associates, 39, High Street, Cowbridge, Vale of Glamorgan,
CF71 7AE

Land to the rear of Pen Y Bryn, Crossways, Cowbridge

Conversion and extension of barn, including new build double garage to provide a dwellinghouse offering bed and breakfast accommodation

REFUSED (written representations)

1. In the opinion of the Local Planning Authority the proposal represents an unjustified and unsustainable new dwelling in the countryside, that will have a significant detrimental impact on the rural appearance and character of the surrounding landscape contrary to Policies ENV1 - Development in the Countryside, ENV8 - Small Scale Rural Conversions, ENV11 - Protection of Landscape Features, ENV27 - Design of New Developments, HOUS3 - Dwellings in the Countryside, and Strategic Policies 2 - The Environment, 6 - Tourism and 8 - Transportation of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on the Conversion of Rural Buildings and Sustainable Development; and national guidance contained in Planning Policy Wales March 2002 and TAN13 - Tourism.
2. Insufficient information has been submitted to allow the Council to fully assess the likely impact of the proposal on the ecology of the site, both

flora and fauna, and which may include protected species, contrary to Policy ENV16-Protected Species of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

2007/01293/OUT Received on 17 September 2007

P.209

Mr and Mrs Norfolk, 1, Little West Bungalows, Southerndown, Vale of Glamorgan, CF32 0PY
Anthony A Clark, Beechwood, Wick Road, Ewenny, Vale of Glamorgan, CF35 5BL

Little West Bungalows, Southerndown

New Bungalow

REFUSED (written representations)

1. The proposed new bungalow would amount to an unjustified and insensitive form of development, which would substantially increase the impact of built development on the site and detract from the undeveloped, unspoilt nature of the Glamorgan Heritage Coast, contrary to the objectives of Policies ENV1, ENV5, HOUS3 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

2007/01296/FUL Received on 17 September 2007

P.213

Native Woodland Ltd., Mr. James Leedam, The Market Tavern, 26 Agincourt Square, Monmouth, NP25 3BT
Native Woodland Ltd., Mr. James Leedam, The Market Tavern, 26 Agincourt Square, Monmouth, NP25 3BT

Coedarhydyglyn, St. Nicholas

Use of parkland for natural burials in addition to the continued agricultural use.

APPROVED subject to the following condition(s):

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

Reason:

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

2. Full engineering details of the proposed passing bay to be incorporated into the adopted highway, including details of a replacement hedgerow, shall be submitted to and agreed in writing with the Local Planning

Authority, and the development shall be implemented in accordance with the approved details before the first beneficial use of the natural burial ground hereby permitted.

Reason:

In the interests of highway safety and visual amenity in accordance with Policy ENV27 - Design of New Developments of the Unitary Development Plan.

3. The proposed car park and vision splays, as indicated on Drawing Nos. 01/01 and 01/02, received on 17 September 2007, shall be provided before the first beneficial use of the natural burial ground hereby permitted and shall thereafter be maintained at all times in connection with the use of the burial ground.

Reason:

In the interests of highway safety in accordance with Policy ENV27 - Design of New Developments of the Unitary Development Plan.

4. Before its introduction on site, full details of the proposed Information Board, as indicated on Drawing No. 01/02, received on 17 September 2007, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the approved details.

Reason:

In the interests of the visual and historic character of the area in accordance with Policies ENV17 - Protection of Built and Historic Environment and ENV27 - Design of New Developments of the Unitary Development Plan.

5. Any vegetation clearance required in connection with the proposed new works, including the footpath, cortege route and passing bay, should be done outside of the bird nesting season from March to August inclusive, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure the interests of wildlife are protected in accordance with Policy ENV16 - Protected Species of the Unitary Development Plan.

6. The planting comprised in the approved details of the new hedgerow associated with the passing bay shall be carried out in the first planting and seeding seasons following the formation of the passing bay; 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:

In the interests of visual amenity to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

2007/01322/FUL Received on 1 November 2007

P.225

Maxim John, The Byre, Penmark Farm, Vale of Glamorgan, CF62 3BP
A.N. Renwick R.I.B.A., Ty Cattwg, Llancarfan, Vale of Glamorgan, CF62 3BP

Cliff Barn, Llancarfan

Conversion of existing redundant barn to a dwelling house

APPROVED subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the amended plans reference SV 01A, PA 01d and the 1:1250 scale site location plan received on the 1 November 2007, and the development shall be carried out strictly in accordance with these details.

Reason:

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order) the dwelling 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 Policies ENV8 and ENV27 of the Unitary Development Plan.

4. 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 dwelling 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 Policies ENV8 and ENV27 of the Unitary Development Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking, amending or re-enacting that Order) no additional windows or openings shall be inserted in the converted barn hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To safeguard the appearance and character of the barn, and to ensure compliance with the terms of Policies ENV8 and ENV27 of the Unitary Development Plan.

6. Notwithstanding the submitted details, further details of windows, rooflights (which shall be of a flush fitting conservation type), doors, eaves and rainwater goods, including sections to a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority, prior to their use in the development. The development shall be constructed in full accordance with the details as agreed and thereafter so maintained at all times.

Reason:

In the interests of local visual amenities and to ensure compliance with Policies ENV8 and ENV27 of the Unitary Development Plan.

7. Samples of the slates, ridge tiles and rainwater goods to be used shall be submitted to and agreed in writing by the Local Planning Authority prior to their use in the development. The development shall thereafter be carried out in accordance with the agreed samples and so maintained at all times thereafter.

Reason:

In the interests of visual amenities and to ensure compliance with Policies ENV8 and ENV27 of the Unitary Development Plan.

8. Samples of the stonework to be used in the re-building of the lean-to garage extension and the new boundary wall adjacent to Cliff House shall be submitted to and agreed in writing by the Local Planning Authority, prior to their use in the development. The development shall thereafter be carried out in accordance with the agreed samples and so maintained at all times thereafter.

Reason:

In the interests of visual amenities and to ensure compliance with Policies ENV8 and ENV27 of the Unitary Development Plan.

9. A method statement detailing the cleaning, repair, repointing and where necessary the re-instatement of the stone elevations shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and the development shall be constructed in full accordance with the agreed method statement and so thereafter so maintained at all times.

Reason:

In order to protect the character of the barn and to ensure compliance with Policies ENV8 and ENV27 of the Unitary Development Plan.

10. Prior to the commencement of development, a scheme showing the means by which foul sewage and surface water run-off are to be catered for shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be put into beneficial use until the drainage works have been completed in full accordance with the approved details.

Reason:

To ensure the satisfactory drainage of the site.

11. The extent of the approved curtilage of the dwelling hereby approved shall follow the line indicated in green on the plan attached to this decision notice. This curtilage shall be delineated on the ground by a post and rail fence, in accordance with details which shall have first been submitted to and agreed in writing by the Local Planning Authority, prior to the first beneficial occupation of the dwelling.

Reason:

For the avoidance of doubt as to the extent of the approved curtilage and to ensure compliance with Policies ENV8 and ENV27 of the Unitary Development Plan.

12. No new means of enclosure shall be erected within the site, other than that approved under Condition No. 11 of this consent, without the prior written consent of the Local Planning Authority.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies ENV8 and ENV27 of the Unitary Development Plan.

13. Prior to the first beneficial occupation of the dwelling hereby approved, a new vehicular access and parking area shall be provided within the curtilage of Cliff House, solely to serve Cliff House, in accordance with a scheme which shall have first been submitted to and agreed in writing by the Local Planning Authority.

Reason:

In order to ensure a satisfactory level of parking to serve both Cliff House and the converted barn and to ensure compliance with Policies ENV8 and ENV27 of the Unitary Development Plan.

14. No development shall take place until the applicant or their agent or successors in title has secured the implementation of a programme of archaeological work in accordance with a scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason:

In order that the archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied and in order to ensure compliance with Policies ENV18 and ENV19 of the Unitary Development Plan.

2007/01325/FUL Received on 20 September 2007

P.235

Lafarge Cement UK The Manor Court, Chilton, Oxfordshire, OX11 0RN
John Hernon, National Planning Manager, Lafarge Cement UK, Blue Circle House, The Shore, Northfleet, Kent, DA11 9AN

Aberthaw Cement Works, East Aberthaw, Barry

Replacement raw meal kiln feed elevator and associated plant.

APPROVED subject to the following condition(s):

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

Reason:

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

2007/01366/FUL Received on 27 September 2007

P.238

Miss Anna Bendall-RWE Npower PLC, Windmill Hill Business Park, Whitehill Way, Swindon, SN5 6PB

Miss Anna Bendall-RWE Npower PLC, Windmill Hill Business Park, Whitehill Way, Swindon, SN5 6PB

Aberthaw Power Station, The Leys, Aberthaw

To install a local stack and scrubber to remove ammonia from PFA Drier output (in relation to 05/01498/FUL).

DEFERRED to clarify discharge of ammonia in sea water.

2007/01565/FUL Received on 30 October 2007

P.242

Welsh Assembly Government, C/O Agent

White Young Green, 21, Park Place, Cardiff, CF10 3DQ

Land south of the runway, Batslays, MOD St. Athan

Erection of new small hangar, construction of new ground slab, external alterations to existing offices, provision of car parking spaces

DEFERRED to consult St. Athan Community Council.

2006/01541/RG3 Received on 31 October 2006

P.249

Vale of Glamorgan Council, Dock Office, Barry, Vale of Glamorgan, CF63 4RT

Chris Fray, Head of Econ. Dev. & Leisure, Vale of Glamorgan Council, Dock Office, Barry, Vale of Glamorgan, CF63 4RT

Land adjacent to Cogan Hall Farm, Penarth

Layout and landscaping of public open space

(1) Deemed planning consent be GRANTED subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the plans registered on 31 October, 2006 other than where amended by plans reference 20084/31H, 34,35 (Red and Blue line plan), received 22 May 2007 .

Reason:

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

3. The works shall be carried out in accordance with the licensed ecologists survey and recommendations.

Reason:

To safeguard issues of ecological importance, in accordance with Policy ENV16 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

4. No development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which shall be submitted by the applicant and approved in writing by the Local Planning Authority and the programme and scheme shall be fully implemented as defined in the approved details.

Reason:

To ensure that archaeological interest is protected and recorded and to ensure compliance with Policies ENV18 and ENV19 of the Unitary Development Plan.

5. No works affecting the trees and scrub within the site shall be carried out during the nesting season between March and June unless a survey is first conducted and submitted to the Local Planning Authority which ascertains the absence of breeding birds.

Reason:

To comply with the Wildlife and Countryside Act 1981.

6. Notwithstanding the submitted details additional planting shall be provided on the western boundary with Cogan Hall Farm and details of the planting shall be submitted to and approved in writing by the Local Planning Authority prior to the planting being undertaken in accordance with Condition No. 7 below.

Reason:

In the interests of the amenities of adjoining occupiers.

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. That the Director of Legal and Regulatory Services be authorised to make an Order under Section 257 of the Town and Country Planning Act 1990 diverting Public Footpaths No. 12 Penarth as shown on the attached map.

Reason:

To enable the development to proceed in accordance with consent granted.

9. Prior to the implementation of the permission hereby approved, the western boundary of the site of the proposed area of Public Open Space shall be marked out on the site and agreed in writing by the Local Planning Authority. For the avoidance of doubt, the boundary to be marked out on site shall be as highlighted in green on the plan attached to this planning permission.

Reason:

In the interest of clarity.

- (2) That the Director of Legal and Regulatory Services be authorised to: confirm the Order on completion of the works provided no objections are received, or submit the Order to the Welsh Assembly Government should any valid objections be received.

VALE OF GLAMORGAN CONSERVATION ADVISORY GROUP

MINUTES of a meeting held on 3rd January, 2008.

Present: Councillor A.D. Dobbinson (Vice-Chairman), Mr. G. Haynes (Cowbridge and District Local History Society), Councillor H.C. Mustow (Bonvilston Community Council), Mrs. H. March (Llantwit Major Local History Society), Ms. P. Goodwin (Pride in Barry), Mr. R. Simpson (Council for the Protection of Rural Wales), Mr. G. Robertson (Penarth Society), Mr. M.R. Flynn (RTPI) and Mrs. S. Taylor (Llancarfan Society).

Officers: Mr. N. Lloyd, Mrs. J. Crofts and Mr. C. Hope.

(a) Apologies for absence -

These were received from Councillor Ms. R.M. Birch (Chairman), Mrs. E. Jervis (Wenvoe History Group), Mr. L. Millar (Cowbridge Charter Trust) and Mr. D. Black (Llantwit Major Chamber of Trade).

(b) Minutes -

AGREED - T H A T the minutes of the meeting held on 1st November, 2007 be accepted.

Whist accepting that the minute was an accurate reflection of what had been said at the meeting, Mr. Haynes expressed concern that the information provided to him in respect of Chantry Rise, Llanblethian had been incorrect.

The wording in Minute (b) had stated:

"Mr. Haynes referred to discussions at the meeting on 30th August, 2007 concerning works to a house in Llanblethian, and asked if further information was available.

In reply, Mr. Haynes was informed that the works to which he referred, in Chantry Rise, Llanblethian, lay outside the Conservation Area boundary, and furthermore was not a "new build". As such it had been deemed not necessary for the application to be brought before the Conservation Advisory Group for consideration".

Mr. Haynes produced a copy of the planning application for Chantry House, and pointed out that the form had contained the words "new build".

Furthermore, Mr. Haynes advised that the Conservation Group, in June 2007, had considered an application relating to a property next door to Chantry Rise, even though this too lay outside of the Conservation Area.

Discussions then ensued as to the criteria used to determine which planning applications were brought before the Conservation Advisory Group, and examples were given of planning applications which had been granted without having been considered by the Group, namely:

- Chantry Rise, Llanblethian
- Three Oaks
- Limesgate Cottage
- "The Armoury", 46 Eastgate, Cowbridge.

Discussions also ensued on the treatment of applications for sites which lay outside of a Conservation Area boundary but which may impact upon the Conservation Area.

Following a full debate on the subject, it was

AGREED - T H A T a report be brought before the next meeting of the Group outlining the criteria used in determining which applications are brought before the Conservation Group, and outlining why the following applications had not been referred to the Conservation Advisory Group:

- Chantry Rise, Llanblethian
- Three Oaks
- Limesgate Cottage
- "The Armoury", 46 Eastgate, Cowbridge.

(c) Information Feedback -

AGREED - T H A T the feedback on the following applications previously considered by the Group be noted:

2006/00025/FUL	Conversion of three redundant agricultural buildings to create four holiday units. This application was approved.
2007/01091/FUL	Conversion of existing house into 2 flats and extension to create separate dwelling house. This application was approved.
2007/01171/FUL	Add first floor to bungalow to provide 5 bedrooms with 2 en-suite bathrooms and 1 main bathroom. Add first floor to garage to provide office and storage space. This application was refused.
2007/01338/FUL	First floor extension. This application was refused.
2007/01319/FUL	Proposed new dwelling to garden of Box Cottage. This application was refused.
2006/01818/FUL	New house in grounds at rear. This application was refused.
2007/00711/FUL	New housing scheme providing two semi-detached dwellings and two detached dwellings. This application was refused.

(d) Applications in Conservation Areas -

(i) Barry (Garden Suburb)

2007/01683/FUL

Received on 3 December 2007

Mr. and Mrs. Herbert, 35, Bron Awelon, Barry, Vale of Glamorgan, CF62 6PS
Evolution Building Design, 18, Norseman Close, Rhoose, Vale of Glamorgan,
CF62 3FY

35, Bron Awelon, Barry

Two storey side extension.

RECOMMENDED - REFUSAL - The Group felt that the scale and design of the proposal would overwhelm the original dwelling and would neither preserve nor enhance the Conservation Area.

(ii) Penarth

2007/01631/FUL

Received on 23 November 2007

Miss Kate Westlake, Greyfriars House, Greyfriars Road, Cardiff, CF10 3AL
John Wootton Architects, Greyfriars House, Greyfriars Road, Cardiff,
CF10 3AL

Westbourne School, Hickman Road, Penarth

Demolition of various building in courtyard and creation of a new purpose built sixth form centre with external intensive roof for outdoor studies.

RECOMMENDED - T H A T consideration of the application be deferred to the meeting of the Group scheduled for 24th January, 2008 in order that further information regarding the detailing of the curved walling could be obtained from the applicant for the consideration of the Group.

(iii) Bonvilston

2007/00529/FUL

Received on 2 November 2007

Mr. Christian Terry, 7, Anchor Way, Penarth Marina, Penarth, Vale of Glamorgan, CF63 1SL
Mr. Tasos Asprou, 1010 Architects, Meandros House, 54a Bute Street, Cardiff, CF10 5AF

Woodlands Lodge, Bonvilston

Two storey extension.

RECOMMENDED - REFUSAL - The Group felt that the proposal would neither preserve nor enhance the character and appearance of the Conservation Area specially with regard to the scale and design of the proposal.

(iv) Llantwit Major

2007/01700/FUL

Received on 6 December 2007

Mrs. Pam Crosby, 2, River Walk, Llantwit Major, Vale of Glamorgan,
CF61 1SY
Alan Gillard RIBA, 7, Kemps Covert, St. Donats, Vale of Glamorgan,
CF61 1YZ

Plot adjacent to 2, River Walk, Llantwit Major

New 3 bedroom dwelling.

RECOMMENDED - REFUSAL - The Group felt that the application should be refused on the grounds that the form, scale and design of the application were inappropriate and would not preserve or enhance the character of the Conservation Area.

(e) Conservation Area Appraisals -

Members of the Group were advised regarding the preparation of 21 Conservation Area appraisals in the rural villages.

Members recalled the contents and recommendations of a report by consultants (the Conservation Studio) concerning issues of wider conservation area management. The report ("Valuing Distinctive Places") had been discussed at the last extended meeting of the Group on 26th July, 2007.

With regard to the findings of the report, it was recognised that a new programme of conservation area appraisals was required to provide assessments of the 38 conservation areas in the Council's area. Whilst the Council had completed 14 such studies in the past, there was a need to bring these up-to-date and to prepare new appraisals for those areas which currently had no such coverage.

The objective of the preparation of appraisals was briefly as follows to:

- achieve consensus on what is to be protected or enhanced
- formulate effective policies, having regard to the preparation of the Local Development Plan
- provide a background to making sensitive development control decisions

- be able to justify a designation when making development control decisions and at appeals
- make sympathetic proposals for the preservation and enhancement of the area's character and appearance, including the identification of potential development opportunities if and where appropriate
- help residents, traders and other interested parties to understand the background to designation
- to help applicants for planning permission to formulate proposals.

The Council had recently commissioned the Conservation Studio to prepare 19 conservation area appraisals. The villages involved were:

Aberthin, Boverton, Broughton, Colwinston, Dinas Powys, Llancadle, Llandow, Llangan, Llanmaes, Llantrithyd, Llanmihangel, Michaelston-le-Pit, Monknash, Pendoylan, Peterston-Super-Ely, Porthkerry, Rhoose, Saint Georges, Saint Brides Major.

In addition, the Council was currently preparing a pilot appraisal for Penmark which provided a framework for the other studies. It would also prepare an appraisal for the hamlet of Drope.

The appraisal programme was organised in five packages:

Group	Villages	Anticipated Date of Final Draft Documents (2008)
A	Llancadle, Llantrithyd, Rhoose, Porthkerry	14.3
B	St. Brides Major, Broughton, Monknash, Llanmaes, Boverton	18.4
C	Pendoylan, St. Georges, Peterston-Super-Ely, Drope	19.5
D	Aberthaw, Colwinston, Llandow, Llangan, Llanmihangel	13.6
E	Michaelston-le-Pit, Dinas Powys	27.6

The programme included a series of stakeholder meetings for each group, exhibitions and consultative surgeries. It was anticipated that the entire package would be presented to the Council for adoption in September 2008.

RECOMMENDED - T H A T the contents of the report be noted.

(f) Future Form and Constitution of the Conservation Advisory Group -

Mr. Haynes queried the progress of a report yet to be made to the Group concerning options regarding its potential future form and constitution.

In response, the Group were advised that the matter had been discussed internally at officer level, but was yet to be the subject of a report to the

No

Council's Cabinet and Planning Committee. Following this, it would be referred for further presentation to, and discussion by, the Group.

AGREED - T H A T a report be made available to the next meeting of the Group advising of the programme relating to the draft document.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 17TH JANUARY, 2008

REFERENCE FROM CABINET: 12TH DECEMBER, 2007

**"C3317 CARDIFF LOCAL DEVELOPMENT PLAN -
PREFERRED STRATEGY REPORT OCTOBER 2007 (DEER) (SCRUTINY -
ECONOMY AND ENVIRONMENT) -**

Cardiff Council was currently consulting on its Preferred Strategy and Initial Sustainability Appraisal Report. It was noted that this Council had only responded to the Preferred Strategy Document in its role as an adjoining local authority and that the response, as appended to the report, had already been submitted to Cardiff Council to meet the deadline of 27th November, 2007 with a statement that any additional comments Cabinet might wish to make would be forwarded separately.

The preferred Strategy Report set out:

- key trends and issues that had informed the Preferred Strategy
- the national, regional and local policy framework
- the Council's Vision for the future development of Cardiff
- the key strategic role and spatial options that the Council had considered in determining its Preferred Strategy
- the Preferred Strategy including a Key Diagram
- key strategic policies for implementing the Strategy.

Further details in respect of each of the above topics together with an indication of the Council's response were contained within the report. As regards "key trends and issues", for example, it was noted that information relating to traffic and public transport trends as well as information in respect of commercial and industrial waste were missing and it was considered that such details should be included in any final Plan.

This was a matter for Executive decision.

RESOLVED -

- (1) T H A T the response to Cardiff's Preferred Strategy Report as contained in Appendix A to the report be endorsed.
- (2) T H A T a copy of this report and accompanying appendix be submitted to the Planning Committee for information.

Reasons for decisions

- (1) To obtain Cabinet endorsement of the response sent to Cardiff Council in respect of its LDP Preferred Strategy Report October 2007.
- (2) To ensure Planning Committee is informed of progress."

CABINET MEETING: 12TH DECEMBER, 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL AND
ECONOMIC REGENERATION

**CARDIFF LOCAL DEVELOPMENT PLAN – PREFERRED STRATEGY
REPORT OCTOBER 2007**

Purpose of Report

1. The purpose of this report is to advise Cabinet of the release of Cardiff's Local Development Plan (LDP), Preferred Strategy Report which was published in October 2007. The plan period for the LDP will be 2006 to 2021.

Background

2. Cardiff County Council have consulted the Council on their Preferred Strategy and Initial Sustainability Appraisal (SA) Report as part of a statutory consultation exercise running from the 16th October to the 27th November 2007. All of the documents released can be viewed on Cardiff's website www.cardiff.gov.uk
3. The Preferred Strategy Report is not a full draft Plan but it does set out the key issues and options together with Cardiff's broad proposals for addressing these. It includes a proposed vision, strategic options, preferred strategy and key policies.
4. The Initial SA Report identifies the social, economic and environmental implications of the Preferred Strategy options and proposals.
5. Cardiff County Council has provided questionnaires for both the Preferred Strategy and the Initial SA Report in order that responses to the documents can be focused. The Council has only responded to the Preferred Strategy Document in its role as an adjoining local authority.

Relevant Issues and Options

6. Attached at Appendix "A" is the Council's response to the Preferred Strategy Document. This response has already been submitted to Cardiff County Council to meet the deadline of the 27th November 2007, with a statement that any additional comments that Cabinet may wish to make will be forwarded separately after the closing date. Cabinet is requested to consider and if it considers appropriate endorse the questionnaire at Appendix A as the Council's response to the consultation exercise.

7. The Preferred Strategy Report sets out:

- (A) the key trends and issues that have informed the Preferred Strategy;
- (B) the national, regional and local policy framework;
- (C) the Council's Vision for the future development of Cardiff;
- (D) the key strategic growth and spatial options that the Council has considered in determining its Preferred Strategy;
- (E) the Preferred Strategy including a Key Diagram and
- (F) key Strategic policies for implementing the Strategy.

(A) The key trends and issues that have informed the Preferred Strategy

This section contains a wealth of information about Cardiff and its characteristics. Facts included in this section range from information about Cardiff's population and employment to details about its biodiversity and environmental qualities.

This section is however, missing information about traffic and public transport trends as well as information in respect of commercial and industrial waste. These should be included in any final Plan.

(B) The national, regional and local policy framework

This section outlines the Policy Framework against which the Preferred Strategy has been developed. Detail is provided on the relevance to Cardiff of Planning Policy Wales and Minerals Planning as well as the Wales Spatial Plan, Regional Transport Plan and South East Wales Regional Waste Plan.

It is felt that the Section on the South Wales Regional Waste Plan could be more specific in respect of Cardiff as it fails to include the Regional Plan's assessment of the strategic waste management options or bring together the other work contained in that Plan.

It is also felt that there may be other local policy strategies that may be of relevance and should therefore be included here, for example the Local Housing Strategy.

(C) The Council's Vision for the future development of Cardiff

This section contains Cardiff's Community Strategy Vision together with the Sustainability Appraisal objectives and specific objectives to address the Vision and trends. The Vision for Cardiff as set out in the Community Strategy is:

"To ensure Cardiff is a world class European city with an exceptional quality of life and at the heart of a competitive city region".
(paragraph 4.1 page 24 refers).

It is not clear from the Preferred Strategy Document whether Cardiff's Community Strategy Vision is also the Vision for the LDP. There should be some assessment within the Preferred Strategy Document of whether the Community Strategy Vision is appropriate as the LDP Vision.

It is also confusing to have two sets of objectives for the LDP. It would be much clearer to integrate the SA and LDP objectives together to form one comprehensive set of objectives.

(D) The key strategic growth and spatial options that the Council has considered in determining its Preferred Strategy

This section outlines details of the dwelling requirement figure, employment growth and spatial options.

In respect of the dwelling requirement figure, low, medium and high growth options have been considered. The considered options also give detailed consideration to the regional South East Wales Strategic Planning Group (SEWSPG) agreement. The options could provide for between 22250 and 28684 new dwellings over the Plan period. SEWSPGs new dwelling requirement allocation for Cardiff is approximately 21300.

For employment growth low, medium and high employment options have been considered which could allow anywhere between 5600 and 30000 additional jobs in Cardiff by 2021. Mention is made of the current proposal before Cardiff County Council for a new premier business park at Junction 33, although there is no commitment given to its development. Cabinet will be aware that this Council has continually objected to the Junction 33 proposal.

In terms of spatial options Cardiff have considered the following 4 options:

- (i) Urban Expansion
- (ii) North Eastern Expansion
- (iii) North Western Expansion and
- (iv) Dispersed Expansion

It is considered that they have appropriately considered the options open to them and as such this section should be supported.

(E) The Preferred Strategy including a Key Diagram and (F) Key Strategic policies for implementing the Strategy.

The Preferred Strategy and its accompanying policies:

- i. make provision for between 22750 and 24750 new dwellings on previously developed land. This is above the SEWSPG requirement of approximately 21300. Provision of this number of new dwelling units on previously developed land will provide some regional flexibility and could mean that areas such as the Vale of Glamorgan will be less reliant on releasing new Greenfield sites. This provision should therefore be supported.
- ii. make provision for 23200 jobs during the plan period. This is in line with current trends. There is reference to the need to find a location for a Premier Business Park in South East Wales as required by the Wales Spatial Plan. The Document does not give a preferred location but states that the location for such a site is still subject to discussion with the Welsh Assembly Government and local planning authorities. I consider that if Junction 33 were to be approved as the location for a premier business park it could be potentially detrimental to Cardiff's employment strategy. Member will be aware that this Council, through the Planning Committee has already objected to the J33 proposals.
- iii. Concentrate retail development in the city centre and the Bay area. Comment has been made, as part of the consultation process, that the cross boundary effects, including the transport implications, of new retail development should be considered and appropriately compensated for.
- iv. Concentrate on managing travel demand and improving the opportunities for sustainable travel. The Eastern Bay Link will be completed and strategic highway improvement will assist in reallocating road space. Also included is the identification of 3 park and ride sites on the main routes into Cardiff. Two of the sites identified on the Key Diagram are located somewhere in the vicinity of Culverhouse Cross and Junction 33/34 of the M4. Your Officers are currently in dialogue with Cardiff officers as to whether these aspirations are achievable. Until such a time as it is ascertained whether park and ride sites are achievable at Culverhouse Cross and Junction 33/34, the Council has objected to the reference in paragraph 6.19, the accompanying key diagram and Policy 12.

The Document is silent on whether congestion charging will play a role in managing travel demand and this has also been raised as part of the consultation.

- v. Protect and conserve the environment. Two areas of Greenbelt are proposed, one on the eastern boundary of Cardiff to prevent the further coalescence of the urban areas of Cardiff and Newport and one to the north of Cardiff at Caerphilly Mountain to protect the setting of the city. This has been supported as the designations are based on previous work undertaken by SEWSPG.
 - vi. In terms of Waste Management it is proposed to move towards more sustainable waste management methods such as reuse and recycling. Landfill is recognised as being unsustainable. This is admirable but there needs to be details on and support for regional facilities under the "Making Connections" agenda. Cardiff's active participation in Prosiect Gwyrdd should also be covered as well as giving more detail on the future waste management needs of the Council.
8. The Strategy omits to give any detail on the regional work currently being undertaken in respect of Minerals. Whilst Policy 28 states that Cardiff intends to maintain its traditional market share of aggregates there is no reference to the regional working currently being undertaken and the emerging Regional Aggregates Statement. This is an omission that needs to be corrected.

Resource Implications (Financial and Employment)

9. The response to this report has been prepared within the Planning and Transportation budget.

Legal Implications (to include Human Rights Implications)

10. None applicable to the report.

Crime and Disorder Implications

11. None applicable to the report.

Equal Opportunities Implications (to include Welsh Language Issues)

12. The consultation process by Cardiff on its Preferred Strategy and Initial Sustainability Appraisal Report offers all interested parties the ability to formally comment on their proposals. Cardiff does not appear to have published the consultation documents bilingually.

Corporate/Service Objectives

13. Commenting on and keeping up to date with adjoining local authorities LDPs is an important part of the Planning and Transportation Division's work. Liaising with adjoining local authorities in respect of Planning and other matters is corporately important to ensure consistency of proposals and decisions on a regional basis.

Policy Framework and Budget

14. This report is a matter for Executive Decision by Cabinet.

Consultation (Including Ward Member Consultation)

15. There has been no ward consultation undertaken on this report and as the matters contained within it are of a general rather than a specific nature.

Appropriate Scrutiny Committee

16. Economy and Environment

RECOMMENDATIONS

- (1) That Cabinet endorse the response as contained at Appendix A to Cardiff's Preferred Strategy Report.
- (2) That a copy of this report and appendix be submitted to Planning Committee for information purposes.

Reasons for Recommendations

- (1) To obtain Cabinet's endorsement of the response sent to Cardiff County Council in respect of their LDP Preferred Strategy Report October 2007.
- (2) To ensure Planning Committee is informed of progress with Cardiff Council's Local Development Plan.

Background Papers

Cardiff Local Development Plan Preferred Strategy Report October 2007
Cardiff Initial Sustainability Report October 2007

Contact Officer – Emma Harvey – Telephone No. 01446 704673.

Officers Consulted:

Operational Manager Development Control
Operational Manager Engineering Design and Procurement
Operational Manager Highway Maintenance
Operational Manager Waste Management
Head of Economic Development, Leisure and Tourism
Head of Public Protection and Housing
Head of Financial Services
Head of Legal Services

Rob Quick
Director of Environmental
and Economic Regeneration

6.

APPENDIX A



For Office Use

Date Received

Date Acknowledged

Reference number

CARDIFF LOCAL DEVELOPMENT PLAN 2006 – 2021 Preferred Strategy Representation Form

Please use this form if you are unable to complete the online form.

Completed forms must be received at the address below by no later than 5 pm on Tuesday 27th November 2007. The Council is not obliged to consider late representations.

The Development Plan Group
Strategic Planning and Environment
Cardiff Council
PO Box 800
Cardiff
CF10 4ZQ

Contact Details

Personal Details

Agent's Details (if applicable)

Name Rob Thomas Head of Planning and Transportation	Name N/A
Address The Vale of Glamorgan Council	Organisation
Dock Office	Address
Barry Docks	
Town Barry	Town

7.

County Vale of Glamorgan	County
Postcode CF63 4RT	Postcode
Email planning&transport@valeofglamorgan.gov.uk	Email

Question 1. Do you agree that the key social, economic and environmental trends and issues identified in Chapter 2 are those that the LDP should be addressing?

Agree ☐ Disagree ☒

If not please identify key issues that have been omitted.

Traffic and Public Transport Commercial and Industrial Waste

Question 2. Do you agree that the policy framework set out in Chapter 3 includes all relevant plans and programmes that the LDP should accord with?

Agree ☐ Disagree ☒

If not please identify plans and programmes that have been omitted.

(a) More detail in respect of the South Wales Regional Waste Plan is required to include the Regional Plan's assessment of the strategic waste management options. (b) Reference to other local strategies such as the Local Housing Strategy is required.

Questions 3. Do you agree that the objectives for the LDP set out in Chapter 4 will help to deliver the vision and aspirations of the Community Strategy in a sustainable manner?

Agree ☐ Disagree ☒

If not please identify key objectives that have been omitted.

It is not clear from the Preferred Strategy Document whether C�rdiff's Community Strategy Vision is also the vision for the LDP. If it is, there should be some assessment within the Preferred Strategy Document of whether the Community Strategy Vision is appropriate as the LDP Vision. It is also confusing to have two sets of objectives for the LDP. It would be much clearer to integrate the SA and the LDP objectives together to form one comprehensive set of objectives.

Question 4. Do you agree that Chapter 5 adequately addresses the key strategic growth and spatial options for the LDP?

Agree ✓ Disagree

If not please identify the key strategic options that have been omitted.

The Strategy Options are comprehensive and are supported.

Question 5. Do you agree that the new dwelling requirement for Cardiff from 2006 to 2021, identified in paragraph 6.3, is appropriate?

Agree ✓ Disagree ○

If not please give reasons

The dwelling requirement figure is above the SEWSPG regional apportionment figure of 21300. However, this is supported in the case of Cardiff who have a significant number of brownfield opportunities.

The provision of this number of new dwelling units will provide some regional flexibility as well as making areas such as the Vale of Glamorgan less reliant on releasing new greenfield sites.

Question 6. Do you agree that the new dwelling requirement identified in paragraph 6.3 can and should be accommodated on previously developed land, including land that has planning permission?

Agree ✓ Disagree ○

If not please give reasons.

No reason to disagree.

Question 7. Do you agree that paragraph 6.7 identifies the key issues that need to be addressed if the new dwelling requirement is to be mainly accommodated on previously developed land?

Agree ✓ Disagree ○

If not please give reasons.

Question 8. Do you agree that the level of economic growth in paragraph 6.10 projected for Cardiff from 2006 to 2021 is appropriate?

Agree ✓ Disagree ○
If not please give reasons.

Question 9. Do you agree that the employment opportunities identified in paragraph 6.12 are sufficient to accommodate the level of employment growth forecast in paragraph 6.10?

Agree ✓ Disagree ○
If not please give reasons.

Support is given for the use of previously developed sites, although this strategy could be jeopardised if permission were to be given for the current Junction 33 "premier" business park proposal.

Question 10. Do you agree that if there is a requirement for additional retail floorspace in Cardiff, it should continue to be focused on the city centre, district and local centres and approved regeneration schemes?

Agree ○ Disagree ✓
If not please give reasons.

It is agreed that retail development should be concentrated in the city centre. However, the cross boundary effects, including the transport implications of new retail development should be considered and appropriately compensated for.

Question 11. Do you agree that the transport proposals identified in paragraphs 6.19 – 6.24 (and in more detail in policies 10 - 15) are appropriate?

Agree ○ Disagree ✓
If not please give reasons.

Until such a time as it is ascertained whether park and ride sites are achievable at Culverhouse Cross and Junctions 33/34, the Council objects to paragraph 6.19, the accompanying key diagram and Policy 12. Cardiff Council's position in respect of congestion charging should be detailed.

The relevance of paragraph 6.22 to the Vale of Glamorgan needs further clarification as the proposed segregated public transport network appears to relate to RCT rather than the Vale of Glamorgan.

It is suggested that reference needs to be made to the links between Cardiff Bay/Sports Village and Penarth Marina with consideration given to a possible co-ordinated extension of the high quality transport provision from the City Centre to the Bay.

Question 12. Do you agree that it is appropriate to designate the two areas of countryside, identified in paragraph 6.26, as Greenbelt?

Agree ✓ Disagree ○

If not please give reasons

Question 13. Do you agree that the Preferred Strategy makes adequate provision for the protection and enhancement of conservation and environmental interests in Cardiff?

Agree ✓ Disagree ○

If not please give reasons

Question 14. Do you agree that the Preferred Strategy makes adequate provision for waste management?

Agree ○ Disagree ✓

If not please give reasons

There needs to be details on and support for regional waste facilities under the "making connections" agenda. Cardiff's active participation in Prosiect Gwyrdd should also be covered as well as giving more details on the future waste management needs of the Council.

Question 15. Overall, are you satisfied with the Preferred Strategy for Cardiff?

Agree ○ Disagree ✓

If not please give reasons.

For the reasons outlined above, and the fact that the strategy omits to give any detail on the regional work currently being undertaken in respect of minerals. Whilst Policy 28 states that Cardiff intends to maintain its traditional market share of aggregates, there is no reference to the regional working currently being undertaken and the emerging Regional Aggregates Statement. This is an omission that needs to be corrected.

Question 16. Do you agree with the Council's assessment (in appendix 2) of its progress in meeting the tests of soundness?

Agree ✓ Disagree ○
If not please give reasons.

Strategic Policies

Representations are also invited on each of the 29 strategic policies set out on pages 56 to 64. When making representations please specify the policy number to which your response relates. Continue on a separate sheet if necessary.

Policy Number	Representation
See references to policy inadequacies under questions 11 (Policy 12) and 15 (Policy 28).	See questions 11 and 15.

Initial Sustainability Appraisal Report

The Preferred Strategy must be the subject of Sustainability Appraisal (incorporating Strategic Environmental Assessment) on which your comments are also invited.

Are you satisfied with the content of the Initial Sustainability Appraisal Report?

Agree ○ Disagree ○

If not, please give reasons

No comment made.

PLEASE NOTE THAT ALL REPRESENTATIONS RECEIVED WILL BE MADE AVAILABLE FOR PUBLIC INSPECTION, AND CANNOT BE TREATED AS CONFIDENTIAL

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 17th JANUARY, 2008

REPORT OF THE DIRECTOR OF LEGAL, PUBLIC PROTECTION AND
HOUSING SERVICES

SITE INSPECTIONS

Relevant Issues

1. The Committee is asked to note the attendance of the following Councillors at the sites indicated below on 13th December, 2007.
2. Apologies for absence were received from Councillor R.J. Bertin

(a)	Land adjacent to Cogan Farm, Penarth	Councillor A.D. Dobbinson (Chairman); Councillors Mrs. M.E.J. Birch, Ms. R.M. Birch, G.A. Cox, E. Hacker, A.D. Hampton, Mrs. V.M. Hartrey, Mrs. M. Kelly Owen, Mrs. A.J. Preston and M.R. Wilson
(b)	Penarth Heights	Councillor A.D. Dobbinson (Chairman); Councillors Mrs. M.E.J. Birch, Ms. R.M. Birch, Ms. L. Burnett, G.A. Cox, E. Hacker, A.D. Hampton, Mrs. V.M. Hartrey, Mrs. M. Kelly Owen, Mrs. A.J. Preston and M.R. Wilson
(c)	Site at Old Farm Mews, Station Road, Dinas Powys	Councillor A.D. Dobbinson (Chairman); Councillors G.A. Cox, E. Hacker, A.D. Hampton, Mrs. V.M. Hartrey and Mrs. A.J. Preston
(d)	Limes Gate Cottage, The Limes, Cowbridge	Councillor A.D. Dobbinson (Chairman); Councillors Mrs. C.V.L. Clay, G.A. Cox, E. Hacker, A.D. Hampton, Mrs. V.M. Hartrey and Mrs. A.J. Preston
(e)	Land adjacent to Chestnut Tree Cottage, Graig Penllyn	Councillor A.D. Dobbinson (Chairman); Councillors G.A. Cox, E. Hacker, A.D. Hampton, Mrs. V.M. Hartrey and Mrs. A.J. Preston
(f)	Little West Bungalow, Southerndown	Councillor A.D. Dobbinson (Chairman); Councillors, E. Hacker, A.D. Hampton, Mrs. V.M. Hartrey and Mrs. A.J. Preston

Resource, Legal, Crime and Disorder, Equal Opportunities, Corporate /
Service Objectives, Policy Framework and Budget and Consultation
Implications

3. None.

RECOMMENDATION

The Committee is requested to note the report.

Background Papers

Nil.

Contact Officer: Mr. C. Hope Tel: 01446 709855
E-mail: Chope@valeofglamorgan.gov.uk

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 17 JANUARY 2008

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION1. BUILDING REGULATION APPLICATIONS AND OTHER BUILDING
CONTROL MATTERS DETERMINED BY THE DIRECTOR UNDER
DELEGATED POWERS(a) Building Regulation Applications - Pass

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

2007/0030/PV	AC	4, Evelyn Street, Barry	Dormer loft conversion
2007/0553/CW	A	17, Culver Close, Penarth	Cavity wall insulation
2007/0554/CW	A	21, Sullivan Close, Penarth	Cavity wall insulation
2007/0555/CW	A	19, Devon Avenue, Barry	Cavity wall insulation
2007/0556/CW	A	13, Carmarthen Close, Boverton	Cavity wall insulation
2007/0557/CW	A	14, Crawshay Drive, Boverton	Cavity wall insulation
2007/0558/CW	A	25, Four Acre, Llantwit Major	Cavity wall insulation
2007/0559/CW	A	7, Georgian Close, Llantwit Major	Cavity wall insulation
2007/0560/CW	A	9, Illtyd Avenue, Llantwit Major	Cavity wall insulation
2007/0561/CW	A	63, Illtyd Avenue, Llantwit Major	Cavity wall insulation
2007/0562/CW	A	1, Seys Court, Llantwit Major	Cavity wall insulation
2007/0563/CW	A	19, Dobbins Road, Barry	Cavity wall insulation
2007/0564/CW	A	4, Trevelyan Court, Llantwit Major	Cavity wall insulation

2007/0565/CW	A	Westville, Wick, Cowbridge*	Cavity wall insulation
2007/0566/CW	A	13, The Broadshoard, Cowbridge	Cavity wall insulation
2007/0567/CW	A	27, Cedar Way, Penarth	Cavity wall insulation
2007/0568/CW	A	16, Four Acre, Llantwit Major	Cavity wall insulation
2007/0569/CW	A	6, Four Acre, Llantwit Major	Cavity wall insulation
2007/0570/CW	A	15, Regency Close, Llantwit Major	Cavity wall insulation
2007/0571/CW	A	16, Illtyd Avenue, Llantwit Major	Cavity wall insulation
2007/0572/CW	A	12, Rectory Close, Wenvoe	Cavity wall insulation
2007/0573/CW	A	8, Wenvoe Terrace, Barry	Cavity wall insulation
2007/0574/CW	A	63, Harding Close, Llantwit Major	Cavity wall insulation
2007/0575/CW	A	6, Laburnum Way, Dinas Powys	Cavity wall insulation
2007/0576/CW	A	165, Lavernock Road, Penarth	Cavity wall insulation
2007/0578/CW	A	25, Harding Close, Llantwit Major	Cavity wall insulation
2007/0579/CW	A	4, Whitcliffe Drive, Penarth	Cavity wall insulation
2007/0580/CW	A	458, Gladstone Road, Barry	Cavity wall insulation
2007/0581/CW	A	12, McQuade Place, Barry	Cavity wall insulation
2007/0582/CW	A	16, Robinswood Crescent, Penarth	Cavity wall insulation
2007/0583/CW	A	45, Churchfield, Barry	Cavity wall insulation
2007/0584/CW	A	1, Plymouth Road, Barry	Cavity wall insulation
2007/0585/CW	A	33, Bedlington Terrace, Barry	Cavity wall insulation

2007/0586/CW	A	68, Illtyd Avenue, Llantwit Major	Cavity wall insulation
2007/0587/CW	A	107, Eagleswell Road, Boverton	Cavity wall insulation
2007/0588/CW	A	10, Coates Road, Penarth	Cavity wall insulation
2007/0589/CW	A	31, Manor Park, Llantwit Major	Cavity wall insulation
2007/0590/CW	A	38, Castle Road, Rhose	Cavity wall insulation
2007/0591/CW	A	23, Wordsworth Close, Llantwit Major	Cavity wall insulation
2007/0756/BR	A	22, Plassey Street, Penarth	Loft conversion
2007/0770/BR	AC	Villa Napoli Restaurant, Glendale Hotel, 8 - 10, Plymouth Road, Penarth	Alterations to restaurant including new canopy to front and rear and alterations to kitchen and bar areas
2007/0779/BR	AC	Plymouth House, Dimlands Road, Llantwit Major	Complete refurbishment and repair of listed grade II dwelling
2007/0805/BR	AC	12, St. Cyres Road, Penarth	Extension to rear of property
2007/0806/BR	AC	Pentwyn, Ystradowen	Extension and alterations to existing dwelling
2007/0807/BR	AC	65, Wordsworth Avenue, Penarth	Extension to rear of property
2007/0812/BR	A	73, Wordsworth Avenue, Penarth	Demolition of single storey utility room new build single storey extension to kitchen/dining room.
2007/0820/BR	A	Ardaven, The Westra, Dinas Powys	Conversion to loft to habitable rooms
2007/0827/BR	AC	186, Redlands Road, Penarth	Single storey extension to enlarge kitchen & provide playroom and shower room. Single storey garden room extension.

2007/0832/BR	AC	Ysgol Gyfun Bro Morgannwg, Colcot Road, Barry	Single storey extension to enlarge the drama block
2007/0853/BR	AC	The Marine Hotel, Friars Road, Barry Island	Refurbishment of first floor bedrooms
2007/0858/BR	AC	TY Gwyn, 21-23, Stanwell Road, Penarth	Preparation of existing lift shaft to accept new lift
2007/0866/BR	AC	30, Coldbrook Road East, Barry	Single storey extension and internal alterations to form residential care home
2007/0868/BR	AC	18, Four Acre, Llantwit Major	Loft conversion and dormer windows to rear of property (as amended)
2007/0877/BR	AC	Great Hamston Farm, Dyffryn	Conversion of domestic stone outbuilding to one bedroom holiday let
2007/0878/BR	AC	3, Hazel Road, Penarth	Extensions to rear of property
2007/0897/BR	AC	137, Westbourne Road, Penarth	Loft conversion
2007/0904/BN	A	2, Village Farm, Bonvilston	Two storey extension over existing garage for bedroom en-suite and conservatory
2007/0905/BN	A	Carreg Llwyd, Llancafren	Replace existing oil-fired boiler with new condensing oil boiler, replace existing water cylinder with new unvented stainless steel water cylinder.
2007/0906/BN	A	The Old Rectory, St. Mary Church, Cowbridge	Connection of mains drainage
2007/0908/BR	AC	Drug Centre, 26, Newlands Street, Barry	Alterations to ground floor reception
2007/0909/BN	A	33, Ffordd Cwm Cidi, Barry	Conversion of single storey integral garage
2007/0910/BN	A	89, Arlington Road, Sully	Single storey side extension to include utility room , shower and WC

2007/0911/BN	A	196, Lavernock Road, Penarth	Double storey side extension and conservatory at rear
2007/0913/BR	AC	Glandwr, Beach Road, Sully	First floor extension
2007/0914/BN	A	The Haven, St. Marys Church, Cowbridge	Connection of existing sewage system to new lateral drain being constructed by welsh water.
2007/0916/BR	AC	White Farm House, Leckwith	First floor extension to enlarge existing bedrooms
2007/0917/BN	A	Penyrheol Farm, Llysworney	Move internal wall between utility room and garage
2007/0918/BN	A	Gospel Hall, 23, Melrose Street, Barry	Dividing existing chapel into 2 x 2 bedroom residential flats
2007/0919/BN	A	4, Harbour View Road, Penarth	Ground floor extension to rear to enlarge kitchen enlargement of bedroom to roof space incorporation new dormer.
2007/0920/BR	AC	13, Montgomery Road, Barry	Single storey front and side extension two storey rear extension.
2007/0921/BN	A	25, York Place, Barry	Provision of ensuite bathroom (Flat 4). Repositioning of bathroom facilities (Flat 2).
2007/0922/BN	A	25, St. John Close, Cowbridge	Installation of a wheelchair lift and the conversion of the bathrrom into a shower room.
2007/0926/BN	A	Ein Cartref, Claude Road West, Barry	Renovation in kitchen and taken down chimney breast with supporting steel beams
2007/0928/BR	AC	122, Cornerswell Road, Penarth	Single storey extension to rear of property

2007/0929/BN	A	Mill Farm (Y Felin Fach), Monknash	Erection of single storey to side of house
2007/0932/BN	A	4 & 5, Church Terrace, St. Marys Church, Cowbridge	Connection to mains drainage
2007/0933/BR	AC	31, Coed Y Capel, Barry	Extension comprising of bedroom and bathroom
2007/0934/BR	A	McColls, 5, Royal Buildings, Station Approach, Penarth	Installation of an automated teller machine
2007/0935/BR	A	16, Mount Pleasant, Barry	Rear single storey extension comprising of bedroom and bathroom.
2007/0936/BN	A	31, Hastings Avenue, Penarth	Minor extension of existing garage for disabled car
2007/0937/BN	A	9, Lavernock Road, Penarth	Single storey ground floor extension and first floor extension on existing
2007/0938/BN	A	12, Cornerswell Place, Penarth	Loft conversion
2007/0939/BN	A	22, Quarella Street, Barry	New drainage layout to take shower waste
2007/0940/BN	A	30, Byrd Crescent, Penarth	Single storey extension to living room
2007/0943/BN	A	Llanfair House, St. Mary Church	Connection to new sewer
2007/0944/BR	A	St. Richard Gwyn RC High School, Argae Lane, Barry	Replacement roof to existing school
2007/0945/BN	A	40, Sherbourne Close, Highlight Park, Barry	First floor to be enlarge store room to be enlarged to bedroom with en-suite
2008/0001/BN	A	Claremont, Chapel Road, Broughton, Wick	New downstairs toilet and drains for connection to sewer
2008/0006/BN	A	14, Cannington Close, Sully	Single storey side extension to provide playroom and extra kitchen space

(b) Building Regulation Applications - Reject

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

2007/0815/BR	R	Land opposite The Swan PH, Cardiff Road, Dinas Powys	Construction of two houses
2007/0831/BR	R	Land adjoining Wesley House (former garden), Church Road, Barry	New House
2007/0912/BR	R	7, Elm Close, Sully	Single storey rear extension

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

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

2007/0118/AI	A	Crofta Farm, Ystradowen	Extension & internal alterations
2007/0119/AI	A	Matrix Medical Centre, Highlight Park, Barry	Internal alterations and dentist fit out
2007/0120/AI	A	2 Cedar Road, St. Athan	Loft conversion
2007/0121/AI	A	6 Stacey Road, Dinas Powys	Loft conversion
2007/0122/AI	A	The Cross, Llantrithyd	Material change of use of existing barn into dwelling
2007/0123/AI	A	Cardiff Airport	Refurbishment of existing office suite
2007/0124/AI	A	The Croft, Methodist Lane, Llantwit Major	Part removal of load bearing wall
2007/0125/AI	A	Cartref, St. Hilary	Single storey rear and side extension
2007/0126/AI	A	36 Fontygary Road, Rhoose	Structural alterations
2007/0127/AI	A	71 High Street, Barry	Internal alterations
2008/0001/AI	A	71 High Street, Cowbridge	Internal alterations
2008/0002/AI	A	60 Eastgate, Cowbridge	Internal alterations
2008/0003/AI	A	Augusta Cottage, Raisdale Road, Penarth	Construction of flat roofed extension

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 17 JANUARY 2008

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

3. PLANNING APPLICATIONS DETERMINED BY THE DIRECTOR UNDER
DELEGATED POWERS

If Members have any queries on the details of these applications please contact the Department.

Decision Codes

A - Approved	B - No observations (OBS)
C - Unclear if permitted (PN)	E - Split Decision
F - Prior approval required (PN)	G - Approved the further information following "F" above (PN)
H - Allowed : Agricultural Condition Imposed : Appeals	N - Non permittal (OBS - objections)
J - Determined by NAFW	Q - Referred to Secretary of State for Wales (HAZ)
L - Approved <u>AND</u> refused (LAW)	S - Special observations (OBS)
P - Permittal (OBS - no objections)	U - Undetermined
R - Refused	V - Variation of condition(s) approved
O - Outstanding (approved subject to the approval of Cadw OR to a prior agreement)	

2007/01272/FUL	A	26, Victoria Road, Penarth	New single storey rear extension(following demolition of existing) removal of external fire escape
2007/01287/FUL	A	Lower Lodge, Ewenny	Double garage
2007/01409/LAW	A	26, Plymouth Road, Penarth	External alterations
2007/01419/FUL	A	5, Slade Close, Cowbridge	Conversion of existing garage into habitable dwelling with single storey extension to the rear
2007/01421/CAC	A	Manor Piece, St. Hilary, Cowbridge	Demolition of chimney on west elevation

2007/01425/FUL	A	16, Marine Drive, Ogmore By Sea	Lean to conservatory in white upvc to rear of dwelling
2007/01426/FUL	A	Holly Cottage, Michaelston-le-Pit	Proposed new boundary walls
2007/01427/FUL	A	40, Elizabeth Avenue, Barry	Single storey extension
2007/01429/ADV	A	Co Op Travel Store, The Precinct, Boverton	1 x fascia sign, 1 x DS hanging sign
2007/01435/FUL	A	7, Darren Close, Cowbridge	Porch to front
2007/01439/FUL	A	Ty Wenol, Water Street, Broughton, Cowbridge	Conservatory to rear of property
2007/01442/FUL	A	Chapel View Barn, Clawdd Coch Crossroads, Pendoylan	Variation of condition 4 of planning consent 01/01509/FUL to allow use of garage for ancillary and residential use
2007/01457/FUL	A	Pen Y Lan House, Pen Y Lan Road, Aberthin	Single storey rear extension with first floor terrace. Alterations to two windows on front elevation
2007/01458/FUL	A	Bradgate, Colwinston	First floor conversion extension of existing bedroom, providing new bedroom over ground floor day room, plus new en-suite and walk in wardrobe
2007/01460/FUL	A	105, St. Davids Crescent, Penarth	Two storey extension
2007/01461/FUL	A	50, Westbourne Road, Penarth	Installation of solar water heating collectors to roof (rear only)
2007/01464/FUL	A	8, Oyster Bend, Sully	Modifications to existing dwelling house including addition of gable to south elevation, solar panels to internal roof slope, alterations to fenestration and access

2007/01472/FUL	A	151, Plymouth Road, Penarth	Retention of extension and alteration works as built
2007/01477/FUL	A	Dros Y Mor Farm, St. Donats Road, Llantwit Major	Single storey kitchen extension
2007/01490/FUL	A	28, Dawan Close, Cwm Talwg, Barry	Proposed two storey side extension to enlarge dining room and bedroom
2007/01493/FUL	A	Plot 1, off Llantwit Road, St Athan	Conversion of part double garage into dining room
2007/01494/FUL	A	14, Coed-y-Felin, Barry, Vale of Glamorgan	Installation of upvc conservatory to rear elevation
2007/01503/FUL	A	4, Hawthorn Close, Dinas Powys	Construction of a porch area and bay window on the front elevation of the property and a ground floor extension to existing kitchen on rear elevation of property
2007/01504/FUL	A	38, Llanmaes Road, Llantwit Major	Replace existing side porch with new larger better insulated porch
2007/01508/FUL	R	11, Earl Road, Penarth	New garage to replace existing
2007/01539/FUL	A	14, Lakin Drive, Highlight Park, Barry	Two storey extension to the side of the property and rear conservatory
2007/01608/OBS	B	Temporary marina building, Cambrian Marina, Watkiss Way, Grangetown, Cardiff	Placement of floating marina facilities building for a temporary period (3years)
2007/01349/FUL	A	Tesco Stores Ltd. Stirling Road, Barry	Relocation of existing signal island, at the junction of Stirling Road with Port Road West
2007/01371/LBC	A	All Saints Church Hall, Victoria Square, Penarth	Replacing a small area of sandtoft pantiles (no longer available) with plain tiles on north elevation

2007/01431/FUL	A	Miniature golf course adjacent to Tourist Information Centre, The Promenade, Barry Island	Refurbishment of existing mini golf course to form new 12 hole adventure golf course with reception building for the sale of refreshments
2007/01436/FUL	A	27, Livingstone Way, St Athan	Special needs single storey extension bedroom/en-suite
2007/01441/FUL	A	Penmark Place, Penmark	Grain store
2007/01444/LBC	A	Rose Cottage, Gileston	Renovate/conversion of existing outbuilding to guest bedroom
2007/01446/FUL	A	Rose Cottage, Gileston	Conversion of existing outhouse to guest accommodation
2007/01450/FUL	A	33, Ceri Avenue, Rhose	Proposed loft conversion to provide bedroom and en-suite
2007/01456/FUL	R	Land adjacent to Tregof, Ystradowen	Application for removal of condition 10 to permission 06/01399
2007/01459/FUL	R	Site adjacent Southgate House, Town Mill Road, Cowbridge	Four bedroom detached private dwelling with separate double garage and single garage
2007/01465/FUL	A	41, Augusta Crescent, Penarth	Construct porch to front of property, renew existing flat roof with a zinc roof incorporating 2 roof lights
2007/01467/FUL	R	45, Merlin Close, Penarth	Single storey extension and conservatory
2007/01471/ADV	A	Barry Island Railway Station building, Romanwell Road, Barry Island	Two company station nameboards
2007/01473/FUL	A	12, Laburnam Way, Penarth	Single storey extension to rear, vehicle crossover and installation of gates

2007/01474/FUL	R	20, Cosmeston Drive, Penarth	Construction of a two storey extension to side of property
2007/01475/FUL	R	9, Whittan Close, Rhoose	First floor extension over existing garage and change of use into 2 houses
2007/01489/FUL	A	13, Elm Grove Lane, Dinas Powys	Single storey extension to rear of property, all materials to match existing
2007/01496/FUL	A	87, Heol y Frenhines, Southra Park, Dinas Powys	Two storey side extension with dormer to rear
2007/01497/FUL	A	Caerannwyl, Flemingston, Barry	Conservatory to rear of property
2007/01498/FUL	A	Rear of 16, Vere Street, Barry	Demolition of existing two storey building and construction of new domestic dwelling
2007/01519/FUL	A	Barn B, Sheep Court Farm, Bonvilston	Conversion of existing barn to residential use
2007/01528/FUL	A	Sunnyview, St. Brides Major	Conservatory
2007/01529/FUL	A	30, Heol Pearetree, Rhoose	Single storey extension
2007/01543/FUL	A	5, Millbrook Heights, Dinas Powys	Extension to front comprising porch and study
2007/01546/FUL	A	2, Talyfan Close, Cowbridge	Two single storey extensions (kitchen & lounge)
2007/01553/FUL	A	Treetops, Sully Road, Penarth	Build boundary wall to replace broken fence and widen entrance to make safer access
2007/01560/FUL	A	10, Manorbier Close, Dinas Powys	To remove existing ground floor window in front elevation of property and construct a bay window as shown on drawings supplied with application

2007/01567/FUL	A	15, Old Port Road, Wenvoe	Proposed detached garage
2007/01568/FUL	A	21, Hawthorne Avenue, Penarth	Rear single storey extension
2007/01569/FUL	A	40, Victoria Road, Barry	Removal of condition 2 of planning application 2007/00892/FUL (two storey rear extension)
2007/01573/FUL	A	10, Church Road, Penarth	Construction of single garage in already defined garage space
2007/01273/LBC	R	Ty Fry Farm, Llandow	Addition of new window to first floor of north elevation
2007/01403/FUL	A	Holes Farm, Rear of Wayside Cottages, Dinas Powys	Take down existing lean-to and erect agricultural building to house cows and calves
2007/01468/FUL	A	Land adjoining 41, Nant Talwg Way, Barry	Construction of one two storey detached dwelling with integral garage
2007/01486/FUL	A	7, Romilly Road, Rhoose	Single storey extension to rear of property, extending lounge and kitchen
2007/01487/FUL	A	139, Pontypridd Road, Barry	Conservatory
2007/01492/FUL	A	Village Hall, Peterston Super Ely	New disabled access ramps and steps, and associated external works
2007/01500/FUL	A	Colcot Arms Hotel, Colcot Road, Barry	New smoking shelter and associated furniture and new door opening to front of existing public house
2007/01507/FUL	A	12, New Barn Holdings, Flemingston	Rear & side extensions
2007/01510/FUL	A	25, Cwrt-y-Vil Road, Penarth	Single storey extension to include dining, utility room and garage. Alterations to front garden wall and vehicular access

2007/01511/FUL	R	3, John Batchelor Way, Penarth Marina	Porch extension/balcony extention to front elevation, garage conversion to living room, installation of rear balcony structure
2007/01514/ADV	A	New Tower Surgery, Heol y Llongau, Barry	New signage for Pharmacy
2007/01516/FUL	R	2, John Batchelor Way, Penarth Marina, Penarth	Porch extension/balcony extension to front elevation. Garage conversion to living room. Installation of rear balcony structure
2007/01517/FUL	A	4, Cardiff Road, Dinas Powys	Extension to garage with a monopitch roof
2007/01518/FUL	A	Former Mulligans Restaurant, Stalling Down, Cowbridge	Refurbishment, renovation and extension to existing building. Proposed decked terrace, landscaping and re-surfacing of existing car park
2007/01525/FUL	R	1 and 2, The Old Yard, Bromfield Place, Penarth	Proposed garages
2007/01526/FUL	A	Arqiva St. Hilary Transmitting Station, Cowbridge	Installation of 2 no. colinear antennas on the existing mast
2007/01527/FUL	A	7, Smithies Avenue, Sully	Erection of single storey rear extension and alterations
2007/01533/FUL	A	Rear storage yard, 21, Cardiff Road, Barry	Retention of roof over existing storage yard
2007/01537/FUL	A	The Warren, 60, Craig yr Eos Road, Ogmore By Sea	Extension to existing dwelling
2007/01538/FUL	A	48, The Parade, Barry	Installation of chimney on roof
2007/01542/FUL	A	31, Grove Terrace, Penarth	Proposed single storey kitchen extension
2007/01544/FUL	A	27, Cedar Way, Penarth	Two storey extension to side

2007/01547/FUL	A	6, Dyserth Road, Penarth	Replacement garage
2007/01549/FUL	A	30, Purdey Close, Barry	Single storey side and rear extension and front porch
2007/01551/FUL	A	7, Manor Park, Llantwit Major	Extension to entrance lobby, rear elevation for toilet & wash area & retrospective planning permission for external rear property conservatory
2007/01564/FUL	A	19, Forrest Road, Penarth	Two storey extension to side, single storey to rear and detached garage and driveway
2007/01574/FUL	A	111, Pontypridd Road, Barry	Single storey rear extension with demolition of existing garage/kitchen
2007/01585/FUL	A	Ivy Cottage, Colwinston	Amended roof to existing conservatory
2007/01628/FUL	A	Llandough Primary School, Dochdwy Road, Llandough	2 pergolas for shade installed on school field. 1 covered area for shade and against inclement weather
2007/00664/FUL	A	Lyndongrove, Llanblethian	Retention of extension to existing stables, re-surfacing of land adjacent to existing barn and re-siting of horse trainer
2007/01545/FUL	A	5, Meadowside, Sully Road, Penarth	Single storey side & rear conservatory extension
2007/01548/FUL	A	68, South Road, Sully	Dormer loft extension
2007/01555/FUL	R	Maerdy Newydd Stables, Greenway Road, Bonvilston	Single storey secure storage and hay storage
2007/01617/FUL	R	1, Pembroke Terrace, Penarth	Amendments to 05/00929/FUL - with a proposed new single detached garage

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 17 JANUARY 2008

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2006/00403/FUL
Appeal Method: Written Representations
Appeal Reference No: 07/2057420
Appellant: Mr. S. Harvey,
Location: **6, Spencer Street, Barry**
Proposal: Proposed garden store to rear garden, consisting of
ground and first floor
Start Date: 27 November 2007

L.P.A. Reference No: 2007/00600/FUL
Appeal Method: Written Representations
Appeal Reference No: 07/2061808
Appellant: Leslie D. T. Burford,
Location: **10, Illtyd Avenue, Llantwit Major**
Proposal: 3 bedroom house attached to 10, Illtyd Avenue
Start Date: 17 December 2007

L.P.A. Reference No: 2007/00743/FUL
Appeal Method: Written Representations
Appeal Reference No: 07/2061791
Appellant: Noel & Ann Thomas,
Location: **Court Farm, Llansannor**
Proposal: Construction of 3 detached houses
Start Date: 20 December 2007

Enforcement Appeals Received

None.

(b) Planning Appeal Decisions

L.P.A. Reference No: 2007/00508/FUL
Appeal Method: Written Representations
Appeal Reference No: 07/2053515
Appellant: Mr. B. & Mrs. J. M. Mantle,
Location: **52, Clive Place, Penarth**
Proposal: Proposed removal of chimney stacks
Decision: Appeal Dismissed
Date: 17 December 2007
Inspector: Mr. C. I. Cochrane
Council Determination: Committee

Summary

The conservation area is also the subject of an Article 4(2) Direction under the Town and Country Planning (General Permitted Development) Order 1995 which removes permitted development rights for householders in order to protect the character of the area. This includes the "erection, alteration or removal of a chimney on a dwellinghouse" and, accordingly, the proposed development requires planning permission.

The property is within the Penarth Conservation Area, which is subject of an article four direction restricting the removal of chimney stacks without the prior approval of the Local Planning Authority. In considering the appeal, the Inspector noted that the appeal site is part of a pair of semi-detached dwellings which are symmetrical in form, style and appearance, both having identical chimney stacks on their outside elevations. The Inspector considered the chimney stacks at each end to be an integral part of the design and architectural composition of the pair of houses. The Inspector talked much about the architectural value of the stacks and considered them to be important components of these attractive buildings.

In dismissing the appeal, he considered that the removal of the chimney stacks would seriously detract from the architectural character and appearance of the building, and significantly, it would further unbalance the composition of the pair of semi-detached houses. Consequently, the development would fail to preserve the character and appearance of the Penarth Conservation Area. He further commented that the loss of other chimney stacks in the conservation area, as described by the appellants, does not set a good precedent for allowing further such erosion of the character of the area, particularly in this prominent location in Clive Place.

L.P.A. Reference No:	2007/00483/OUT
Appeal Method:	Written Representations
Appeal Reference No:	07/2053453
Appellant:	Barratt South Wales,
Location:	Land adjacent to 71 & 73, Brookfield Avenue, Barry
Proposal:	Outline application for 4 bungalows
Decision:	Appeal Dismissed
Date:	20 December 2007
Inspector:	Mr. C. I. Cochrane
Council Determination:	Committee

Summary

The appeal site formed part of a larger area of informal public open space on the edge of a recently constructed housing estate of Pencoedtre. Whilst the appellants claim the area of the appeal site represented only a small fraction of the whole of this open space facility, the Inspector considered that the development would have a significant effect in separating the larger open area from Brookfield Avenue residents and removing the land next to the wooded stream. In consideration of the Council's Policy HOUS8, the Inspector was of the opinion that the proposed development would erode the value of the open space within the residential area. It would remove an important part of the open grassed area and a portion of the wooded banks of the stream would be lost to new development, which would urbanise this part of the open space.

He also thought that building upon this open corner of the area would also divorce the rest of the public open space from the western part of Brookfield Avenue. For these reasons, the Inspector concluded that the appeal should be dismissed.

(c) April 2007 – March 2008 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed *	Allowed	Total	
Planning Appeals (incl. tree appeals)	WR	24	11	35	5
	H	4	1	5	1
	PI	-	-	-	-
Planning Total		28 (70%)	12 (30%)	40	6
Enforcement Appeals	WR	1	2	3	-
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		1 (33.33%)	2 (66.67%)	3	-
All Appeals	WR	25	13	38	5
	H	4	1	5	1
	PI	-	-	-	-
Combined Total		29	14	43	6

(d) Other Matters

None.

Background Papers

Relevant appeal decision notices and application files (as detailed above).

Contact Officer:

Justina M. Walsh, Tel: 01446 704690

Officers Consulted:

None applicable.

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 17 JANUARY 2008

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

5. TREES

(a) Delegated Powers

If Members have any queries on the details of these applications please contact the Department.

Decision Codes

A - Approved
E Split Decision

R - Refused

2007/01506/TPO	A	22, Cudd Y Coed, Pencoedtre, Barry	Remove major dead wood from one oak tree (T8) and 4m reduction of lower limb of another oak tree (T9).
2007/01572/TPO	A	Sycamore House, Church Street, Wick	Reduction (4 to 5m) to sycamore
2007/01596/TCA	A	21, Archer Road, Penarth	Fell & uproot Weeping Ash to allow proposed development
2007/01621/TCA	A	16, Park Road, Penarth	Fell Birch x 3, deadwood/crown lift 2 pines
2007/01484/TCA	A	The Rectory, Port Road, Wenvoe	Fell birch
2007/01556/TCA	A	Stepping Stones, Llancarfan	Fell 2 Black Poplars, 1 Sycamore, 1 Willow, 5 Ash
2007/01669/TCA	A	To front of 1, St. Andrews House, Sea View Court, Penarth	Crown raise, crown thin and top by 25% to Beech Tree
2007/01630/TCA	A	Craig Y Don, Colhugh Street, Llantwit Major	Complete removal of 2 Lawson Conifers & 1 Eucalyptus
2007/01708/TCA	A	The Bowers, Coldbrook Road West, Cadoxton, Barry	Fell 2 conifers in front garden

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 17 JANUARY 2008

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

8. GENERAL PLANNING MATTERS

REPORT TO PLANNING COMMITTEE TO PROPOSE THE CONFIRMATION
OF A TREE PRESERVATION ORDER : LAND AT AND REAR OF EAST WINDS,
PEN-Y-LAN, COWBRIDGE

SITE AND TREE DESCRIPTION

The site is the garden of East Winds (now known as The Bower House) and a plot of land east of this garden in Pen-y-Lan village, north of Cowbridge.

TREE HISTORY

This provisional Order (No. 20), 2007, was prompted by advice from a nearby resident that the absentee owner of the land east of East Winds had indicated that planning approval might be sought for development in the very near future. As there is a young avenue of Beech trees on the land the Order was served. Furthermore the owners of East Winds (The Bower House) have requested the same.

REPRESENTATIONS

S. G. Williams and Associates on behalf of the owner of the plot east of East Winds has made the following objections:

- It is not possible to clearly identify or locate a number of trees within the Order.
- The trees are inaccurately plotted.
- The trees are not tagged with reference numbers to aid identification.
- A professional Arboriculturist (in a survey attached – Appendix A) has considered that only 11 trees, out of a total of 30, merit protection and the remainder are not worthy of a Tree Preservation Order. -

The letter goes on to request that the Tree Preservation Order either not be confirmed or that the Order be varied to reflect the condition and nature of the trees on site.

REPORT

The Beech 'avenue' on the land east of East Winds consists of several trees arranged to shield what was once believed to be a tennis court around the turn of the 20th Century, when the village of Pen-y-Lan was actually a large garden surrounding one property. Their contribution to visual amenity should be measured in terms of the depth and density they ascribe to this wooded tract on the hamlet's eastern edge. Moreover, because of their height and the elevated position of Pen-y-Lan itself, they are visible as an amalgamated whole, particularly when taking the road westwards out of Trerhyngyll. They add variety to the usual range of trees in the locality (Ash, Oak, Sycamore and Hazel) and therefore, to the biodiversity.

It has been pointed out that the trees on the boundary of the garden surrounding East Winds are overgrown hedgerow trees and most are leggy and diseased whilst others are in precipitous locations on the edge of land elevated above the narrow highway and just barely retained by a severely undermined stone wall. However, there are two Beech trees and one Scots Pine near the dwelling and just in the foreground of the aforementioned 'avenue' which will be included in the modified Order.

The issues contained in the representation from S. G. Williams and Associates (Appendix A) have been addressed as follows:

- The 'avenue' is clearly visible, however, the Order has been modified to a group Tree Preservation Order – G1 – instead of individual references T1, T2 etc.
- The trees along the boundary of the garden of East Winds (The Bower House) have been removed from the Order for reasons as stated above, negating the need for clarification as to their positions and identification.
- Whilst some of the Beech trees in the 'avenue' may be of lesser quality, it is considered that they do not present any significant hazard and should be retained in the present arrangement. (Nearby buildings are scarce, as is traffic and other road-users, given the severely constrained width of the surrounding highway.) The point has been made that the trees were probably planted with the intention of thinning them out, but that this has not been undertaken. However this report does preclude consideration of any application for sympathetic thinning of the 'avenue' should the Order be confirmed.

RECOMMENDATION

- (1) It is recommended that the Order be confirmed as modified.

Reason for Recommendation

- (1) In order to address the issue of clarification and the concerns laid out in the letter of representation.

Background Files

Not applicable.

Contact Officer – Margaret Krzemieniewski, Tel: 01446 704742

Officers Consulted:

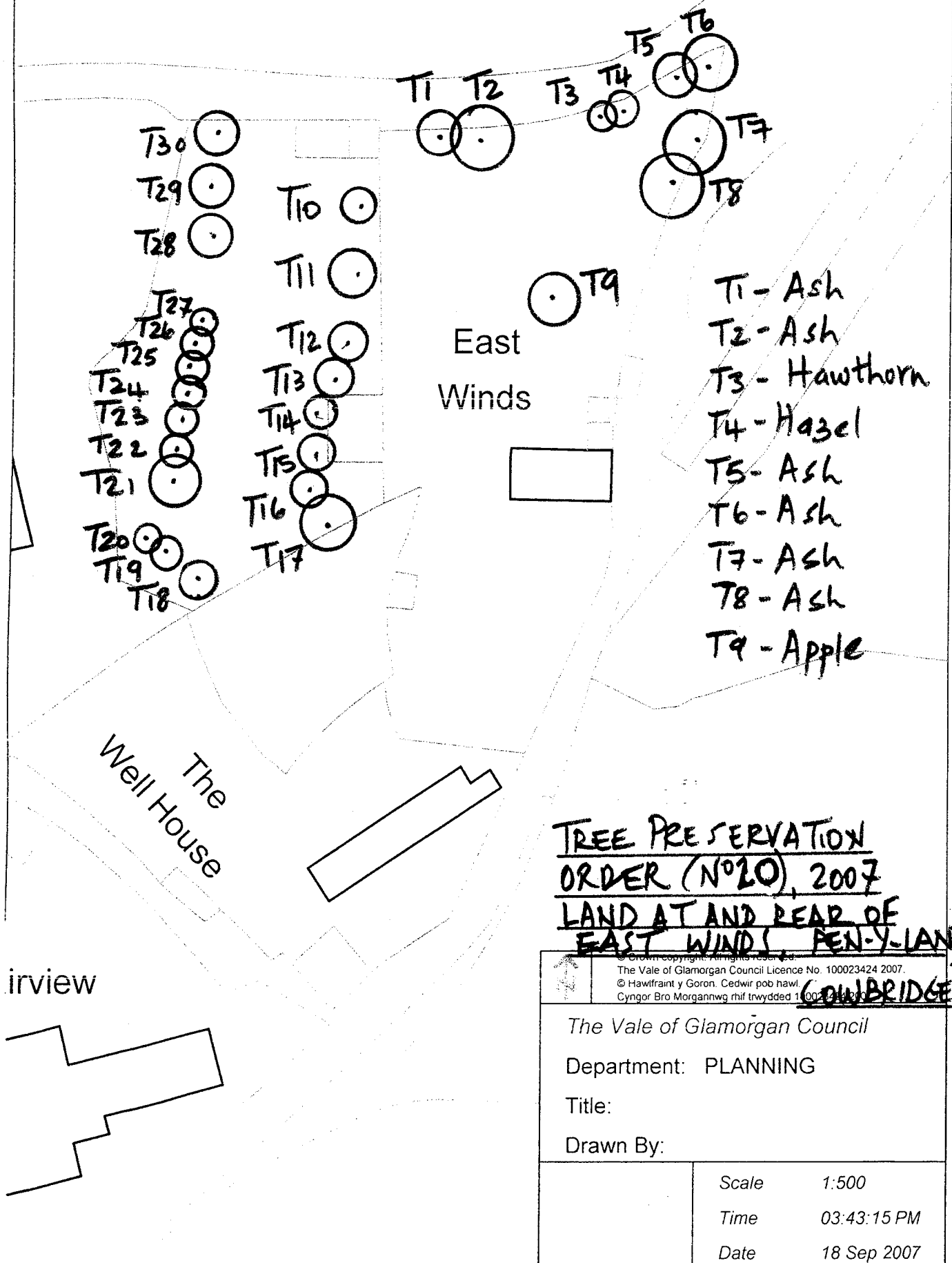
Not applicable.

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

T10 = Hazel

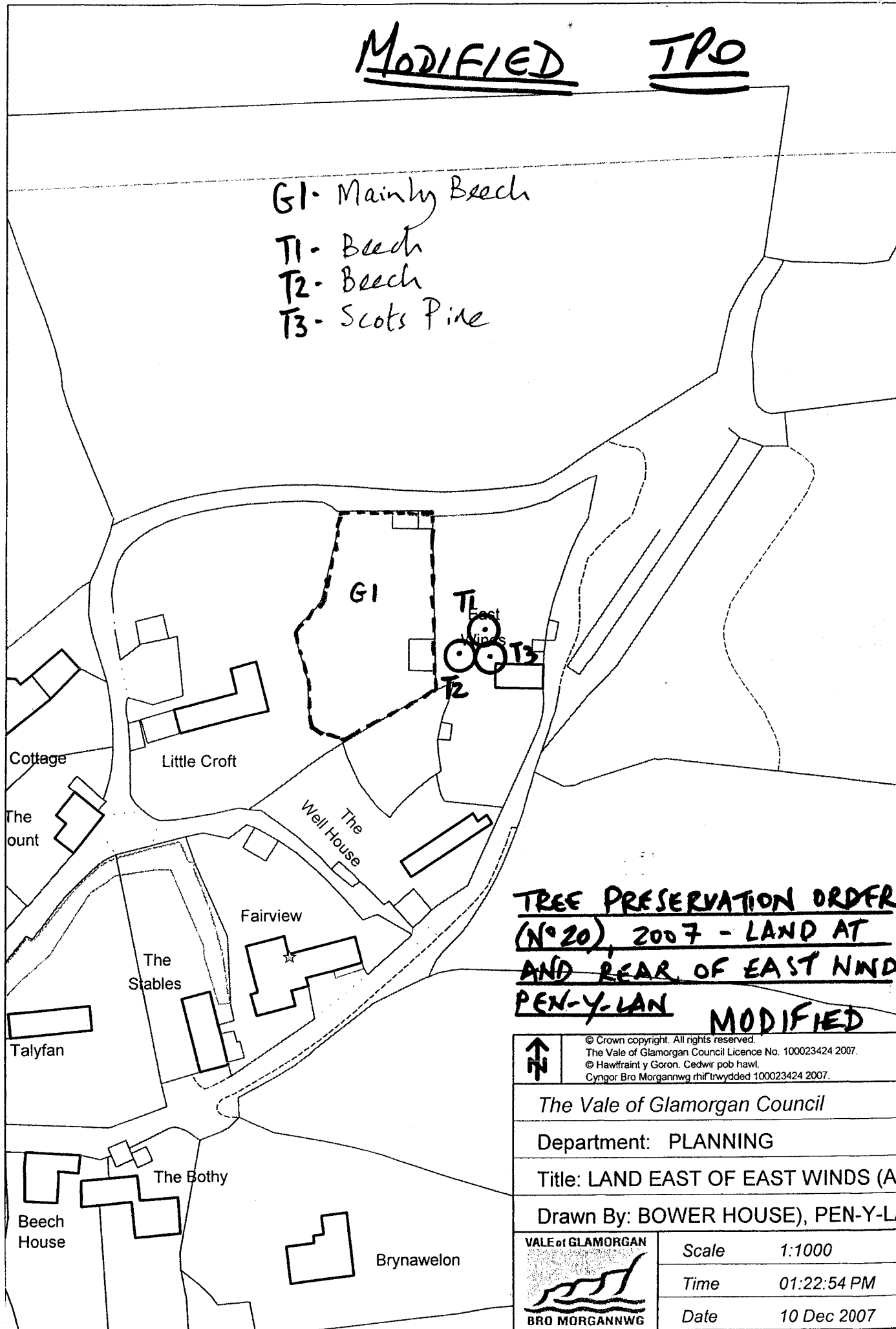
T11 to T30 - Beech

PROVISIONAL TPO



MODIFIED TPO

G1 - Mainly Beech
 T1 - Beech
 T2 - Beech
 T3 - Scots Pine



TREE PRESERVATION ORDER (Nº 20), 2007 - LAND AT AND REAR OF EAST WINDS PEN-Y-LAN MODIFIED



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 Cyngor Bro Morgannwg rhif trwydded 100023424 2007.

The Vale of Glamorgan Council

Department: PLANNING

Title: LAND EAST OF EAST WINDS (AKA TH-

Drawn By: BOWER HOUSE), PEN-Y-LAN

VALE of GLAMORGAN



BRO MORGANNWG

Scale 1:1000

Time 01:22:54 PM

Date 10 Dec 2007



APPENDIX A

S.G. WILLIAMS & ASSOCIATES

REGISTERED TOWN PLANNERS - BUILDING & ARCHITECTURAL DESIGNERS

11/07/58

DT/MLF/C04-0519

23 November 2007

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

email: sgwilliamsassoc@aol.com

Dear Sir,

Town & Country Planning Act 1990 (as amended); Town & Country Planning (Trees) Regulations 1999; Tree Preservation Order 2007 (No. 20); Land at 'East Winds', Penylan, Nr. Cowbridge, Vale of Glamorgan

I write with reference to the above Notice of Making a Tree Preservation Order (TPO), served on my clients solicitors. My clients have asked that I deal with the matter on their behalf and respond accordingly to your Notice.

To this end, I have instructed on behalf of my clients, an independent arboriculturalist to survey and report on the trees the subject of the TPO, which is attached for your attention. On the basis of the received professional tree survey, I wish to object to the TPO as made, on the basis that;

- The TPO as made is unclear and it is not possible to positively identify or locate a number of trees contained within the order.
- The trees marked as contained within the TPO are not accurately plotted or shown in relation to other trees on the site.
- The trees contained within the TPO are not marked on site to signify their inclusion within the TPO and hence allow accurate identification.
- Of the 30 trees contained within the TPO it is considered by a professional arboriculturalist that only some 11 merit being contained within a TPO at least a further five could not accurately be located or are shrubs, and, the remaining trees were considered not worthy of a TPO.

It is clear from the independent report that the TPO as made is unreasonable, inaccurate and largely unnecessary. The majority of the trees contained within the TPO are not worthy of inclusion, could not be accurately identified, are incorrectly stated or are shrubs that should not be included within a TPO.

I therefore wish this letter and enclosed arboriculturalist report to be treated as a formal objection to TPO number 20 and request that the council either do not confirm the order or else vary the order to accurately reflect the condition and nature of the trees on site.

I look forward to your further communication on this matter in due course.

Yours faithfully,

Mark Shreves B.Sc.(Hons), DipSurv, AClOB



Tim Pursey

M.Arbor.A., Dip.Arb.(RFS), Tech.Cert.(Arbor.A.)

Arboricultural Consultant

1 Stanley Park, Lower Easton, Bristol BS5 6DT

Tel. 0117 902 8065

Email arb@timpursey.co.uk

Mark Shreves
SG Williams & Associates
Lombard House
64 Mansel Street
Swansea SA1 5TN

21 November 2007

Re Land at 'East Winds', Pen Y Lan, Nr. Cowbridge

Dear Mark,

Thank you for the information and documentation regarding a Tree preservation Order (TPO) recently imposed at the above property. I have visited the site today with a view to determining whether the trees at the property are indeed worthy of a TPO.

I have referred to the 'Tree Evaluation Method for Tree Preservation Orders' (TEMPO). This document was formulated by Julian Forbes-Laird in 2002 as a method by which Local Authorities can assess trees for TPO suitability. The document has more recently come into the public domain and is intended as a field guide to decision making. Whilst the system should not replace the Tree Surveyors' common sense, it is useful for Consultants' as an effective way of testing the suitability of recently applied TPOs.

TEMPO operates a points system depending on various factors including the condition of the tree, it's retention span, relative public visibility, an expediency assessment and other factors. The number of points accumulated will then indicate suitability for TPO.

The points system is as follows:

Any zero scores	Do not apply TPO
1-6 points	TPO indefensible
7-10 points	Does not merit TPO
11-14 points	TPO defensible
15+ points	Definitely merits TPO

For the purposes of clarity, I have used the same numbering system indicated within the TPO document and plan.

T1 Ash and T2 Ash.

In the position of these trees as indicated on the plan, there are in fact three Ash trees. It is unclear which trees are subject to TPO and which is not. The trees are all in average condition at best, with several decay hollows and decay fungi visible on branches/stems. Under the TEMPO system the trees earn 10 points each. This would indicate they do not merit a TPO.

T3 Hawthorn

I was unable to locate a Hawthorn at, or anywhere near, the position indicated on the plan.

T4 Hazel

A number of Hazels grow in the position indicated on the TPO plan. It was not possible to determine which hazel is subject to the TPO. Whilst it is possible to TPO a Hazel, these are usually trees with a single stem. Multi-stemmed shrubby examples, as in this case, are not usually included within a TPO because it is not possible, legally, to TPO a shrub. I would contend these Hazels are entirely unsuitable candidates for inclusion within a TPO.

T5 Ash, and T6 Ash

In common with above, a number of Ash trees grow in this location. It is far from certain which pair of trees are subject to a TPO. All the Ash trees in this location are multi-stemmed examples growing on/in a small dry stone retaining wall. Roots are clearly visible as the result of movement within the wall. The lifespan of these otherwise very ordinary trees is therefore likely to be reduced as a result. The trees in this area were worthy of 10 points each, at most, indicating they do not merit a TPO.

T7 Ash and T8 Ash

I was able to locate these two trees, although not with absolute certainty. In common with above, the trees in this area are typically multi-stemmed examples of average quality and amenity value. They are each worthy of 10 points indicating they do not merit a TPO.

T9 Apple

The tree earned a zero score with a retention span of less than 10 years. This is due to a large decay hollow in the stem around 1.5m from the ground. TEMPO guidelines suggest 'Do not apply TPO'.

T10 Hazel

In common with T4 it was not possible to positively locate this tree and is likely to be unsuitable for the reasons given above.

T11-T17 Beech

These trees are of mixed quality and are not accurately plotted on the plan. There are 8 trees in a roughly straight line, and only 7 included in the TPO. Two trees exist in the positions indicated by T16 and T17 on the plan, but are Larches. I have made some assumptions about which trees are referred to on the plan.

T11 Beech

A tree of good form earning 17 points indicating it definitely merits a TPO.

T14 Beech (Probably)

A tree of average form earning 15 points indicating it definitely merits a TPO.

T17 Beech

A tree of good form earning 17 points indicating it definitely merits a TPO.

T12, T13, T15, T16 Beech

Slightly smaller trees being suppressed by neighbouring Beech and conifers. The Beech trees were originally planted quite closely together, probably with the intention of thinning them at some future date. In the interests of good management, it would now be prudent to remove these

trees and allow T11, T14 and T17 to remain and flourish. Trees T12, T13, T15 and T16 are each worthy of 10 points at most (some with zero scores). These trees do not merit a TPO.

T18-T27 Beech

There are, in fact, 12 Beech trees in this line. It is not possible to say with any certainty which 10 trees out of the 12 are subject to TPO and which are not. There are some 6 trees within this group which are worthy of 13 points or more indicating their suitability for TPO. These include T27, which I assume is the last tree at the northern end of the group. The remaining 6 are of such a quality they warrant 10 points at most, again with some zero scores. These do not merit a TPO.

T28 Beech

The stem is forked into multiple stems at 1 metre from the ground. It warrants some 12 points indicating a TPO is defensible, however my feeling is it should be removed, along with neighbouring conifers, to allow T29 and T30 to flourish.

T29 Beech

A tree of good form earning 17 points indicating it definitely merits a TPO.

T30 Beech

A tree of good form earning 17 points indicating it definitely merits a TPO.

Overall this TPO has been applied in such a way as to render the order largely unenforceable. It is not possible to positively locate or identify a significant number of the trees included within the order. The trees are plotted inaccurately on the plan and are not shown in relation to other trees on site. The trees are not tagged or marked in any other way to signify their inclusion within the TPO. It would appear to have been applied hurriedly and without due diligence or professionalism.

I am not sure why this TPO has been applied. It is accepted good practice for the Local Planning Authority (LPA) applying the TPO to indicate their reasons for doing so. LPAs may make a TPO if it appears to them to be expedient in the interests of amenity to make provision for the preservation of trees. However LPAs should be able to show that a reasonable degree of public benefit would accrue before TPOs are made or confirmed. The trees, or at least part of them, should therefore normally be visible from a public place.

I consider there are good grounds for objecting to a number of aspects regarding the TPO recently placed on this property. I would sincerely hope that the LPA reconsider before confirming the order. I consider that only a small number of Beech trees justify inclusion within a TPO. I would also hope the LPA plot the trees more accurately if the order is confirmed, and also consider use of a tagging system to remove any future uncertainty.

I trust this assessment is helpful to you and look forward to receiving any comments or questions you may have.

Yours sincerely

Tim Pursey

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 17 JANUARY 2008

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

8. GENERAL PLANNING MATTERS

REPORT TO PLANNING COMMITTEE TO PROPOSE THE CONFIRMATION
OF A TREE PRESERVATION ORDER : NO. FONTYGARY ROAD, RHOOSE

SITE AND TREE DESCRIPTION

The site is the whole plot of land comprising No. 90 Fontygary Road, Rhose, once a large well-planned garden which previously included a small orchard, a small pond surrounded by various conifers, and several ornamental species like Maple, Cherry, Amelanchier, Copper Beech.

TREE HISTORY

A provisional Tree Preservation Order (No. 23), 2007, was served in order to protect a number of mature and semi-mature trees within the gardens of No. 90 Fontygary Road. In support of an outline planning application (reference 06/01000/OUT) for a residential development comprising six dwellings, an illustrative site layout shows a certain number of the trees being retained within the garden space attached to each dwelling.

REPRESENTATIONS

A letter of objection to the provisional Tree Preservation Order was received from agents, S. G. Williams and Associates, acting on behalf of the owner of No. 90 Fontygary Road detailing concerns that include:

- The trees are inaccurately plotted on the Order.
- They are not referenced with individual number tags on site.
- The tree survey submitted with the planning application reference 06/01000/OUT has commented on the status and condition of all trees on the site and three have been included in the Order despite the survey determining that:
 - (i) T4 (Copper Beech) a grafted specimen could fail in the future.
 - (ii) T8 (Cherry) has a cankered stem, some dead/dying limbs, some cracking and recommended for removal.
 - (iii) T9 exudate from bark, cracking bark on stem/branches, poor condition – needs monitoring.

REPORT

This Tree Preservation Order was initiated by a request from the case officer dealing with the planning application reference 06/01000/OUT who noted the large garden and large numbers of various types of tree within. It was considered necessary to ensure that some trees are retained in order that the site could immediately benefit from some established planting. As the trees within the Order appeared to be comfortably accommodated within the illustrative layout, it was considered feasible and realistic to protect all ten trees, especially since the developer has inferred their retention.

Addressing the issues raised in the letter of objection (above):

- The map for inclusion with the Order has been redrawn,
- Reference tags have not so far, been used by this Authority however, the matter will be considered for future surveys, nonetheless, the illustrative layout and the Order makes clear which trees are subject to the Order in the large domestic garden.
- While it would not normally be sufficient reason alone to exclude a tree from Preservation Order on the basis that there is a risk of *possible* failure in the future, T4 has been removed because of the perceived increased risk of its future failure. In addition the tree is very close to a shared boundary with another dwelling which is 11 metres away and this tree has the potential to reach 25 metres.
- Regarding T8 (Cherry), this is a mature tree with a substantial main stem (trunk) which will have a not inconsiderable root system. Despite the tree's less than perfect condition it is situated close to the shared boundary with No. 94 Fontygary Road where a pond is located in the rear garden on the other side boundary. The owner of No. 94 has reported that this pond contains Great Crested Newts – a European Protected Species and is keen to see the tree retained given the significant ground disturbance that would ensue should the Cherry be removed. (It is also worth noting that the site as a whole may be subject to special mitigation measures: Rhooose being a 'sensitive' area in terms of the numbers of Great Crested Newts concentrated there.) Accordingly it is strongly recommended that the Cherry T8 stays included in the Order.
- T9 (Horse Chestnut) has been removed from the Order because of its proximity to the Cherry and, given the primary importance of the Cherry (T8).

T1 (Ash) and T5 (Beech) were re-visited. The former has poor form; it is triple stemmed, each stem has splayed away from the vertical as a result of neglect and has heavy end-weighted limbs almost sweeping the ground and exacerbating the deformity, whereas the latter is mis-shapen and again close to the shared boundary with another dwelling.

Accordingly the following recommendation is made.

RECOMMENDATION

- (1) That the Tree Preservation Order should be confirmed as modified.

Reason for Recommendation

- (1) To accommodate the landowner's representation, and following further correspondence and resurvey.

Background Files

Planning File 06/01000/OUT

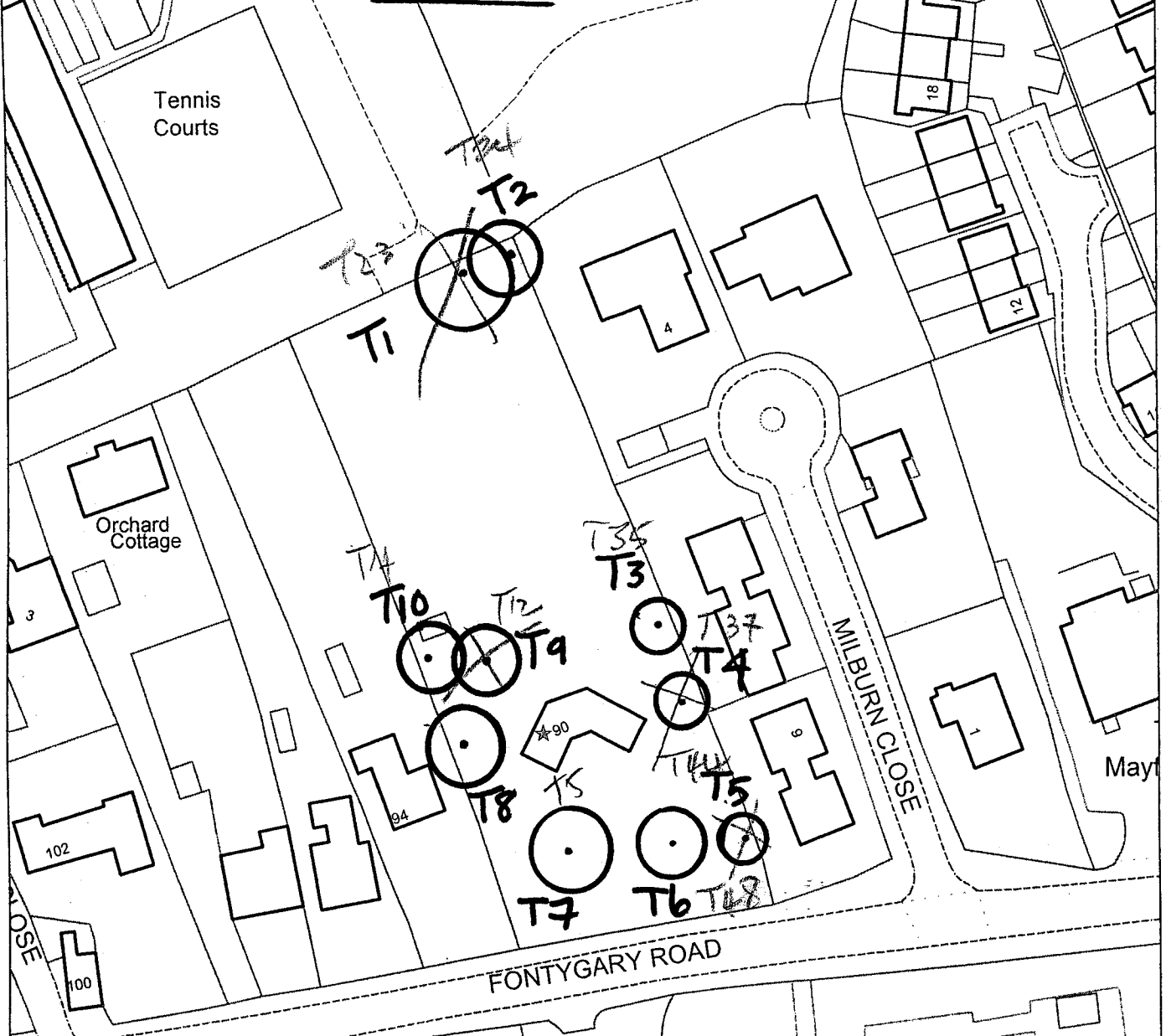
Contact Officer – Margaret Krzemieniewski, Tel: 01446 704742

Officers Consulted:

Not applicable.

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

TREE PRESERVATION ORDER (N°23), 2007 AT 90 FONTYGARY ROAD RHOOSE



~~B1-T1 & T2~~ - Ash
~~B1-T3~~ - Norway Maple
~~B1-T4~~ - Copper Beech
~~B1-T5~~ - Beech
~~B1-T6~~ - Silver Birch
~~B1-T7~~ - Norway Maple
~~T8~~ - Cherry
~~T9~~ - Horse Chestnut
~~T10~~ - Ash



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 Cyngor Bro Morgannwg rhif trwydded 100023424 2007.

The Vale of Glamorgan Council

Department: **331**

Title:

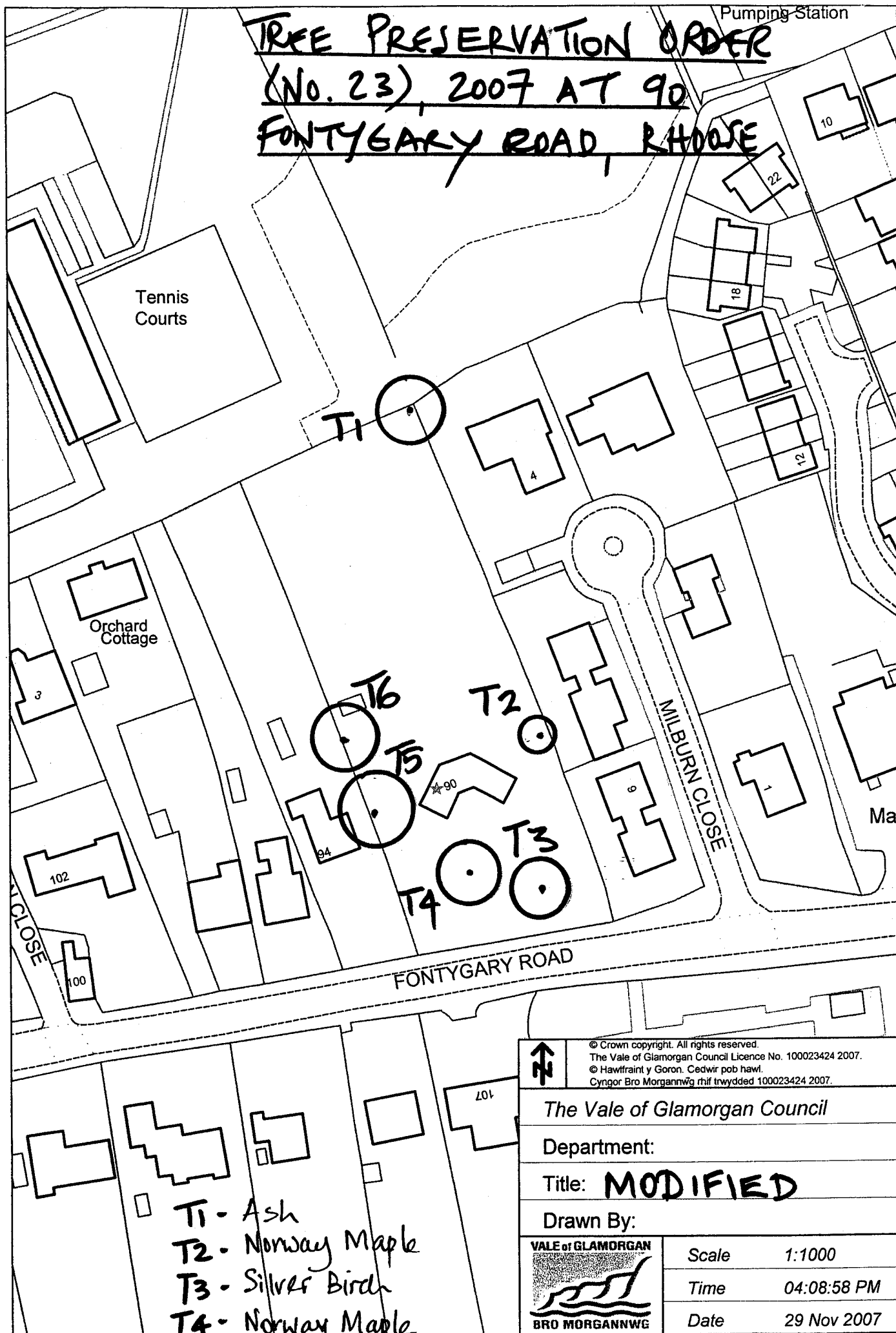
Drawn By:



Scale 1:1000

Time 10:52:27 AM

Date 7 Nov 2007



94 Fontygary Road,
Rhoose,
Vale of Glamorgan,
CF623Du
19th November 2007

Ref- DT/MLF/C04-0527
(Tree preservation order)

06/01000/out

Dear Sir/Madam,

I have full support for the TPO placed on the Selected trees in the grounds of number 90 Fontygary road, Rhoose. My main concerns are trees identified as T10 & T8 (if a request was made to have them removed). T10 incidentally has its trunk half on our side of the boundary and is only 2 metres away from our very big mature pond & triple garage (not shown on your drawing), therefore could cause future problems if it were to be disturbed. The pond is a breeding ground (data from ecologist that we employed here) for greater crested newts which apparently have migrated since the pond in No. 90 was drained prior to their original planning application. There is also a main (25mm) water pipe running within less than 1 metre from the trunk (T10) on our side of the boundary.

T8 is a beautiful very established cherry and also provides privacy for both us and next door, not to mention its beauty while in blossom which is clear for all to see. Again if that was to be disturbed our garage footings and block paving could be affected.

I trust that my views will be considered carefully and fairly in the event of an application to remove any trees. Please could you inform me of any applications made for any changes at 90 Fontygary Road, Rhoose. I would also be interested to get any feedback on the proposals that were put forward for multiple dwellings on that piece of land.

Attached is a picture to give a better idea of the proximity.

Regards,

Andrew Higson
01446 713908
andy.higson@virgin.net

For the best possible print results, click the printer icon on the Live Search Maps page.

Welcome



my property
(94 FONTYGARY RD)

TPO SITE
(90 FONTYGARY RD)



S.G. WILLIAMS & ASSOCIATES
CHARTERED TOWN PLANNERS • BUILDING & ARCHITECTURAL DESIGNERS

Our Ref: 12/04/61

Your Ref: DT/MLF/C04/0527

Date: 26 November 2007

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

email: sgwilliamsassoc@aol.com

Dear Sir,

Town & Country Planning Act 1990 (as amended); Town & Country Planning (Trees) Regulations 1999: Tree Preservation Order 2007 (No. 23): Land at 90 Fontygary Road, Rhoose, Vale of Glamorgan

I write with reference to the above Notice of Making a Tree Preservation Order (TPO), served on this firm in relation to the above land. You should note however that we act as planning agents for the owners and have no other interest in the land. My clients have however asked that I deal with the matter on their behalf and respond accordingly to your Notice.

A tree survey was carried out in September this year following a request from your department for such a survey in relation to a current planning application. All of the trees on the site were surveyed and reported upon by a qualified, independent arboriculturalist. My clients have requested that I object to the Notice as served on their behalf and request that the Notice either not be confirmed or else varied for the following reasons:

- The trees marked as contained within the TPO are not accurately plotted or shown in relation to other trees on the site.
- The trees indicated as contained within the TPO are not marked on site to signify their inclusion within the TPO and hence allow accurate identification.
- Of the 10 trees indicated as contained within the TPO it is considered by a professional arboriculturalist that they are all either 'Category B or C' trees (as per BS5837:2005) and a number are considered not worthy of retention or in poor condition. These include (TPO reference number noted first, tree survey reference number in brackets):

T4: (T37), category C1, grafted tree, possible failure in the future.

T8: (T10), category C1, cankered stem, some dead/dying limbs, some cracking, consider removal.

T9: (T12), category C1, exudate from bark, cracking bark on stem and branches, some epicormic growth, poor condition, monitor condition.

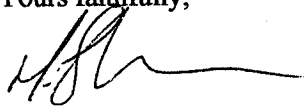
Whilst all of the trees included within the TPO are shown as being retained on the proposed redevelopment scheme, this does not confirm that they are of a quality that should be included within a TPO. The trees have been retained as the development can be designed to include these trees and therefore retain some of the existing features of the site. The submitted tree survey is a specific indication of the quality of the trees and their condition and as such, confirms that only two of the TPO trees are in fact of Category B. The remaining trees are therefore of low quality and not worthy of inclusion within a TPO.

It is clear from the independent tree survey report that the TPO as made is largely unnecessary and includes trees that are of low quality. The majority of the trees contained within the TPO are of category C1 or lower with only two trees being of Category B1.

I therefore wish this letter and enclosed arboriculturalist report to be treated as a formal objection to TPO number 23 and request that the council either do not confirm the order or else vary the order to accurately reflect the condition and nature of the trees on site.

I look forward to your further communication on this matter in due course.

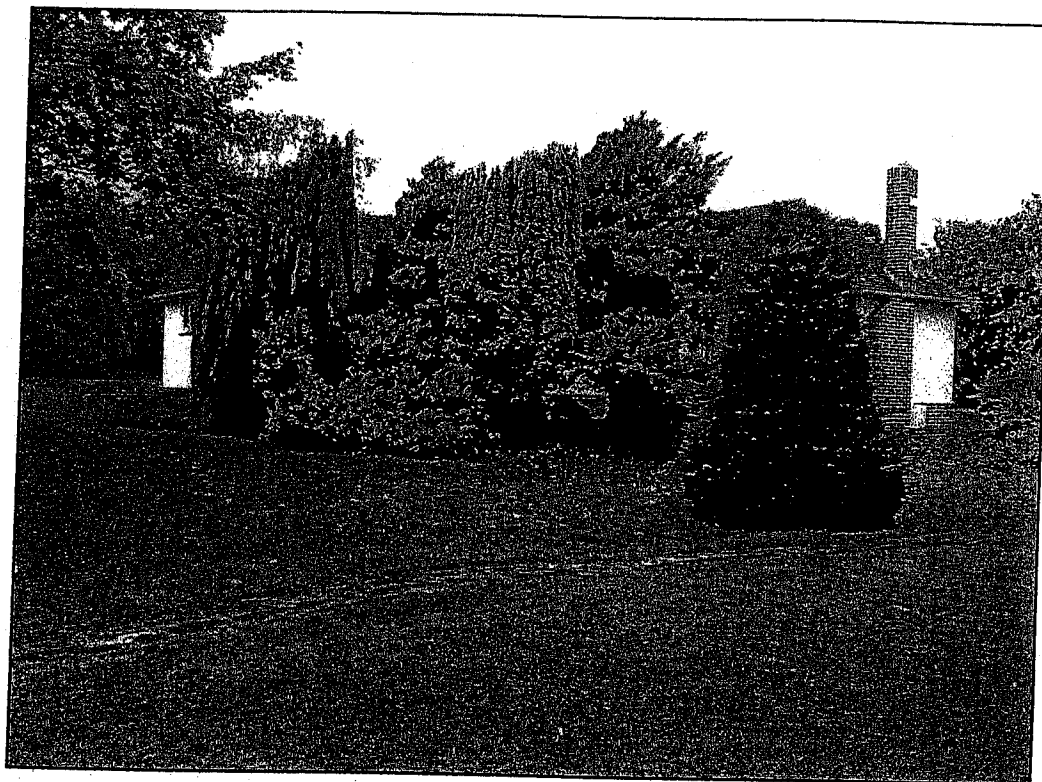
Yours faithfully,

A handwritten signature in black ink, appearing to be 'M. Shreves', written over a horizontal line.

Mark Shreves B.Sc.(Hons), DipSurv, ACIOB

**Tree Survey
and
Constraints Plan**

**90 Fontygary Road
Rhoose, South Wales**



**Tim Pursey Dip.Arb.(RFS), Tech.Cert.(Arbor.A.)
Arboricultural Consultant**

Tel. 0117 902 8065
1 Stanley Park, Lower Easton
Bristol BS5 6DT
Email arb@timpursey.co.uk
www.timpursey.co.uk

1.0 Date of survey

1.1 21st September 2007

2.0 Surveyor

2.1 Tim Pursey

3.0 Instructions

3.1 As a result of a potential planning application, I am instructed to carry out a tree survey in accordance with BS5837:2005 *Trees in Relation to Construction – Recommendations* in order to aid in the design of new buildings and infrastructure to be constructed at the site.

3.2 The report includes:

- An indication of the constraints placed on the design by the trees on site
- A site plan detailing the existing trees on site
- A schedule indicating the tree survey results

4.0 Report limitations

4.1 All inspections were made from ground level, using binoculars where necessary. Should a more detailed inspection, by climbing or by elevated platform, be required then this will be highlighted within the survey recommendations.

4.2 I have not contacted the local planning authority to determine the legal status of the trees on site. If any trees are the subject of a Tree Preservation Order, or the land forms part of a Conservation Area then it will be necessary to properly notify, or to obtain prior permission from, the local authority before carrying out any works on the trees.

4.3 Trees are living, dynamic organisms. Their health and overall condition changes as the trees grow and can be affected by external conditions. For this reason the condition survey and any recommendations given are valid for a period not exceeding one calendar year from the date of issue of this report.

5.0 Findings

5.1 The attached site plan is based upon a current topographical survey of the site which identifies tree reference numbers and which also indicates the positions and crown spreads of the trees on site.

- 5.2 The areas in red surrounding the trees indicate the likely extent of root systems. These represent areas where construction activities should if possible be avoided.
- 5.3 The gardens are well populated with a variety of species of tree. A great number are typical garden fruit trees including apple, pear, plum and mulberry. There are also some specimen trees and a number of conifers providing screening both bounding the property and within the site.
- 5.4 The vast majority of trees on site are unexceptional and are category 'C' trees. There are a number of trees categorised as 'B', and a small number of category 'R'. There are no category 'A' trees growing on the site.
- 5.5 It would appear the gardens were well tended until a number of years ago. Several specimen trees, planted with the best intentions, have succumbed to wind damage with tops being blown out or branches snapped off. Alternatively they are suppressed and mis-shapen as a result of neighbouring foliage. No remedial pruning has been undertaken so many of the resulting specimens are now of poor form with no likelihood of improvement. Many of the conifers growing on site are very large indeed and overly dominate parts of the gardens.
- 5.6 **ROOT PROTECTION ZONES**
It is sometimes possible to undertake construction activities within the rooting areas of retained trees, however particular attention must be paid to tree protection measures including fencing, ground protection measures, not to mention alternative foundation designs and methods of construction. If it is proposed to undertake any works within these areas then more specific advice must be sought from a qualified arboriculturalist.
- 5.7 **DEMOLITIONS**
Any removal of existing structures in the proximity of retained trees will need to be undertaken with great care where this occurs within or near to the rooting areas of retained trees.
- 5.8 **EXCAVATIONS**
Similarly, within the vicinity of retained trees, no excavation should be undertaken to facilitate the construction of foundations, parking areas, changes in ground level etc.
- 5.9 Any roads or parking, spaces to be constructed within the rooting areas of retained trees will need to employ a no dig method of construction. This means that no soil will be stripped off; the new surface will effectively be laid on top of existing ground. The finished surface should be permeable to water and gases.
- 5.10 Using this method of construction means that the final parking surface is likely to be some 150-175mm higher than existing ground. The exact method of

construction will be outlined within the method statement to follow when final designs have been agreed.

5.11 CROWN SIZE

The present and potential crown sizes of the trees on site will need to be considered. There are a variety of age classes within the tree stock. Some are significant trees and crown size is unlikely to increase further. Some are much younger and consequently crown sizes are likely to increase significantly in future years. Assuming these trees are to be retained, it will be preferable to allow extra space within the development design to permit the crowns to grow more fully.

5.12 LOSS OF LIGHT / SHADING

A detailed shading assessment of the retained trees should be considered if the new buildings are in the immediate vicinity of retained trees.

5.13 PROXIMITY / DOMINANCE

The siting of any proposed development should consider the issue of dominance. Trees which overly dominate buildings may be subject to demands for repeated pruning and/or removal.

5.14 LEAF LITTER - There is likely to be some leaf litter and needle drop from the retained trees, particularly during the autumn months. This fact must be borne in mind when designing roofs, gutters and drainage systems serving any buildings or infrastructure.

6.0 Recommendations

6.1 The design of the replacement buildings and/or infrastructure should allow for the retention of as many of the more mature trees as possible.

6.2 When a final design for the proposed development is available, a detailed assessment can be undertaken regarding the potential impacts upon the retained trees.

6.3 Detailed protective measures can then be designed to moderate any risks to the trees growing on the site.

Signed.....Date.....
Tim Pursey – Arboricultural Consultant

Tree Survey

Key:

Height:	Estimated in metres.
Stem diameter:	Measured at 1.5m above ground level.
Branch spread:	Estimated in metres at four cardinal points.
Height of crown Clearance:	Height in metres (estimated) above adjacent ground level to inform on ground clearance, crown stem ratio and shading.
Age class:	<u>Y</u> oung tree in first third of its life expectancy <u>M</u> iddle age tree <u>M</u> ature trees <u>O</u> ver <u>M</u> ature <u>V</u> eteran
Category grading:	A/B/C/R – In accordance with BS 5837:2005 <i>Trees in relation to construction – Recommendations</i> .

Attached plan indicates rooting areas (circled in red). The colours used to mark their stems indicate the following:

Category A – High Quality - stems are marked in green on the attached plan.

Category B – moderate quality - are marked in dark blue.

Category C- low quality - are marked in grey.

Category R – trees for removal - are marked in dark red.

All surveys and inspections made from ground level unless otherwise stated.

Tree No.	Species	Height (m)	Stem Dia.(mm)	Crown Radius (m)				Crown Ht. (m)	Age Class	Remaining Contribution	Structural and Physiological Condition	Preliminary Management Recommendations	Retention Category
				N	E	S	W						
T1	Lawsons Cypress (<i>Chamaecyparis lawsoniana</i> var)	5	250 at base	2	2	2	2	-	Mat	10-20	Pruned repeatedly. Poor form. Multistemmed	None	C1
T2	Leyland Cypress (<i>Cuprocyparis leylandii</i> var)	3	100	2	2	2	2	-	Mid	40+	Normal	None	C1
T3	Lilac (<i>Syringa</i> sp.)	5	225	2	2	2	2	1	Mat	<10	Poor form. Dying.	Remove	R
T4	Leyland Cypress	6	200	2	2	2	2	-	Mat	40+	Poor form	None	C1
T5	Norway Maple (<i>Acer platanoides</i>)	10	450@ 1m	6	6	6	6	2	Mat	40+	Normal	None	B1
G6	Lawsons Cypress, Juniperus	3-6	100-250					-	Mat	40+	Group of mixed conifers.	None	C1, B2
T7	Purple Leaf Plum (<i>Prunus cerasifera</i> 'Pissardii')	7	275 at base	3	5	4	4	2	Mat	10-20	Poor form.	None	C1

Tree No.	Species	Height (m)	Stem Dia. (mm)	Crown Radius (m)				Crown Ht. (m)	Age Class	Remaining Contribution	Structural and Physiological Condition	Preliminary Management Recommendations	Retention Category
				N	E	S	W						
T8	Variegated Norway Maple (<i>Acer platanoides</i> 'Drummondii')	7	200 at base	3	4	2	3	2	Mid	20-40	Normal	None	C1
T9	Laburnum sp.	3.5	150 at base	4	4	4	4	1.5	Mid	20-40	Multistemmed. Poor form.	None	C1
T10	Cherry (<i>Prunus</i> sp.)	5	600 at base	6	7	6	4	1	Mat	10-20	Cankered stem. Some dead/dying limbs. Some cracking.	Consider removal	C1
T11	Atlas Cedar (<i>Cedrus atlantica</i>)	5	290	3	5	3	3	2	Mid	20-40	Poor form. Top blown out. Will never flourish. Interesting curiosity	None	C1
T12	Horse Chestnut (<i>Aesculus hippocastanum</i>)	9	375	4	4	4	4	2	Mat	10-20	Exudate from bark. Cracking bark on stem and branches. Some epicormic growth. Poor condition.	Monitor condition	C1
T13	Deodar Cedar (<i>Cedrus deodara</i>)	10	Est 300 at base	4	4	4	4	-	Y/ Mid	20-40	Ivy covered. Multistemmed. Poor form.	None	C1
T14	Ash (<i>Fraxinus excelsior</i>)	13'	Est 450	6	7	6	6	2.5	Mat	40+	Ivy covered. Deadwood in crown.	Sever ivy to check growth. Remove deadwood	B1
T15	Apple (<i>Malus domestica</i>)	4.5	195	3	3	3	3	1	Mat	20-40	Normal	None	C1

Tree No.	Species	Height (m)	Stem Dia.(mm)	Crown Radius (m)				Crown Ht. (m)	Age Class	Remaining Contribution	Structural and Physiological Condition	Preliminary Management Recommendations	Retention Category
				N	E	S	W						
T16	Plum (<i>Prunus domestica</i>)	5	300 at base	3	3	3	3	1	Mat	20-40	Normal	None	C1
T17	Apple	5	450 at 1m	4	4	4	4	2	Mat	20-40	Normal	None	C1
T18	Plum	4	320 at base	3	3	3	3	1	Mat	<10	Plenty of deadwood. Some <i>Phellinus</i> , <i>Ganoderma</i> brackets. Poor condition	Remove	R
G19	Apple, Pear, Plum	3-4	Var						Mat	20-40	Typical orchard trees.	None	C2
G20	Privet (<i>Ligustrum sp.</i>)	2.5		1	1	1	1	-	Mat	40+	Normal hedge bounding property	None	C2
G21	Ash, Hawthorn, Sycamore, Grey Sallow	7-8	Var					-	Y/ Mid	40+	Mixed hedge and small trees. Useful screen	None	B2
G22	Lawsons Cypress, Leyland Cypress	7-8	Var					-	Mid	40+	Line of mixed conifers forming useful screen.	None	B2
T23	Ash	15	1000 at base	8	8	8	8	3	Mat	20-40	Ivy covered. Multistemmed. Debris piled at base. Deadwood in crown.	Remove deadwood. Remove debris. Sever Ivy to check growth	C1
T24	Ash	15	460	6	6	6	6	4	Mat	40+	Deadwood in crown. Debris piled at base.	Remove deadwood. Remove debris.	B1

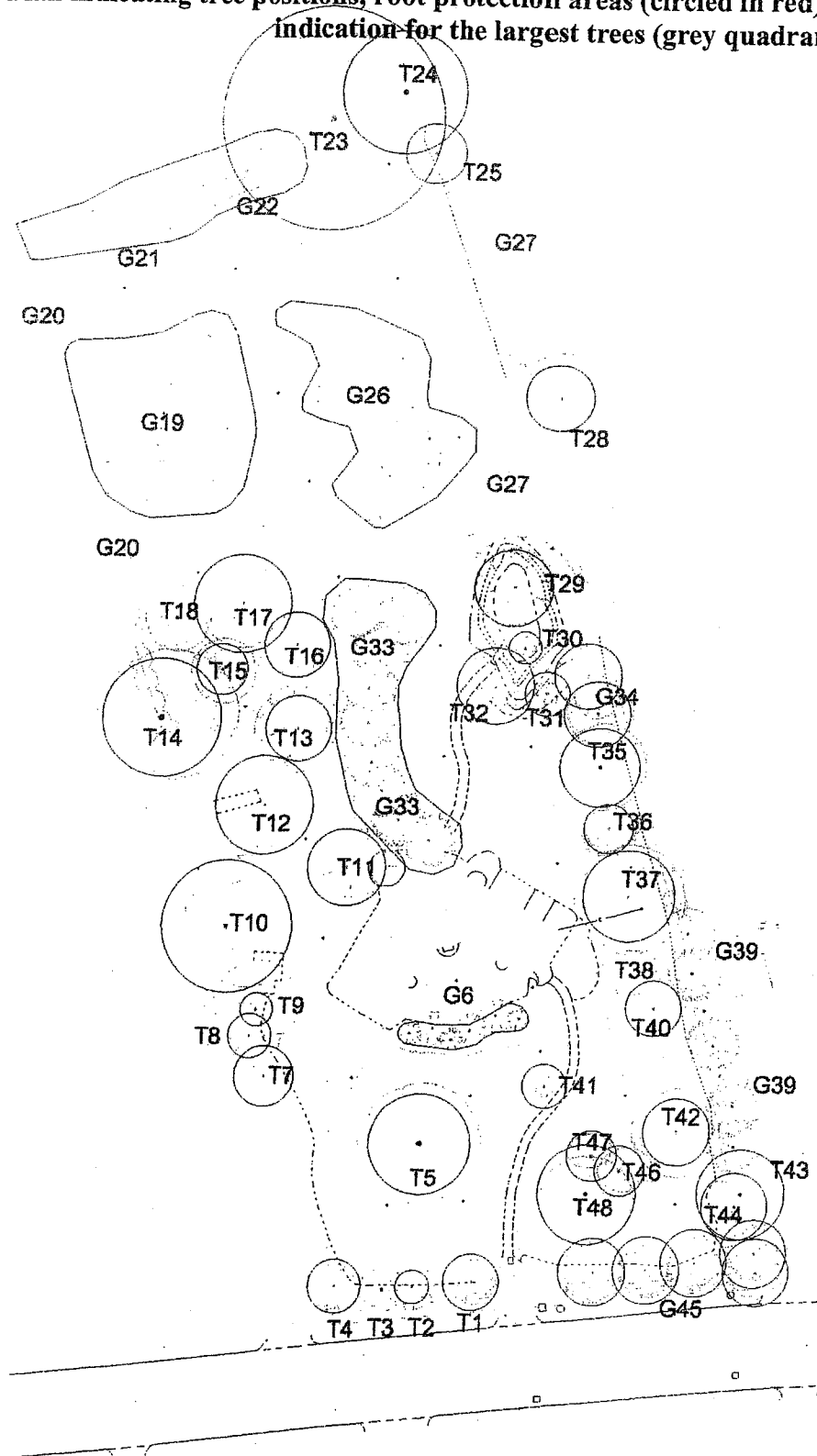
Tree No.	Species	Height (m)	Stem Dia.(mm)	Crown Radius (m)				Crown Ht. (m)	Age Class	Remaining Contribution	Structural and Physiological Condition	Preliminary Management Recommendations	Retention Category
				N	E	S	W						
T25	Sycamore (<i>Acer pseudoplatanus</i>)	12	275	5	5	5	5	4	Y	40+	Probably self set	None	C1
G26	Apple, Cuppressus, Cotinus, Hazel, Morus, Amelanchier	3-4	Var						Y-Mat	40+	Mixed group of garden trees.	None	C2
G27	Elm, Hawthorn, Bramble	2.5	Var						Mid/Mat	40+	Hedgerow trees and shrubs	None	C2
T28	Sycamore	10	Est 300	4	4	4	4	2.5	Mid	40+	Normal	None	C1, 2
T29	Deodar Cedar	8	350 at 1m	4	4	4	4	1	Mid	20-40	Forked stem. Ivy covered.	None	C1
T30	Irish Yew (<i>Taxus baccata</i> 'Fastigiata')	4.5	150 at base	1	1	1	1	-	Mid	40+	Normal	None	C1
T31	Lawsons Cypress	4	200 at base	1	1	1	1	-	Mid	40+	Normal	None	C1
T32	Lawsons Cypress	6.5	350 at base	2	2	2	2	-	Mat	40+	Normal	None	C1

Tree No.	Species	Height (m)	Stem Dia.(mm)	Crown Radius (m)				Crown Ht. (m)	Age Class	Remaining Contribution	Structural and Physiological Condition	Preliminary Management Recommendations	Retention Category
				N	E	S	W						
G33	Lawsons Cypress, Leyland Cypress	8-10	250-300					-	Mat	20-40	Row of mixed conifers. Overgrown. Blown out branches.	Consider removal	C2
G34	Hawthorn (<i>Crataegus monogyna</i>)	5-6	~250	3	3	3	3	-	Mat	40+	Overgrown hedge trees.	None	C2
T35	Norway Maple	8	295	4	4	4	4	2	Mid	40+	Normal	None	B1, 2
T36	Lawsons Cypress	7	225 at 1m	2	3	3	3	-	Mat	40+	Poor form	None	C1
T37	Copper Beech (<i>Fagus sylvatica</i> 'Purpurea')	8	345	5	5	5	5	3	Mid	20-40	Grafted tree. Graft union clearly visible, possible failure in future.	None	C1
T38	Laburnum sp.	4	Est 250 at base	2	-	2	6	1	Mat	<10	Poor form. Leaning to west. Multistemmed.	Remove	R
G39	Cupressus, Hawthorn	6-10	150-225	2	2	2	2	-	Mat	40+	Mixed boundary trees.	None	C2

Tree No.	Species	Height (m)	Stem Dia.(mm)	Crown Radius (m)				Crown Ht. (m)	Age Class	Remaining Contribution	Structural and Physiological Condition	Preliminary Management Recommendations	Retention Category
				N	E	S	W						
T40	Norway Maple (<i>Acer platanoides</i> 'Goldsworth Purple')	7	250 at base	4	4	4	4	2	Mid	20-40	Stem forked at base into 2 stems.	None	C1
T41	Yew (<i>Taxus baccata</i>)	3.5	Est 180	1	1	1	1	-	Mid	40+	Topiary tree.	Needs clipping	C1
T42	Hawthorn	4.5	300 at base	4	4	4	4	1	Mat	20-40	Deadwood in crown. Forked below 0.5m into multiple stems.	None	C1
T43	Sycamore	10	400 at 1m	6	6	6	2	4	Mat	40+	Normal	None	B1
T44	Beech (<i>Fagus sylvatica</i>)	7	225	3	1	3	4	2	Mid	40+	Suppressed by neighbouring trees. Slightly mis-shapen. Crossing branches.	Remove crossing branches.	C1
G45	Lawsons Cypress, Leyland Cypress	8-10	~250					-	Mid/Mat	40+	Normal	None	C2
T46	Silver Birch (<i>Betula pendula</i>)	8	225 at base	2	4	2	1	4	Mid	20-40	Forked at base into 2 stems.	None	C1
T47	Silver Birch	7	225 at base	2	2	1	2	2.5	Mid	10-20	Forked into 2 stems. Poorly foliated	None	C1
T48	Silver Birch	10	370	3	5	5	4	2	Mat	20-40	Some ivy growth. Tree unbalanced	Remove lower limb south side to balance	B1

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Plan indicating tree positions, root protection areas (circled in red) and preliminary shading indication for the largest trees (grey quadrants)



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THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 17 JANUARY 2008

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

8. GENERAL PLANNING MATTERS

(BARRY CENTRAL AREA) (PROHIBITION OF ACCESS)(ALLEYGATING :
PHASE 9) PROPOSED ORDER 2008

Purpose of Report

1. To seek Members approval to create a Traffic Regulation Order to facilitate a further extension of the Alley Gates project.

Background

2. The Alley Gates Project is a crime prevention scheme, which has led to the "sealing off" of numerous back lanes across areas of Barry. The Alley Gates Project has earned a prestigious national award. It was named as "Best Community Initiative" at the annual Association of Public Service Excellence (APSE) awards. Alley gating entails the installation of security gates in rear lanes in order to prevent burglaries, vandalism, and other anti-social activities. The Local Authority and the Police act together in partnership on this project.
3. In the Vale of Glamorgan earlier Phases of the scheme are being completed and are already operating successfully, protecting more than 3,200 properties.

Relevant Issues and Options

4. It is now proposed to extend the Alley Gates Project in order to protect a number of additional lanes within the Castleland ward whilst also introducing the scheme into the Iltyd ward in the High Street area of Barry.
5. These additional locations have been determined following liaison with South Wales Police, South Wales Fire Service and internal divisions of the Council. Appended to this report are Plan Nos. T/08/MRH/01, T/08/MRH/02 & T/08/MRH/03 showing the locations of the additional twenty three gates.
6. It is therefore proposed to create a Traffic Regulation Order, the effect of which will be to restrict the use of the lanes shown on the plans in paragraph 5 above to all but "authorised persons" as determined by the Order. Authorised persons will be in possession of pass keys, issued and controlled by an appointed officer, and will include members of the emergency services and public utilities.

7. During final site inspections relating to Phase 8 of this Scheme it was noted that the exit to the service lane to the rear of Cambian Court (adjacent to No. 1 Wyndham Street), is currently controlled by existing bollards and a waiting restriction. In the interests of best administrative housekeeping practice it is recommended that the existing **Prohibition of Driving Order – the lane situate alongside No. 1 Wyndham Street**, be revoked.

Resource Implications (Financial and Employment)

8. These proposals are being introduced to ensure that as soon as funds are available the gates can be installed. It is possible that additional funds may be available this financial year from other sources (e.g. South Wales Police) although the Traffic Regulation Orders will be available for next year's programme if additional funds do not materialise. The cost of the orders will be met from existing funds.

Legal Implications (to include Human Rights Implications)

9. The project will be implemented via a Traffic Regulation Order. As a Traffic Authority the Council is empowered by Section 1 of the Road Traffic Regulation Act 1984 to make Traffic Regulation Orders.
10. The proposed Order cannot, and will not, prevent pedestrian access to owner / occupiers of premises adjacent to that road, who are "authorised persons" for these purposes.
11. The Local Authorities Traffic Orders (Procedure)(England and Wales) Regulations 1996 (SI No. 2489) sets out the manner, in which Local Authorities should consult, publish and make Traffic Regulation Orders.

Crime and Disorder Implications

12. There are considerable prevention of crime and disorder benefits from the introduction of Alley gates. South Wales Police statistics show that in areas where "Alley gates" have been installed, crime rates have reduced.

Burglaries of dwellings – reduced by 73%

Theft of motor vehicles – reduced by 73.8%.

Thefts from vehicles – reduced by 43.8%

Burglaries of commercial properties– reduced by 60%

Committee is particularly requested to consider these published crime statistics. They show remarkable reductions in crime and disorder and it is suggested that no other form of project of this kind can achieve such dramatic reductions.

Reducing Fear of Crime – The Policing unit of University of Glamorgan have undertaken an independent survey of the impact of the scheme. The results show that residents in areas where Alley gates have been installed have stated that they feel far more comfortable and there is a reduced fear of crime.

The following additional prevention of crime and disorder benefits are provided by the scheme

“Ownership” of the lanes is “given” to the adjacent owners so that they can take a pride in the lane, keeping it clean and tidy, not adopting the lanes themselves.

Restoring a Sense of Community – Providing a safe environment for children to play.

Reducing Arson Attempts – A decreased opportunity to setting fire to rubbish in rear lanes.

Reduced Anti-Social/Illegal Activities – A decreased opportunity/location for such activity.

Removal of “Escape Routes” – The removal of potential “escape routes” for persons committing crime.

Restoring Community Spirit – Clearly benefits the society and neighbourhood.

Equal Opportunities Implications (to include Welsh Language Issues)

13. The introduction of Alley gates will benefit many under privileged sectors of the community. Any signage will be in accordance with the Council's Welsh Language Scheme.

Corporate/Service Objectives

14. The issues contained within this report are part of the service objective – *To improve the environment and the quality of life in the Vale of Glamorgan by effectively managing the Council's highway network.* This links to the corporate objective of **Environmental Improvement**.
15. This project also links to the Objective of working in partnership with the Police and other agencies to meet the targets set out in the Crime and Disorder Reduction Strategy and Action Plans 2003-6 to reduce crime.
16. Stakeholders would be consulted as required in accordance with legislation.

RECOMMENDATIONS

- (1) That subject to the views of the Chief Constable and other representative organisations of road users, Members resolve to give public notice of the Council's intention to make a Traffic Order under Section 1 of the Road Traffic Regulation Act 1984, the effect of which will be to prohibit access to those lanes detailed in Plan No's T/08/MRH/01, T/08/MRH/02 & T/08/MRH/03 and also to revoke in its entirety the existing Traffic Regulation Order specified in the appendix to this report.
- (2) That in the event of no objections being received, the Order is made.

Reasons for Recommendations

- (1) To ensure that consultations and public notice are given as required by the Local Authorities Traffic Orders (Procedure)(England and Wales) Regulations 1996 when making a Traffic Order.
- (2) To ensure that Traffic Regulation Orders made obsolete by the Alley gating Project are appropriately revoked / varied.

Background Papers

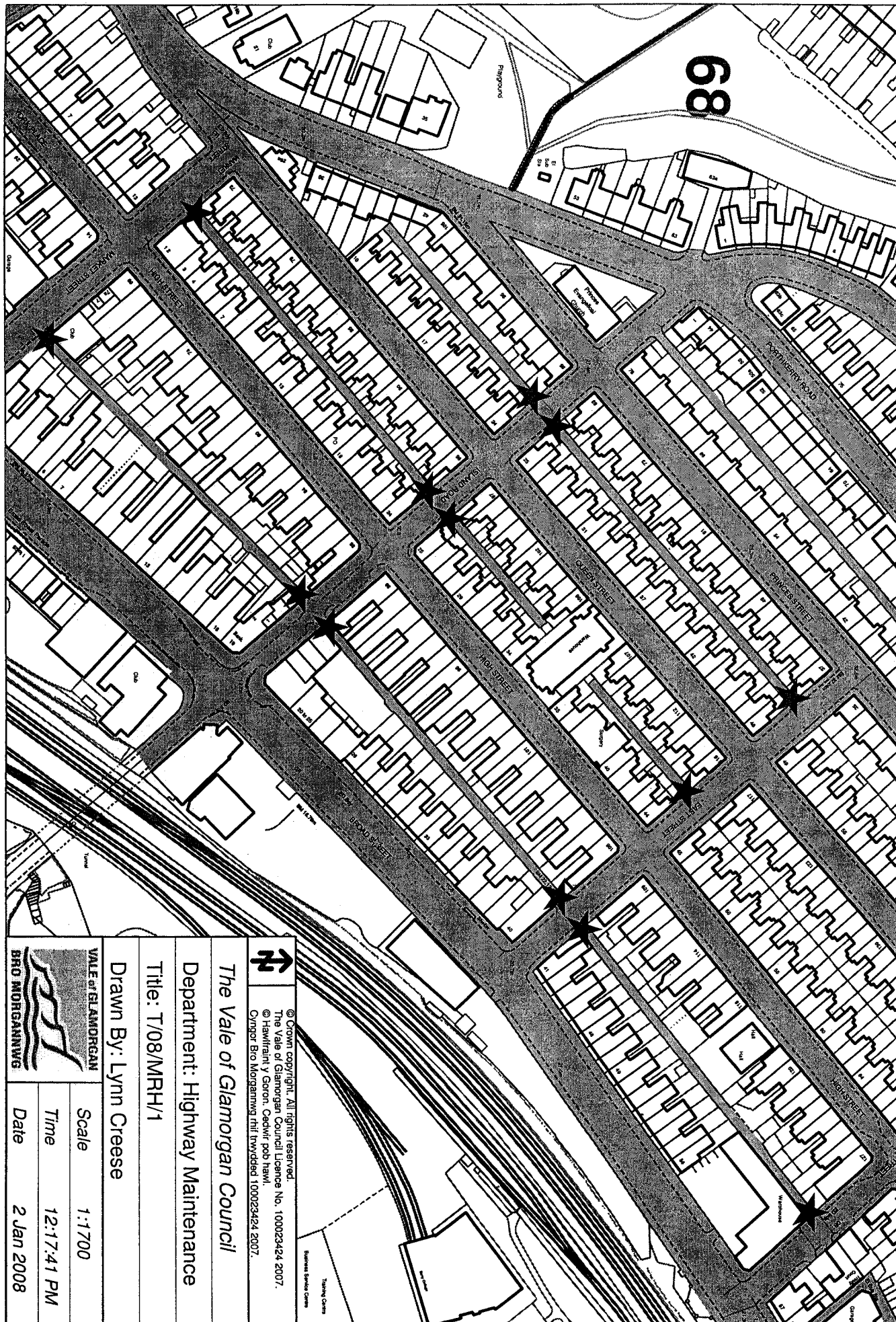
Contained in Operational Files

Contact Officer - Keith Jones, Tel: 029 2067 3200

Officers Consulted:

Operational Manager, Legal Services
Operational Manager, Engineering Design
Senior Accountant, Financial Services
Accountant, Building and Visible Services
Community Safety Officer, Community Services

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION



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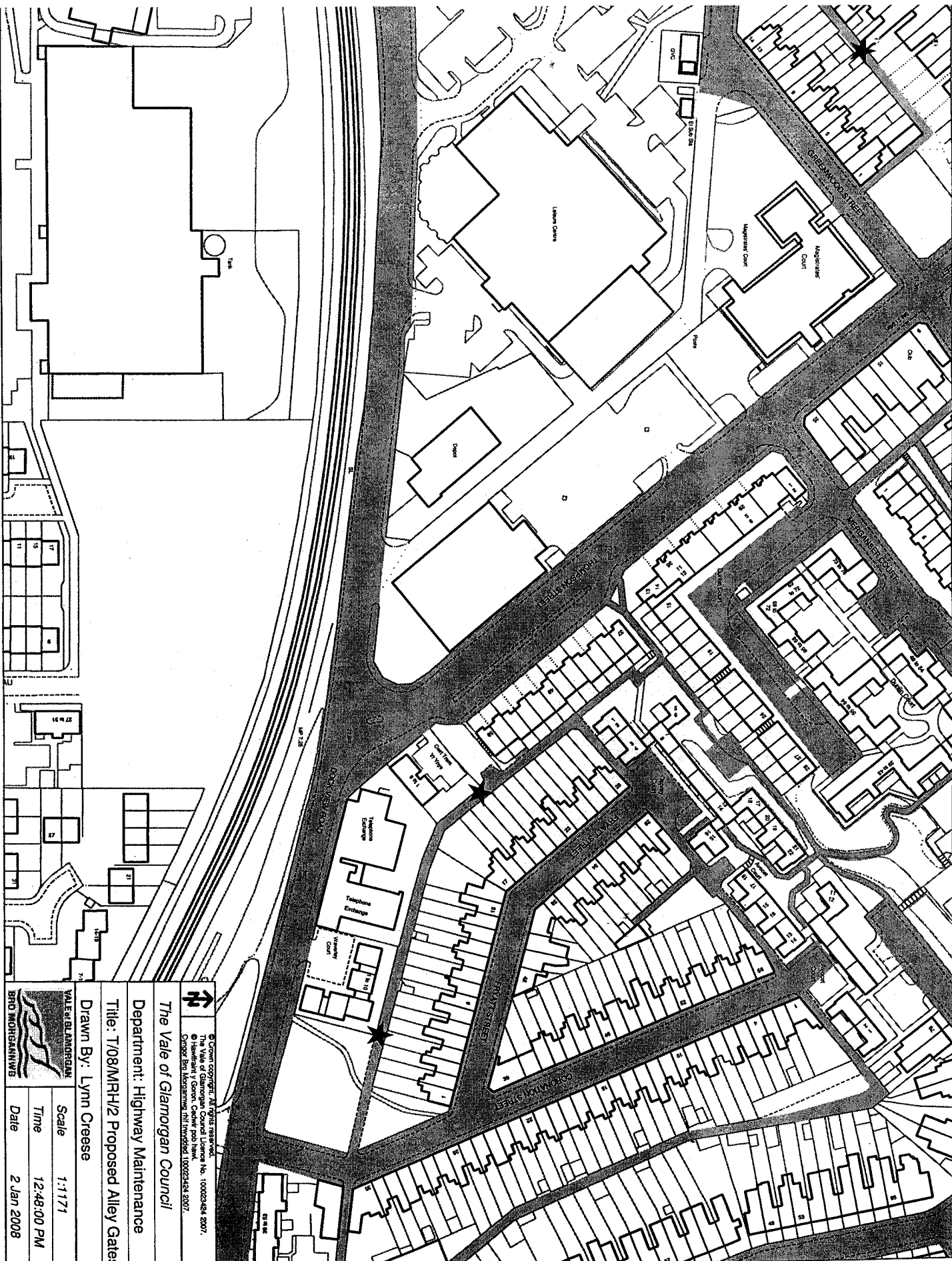
The Vale of Glamorgan Council

Department: Highway Maintenance

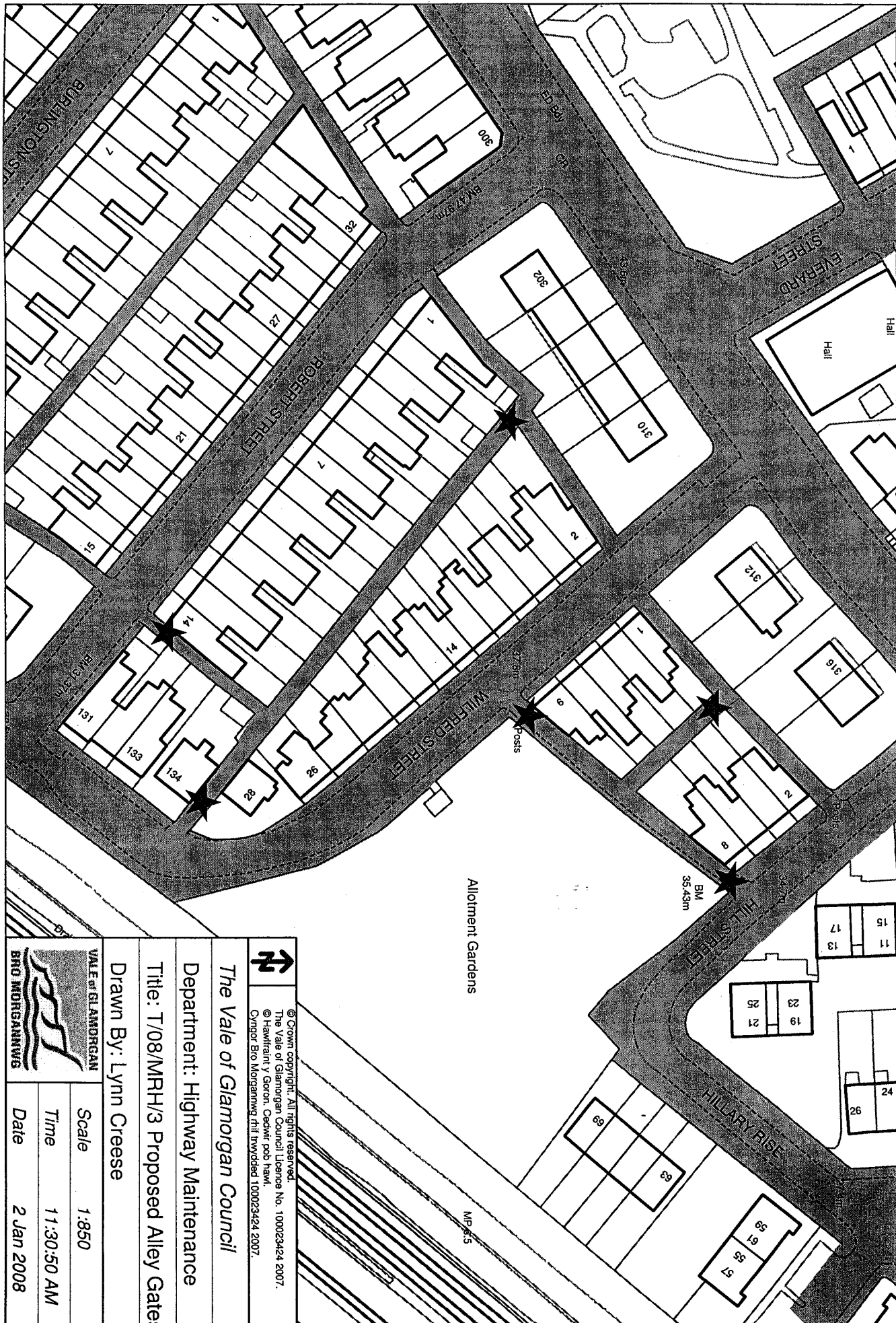
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Department: Highway Maintenance

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THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 17 JANUARY 2008

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

8. GENERAL PLANNING MATTERS

(PENARTH)(PROHIBITION OF ACCESS) (ALLEYGATING : PHASE 7)
PROPOSED ORDER 2008

Purpose of Report

1. To seek Members approval to create a Traffic Regulation Order to facilitate the extension of the Alley Gates project into the Penarth area.

Background

2. The Alley Gates Project is a crime prevention scheme, which has already led to the "sealing off" of numerous back lanes across many areas of Barry. The Alley Gates Project has earned a prestigious national award. It was named as "Best Community Initiative" at the annual Association of Public Service Excellence (APSE) awards. Alley gating entails the installation of security gates in rear lanes in order to prevent burglaries, vandalism, and other anti-social activities. The Local Authority and the Police act together in partnership on this project.
3. Initial Phases of the scheme are being completed in Barry and these are already operating successfully and protecting more than 3,200 properties.

Relevant Issues and Options

4. It is now proposed to extend the Alley Gates Project and to introduce gates in the St. Augustine's Ward in Penarth. The work will form part of the Penarth Central Renewal Area initiative and will seek to address key crime and disorder issues such as burglaries, fly tipping and graffiti.
5. This extension of the Alley gating scheme has been determined following liaison with South Wales Police, South Wales Fire Service and internal Divisions of the Council. Appended to this report are plan Nos. T/08/MRH/P1, T/08/MRH/P2 & T/08/MRH/P3 showing the locations of the 14 proposed gates.
6. It is therefore proposed to create a Traffic Regulation Order, the effect of which will be to restrict the use of the lanes shown on the plans in paragraph 5 above to all but "authorised persons" as determined by the order. Authorised persons will be in possession of pass keys, issued and controlled by an appointed officer, and will include members of the emergency services and public utilities.

Resource Implications (Financial and Employment)

7. The scheme will be funded as part of the Penarth Central Renewal Area funding. The funding for the gates will be contained in following years' budget as part of an ongoing programme.

Legal Implications (to include Human Rights Implications)

8. The project will be implemented via a Traffic Regulation Order. As a Traffic Authority the Council is empowered by Section 1 of the Road Traffic Regulation Act 1984 to make Traffic Regulation Orders.
9. The proposed order cannot, and will not, prevent pedestrian access to owner / occupiers of premises adjacent to that Road, who are "authorised persons" for these purposes.
10. The Local Authorities Traffic Orders (Procedure)(England and Wales) Regulations 1996 (SI No. 2489) sets out the manner, in which Local Authorities should consult, publish and make Traffic Regulation Orders.

Crime and Disorder Implications

11. There are considerable prevention of crime and disorder benefits from the introduction of Alley gates. South Wales Police statistics show that in areas where "Alleygates" have been installed, crime rates have reduced.

Burglaries of dwellings – reduced by 73%

Theft of motor vehicles – reduced by 73.8%.

Thefts from vehicles – reduced by 43.8%

Burglaries of commercial properties– reduced by 60%

Committee is particularly requested to consider published crime statistics. They show remarkable reductions in crime and disorder and it is suggested that no other form of project of this kind can achieve such dramatic reductions.

Reducing Fear of Crime – The Policing unit of University of Glamorgan have undertaken an independent survey of the impact of the scheme. The results show that residents in areas where Alley gates have been installed have stated that they feel far more comfortable and there is a reduced fear of crime.

The following additional prevention of crime and disorder benefits are provided by the scheme:

"Ownership" of the lanes is "given" to the adjacent owners so that they can take a pride in the lane, keeping it clean and tidy, not adopting the lanes themselves.

Restoring a Sense of Community – Providing a safe environment for children to play.

Reducing Arson Attempts – A decreased opportunity to setting fire to rubbish in rear lanes.

Reduced Anti-Social/Illegal Activities – A decreased opportunity/location for such activity.

Removal of “Escape Routes” – The removal of potential “escape routes” for persons committing crime.

Restoring Community Spirit – Clearly benefits the society and neighbourhood.

Equal Opportunities Implications (to include Welsh Language Issues)

12. The introduction of Alley gates will benefit many under privileged sectors of the community. Any signage will be in accordance with the Council's Welsh Language Scheme.

Corporate/Service Objectives

13. The issues contained within this report are part of the service objective – *To improve the environment and the quality of life in the Vale of Glamorgan by effectively managing the Council's highway network.* This links to the corporate objective of **Environmental Improvement**.
14. This project also links to the Objective of working in partnership with the Police and other agencies to meet the targets set out in the Crime and Disorder Reduction Strategy and Action Plans 2003-6 to reduce crime.
15. Stakeholders would be consulted as required in accordance with legislation.

RECOMMENDATIONS

- (1) That subject to the views of the Chief Constable and other representative organisations of road users, Members resolve to give public notice of the Council's intention to make a Traffic Order under Section 1 of the Road Traffic Regulation Act 1984, the effect of which will be to prohibit access to those lanes detailed in Plan Nos. T/08/MRH/P1, T/08/MRH/P2 & T/08/MRH/P3.
- (2) That in the event of no objections being received, the Order is made.

Reasons for Recommendations

- (1) To ensure that consultations and public notice are given as required by the Local Authorities Traffic Orders (Procedure)(England and Wales) Regulations 1996 when making a Traffic Regulation Order.

- (2) To enable the project to commence without further referral to Committee unless objections are received.

Background Papers

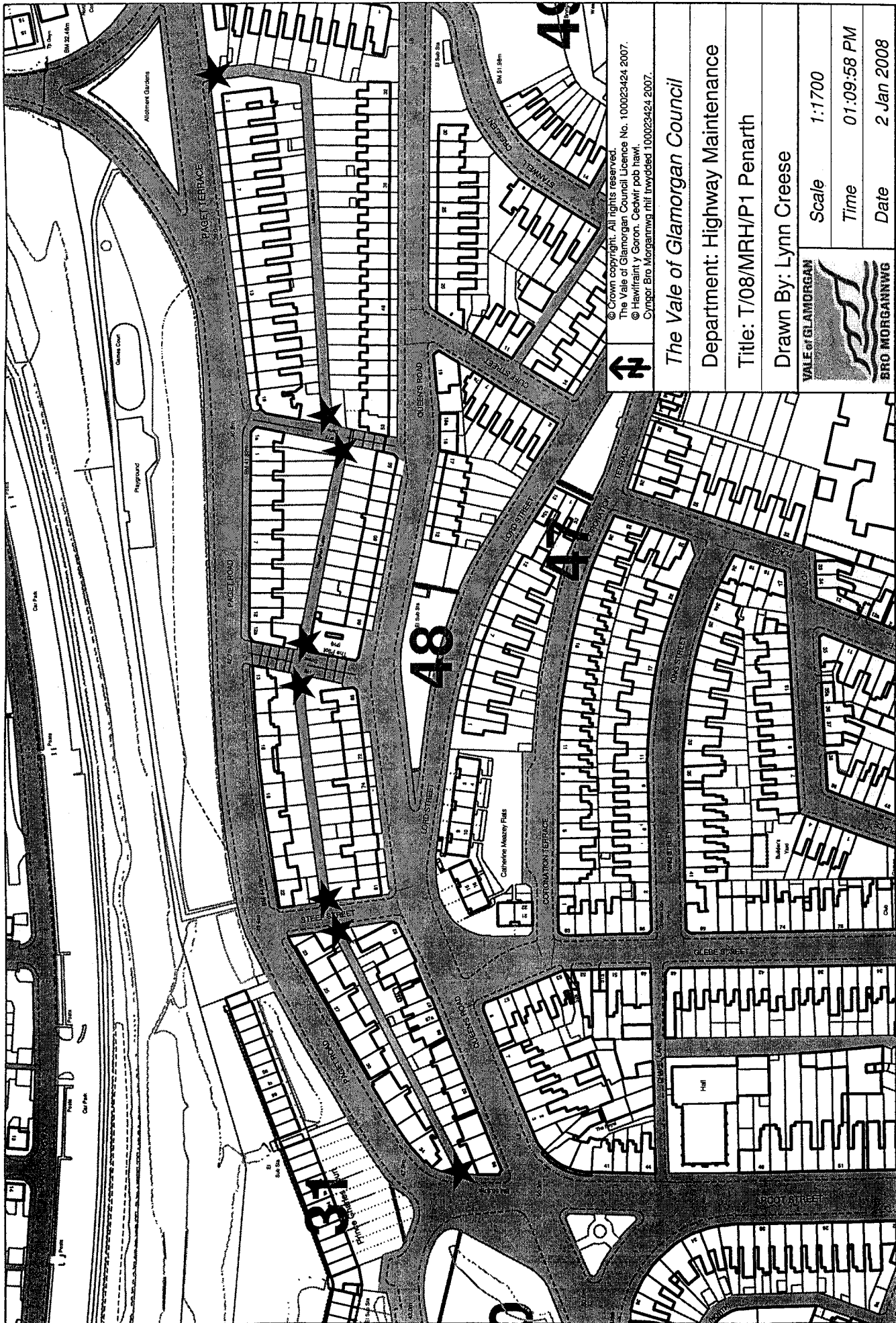
Contained in Operational Files

Contact Officer - Keith Jones, Tel: 029 2067 3200

Officers Consulted:

Operational Manager, Legal Services
Operational Manager, Engineering Design
Senior Accountant, Financial Services
Accountant, Building and Visible Services
Community Safety Officer, Community Services
Penarth area Renewal Office

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION



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Cyngor Bro Morgannwg ffrif trwydded 100023424 2007.

The Vale of Glamorgan Council

Department: Highway Maintenance

Title: T/08/MRH/P1 Penarth

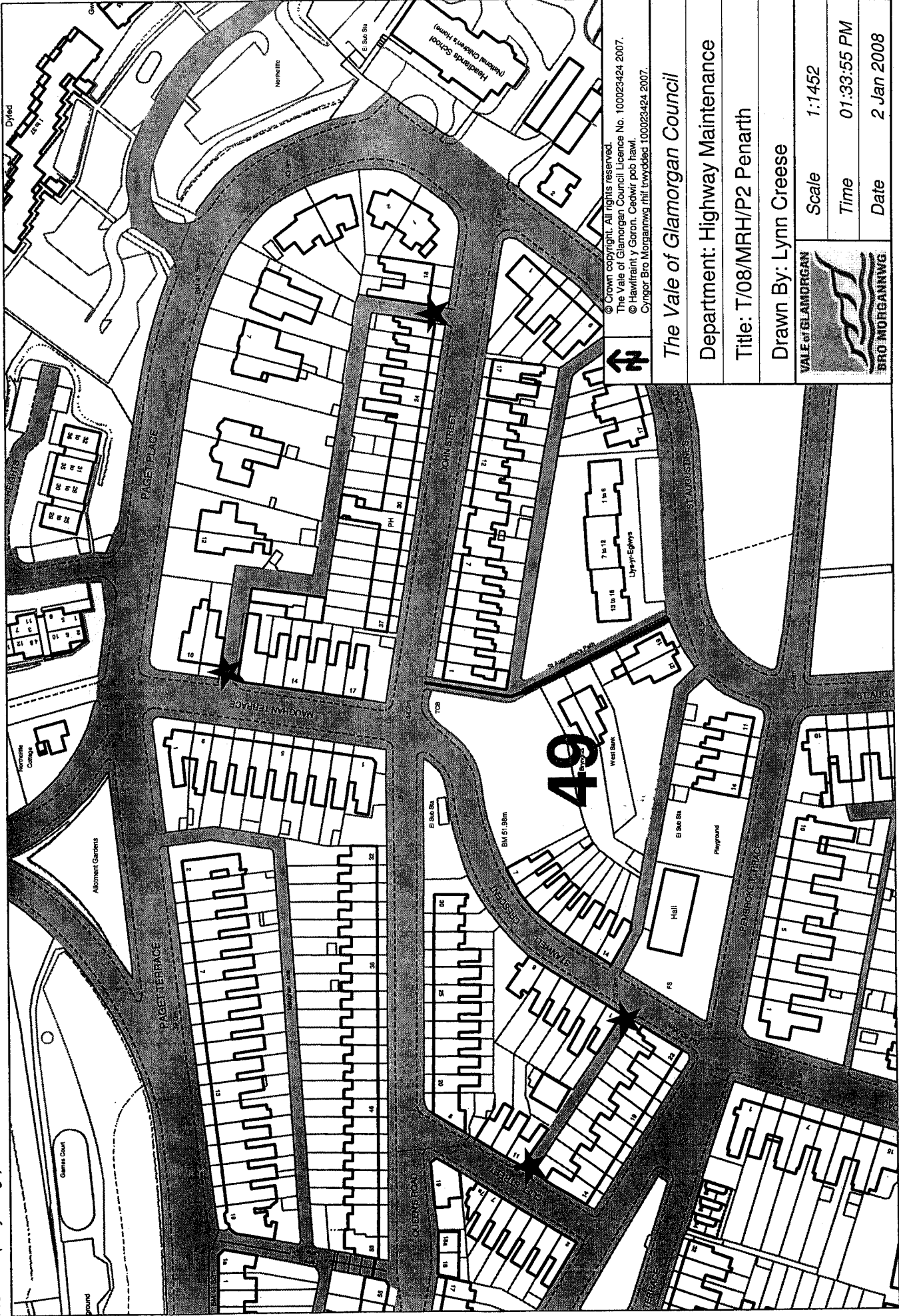
Drawn By: Lynn Creese



Scale 1:1700

Time 01:09:58 PM

Date 2 Jan 2008



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The Vale of Glamorgan Council

Department: Highway Maintenance

Title: T/08/MRH/P2 Penarth

Drawn By: Lynn Greese



Scale	1:1452
Time	01:33:55 PM
Date	2 Jan 2008

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 17 JANUARY 2008

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

8. GENERAL PLANNING MATTERS

STATION APPROACH ROAD, BARRY ISLAND (PART) : PROPOSED
AMENDMENT TO WAITING RESTRICTIONS TO CREATE ON STREET
PUBLIC SERVICE VEHICLES (COACHES) PARKING

Purpose of Report

1. To seek Members' approval to vary a Traffic Regulation Order to amend the existing limited waiting in two bays in Station Approach Road, Barry Island and to provide on-street parking for coaches.

Background

2. It has been brought to the attention of this Council's Traffic Management Team that the existing coach park is being used by travellers. The Council had to bear the cost of clearing the site after they were evicted. It is intended to prevent the travellers re-entering the site by restricting the height and width of vehicles that can enter the site by barriers. This would also restrict access for coaches.
3. A large part of the existing car park used by coaches visiting the Island will be lost due to re-development of the site for housing and commercial premises, leaving a small area of land which will continue to be used as an overflow car park.
4. It is proposed that two bays in Station Approach Road, which were previously used as coach parking facilities, be re-introduced to create 6 parking bays for coaches (within lay-bys) located in Station Approach Road, Barry Island on the length of carriageway between its junctions with Breaksea Drive and Friars Road. The bays will only be restricted to coach parking from the 1 March until the 30 September each year, leaving the bays uncontrolled and available for public use for the remainder of the year, as shown in the attached schedule and Plan No. T/07/116/AT.

Relevant Issues and Options

5. The lay bays are presently used for limited waiting and the Traffic Order covering this restriction has to be revoked. A Traffic Order is not required to cover the area with bus bays, as delegated powers have been given in the Traffic Signs Regulations and General Directions 2002.
6. The Local Members and the Chief Constable and have been consulted and have raised no objections.

Resource Implications (Financial and Employment)

7. The scheme costs are estimated to be £3,000, which will be met from the Highway Maintenance Division's budget for 2006/07.

Legal Implications (to include Human Rights Implications)

8. The Council as Highway Authority has a responsibility to ensure the safety of the highway user. The Road Traffic Regulation Act 1984 gives the Council powers to introduce parking restrictions.
9. There are no human rights implications.

Crime and Disorder Implications

10. By securing the car park it lessens the possibility of any crime and disorder implications.

Equal Opportunities Implications (to include Welsh Language Issues)

11. There are no equal opportunities implications.
12. Traffic signs used in the proposal will adopt the Council's requirements of the Welsh Language Scheme.

Corporate/Service Objectives

13. Corporate/Service Objectives: To provide a safe highway infrastructure.
14. There has been no stakeholder consultation yet; this will take place on publication of the notice, should the recommendation be approved.

RECOMMENDATIONS

- (1) That Members resolve to give public notice of the Council's intention to revoke an existing Order and to make a new Order under Sections 81, 82, 83 and 84 of the Road Traffic Regulation Act 1984, as set out at Appendix A.
- (2) That in the event of no objections being received, the Order be made.

Reasons for Recommendations

- (1) To comply with the requirements of the Road Traffic Regulation Act 1984.
- (2) To permit public service vehicles (coaches) to continue to park on Barry Island.

Background Papers

Vale of Glamorgan Traffic File IF/536.

Contact Officer - Alexander Thomson, Tel: 029 20673053

Officers Consulted:

Operational Manager Highway Maintenance
Operational Manager Legal Services
Operational Manager Private Sector Housing
Accountant, Building and Visible Services

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

APPENDIX A

SCHEDULE

Station Approach Road, Barry Island

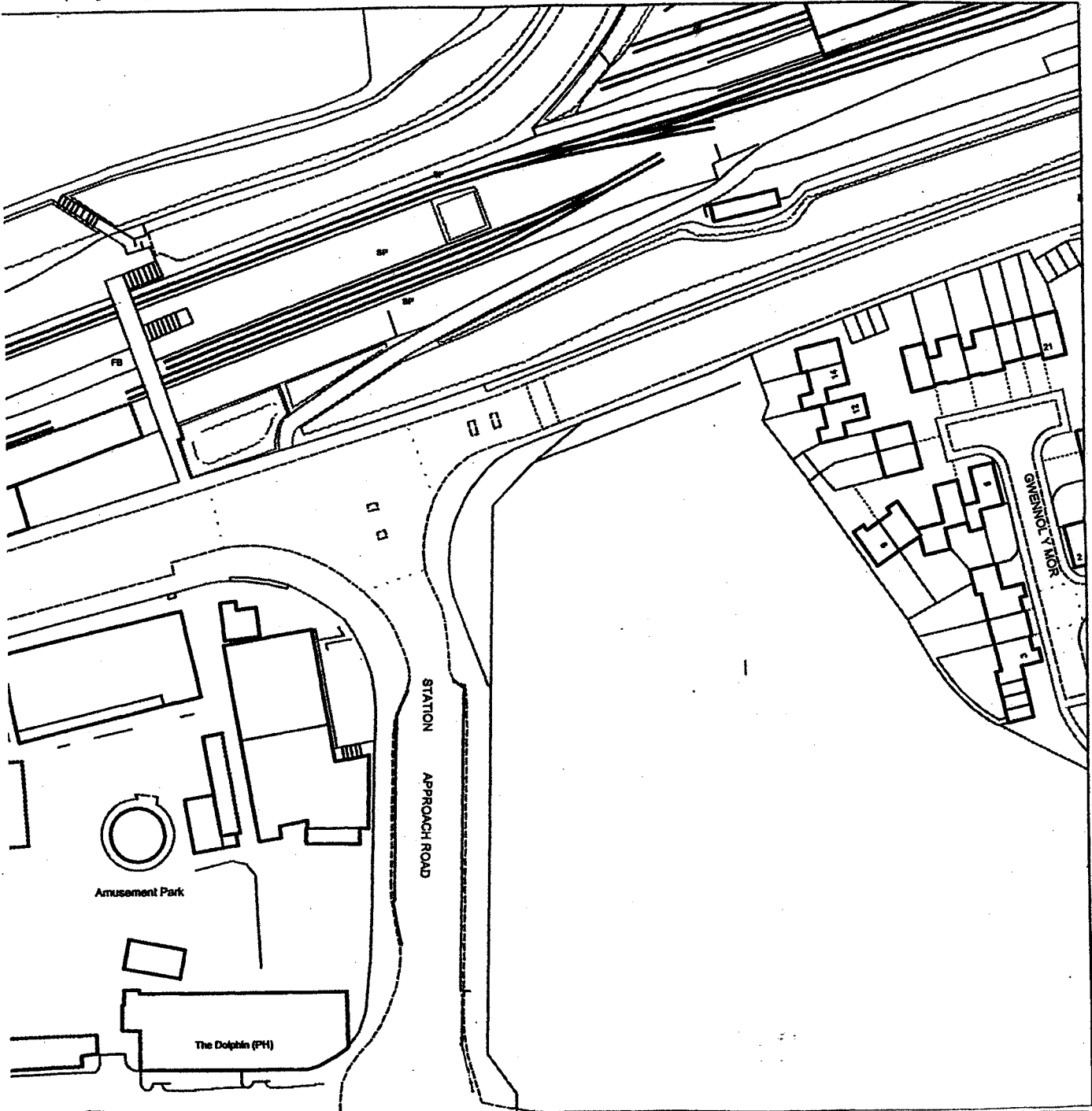
'No Stopping' 1 March to 30 September inclusive, except for buses.

On its east side from a point 45 metres south of its junction with Breaksea Drive for a distance of 52 metres southwards.

On its west side from a point 45 metres south of its junction with Breaksea Drive for a distance of 40 metres southwards.

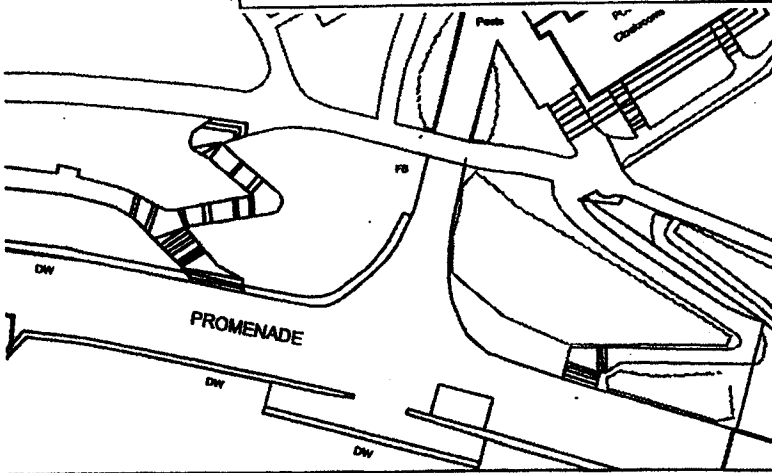
Traffic Orders to be Revoked:

The Vale of Glamorgan Council (Station Approach Road, Barry Island) (Limited Waiting) Order 2002. (T.O. No. 623)



Proposed Public Service Vehicle (Coach) parking areas. _____

Existing bus stop _____





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The Vale of Glamorgan Council

Station Approach Road, Barry Island (Part)

Proposed coach parking bays.

T/07/116/AT

 VALE of GLAMORGAN BRO MORGANNWG	Scale 1:1250 Time 03:00:02 PM Date 14 Nov 2007

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 17 JANUARY 2008

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

8. GENERAL PLANNING MATTERS

COLD KNAP BARRY : PROPOSED AMENDMENT TO WAITING
RESTRICTIONS ORDER : BELATED LETTER OF OBJECTION RECEIVED

Purpose of Report

1. To inform Members of an objection received to the scheme to reduce in length the current Waiting Restrictions in Cold Knap, Barry.

Background

2. At the Planning Committee held on 10 October 2007 Members considered the report as shown in Appendix A and agreed:
 - (1) That subject to the views of the Chief Constable and other statutory consultees, Members resolve to give public notice of the Vale of Glamorgan Council's intention to make a Traffic Regulation Order the effect of which will be as shown at Appendix A (to that report).
 - (2) That, in the event of no objections being received, the Order be made.
3. In accordance with Council practice the views of local Members and the Police were sought prior to Planning Committee and no adverse comments were received.
4. Following the Committee's agreement to the giving of public notice, it was advertised in accordance with Statutory Procedure by way of letters to Statutory Consultees including Chief Officers of the Police, Fire and Ambulance Services, Cardiff Bus, Freight Transport Association, Road Haulage Association and the RAC.
5. The scheme was published in the local press namely The Western Mail on 30 October 2007 and by Notices placed on lamp columns in the area affected in the period 30 October to 20 November 2007. A copy of such a notice is shown in Appendix B (except the site notice was A3 size). Additionally the Notice of Intention was displayed on the Council's website for 21 days.
6. A consultation pack of information, plan etc. was held at the Civic Offices and at The Alps, as stated in the public notices, which was available for public examination.

7. During the statutory consultation period an email – shown in Appendix C – was received on 8 November to enquire as to how objections to the proposed order were to be made. This was responded to on 14 November – as shown in Appendix D. As is standard practice this letter was sent by 2nd Class post and the date of receipt is unknown.
8. As the Head of Visible Services had not received notification of any objections to the proposed order by the due date of the 20 November, his officers progressed the formal processes of the Traffic Regulation Order which was made on 30 November 2007.
9. However, an undated and unreferenced letter of objection – Appendix E - addressed to me as Director was received at the Docks Office. This letter bears an internal “booking in” stamp of 20 November and after being passed on by my office in the internal mail system it reached the Head of Visible Services after the due date for receipt of objections i.e. 20 November. However in the meantime officers had completed the administrative processes on the assumption that no objections had been received and the Order was legally sealed on 30 November.
10. However, because of receipt of this letter of objection, the works to make the changes to the existing lines and signs have not yet been undertaken pending the outcome of the matters referred to in this report.

Relevant Issues and Options

The Objection

11. The letter opposing the proposed Traffic Regulation Order is reproduced in Appendix C. The objector, in summary, states “My objections to these proposals are that they will cause traffic chaos given the very narrow width of some of the Cold Knap roads and streets. Your officers do not have to suffer the heavy traffic that still visits the Knap each summer. Contrary to their belief the closure of the Knap Lido has not reduced the number of cars visiting the area. Both local car parks at the sea front and Bron y Mor are often full at summer weekends.”
12. “The proposal is based on the views of a few residents who wish to have their friends park their cars in the road when visiting Cold Knap in the summer. Your staff have not made any efforts to discover whether this proposal has the support of the population at large in Cold Knap. I can assure you that it does not. I have consulted my neighbours who are against this proposal.”
13. “I must draw your attention to the fact that we still have a bus service through the Knap that often has trouble with bad parking.”

Discussion

14. Members will recall that the scheme will remove long sections of double yellow lines from one side of the carriageway whilst retaining protection at junctions and other relevant sections of highway. Traffic flow is generally not heavy and it is not thought that the flow of traffic travelling along the roads will be affected by the reduced waiting restrictions.
15. Local Members who were consulted early on this scheme have made no comments regarding the reported lack of support from the residents of the area and no other letters of objection have been received on this matter.
16. The few affected bus stops within the area will be monitored and will be protected where necessary, by Bus Stop Protection Orders.
17. Committee is requested to consider the letter and decide whether it may be treated as an 'objection' to the scheme. Should Members decide to agree with the objection, then officers will commence measures to have the Order rescinded such that the status quo of waiting restrictions in the vicinity will remain.

Resource Implications (Financial and Employment)

18. Should Members not accede to the objection, the cost of the Order and implementing the scheme is estimated at £5,000 which will be met under the Traffic Management operational budget for 2006/2007 and will utilise the Council's own administrative and works resources.
19. Should Members decide to uphold the objection, then some £1,500 will need be expended to rescind the Traffic Regulation Order, again drawn from the Traffic Management operational budget for 2006/2007.

Legal Implications (to include Human Rights Implications)

20. The Road Traffic Regulation Act 1984 allows highway authorities to make and vary Orders to regulate the movement of vehicular traffic and to improve the amenities of an area.
21. The Council as highway authority has a responsibility to improve the safety of the highway user and may be found to be negligent if it does not meet its statutory obligations under the Highways Act 1980 and the Road Traffic Regulation Act 1984. There are no human rights implications.

Crime and Disorder Implications

22. The provision of the amendment is likely to engender a greater sense of safety within a community.

Equal Opportunities Implications (to include Welsh Language Issues)

23. There are no Welsh language implications.

Corporate/Service Objectives

24. To provide a safe highway infrastructure.
25. Stakeholder consultations will take place in accordance with the Road Traffic Regulation Act 1984 when appropriate.

RECOMMENDATION

- (1) That Members resolve not to agree to the objection and to confirm the Order.

Reason for Recommendation

- (1) To allow the execution of the work to enable the Traffic Regulation Order as made to be implemented.

Background Papers

Traffic File IF 261
Plans T/07/94/CEP and T/07/96/CEP

Contact Officer - Clive Phillips, Tel: 029 2067 3073

Officers Consulted:

None of the purposes of this report.

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 10 OCTOBER 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION8. GENERAL PLANNING MATTERSCOLD KNAP ETC., BARRY : PROPOSED AMENDMENT TO WAITING
RESTRICTIONS ORDERPurpose of Report

1. To seek Members' approval to introduce an amendment to reduce in length the Waiting Restrictions in Cold Knap, Barry.

Background

2. In 1972, a waiting restriction was implemented in Lakeside, along much of its length from Well Walk to Watchtower Bay, designed to prevent parking in the vicinity of The Knap Lido, which at that time drew large numbers of visitors to the area. The times of restriction being 9.00 a.m. to 9.00 p.m. daily, from 1 April to 30 September.
3. In subsequent years similar, additional waiting restrictions were implemented in Cold Knap Way, Crosshill, The Parade, Bron y Mor, Beachway and Romilly Park Road.
4. The Knap Lido has since closed and over the intermediate period, there have been general changes in leisure activities in the area. However these waiting restrictions currently remain, although certain of the original reasons for their implementation are now no longer relevant.
5. Correspondence has been received from residents requesting that some of the restrictions be removed, to allow the frontages of their properties available for use by themselves and by visitors.

Relevant Issues and Options

6. Although the original reasons for the implementation of the waiting restrictions are generally now no longer relevant there remains a need for free vehicular access at all times to Watchtower Bay by the Ambulance and Coast Guard services.
7. However, to reflect current conditions, it would be possible to revoke or amend the existing Traffic Regulation Orders and remove long sections of double yellow lines, whilst leaving protection at junctions and other relevant sections of highway as shown in the plans, without reducing the overall effect.

8. At the same time it would be appropriate to protect the remaining areas throughout the day by changing the existing seasonal 9.00 a.m. to 9.00 p.m. waiting restriction, to 24 hours daily.
9. The scheme will reduce the level of double yellow lines by 1155 metres with the consequent effect of reducing future maintenance costs in both lining and signing.

Plan Nos. T/07/94/CEP and T/07/96/CEP will be displayed at Committee to show the existing and proposed situations respectively.

Resource Implications (Financial and Employment)

10. The cost of the Order and implementing the scheme is estimated at £5,000 which will be met from an existing Visible Services budget for 2006/2007 and will utilise the Council's own administrative resources.

Legal Implications (to include Human Rights Implications)

11. The Road Traffic Regulation Act 1984 allows highway authorities to make and vary Orders to regulate the movement of vehicular traffic and to improve the amenities of an area.
12. The Council as highway authority has a responsibility to improve the safety of the highway user and may be found to be negligent if it does not meet its statutory obligations under the Highways Act 1980 and the Road Traffic Regulation Act 1984.
13. There are no human rights implications.

Crime and Disorder Implications

14. The provision of the amendment is likely to engender a greater sense of safety within a community.

Equal Opportunities Implications (to include Welsh Language Issues)

15. There are no Welsh language implications.

Corporate/Service Objectives

16. To provide a safe highway infrastructure.
17. Stakeholder consultations will take place in accordance with the Road Traffic Regulation Act 1984 when appropriate.

RECOMMENDATIONS

- (1) That subject to the views of the Chief Constable and other statutory consultees, Members resolve to give public notice of the Vale of Glamorgan Council's intention to make a Traffic Regulation Order the effect of which will be as shown at Appendix A. The amended Traffic Regulation Orders are shown in Appendix B.
- (2) That, in the event of no objections being received, the Order be made.

Reasons for Recommendations

- (1) To comply with the requirements of the Road Traffic Regulation Act 1984.
- (2) To allow the necessary works to be undertaken.

Background Papers

Traffic File IF 261

Contact Officer – Clive Phillips, Tel: 029 2067 3073

Officers Consulted:

Operational Manager, Legal Services.
Community Safety Officer, Community Services.
Accountant, Building and Visible Services.
Operational Manager, Highway Maintenance.

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

APPENDIX A

SCHEDULE

Proposed No Waiting at anytime Order.

Make New Order.

The Parade

On its north west side from its junction with St. Nicholas Road for a distance of 20 metres south west and from its junction with Lakeside for a distance of 25 metres north east and on its south east side from its junction with Harbour Road for a distance of 42 metres south west and from a point 15 metres south west of its junction with Cold Knap Way to a point 20 metres north east of that junction and from its junction with Lakeside for a distance of 25 metres north east.

Cold Knap Way.

On its west side from its junction with The Parade for a distance of 25 metres south and from its junction with Crosshill for a distance of 10 metres north and

on its east side from its junction with The Parade to its junction with Crosshill and across the closed end.

Crosshill

On its north side from its junction with Lakeside to its junction with Cold Knap Way and

on its south side from its junction with Lakeside for a distance of 10 metres east and from its junction with Cold Knap Way for a distance of 10 metres west.

Lakeside

On its west side and south side from its junction with Bron y Mor southwards and eastwards to and around the turning area and

on its east side from its junction with Well Walk for a distance of 15 metres south and from a point 35 north of its junction with The Parade to a point 25 metres south of that junction and from a point 10 metres north of its junction with Crosshill to a point 20 metres south of that junction and

on its north side from its closed end for a distance of 25 metres west.

Bron y Mor

On its south east side from its junction with Lakeside to its closed end at its junction with Beachway.

Beachway

On its south side from its junction with Bro y Mor to and around the turning circle at its junction with The Promenade to the entrance with The Knap car terrace.

APPENDIX B

Amend:- In 'The County Council Of South Glamorgan (The Knap Area, Barry)(Traffic Regulation) Order 1977'. T.O.103

Delete paragraph 1(a) and 1(b) (i) (ii) (iii) (iv)

Revoke 'The County Council of South Glamorgan (Cold Knap Way, Crosshill, Barry)(Prohibition of Waiting) Order 1985.' T.O.167

Revoke 'The Borough of Barry (Lakeside) (Restriction of Waiting) Order 1972.' T.O. 567

In 'The County Council of South Glamorgan (Traffic Regulation) (Barry No.1) Order 1975 ' T.O.127.

Delete Schedule 5.

The restrictions are shown on Plan No. T/07/94/CEP

THE VALE OF GLAMORGAN COUNCIL
(COLD KNAP, BARRY)
(PROHIBITION OF WAITING AT ANYTIME)
(AMENDMENT) ORDER 2007



Appendix
B

1. Notice is given that the Vale of Glamorgan Council in exercise of its powers under Sections 1 and 2 of the Road Traffic Regulation Act 1984 (as amended) and of all other enabling powers proposes to make an Order the general effect of which is described in the Schedule below.
2. Full details of the proposal, to include a copy of the proposed Order and plan no. T/07/06/CEP, may be inspected at the Vale of Glamorgan Council, Civic Offices, Holton Road, Barry CF63 4RU and at the address shown below during normal office hours and any objection you may have to this proposal must be submitted to the Head of Visible Services (Ref: ED/MRH/IF261) in writing by 20th November 2007 and must contain the grounds upon which you object.
3. Persons objecting to the proposed Order are advised that in view of the Local Government (Access to Information) Act 1985 this Council is legally obliged to make any comments received in response to the proposed Order open to public inspection.
4. No person, except upon the direction or with the permission of a police constable in uniform or a traffic warden, shall cause or permit a vehicle to wait at anytime (with some exemptions) in the lengths of road as described in the Schedule below.
5. The practical effect of these proposals will be to reduce the lengths of existing seasonal, double yellow lines to allow some parking outside residences, to extend the times on the remaining double yellow lines to anytime and to retain these waiting restrictions at junctions.

SCHEDULE

The Parade

On its north west side from its junction with St. Nicholas Road for a distance of 20 metres south west and from its junction with Lakeside for a distance of 25 metres north east and on its south east side from its junction with Harbour Road for a distance of 42 metres south west and from a point 15 metres south west of its junction with Cold Knap Way to a point 20 metres north east of that junction and from its junction with Lakeside for a distance of 25 metres north east.

Cold Knap Way.

On its west side from its junction with The Parade for a distance of 25 metres south and from its junction with Crosshill for a distance of 10 metres north and

on its east side from its junction with The Parade to its junction with Crosshill and across the closed end.

Crosshill

On its north side from its junction with Lakeside to its junction with Cold Knap Way and

on its south side from its junction with Lakeside for a distance of 10 metres east and from its junction with Cold Knap Way for a distance of 10 metres west.

Lakeside

On its west side and south side from its junction with Bron y Mor southwards and eastwards to and around the turning area and

on its east side from its junction with Well Walk for a distance of 15 metres south and from a point 35 north of its junction with The Parade to a point 25 metres south of that junction and from a point 10 metres north of its junction with Crosshill to a point 20 metres south of that junction and

on its north side from its closed end for a distance of 25 metres west.

Dated this 30th day of October 2007.

M. Punter
Head of Visible Services,
Vale of Glamorgan Council, The Alps, Wenvoe. CF5 6AA.
P. 81

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

From: Michael Sharp [mailto:michael.e.sharp@virgin.net]
Sent: 08 November 2007 20:07
To: ajhodge@valeofglamorgan.gov.uk
Subject: further message from Michael Sharp re traffic orders.

Dear Mr. Hodge,

Thank you for your email regarding traffic orders. I suppose I have a slight advantage over other members of the public given my ex-councillor status and 23 years of debating traffic orders. However I have given the matter some thought recently when for the first time I am on the other side of the fence trying to object to a proposed traffic order near my home.

I seem to remember that the Council usually places a legal notice in a newspaper, is it still the Western Mail ?
Regrettably from experience - I am aware that no-one or nearly no-one reads these notices or that particular paper.

Therefore how does the public at large find out about the proposed order ? They may have a very dedicated councillor who knocks on their door, but again I know this is still a very rare occurrence. It's too late after the order has been made and the yellow paint is dry.

So it seems a good democratic idea to tell as many persons as possible that the Council intends to make an order. I would suggest two fairly easy ways forward. Firstly set up a section of the Vale Website to deal with traffic orders (proposed and then decisions) and secondly use local newspapers that have a wide local circulation. In the Vale and Barry, The Vale and Barry Gem, The Penarth Times and The Glamorgan Gazette cover nearly 80% of our council area.

If you look at the Devon County Council website section on Traffic Management it gives all the information a member of the public needs to know about dealing with proposed orders. This seems a good model to "borrow". I note that Devon usually place notices in the streets affected by a proposed order. Do we do the same ? If not why not ? Planning does it with any planning application in the Vale.

Sorry to take up your time with this but I do think it would assist your department in the long run if we could be more open.

Lastly can you let me know where to send my current objections on the proposed Knap removal of yellow lines orders to ?

Yours Michael Sharp - 4 Lakeside, Barry CF62 6SS

14th November 2007

Mr. C.E. Phillips

02920 673073

02920 673175

APPENDIX D

ED/HT/CEPW2/ IF261

visible@valeofglamorgan.gov.uk

Mr M Sharpe
4 Lakeside
Cold Knap
Barry
CF62 6SS

Dear Mr Sharp

Cold Knap – Barry – Parking restrictions.

I refer to your email dated 8th October (*sic, should have been November*) 2007 regarding your comments on the public notice of Traffic Regulation Orders and I would advise you as follows.

Procedures for Traffic Regulation Orders require that the Order making authority publish a 'Notice of Proposals' containing the particulars, in a newspaper circulating in the area in which any road to which the Order relates is situated. It may also display 'Notices' in roads affected by the Order. Statutory consultees, such as the police, fire, ambulance services, bus operators, Freight Transport and Road Haulage Associations etc are also consulted.

The newspaper generally selected in this area having the widest circulation to cover the authority area is traditionally the Western Mail but other newspapers are used including The Gem, Penarth Times, Barry and District News but these are not daily papers, delays in publication can occur and often are too local for the public likely to frequent the location involved.

The above are statutory requirements but this authority also ensures that 'Notice of Intention' is displayed on the Vale Website for 21 days and 'Notices' are displayed on site for 21 days. Following sealing of an Order a 'Notice of making' is further displayed on the Vale Website for 6 weeks. A consultation pack of information, plans etc. are held at The Civic Offices and at The Alps as stated in the public notices and are available for public examination.

With regard to the proposal to reduce the extent of the double yellow lines throughout The Knap area I can advise you that the proposal was advertised in The Western Mail on 30th October 2007 and on site for 21 days. One such 'Notice' is displayed on a lamp column adjacent to your property. The closing date for objections to the proposal is 20th November 2007 and objections can be made to Head of Visible Services as stated in the Notice.

I trust that this information will clarify the matter and be of assistance to you.

Yours sincerely

C E Phillips
For Operational Manager-Engineering Design
Ar ran Rheolwr Gwaith Dylunio Peirianegol

4 Lakeside
Barry
CF62 6SS

Mr. R Quick
Director of Environmental and Economic Regeneration
The Dock Offices
Subway Road
Barry
CF63 4RT

Dear Mr. Quick,

Proposed Amendment to Traffic Order re: Cold Knap Waiting Restriction Orders

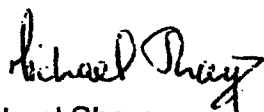
I wish to object most strongly to the proposal to remove over 1100 metres of seasonal waiting restrictions in the Cold Knap area of Barry. I have been in correspondence with your officers regarding this matter and in a recent letter to me I was assured that proper notice of the proposals had been placed on lamp posts in the Cold Knap area.

I have walked the area and can only find 2 notices, both at the eastern end of The Parade. I can find no notices in any other part of the area. Also your staff seem to believe that the Western Mail is a publication read by the citizens of Barry when the actual circulation of this newspaper has fallen to about 40,000 in the whole of Wales.

My objections to these proposals are that they will cause traffic chaos given the very narrow width of some of the Cold Knap roads and streets. Your officers do not have to suffer the heavy traffic that still visits the Knap each summer. Contrary to their belief the closure of the Knap Lido has not reduced the number of cars visiting the area. Both local car parks at the seafront and Bron y Mor are often full at summer weekends.

This proposal is apparently based upon the views of a few residents who wish to have their friends park their cars in the road when visiting Cold Knap in the summer. Your staff have not made any efforts to discover whether this proposal has the support of the population at large in Cold Knap. I can assure you that it does not. I have consulted my neighbours who are also against this proposal.

Yours sincerely



Michael Sharp

PS I must draw your attention to the fact that we still have a bus service through the Knap that often has trouble with bad parking

Planning Committee Meeting – 17th January 2008

2004/01079/OUT Received on 2 July 2004

Harmers Limited, 39, Lambourne Crescent, Cardiff Business Park, Llanishen, Cardiff. CF4 5GG , ,
Forestry Commission/ Mr. & Mrs. D. Randolph, C/o Agent. , ,

Land at Pencoedtre, North East Barry

Business Park, housing, retained woodland, roundabout on Port Road and associated access roads and services

SITE DESCRIPTION

The application site relates to Pencoedtre Wood and associated adjacent land (including part of Port Road East,) which is broadly triangular in shape some 18 hectares area located at the north-eastern edge of Barry. The site does not currently have any direct vehicular access.

The site is bounded to the north-west by Port Road East (A4050) where some 400m of the application site would front this road and to the east by the Barry Dock Link Road (A4213). The site is bounded to the south by the Pencoedtre Village residential development which comprises of some 633 houses accessed by a new roundabout on Barry Docks link Road. The site is bounded along its south western boundary elevation by a Public Footpath which runs adjacent to the area of the existing residential development and continues to Port Road East.

The application site is located in a prominent hillside location rising from 47 metres AOD at its southern boundary to 84 metres AOD at its northern boundary.

DESCRIPTION OF DEVELOPMENT

This is an outline application with all matters reserved for a business park, housing, proposed new roundabout on Port Road East and associated access roads and services.

The application is supported by a development brief prepared by the agents for the applicants. The brief contains several plans, where the Development Concept Plan (Fig.6) indicates a mixed use development comprising of employment land located at the northern part of the site near Port Road East and an area of housing sited broadly within the centre of the site. In summary the proposal relates to the following elements:

Access

The proposed new access arrangements are shown as being via a new roundabout on Port Road located at the western part of the site some 400 metres to the west of the existing roundabout. The proposed roundabout will serve a new spine road into the site. The concept plan indicates the provision of footpath/cycleway links through the retained woodland and connections with existing footpath along the south western boundary of the site.

Employment

The brief states that the employment area will be developed as a high quality business park with approximately 15000–18000 square metres of new buildings. It is stated that the heights of the business units should be compatible with the landscape strategy which seeks to ensure that views into the site are minimised by the surrounding buffer zone.

Housing

The brief states that approximately 148 dwellings could be accommodated within the area identified, with a variety of densities and mix of house types including an element of affordable housing.

Woodland

Approximately 6.3 hectares of the site are shown to be retained as woodland accessible to the public, although the children's play area will be within the residential area. The retained woodland includes a landscape buffer between the residential and employment site and a narrow landscape perimeter buffer between the developed areas and the highway.

During consideration of the application, one element of the discussion has centred around possible variations in the amount of the site given over to the development of employment and housing and woodland.

PLANNING HISTORY

The planning policy and development plan allocations at the site this is set out in the main body of the report.

In relation to previous applications the following are of relevance:

Planning application ref; 95/01148/OUT -This application was submitted on 18th December 1995 for the development of 56 hectares of predominantly agricultural grazing land and an area of woodland (Pencoedtre Wood) for a business park, special employment area, public open space, residential development, local community facilities (including primary school and retail) access, highway and infrastructure works.

The proposed development composed of the following elements:

- (i) Residential development of 34 Hectares on the lower two thirds of the site (83 acres).
- (ii) Special employment 17 Hectares (42 acres).
- (iii) Business Park 3.5 Hectares (9 acres).

Whilst the application was submitted in outline with all matters reserved except for access, a supporting statement was submitted with the application detailing the following:

- (i) A total of some 820 houses was anticipated with a range of housing densities and types. A suggested 40-60 units of affordable housing was offered by the Developers.
- (ii) Employment development - 52,000²m of business related development is proposed in two areas at the northern corner of the site.
- (iii) A primary school(s), Public Open Space and local shopping facilities were also included. No details were provided as part of the application. However negotiations with the applicants suggested that the following could be provided/retained:
 - (a) 16 acres of Pencoedtre Wood.
 - (b) The small area of ancient woodland identified to the south of Pencoedtre Wood.
 - (c) 12 acres of Public Open Space.

The application was reported to Development Control Committee on 19 June 1996, where it was recommended that planning permission be granted, (with conditions) subject to the developers first entering into a Planning Agreement to ensure the provision of amongst other things, public open space, transfer of land allocated for educational development, provision of affordable housing and other matters relating to the provision of infrastructure and access.

During the formulation and progression of the Planning Agreement between all relevant parties, concern was raised by the landowner and leaseholder of the area of land on which the Special Employment Area (SEA) and the retained elements of the woodland, were proposed. The requirements of the agreement were challenged in relation to the restrictive and onerous requirements, which sought to prevent any retail element on the business park or special employment area and to retain and maintain in perpetuity the existing area of woodland.

Accordingly, the relevant landowner and leaseholder (Mr. Randolph and Forest Enterprise) withdrew from the application and the application site was amended to exclude the land in question. In view of the amendments to the application and associated Legal Agreement, the planning application was reported back to Committee on 21 May 1997, where it was resolved to approve the amendments to the application. The Legal Agreement was signed on 11 June 1997 and outline planning permission was granted on the same date, subject to conditions. This permission has since expired.

CONSULTATIONS

Barry Town Council was consulted and raised a very strong objection against the housing element of this proposal. The Town Council is totally opposed to any

residential development within the area of North-East Barry for the following reasons.

- Undue pressure would be placed upon the local infrastructure, highway network, and education facilities etc., which already have to cope with the effects of the large-scale residential development of Pencoedtre Village.
- Open space in this part of the town is severely limited.
- Alternative brownfield sites are available elsewhere in the town.

Furthermore:

Great concerns are expressed regarding the impact of any additional residential development on the irreplaceable ancient woodland found within this area. This ancient woodland should not only be fully protected for its biodiversity, but also for its significant amenity benefits. It forms a most attractive green backdrop to the ongoing residential development at Pencoedtre Village situated immediately to the south.

In respect of the business element all uses should be restricted to Class B1 of the Town and Country Planning (Use Classes) Order 1987.

In the event of any planning consent for development on this site the Local Planning Authority should be satisfied that the Woodland Management Plan would be fully effective and properly carried out, in particular in respect of the area of Ancient Woodland which would be preserved and protected.

Wenvoe Community Council was consulted and have stated that the proposal would have a detrimental effect on already heavy traffic flows on road that forms the access road to the airport. They also questioned whether consideration been given to the site from roundabout at top of Docks Link Road/Port Road?

The Head of Visible Services (Highway Development) was consulted on the application and has no objections to the proposed development in principle but has stated that the applicant has not provided sufficient information in respect of the proposed access off Port Road A4226 within the application to determine with certainty whether as suitable access can be formed within land under the control of the applicant/Highway Authority as adopted highway. As a consequence, the Council as Highway Authority has indicated that further information is required in order to assess the extent of the highway improvement works required to be constructed under any subsequent highway agreement. In addition it has been indicated that the developer should provide a TIA (Traffic Impact Assessment) which shall include substantial actual flow data along Port Road in both directions and details breakdown of estimated vehicular flows.

The Council as Highway Authority has recently reiterated the above points of concern, stating that even though the application is in outline classification as required on certain elements of the deliverability of access proposals as well as the traffic impact of the proposed development.

The Head of Visible Services (Engineering Design) was consulted on the application and stated the following:

“The submitted details indicate that surface water run-off from the proposed development is to discharge into a watercourse.

The applicant should therefore consider the effect of the run-off on the watercourse and limit the flows to Greenfield run-off or the capacity of any structures or culverts so as not to cause or exacerbate flooding downstream. The applicant should therefore be requested to provide full details of the proposal for the approval of the Local Planning Authority Prior to the commencement of any works on site.

Watercourses also cross the site. The developer will be required to maintain the flows within the watercourses and should be requested to submit details of the proposals to maintain the flows for approval prior to the commencement of any works on site. Any culverting/bridging of the watercourse will require the approval of the Environment Agency, as well as this Council as Land Drainage Authority, and the developer should submit appropriate details for the necessary approvals prior to commencement of works “

The Director of Legal, Public Protection and Housing Services (Environmental Health) was consulted on the application and has no observation to make.

Countryside Council For Wales was consulted and have made the following comments:

“Thank you for your letter dated 27 July 2004 regarding the above planning application. As you know from our subsequent discussions with Mr. Butler, we have since visited the application site and met with the applicant.

The Countryside Council for Wales (CCW) objects to this application and recommends that it be refused. This is on the grounds that it is contrary to national planning policies on the protection of ancient woodland in Wales.

Pencoedtre Wood is included on the Glamorgan Inventory of Ancient Woodland (E. Section, 1986, Nature Conservancy Council, Peterborough). Although most of the wood is shown on the inventory as a plantation on an ancient woodland site, it retains a semi-natural character. Planting has had a relatively minor impact on its biodiversity and the wood appears to be slowly recovering from the planting through natural processes.

We therefore disagree with the assertion by the applicant in the development brief that “There is no proposed felling of trees categorised as Ancient Woodland” (page 3, paragraph 1.7). We also question the accuracy of Fig. 4 of the development brief on this basis.

Planning Policy Wales (March 2002) states ‘ancient and semi natural woodlands are irreplaceable habitats of high biodiversity value which should be protected from development that would result in significant damage’ (Para 5.2.8).

The proposed development would destroy the greater part of Pencoedtre Wood causing serious ecological and visual damage and is therefore contrary to national planning policy.

The proposal would also continue the process of fragmenting the woodland. The wood was considerably larger until it was split in two by the development of the A4231. Further development would result in the remaining fragments becoming more isolated and the sustainability of the species within them becoming further compromised. This would undermine further the woodland connectivity in the wider district.

Fragmentation is considered in the Assembly's Woodland Strategy "Woodlands for Wales: The National Assembly for Wales Strategy for Trees and Woodlands" (2001) where it states:

"The success of this strategy will be shown if we can improve the quality of these woodlands, linking and expanding their habitat networks..."(Section 2.5.1).

Additionally the strategy includes the commitments:

"We will increase the quality of native woodlands for wildlife and implement the Biodiversity Action Plan targets for their restoration and extension, creating links between fragmented woodlands".

and

"We will increase the area of native woodlands, targeting extension and connection of existing woods and incorporating the concept of increasing the core area of native woodland habitats".

The proposed development, by further fragmenting the woodland and its biodiversity, would therefore be contrary to the Assembly's strategy for improving the quality of woodlands and linking and expanding areas of woodland habitat.

As well as the ecological implications Countryside Council for Wales also has serious concerns over the landscape and visual implications of the loss of such a large area of highly prominent woodland, particularly given the topography of the site and its prominence when viewed from the south. Given the scale of the development proposed and the prominence of the site in the landscape, we are concerned that no landscape and visual assessment of the proposal has been undertaken.

We acknowledge that this site has a long history of proposed development and was recommended by the Inspector's report of the Unitary Development Plan (UDP) Inquiry to be allocated in the UDP for mixed development.

We also appreciate that the development currently proposed has been designed with the intention of retaining parts of the wood, including the part in the South West corner which was not subject to any re-planting in the past. We note that it is intended to fully restore those parts of the wood earmarked for retention by removing the larch trees, and to allow and manage public access.

However, we do not consider that these measures justify the departure from national planning policies for ancient woodland, and the proposed loss of the greater part of this ancient woodland. We therefore object to the proposal for a mixed use development at Pencoedtre Wood and recommend that the application be refused.”

Further correspondence received from the Countryside Council for Wales states as follows:

“Thank you for your letter dated 3 March 2005 regarding the above application. In your letter you request our opinion on a number of matters. I have addressed these issues in turn below.

The Countryside Council for Wales is confident that we have sufficient evidence on which to base our objection. Currently available data, from the assessments carried out by Forestry Commission Wales and the site visit by our own staff including our woodland specialist Jim Latham, have established that the woodland has a diverse woodland ground flora and that the woodland is currently reverting to a more natural state without specific restoration management. However, further detailed survey would add to our knowledge of this valuable site.

Further fragmentation or reduction in the size of any Ancient woodland site is an issue of concern. A key principle of woodland conservation is that larger sites are potentially more diverse and therefore more valuable. Losses to a site such as this would damage the integrity of the site and may have knock on effects to an area greater than that which is physically lost or damaged. It would require a major reduction in the size of the development in order to alter our view regarding the appropriateness of development on this site.

We are of the opinion that the overriding principle of PPW is to protect Ancient and semi-natural woodland.

Ancient and semi-natural woodlands are irreplaceable habitats of high biodiversity value which should be protected from development which would result in significant damage.

Ancient woodland comprises the whole ecosystem, including not only woodland plants and fungi but also the invertebrates which live in soil and decaying wood. Therefore any compensatory planting, even to extend areas of existing ancient woodland would not constitute adequate mitigation for the loss of ancient and semi natural woodland.

I can confirm that the proposal in its current form is, in our view inappropriate. Should the application proceed to appeal we would expect to both support your Authority and maintain our objection.”

Further letter received:

“I refer to your letters of 26 January and 21 February 2006, addressed to my colleague Karen Maddock Jones, with whom you have held recent discussions.

Firstly, I would like to confirm that the Countryside Council for Wales (CCW) maintains its objection to the above planning application, together with its recommendation that the application be refused. This objection was set out in our letter of 25 October 2004, and we subsequently provided amplification of our position in letters dated 31 March and 20 July 2005.

In November 2005 you forwarded a copy of the Eco Tech report (commissioned by your Authority) and invited us to consider the contents and findings and advise you if we had any further comments to add. It does appear that we did not respond directly to your letter of 2 November 2005, but we considered that as the report fully supported our opinion no further observations were required. We did, however, copy to you a letter of 25 November 2005 from our Woodland Ecologist, Dr. Jim Latham, to Mr. Clive Thomas, Head of Corporate Planning, Secretariat and Communications of Forestry Commission Wales. That letter referred to the contents of the Eco Tech report and supported our previous view. I attach a copy in case you did not receive it at the time.

I apologise if the lack of a direct response to your letter of November 2005 has caused any misunderstanding, but you will appreciate that at no time have we suggested, either verbally or in writing, that we have ever considered withdrawing our objection.

Turning now to your recent letters, we have noted the contents of the survey carried out by Cresswells on behalf of the applicants, and the proposed mitigation planting. In principle CCW welcomes proposals from any applicants to provide mitigation for impacts on the environment which might arise from a development. We recognise the potential advantages of the proposed planting, which would link other existing woodlands to create an extensive area of habitat. In other circumstances, with no loss of existing woodland it would contribute to BAP targets. If development is inevitable we would expect such compensation to be provided.

In this instance, however, our objection is based on the principle that ancient woodland is protected by Policy 5.2.8 of Planning Policy Wales 2002. In our opinion, Pencoedtre Wood is ancient and is covered by this policy. We do not consider that the proposed planting is appropriate as justification for the loss of an ancient woodland site.

In answer to your question as to whether the wood might qualify as a Site of Special Scientific Interest (SSSI), CCW is reviewing the matter at present and it is anticipated that our Directors Team will consider an Approval in Principle Paper to notify the site as a SSSI on Monday 13 March. If the Directors give approval in principle to the notification of the site, further survey work on the Eastern and Northern parts of the woodland and a number of comparative sites within the Mid and South Glamorgan Area of Search will be needed before a formal decision can be taken by our Directors Team on whether or not to notify the site.

Thank you also for forwarding the letter from Chris Tucker dated 23 November, we are currently considering the content of the letter and should we wish to comment, we will do so separately."

A final letter of correspondence from CCW advised of the following:

"I am writing to inform you that members of the Countryside Council for Wales, at a meeting on 6 November 2007, approved a recommendation to confirm Coedydd y Barri/Barry Woodlands Site of Special Scientific Interest (SSSI), with two amendments to the boundary. Confirmation took place on 11 December 2007 and all owners and occupiers including your Authority have been sent the formal documents.

The amendments do not affect Pencoedtre Wood. The site of the above planning application will therefore remain without the SSSI.

We have previously objected to the application on the grounds that the site is ancient woodland. We wish to take this opportunity to reiterate our objection to this application, not only on grounds of the impact on ancient woodland but also because of the impact that the proposals would have on the Coedydd y Barri/Barry Woodlands SSSI.

To summarise, the Countryside Council for Wales wish to maintain our objection to the above application for the following reasons:

1. Impact on the Coedydd y Barri/Barry Woodlands Site of Special Scientific Interest.
2. Impact on Pencoedtre Wood (West) which is an ancient woodland site."

Glamorgan Gwent Archaeological Trust was consulted and they made the following comments:

"The archaeological assessment clearly explains the known archaeological resource in and immediately outside the current application area. It identifies three possible archaeological features that are located inside the application area but we note that all of these features are in area where it is proposed to maintain the current woodland. The report concludes that the proposed development, as indicated in the development brief accompanying the application will not have any impact on any known archaeological features but there remains the possibility that unrecorded archaeological features could be revealed during the construction works required for the development. It is therefore proposed that an archaeological watching brief should be maintained during the construction works with contingency arrangements being in place in case archaeological features are revealed.

We concur with the results of the archaeological assessment and with the mitigation measures put forward in that report. We therefore do not object to the positive determination of this application on archaeological grounds subject to a suitable condition ensuring that the required archaeological works are undertaken during the development being attached to any planning consent granted by the Members. We recommend that the condition should be worded in a manner similar to the model given in Welsh Office Circular 60/96, Section 23:

“No development shall take place until the applicant or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.”

We envisage that this programme of work would take the form of a watching brief during the ground-works required for the development, but would include detailed contingency arrangements in case archaeological features are discovered. These contingency arrangements would include the provision of sufficient time and resources to ensure that any archaeological features that are located are properly excavated and removed.”

Vale Of Glamorgan and Bridgend Bat Group was consulted on the application and made the following comments:

“With regards to the woodland area of the proposed development site it would be advisable to ensure that a full and comprehensive survey is carried out to determine any Bats roosts within the location as many Bat species use trees as roost sites.

The Vale of Glamorgan Bat Group have carried out walk through surveys along the PROW during 2002 and detected Noctule and Pipistrelle bats foraging on the woodland fringe. Due to these findings it would be highly probable that Bats are roosting within the woodland.

Please find enclosed guidance notes regarding bats and their roost sites and legal requirements of planning authorities.

Guidance Notes

Bats and Trees

Bats roost in trees, in obvious cavities, cracks and splits, but also in less obvious places such as under Ivy and under loose bark. The damaged parts of a tree are the most likely places to find roosting bats, and they are the parts most likely to be cut off for safety, cosmetic or tree health reasons.

All bats and their roosting sites are protected by Law from damage or disturbance. It is very difficult to locate bats in trees.

Background

All 17 species of British Bats use trees to some extent, for feeding on associated insects, as territorial markers, for roosting in summer and winter and as navigation points.

Many species also roost in other sites such as buildings and tunnels, but three bats (Bechsteins, Barbastelle and Noctule) are almost entirely dependant on trees.

Any tree can be used for roosting as long as shelter is provided – splits, cracks, holes, loose bark, ivy cover etc.

Bat roost sites can be at any height, although the upper trunk and branches are favoured.

Entrance holes may be narrow slits on the underside of a branch that can be easily overlooked, as well as more obvious woodpecker holes in the main trunk.

Generally tree roosts of bats are very hard to locate.

Bats commonly feed along the sheltered rides or glades amongst trees.

They circle a prominent tree to feed, hold territory or gain their bearings at night.

They use successive trees to guide them at night as they fly from roost to feeding area.”

The Law and Licensing

Bats are protected under the Wildlife and Countryside Act 1981. The Act gives protection to all species. Under the Act it is illegal to intentionally kill, injure or take a bat, to possess a bat (alive or dead), or to disturb a bat when roosting. Where appropriate, these activities may be carried out under License. Because of their particular dependence on roost sites it is also an offence to damage, destroy or obstruct access to the roost site irrespective of whether bats are present or not.

The following activities require a license, issued by English Nature (England) and Countryside Council Wales (Wales).

- Carrying out any activity that disturbs bats or their roost.
- Catching bats, by any method.
- Marking bats in any way, from fur clipping to radiotracking.
- Photographing bats.

Legal Responsibilities In Carrying Out Work To Trees

Unknown Bat roosts found by chance.

None until bats found then stop work immediately and contact Countryside Council for Wales.

But by failing to survey for bats you could be deemed to act in a reckless manner and be in breach of the law e.g. trees with cavities.

Known Tree Night or Day Bat Roost

You require a Licence from the National Assembly for Wales before any works are carried out to, or near the tree.

A detailed method statement is required, and a licence from National Assembly for Wales.

Individual trees at different locations will require separate licences, a number of trees on one site can be included under one licence.

Foraging/Flight habitat not known to be used by Bats

None.

But by failing to survey for bats you could in some cases be deemed to be acting in a reckless manner and be in breach of the 1994 Habitats and Conservation Regulations, removal of a single key hedgerow/tree line could seriously affect a bat colony.

As a part of an Environmental Assessment bats must be considered and appropriate surveys undertaken.

Foraging/Flight habitat known to be used by Bats

Approval of a detailed method statement is required, and a licence obtained from the National Assembly for Wales.

Suitable mitigation would need to be prepared to ensure flight routes are maintained and any habitat loss is balanced by creation.

A phased approach may be required to the works to ensure insect densities in feeding areas and sufficient habitat cover through flight routes are maintained throughout the works, this may include sacrificial non native tree species that are used as temporary fillers until endemic species become established.

Roost Loss

With any loss of roosts suitable replacements should be created taking account of the particular species requirements such as: roost size, proximity to vegetation cover, roost temperatures etc.

The main failure in mitigation is often not considering the exact requirements bats have by changing or failing to create the correct roost characteristics.

Foraging Habitat Loss/Modifications

When there is a loss or modification that causes a decrease in insect prey, appropriate measures should be taken to balance this, such as planting certain species, creation of optimum habitat e.g. wetland with broad leaved trees, setting aside of habitat improvement areas.

The main failure in mitigation is often not considering the exact requirements bats have and planting inappropriate species on a different substrate e.g. loss of wetland.

A bat survey should be undertaken on any trees to be felled or needing tree surgery if there is any possibility of bats using them as roost sites. This would usually be trees with holes, deep splits or loose bark.

If local bat experts are not known, contact the local statutory nature conservation organisation (Countryside Council for Wales).

Legislation Protecting Bats and Their Roosts

All species of bat in Britain and their roost sites are protected by the Wildlife and Countryside Act 1981 (WCA) under Section 9(1), 9(4)(a) and 9(4)(b) as amended by Schedule 12 of the Countryside and Rights of Way Act 2000, and by the Conservation (Natural Habitats, & c) Regulations 1994 under Section 39(1).

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.

Further, such offences are 'arrestable'. Such actions might include – building demolition, removal of hollow trees, blocking, filling or installing grills over mines or tunnels, building alteration or maintenance works, repointing of stone walls, getting rid of unwanted bat colonies, re-roofing, remedial timber treatment, re-wiring or plumbing in roofs, treatment of wasps, bees or cluster flies (Mitchell-Jones, 1992 Childs, 2001).

Greater Horseshoe Bat, Lesser Horseshoe Bat, Bechsteins Bat, Greater Mouse Eared Bat and Barbastelle are included in Annexe II of the Conservation (Natural Habitats and c) Regulations 1994 and hence require special protection.

Maximum penalties for committing offences relating to bats or their roosts can amount to imprisonment for a term not exceeding six months or to fines of up to level 5 on the standard scale under the Criminal Justice Act 1982/1991 (i.e. £5,000 in April 2001) per roost or bat disturbed or killed or to both.

It is advisable to check as early as possible whether bats are present on potential sites for development – preferably before the land is bought. In some cases the period required for adequate survey work may span more than one calendar year. If a development, including demolition or change of use, is likely to impact on bats and their roosts then a licence will usually be required. Adequate survey results are a necessary input to any licence application. If bats are not found until late in the development stage this may result in delays while a licence is sought and even in offences being committed.

'Development' licences may be granted under Regulation 44(2)(e) of the Conservation (Natural Habitats, &c) Regulations 1994, by The Department of the Environment, Transport and the Regions (DETR) in England or the Welsh Assembly in Wales.

Bodies corporate and their directors/secretaries are liable for offences under the 1994 Regulations and the Wildlife and Countryside Act.

This explanation should be regarded only as a guide to the law. For further details reference should be made to the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats &c) Regulations 1994 and the Countryside and Rights of Way Act 2000.

Woodland Trust were consulted and made the following comments:

“The Trust was dismayed that the Council accepted the Inspector’s recommendation to allocate this site within the UDP but hope that the significant number of objections received by Welsh Assembly can still bring about a reversal of this decision. The uses proposed by this application clearly conflict with the Planning Policy Wales statement in respect of the protection of ancient woodland and we therefore strongly contest the justifications put forward by Forestry Commission Wales for development of this site.

We would be grateful if you will take this letter as a formal objection to the grant of planning consent but will be writing further with detailed comments as soon as time/holiday commitments allow – but likely to be early September.”

Environment Agency Wales was consulted and made the following comments:

“The Agency notes from the information forwarded that the consultant has produced a development brief and the Pencoedtre Wood Management Plan to be considered with this planning application. Please could a copy of these documents be forwarded to the Agency.

In view of the above, the Agency requests that this application be deferred, pending receipt an appraisal of the requested information.”

Dwr Cymru Welsh Water was consulted and raised no objections subject to conditions.

Western Power Distribution was consulted and made no observations.

REPRESENTATIONS

Adjoining residential occupiers were notified on 16 July 2004 and site notices were also posted. To date a total of some 746 letters of representation have been received of which 280 object to the application including an objection received from Barry/Vale Friends of the Earth. A copy of one of the letters of objection is attached as Appendix A. The objections are summarised below.

- The loss of the established mature woodland.
- Loss of irreplaceable ancient woodland and fragmentation and degradation of remaining woodland.
- Impact on the biodiversity at the site.

- The loss of the natural woodland barriers between Pencoedtre Village which reduces road noise and provides a “natural lung”.
- Impact on wildlife and ecology as a result of the loss of the woodland.
- Increase traffic from the proposed new road system and business park and increased noise and pollution.
- Concerns over the specific types of businesses that will be developed.

Increase in opportunity for crime as a result of the use of footways and cycleways.

REPORT

Relevant National and Local Planning Policy Documents

Planning Policy Wales March 2002 (PPW) contains policy objectives and principles which together with Technical Advice Notes (TANS) and circulars should be taken into account by Local Planning Authorities in Wales in the preparation of Unitary Development Plans and is material to decisions made on individual planning applications.

In particular given the wooded status of the site, paragraphs 5.2.8 and 5.2.9 of PPW are of particular relevance in assessing this application which state:

*5.2.8 - Trees, woodlands and hedgerows are of great importance, both as wildlife habitats and in terms of their contribution to landscape character and beauty. Local planning authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality. Ancient and semi-natural woodlands are irreplaceable habitats of high biodiversity value which should be protected from development that would result in significant damage.**

5.2.9 - Local planning authorities should, as appropriate, make full use of their powers to protect and plant trees to maintain and improve the appearance of the countryside and built up areas.”

**Note all underlining in report is my emphasis and not emphasis in original documents.*

The relevant Technical Advice Notes which should be read in conjunction with Planning Policy Wales March 2002 are set out below:

TAN2 – PLANNING AND AFFORDABLE HOUSING

TAN5 – NATURE CONSERVATION AND PLANNING

TAN12 – DESIGN

TAN18 – TRANSPORT

Local Planning Policies

For the purposes of assessing this application, the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 constitutes the development plan for the area for the purposes of Section 54A of the Town and Country Planning Act 1990. However consideration should be given to the development plan history of the site and historical allocations.

Policy Background

This site was first identified as being suitable for industrial use in the approved South Glamorgan Structure Plan Proposals for Alteration No. 1 (1989). Structure Plan Policy E4 (Rolling Programme Sites) stated that:

“A range and choice of industrial sites and premises will be provided with priority being brought forward for development as resources permit. A 5 year rolling programme will provide an average of 20 hectares of industrial land per annum from:

(iv) The new development areas at north Pentwyn and north Barry.”

More specifically, the land was allocated as a special employment site under Structure Plan Policy E18. This Policy stated that:

“Strategic special employment sites will be developed to take full advantage of the improved accessibility and the job creation potential of the M4 Motorway / peripheral distributor road corridor and of the designation of the Cardiff Bay development area including:

(iii) *A new business and technology park in north Barry of approximately 20 hectares to the south west of the Barry Docks Link / A4050 junction for both high technology industry and prestige office and research establishments, the latter of not normally less than 4500 sq. m.”*

In terms of the adopted Barry Local Plan (1983), the site fell within the defined boundary of the Plan, which reflected the natural boundaries of Barry in planning terms (Policy C1 refers). However, it could be argued that the following Policies are of also of some relevance, given the complex policy background to the Pencoedtre development.

Policy T2 – “Gilbert Lane will be improved between its junctions with Pencoedtre Road and the Docks Link Road.”

Policy H1 – “To allocate land for housing on the following sites ... (c) new allocations: site 25 – Pencoedtre Road, North, 5.5 acres.”

Policy ED3 – “Land will be allocated for a new primary school and nursery unit in north east Barry.”

In addition to these Plans, the Vale of Glamorgan Local Plan Deposit Draft (1995) also designated a large part of this site for employment uses as well as public open space / recreation and housing. The Local Plan makes reference to the Draft Pencoedtre North East Barry Development Strategy, which was produced by the Borough Council in co-operation with South Glamorgan County Council. The document sets out a development strategy for the entire 140 acre site and states that a comprehensive approach to the overall development is essential.

Local Plan Policy ECON1 (17) allocated 11.5 hectares of land for special employment purposes. The supporting text states that:

“The special employment site, by virtue of its location and quality of environment will be suited to high quality businesses (B1 Uses), including a substantial element of research and development. Some 40 000m² of business floor space could be accommodated on the site.”

Local Plan Policy ECON1 (18) allocated approximately 3.2 hectares for business/warehousing development. It should be noted that the explanatory text states that both the special employment site and business park at Pencoedtre are considered to be sites with medium / high archaeological potential, and recommends further field evaluation.

The employment policy also recognised the sensitive location of the site and stated that care must be taken in designing a suitable development. In particular, the Plan states that a substantial area (around 6.5 hectares) of woodland needs to be retained, along with substantial screens along the boundaries of the special employment site. The housing allocation in the far southeast corner of the site forms part of the larger housing allocation (Local Plan Policy HOUS1 [a] refers) to the south of the public right of way.

Background to Unitary Development Plan and Inspectors Report

The Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 brought forward the allocation of the site as identified in the former Vale of Glamorgan Local Plan Deposit Draft (1995) for 11.5 hectares for special employment purposes (UDP Policy EMP2 [1] refers) and 3.2 hectares for B1 / B8 Uses (UDP Policy EMP1 [13] refers).

The employment policies highlighted the sensitive nature of the site and stated that some 6.5 hectares of surrounding woodland will need to be retained along with substantial screening along the boundaries. More specifically, UDP Policy REC11 [1] allocates a large proportion of the site for informal public open space. A relatively small part of the housing allocation at Pencoedtre (UDP Policy HOUS1 [3] refers) also lies within the south east corner of the site adjacent to Gilbert Lane and the Barry Docks Link Road.

The Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 was placed on formal deposit for a six week period during April/ May 1998 and a number of representations were made to Policy EMP2 [1]. Although a number of the objections were conditionally withdrawn following the publication of the Proposed Changes, the Inspector considered the remaining objections at a Public Local Inquiry held between June 1999 and January 2000. The Inspector's report on the objections was received by the Council in November 2000 and made public in February 2001.

The Inspector recommended that Policy EMP2 was deleted (REC 5.9 refers) and the Pen-coedre special employment site be re-allocated for approximately 7 hectares of housing land under Policy HOUS1 and approximately 7 hectares of Class B1 and B8 employment use under Policy EMP1 (details to be considered as part of a revised development brief for the area) – REC 5.10 refers.

In respect of the housing allocation, he felt that a development of around 20–25 dwellings per hectare would be appropriate which could accommodate approximately 135 dwellings.

The Council considered all of the Inspector's recommendations contained in his report and published a Statement of Decisions and Proposed Modifications to the Plan in February 2003. The Council accepted the Inspector's recommendation nos. 5.9 and 5.10 and modified the Plan accordingly (MOD E18, MOD F028, MOD F030 and MOD N011 [map] refer).

For clarity the full wording of these modifications is shown below for ease of reference:

"Housing Allocation

MOD E18 - "Delete paragraph 4.4.7 and renumber all subsequent paragraphs. Amend paragraph 4.4.8 and insert new paragraphs after 4.4.8 to read as follows:

4.4.8 - The residential element, business park and public open space element of the scheme has an outline planning consent approximately 4 hectares of public open space will be provided (see Policy REC11 (I), including the provision of two 0.4 hectare equipped play areas. In addition, approximately 1.2 hectares will be provided for educational purposes (see policy COMM3 (i)).

In addition approximately 14 hectares of land is allocated for mixed-use development of residential, employment and woodland. This allocation will require the revision of the Development Brief for the site which envisages all the site will be for Special Employment. The purpose of the brief will be to ensure that the development of this site protects and enhances the good quality ancient woodland and makes an effective and positive contribution to the social, economic and environmental well being of the local community. The revised Brief will determine both the exact location of the residential, employment and woodland elements and revisit issues such as the provision of affordable housing, Public Open Space, play areas and educational facilities and consider new issues such as sustainable design and recycling. In addition to the Brief a Green Transport Plan must be produced for the site as a whole.

The sensitive location of the site requires care to be taken in designing the development. The site accommodates a considerable amount of good quality ancient woodland, which needs to be retained as part of any development scheme. The Environment Agency and Countryside Council for Wales have indicated that the woodland on the site is of high wildlife and nature conservation value. A survey of the woodland and appropriate Management Plan will be required prior to the granting of planning permission. In addition Glamorgan Gwent Archaeological Trust have indicated that the site is potentially of importance and therefore an archaeological investigation of the site will be required prior to the commencement of development. Considerable investment is required in transportation and infrastructure and a comprehensive approach to the overall development is essential. Measures would need to be undertaken by any developer to locate and protect a 36 inch diameter high pressure trunk water main which crosses the site. The main cannot supply the site and therefore extensive off-site main laying will be required leading to high developer's costs. Greenfield drainage restrictions may apply to this site and further consultation with the Environment Agency and the Local Authority is recommended.

Reason :

In the context of the Council's acceptance of the inspector's REC 1.8, the Council has reviewed the Inspector's deliberations with regard to this matter and accepts his reasoning. In view of the potential woodland /conservation value of the site, the Council considers that prior to a final decision being taken on the exact amount of housing / employment land this site can contribute, a detailed woodland management plan must be prepared. It is considered that the allocation of land at Pencoedtre, Barry will assist in satisfying the housing requirement during the Plan period."

"Employment Allocation

MOD F028 - "Insert details of Pencoedtre Site into Policy EMP1 to read:

SITE 18: PENCOEDTRE

The Pencoedtre site is located to the north east of Barry at the junction of the Barry Docks Link Road and Port Road, with the amount of land available being dependent upon a comprehensive development brief being prepared. The site will be suited to B1 and B8 Uses.

The sensitive location of the site requires care to be taken in designing the development. The site accommodates a considerable amount of good quality ancient woodland which needs to be retained as part of any development scheme. The Environment Agency and Countryside Council for Wales have indicated that the woodland on the site is of high wildlife and nature conservation value. A survey of the woodland and appropriate management plan will be required prior to the granting of planning permission. In addition Glamorgan Gwent Archaeological Trust have indicated that the site is potentially of importance and therefore an archaeological investigation of the site will be required prior to the commencement of development. Considerable investment is required in transportation and infrastructure and a comprehensive approach to the overall development is essential.

Measures would need to be undertaken by a developer to locate and protect a 36 inch diameter high pressure trunk water main which crosses the site. The main cannot supply the site and therefore extensive off-site mains laying will be required leading to high developer's costs. Greenfield drainage restrictions apply to this site and further consultation with the Environment Agency and the Local Authority is recommended.

Subsequent Paragraphs renumbered.

Reason:

The proposed modification ensures clear and consistent Policy guidance within the Plan and is also in accordance with other recommendation REC4.20. In the context of the Council's acceptance of the Inspector's REC1.8 the Council has reviewed the Inspector's deliberations with regard to this matter and accepts his reasoning. It is considered that the allocation of the land at Pencoedtre will assist in satisfying the housing requirements during the Plan period. In view of the potential woodland/conservation value of the site, the Council considers that prior to a decision being taken on the exact amount of housing/employment land this site can contribute, a detailed woodland management plan must be prepared."

MOD F030 - "Policy EMP 2 – special employment sites is deleted.

Subsequent Policies and paragraphs are renumbered.

Reason:

The proposed modification ensures clear and consistent policy guidance within the Plan and is also in accordance with other recommendations made by the Inspector in his report."

"Employment Need

The Council have prepared a Topic Paper on employment which sets out the background analysis for the scale and range of land allocated for employment uses in the Vale of Glamorgan Unitary Development Plan. Section 6.4 of the document relates to the take up of employment land between 1976 and 1995 and states :

"Over the eighteen and a half year period, the take up of land in the Vale of Glamorgan for employment use (industry, warehousing and business) has averaged 6.8 hectares/16.86 acres per annum. If this rate were to be used for estimating the employment land required over the Plan period of 15 years this would lead to a total employment land requirement of 102 hectares. Compared to the 160 hectares allocated within the Plan, this suggests that there may be over provision."

Therefore it is considered that there is sufficient range and choice of employment land to meet anticipated need within the remaining plan period.

More recently, the Council has appointed consultants to undertake a study, (Employment Land Study Report - October 2007) in order to assess the supply, need and demand for employment land and premises (Use Class B) in the Vale of Glamorgan. Whilst the study was undertaken for the Vale of Glamorgan Council to provide robust evidence to underpin and inform the Local Development Plan, 2011 to 2026, the report also has weight in assessing planning applications.

Whilst the report states that Barry lacks a good quality business park, for B1 office and light industrial uses to the north of the town, it acknowledges that the site is unlikely to be developed due to the likely designation of the site as a SSSI. In acknowledging the loss of the site it advises that an alternative site should be provided. The report nevertheless considers that based on the take up rate, for the moment there is no need to allocate more land – aside from replacing any allocations ‘lost’.”

“Housing Need

In view of the uncertainty with regards to whether the site could be developed given the constraints, the Council did not take include this allocation when re-assessing its housing land supply. The data is set out in MOD E04 below:

MOD E04:

“Delete paragraphs 4.1.12, 4.1.13, 4.1.14, 4.1.15, 4.1.16 and, Sources of Supply Table and insert the following new paragraphs and table to read:

4.1.11 - Part 1 Policy 3 requires that land is made available for 6,079 additional dwellings over the thirteen-year period 1998- 2011. The Plan allocates land to meet the residual of this target after those dwelling units that already had the benefit of planning permission at 2001 have been subtracted. The Vale of Glamorgan Joint Land Availability Study is carried out annually by the Welsh Development Agency in co-operation with the Council, representatives of the house building industry and statutory undertakers, and presents an agreed statement of the supply and take up of housing land in the Vale. The 1st April 2001 study provides base data for strategic housing considerations which states that the total number of units available on site over 10 units with the benefit of planning consent at 1st April 2001 = 2,946 units.

Small sites of under 10 units are capable of contributing an estimated additional 101 dwellings per annum over the following five year period to 2006.

4.1.12 - In addition to the 2,946 units available on existing large sites an allowance is required for the contribution to the housing target from small sites, conversions, changes of use, and windfalls. Windfall sites are sites that at the time of calculating the available residential land do not have the benefit of planning permission or are not identified through this Plan.

4.1.13 - It is considered that the contribution of small sites to meeting the

housing target is likely to be less towards the end of the Plan period due to the diminishing opportunities for this type of development. An allowance of 76 units per annum is therefore made which represents an average rate of the contribution made by small sites etc., spread evenly over the Plan period. Over the 10 years remaining of the Plan period this will contribute some 760 additional units. The Council will carefully monitor the contribution of these sites to the land supply over the Plan period and will review this figure if necessary.

4.1.14 - Figure 4.1 illustrates the residual need for additional plots after these allowances have been taken into account, and for which new Sites are identified under Policy HOUS1.

Figure 4.1 Source of Housing Supply at 1st April 2001:

Housing Target 1998 – 2011 (13 years)	6,079
Completions 1998-2001 (3 years)*	1,363
Sites over 10 units with planning consent*	2,946
Allowance for contribution from small sites, conversions, changes of use, and windfalls (10 years @ 76 units per annum)	760
Residual Housing Requirement	1,010

*Source: Joint Housing Land Availability Study 1st April 2001 (WAD, 2002)

4.1.15 -Table 1 illustrates the contribution that the major housing Allocations will make to the housing target (see also figure 4.1). Many of the sites shown already had the benefit of planning permission at 2001 and are therefore not counted towards meeting the residual housing need identified. Further information in respect of all sites shown however can be found at section 4.4.

Ref Units Available	Site	Additional Units
		Available 2001-2011 After 2011
HOUS 1 (1) 200	Barry Waterfront 1	400
HOUS1 (2)	Harbour Road, Barry	Site complete at 2001
HOUS1 (3)	Pencoedtre, Barry 2	Subject to Development Brief
HOUS1 (4) JLAS Study	Land to r/o Daniel St. Barry	Site included in 2001
HOUS1 (5) JLAS Study	Cwm Barri, Barry	Site included in 2001
HOUS1 (6) JLAS Study	Winston Square, Barry	Site included in 2001
HOUS1 (7) JLAS Study	Penarth Haven	Site included in 2001
HOUS1 (8)	Cogan Hall Farm, Penarth	Site included in 2001

JLAS Study		
HOUS1 (9)	Cogan Pill Road, Llandough	
HOUS1 (10)	Redwood Close, Boverton	12
HOUS1 (11)	The Coal Yard, Llantwit Major	Site included in 2001
JLAS Study		
HOUS1 (12)	Cowbridge Road and the Saw Mill, Ystradown	Site complete 2001
HOUS1 (13)	Rhoose Point	Site included in 2001
JLAS Study		
HOUS1 (14)	Mayflower Site, Rhoose	Site complete at 2001
HOUS1 (15)	Marine Drive, Ogmore-by-Sea	Site included in 2001
JLAS Study		
HOUS1 (16)	Adj. St. Michael's Church, Colwinston	Site included in 2001
HOUS1 (17)	The Limes, Cowbridge	6
HOUS1 (18)	River Walk, Cowbridge	6
HOUS1 (19)	White Farm, Barry	130
HOUS1 (20)	Llandough Fields	65
HOUS1 (21)	Palmersvale Business Centre, Barry	20
HOUS1 (22)	Land North of Railway, Rhoose	400
200		
Total plots available under Policy HOUS1 to meet 400 the residual need 2001-2011		1057

1. An additional allowance of 400 units (over and above the 1000 units already included in the 2001 study) is made due to increased building densities. An allowance for a further 200 units is made for the mixed use South Quay site. The 200 units outside of the Plan period equate to 100 at the Waterfront and 100 at South Quay.
2. The contribution of this site to housing supply is dependent on the outcome of a development brief and any units would be available during the latter part of the Plan period.

Reason: The proposed modification is made in order to ensure that a continuous supply of residential land is available throughout the Plan period."

The Council published further proposed modifications in October 2004, but these did not revisit Pencoedtre as relatively few representations were made to this issue at the Proposed Modifications stage.

The Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011

The Council resolved to move to adopt the UDP in February 2005 (Council Minute No. 616 refers) and it was subsequently adopted on the 18 April 2005. It should be noted that policy numbers have been amended, although the Policies themselves and wording within remain unchanged. 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 POLICES

POLICY 1 – THE ENVIRONMENT

PART 2 POLICIES

The site is specifically allocated for both housing and employment uses under the following Policies.

POLICY HOUS1 [3] – RESIDENTIAL ALLOCATIONS
POLICY EMP1 [11] – LAND FOR EMPLOYMENT USES

Note that the supporting text to the above policies is set out in the Proposed Modifications section in this report.

Also relevant in the assessment of the above application are the following Policies:

ENV10 - PROTECTION OF LANDSCAPE FEATURES

ENV11 - WOODLAND MANAGEMENT

ENV13 - INTERNATIONAL AREAS OF NATURE CONSERVATION IMPORTANCE

ENV14 - NATIONAL SITE OF NATURE CONSERVATION IMPORTANCE

ENV15 - LOCAL SITES OF NATURE CONSERVATION IMPORTANCE

ENV16 - PROTECTED SPECIES

ENV18 - ARCHAEOLOGICAL FIELD EVALUATION

ENV19 - PRESERVATION OF ARCHAEOLOGICAL REMAINS

ENV27 - DESIGN OF NEW DEVELOPMENTS

HOUS1 - (3) RESIDENTIAL ALLOCATIONS

HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT

HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS2 SETTLEMENTS

HOUS12 - AFFORDABLE HOUSING

EMP2 - NEW BUSINESS AND INDUSTRIAL DEVELOPMENT

EMP4 - PROTECTION OF LAND FOR EMPLOYMENT PURPOSES

TRAN10 - PARKING

The following Supplementary Planning Guidance is also of relevance

- Affordable Housing SPG
- Sustainable Development SPG
- Amenity Standards SPG
- Trees and Development SPG
- Barry Development Guidelines SPG

Other relevant plans/documents which are material are:

Landscapes Working for the Vale of Glamorgan (White Consultants 1999) Design Guidelines Volume 2 page 28.

Vale of Glamorgan Local Transport Plan (2000)

South Wales Parking Guidelines (as amended 2001)

Consideration of Issues

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

The site is allocated in the adopted Unitary Development Plan for a mixed use development of residential use, employment use and retained woodland. The supporting text (paragraphs 4.4.11 – 4.4.12) makes it clear that the allocation will require the provision of a Development Brief for the site to ensure that the development of the site protects and enhances, amongst other things the good quality ancient woodland. The revised brief is required to inform the specific areas appropriate for development. As a consequence, the allocations did not include details of how the site would contribute to meeting the wider housing requirement and employment land within the plan period, with other sites meeting the Council's requirements for the plan period.

In addition to the Policy context, there are a number of other material considerations to be assessed in considering the application. These are included in turn below (numbered for ease of reference).

Status of Woodland and Site Ecology

Glamorgan Inventory of Ancient Woodlands

In terms of the status of the woodland, the wood is included in the Glamorgan Inventory of Ancient Woodlands (E. Sothorn, 1986, Nature Conservancy Council, Peterborough). The Inventory recognises two categories of ancient woodland i.e. ancient semi-natural woodland and ancient replanted woodland, the latter now more commonly known as plantation on an ancient woodland site (PAWS). The Inventory classifies the majority of Pencoedtre Wood as ancient replanted woodland, with a small area classified as ancient semi-natural woodland.

Inclusion in the Glamorgan Inventory of Ancient Woodlands was based on evidence available when the inventory was compiled.

Forestry Commission Habitat Survey (Submitted With Planning Application)

The "Pencoedtre Wood (West) – Ancient Woodland Survey" included within the Management Plan submitted with the planning application lacks the presentation of the raw data. However, the Vale of Glamorgan Council holds a copy of the original survey which was sent to the Council in 2002 and which includes that raw data. In terms of the original data received, the observations of ancient woodland indicator species of the ground flora indicate the presence of a widespread ancient woodland ground flora.

In addition ancient woodland indicator species are recorded to be present throughout the wood, recorded at 45 of the 49 grid survey points surveyed, with up to six species recorded per survey point. Twenty one species which the Forestry Commission regard as ancient woodland indicators were recorded in total.

The results show that the ancient woodland indicator species are not restricted to parts of the wood with a high component of native tree species, but are also present in areas with high plantation component e.g. at grid survey point A3 in the northern part of the wood, four ancient woodland indicator species including Herb Paris (*Paris quadrifolia*) were recorded.

The survey report itself concludes that:

“the ground flora present demonstrates that this is an ancient woodland site and their presence indicates that it has retained many ancient woodland characteristics despite having been replanted”.

The report concludes with the statement that the presence of large numbers of Herb Paris is of particular note. The survey recorded large amounts of Herb Paris in three areas of the wood.

Ecological Survey by Wye Valley Surveys September 2003 (included within the Applicants Development Brief)

The Wye Valley Surveys Ecological Survey, September 2003, was included within the Development Brief prepared by the applicant and submitted with the planning application.

The survey was conducted in late September in dry, sunny weather and following a long dry period. It is acknowledged in the survey report that “it would be reasonable to infer that the table [of plant species recorded] understates the actual frequency of occurrence of some species due primarily to the effects of the recent climate, early leaf fall and the time of year”.

The methodology used to record plant species did not record plants across all areas. For example, it is stated in the report that: “ compartment 10 data was obtained from just two traverses of the very dense thickets of shrubs, etc. under the power lines. Data under compartments 2, 8 and 9 is from the beech stands only within these blocks.”

Despite these limitations, the survey recorded at least twenty vascular plant species indicative of ancient woodland.

Observations and Conclusions by the Council's Ecologist

Following consideration by the Council's Ecologist it is concluded that some ancient woodland indicator species such as Sweet wood-ruff, Dog's Mercury and Yellow Archangel were particularly visible, abundant and widespread. It was concluded that the wood has a ground flora indicative of ancient woodland which appeared to be widespread throughout most of the wood.”

Eco Tech Habitat Survey 2005

The Forestry Commission woodland survey was conducted for the purposes of recording only the PAWS Semi-Naturalness Score, NVC type and deadwood score and it recorded woodland ground flora species only at specific grid points. It was therefore considered by the Council's Ecologist that it could have missed ground flora plant species. Furthermore there were limitations in the Wye Valley Surveys Ecological Survey, September 2003 submitted as part of the development brief. Primarily these limitations were the very late time of year that the survey was conducted, the weather conditions, early leaf fall and survey methodology used (highlighted in the previous section), these being acknowledged in the survey report itself.

In view of the above and in order for the Council to fully consider the application, given the limitations of the previous habitat surveys conducted, an independent woodland habitat survey was undertaken by Eco Tech commissioned by the Vale of Glamorgan Council.

The purpose of the survey was to obtain a thorough and independent assessment of the character and quality of the woodland habitat, to ascertain whether or not the inclusion of Pencoedtre Wood in the Glamorgan Inventory of Ancient Woodlands (E. Sothorn, 1986) is upheld based on the findings of the survey. A copy of the report is appended as Annex ?? and the findings and conclusions are summarised below.

1. Assessment of ancient woodland vascular plant species.

The survey recorded a total of 46 ancient woodland vascular plant species i.e. approximately twice the number recorded by either the Forestry Commission or Wye Valleys surveys.

The report states:

"The total of 46 ancient woodland vascular plant species is considered to be particularly notable for a woodland the size of Pencoedtre West (15.7 ha). This total is greater than that recorded in ancient woodlands of similar size (<20ha) for which data is available (Rose, 1999; Peterken, 2000)."

2. Assessment of semi-naturalness and native status of the tree canopy.

The survey assessed 61% of the woodland canopy at Pencoedtre to be site native which includes 31% assessed to be SN1 (ancient semi-natural woodland), 20% assessed to be SN2 (reasserting semi-natural woodland) and 11% assessed to be site native beech dominated woodland (ancient and native woodland). 35% of the woodland canopy was assessed to be SN3 PAWS (plantation on an ancient woodland site comprising 20 – 50% site-native canopy cover) and 4% was assessed to be SN4 PAWS (plantation on an ancient woodland site comprising less than 20% site-native canopy cover).

The data reveals that a higher proportion of the woodland canopy is semi-natural and/or site native than was previously recorded through the FC survey.

The assessment also reported that the species-rich hedgerow along the southern boundary of compartment 14 is highly likely to be an “Important hedgerow” as defined under the Hedgerow Regulations (1997) and a remnant strip of ASNW (ancient semi-natural woodland.)

3. Evaluation of the woodland habitat on the basis of the survey findings.

The findings of the Eco Tech survey confirm that previous surveys undertaken by the Forestry Commission and Wye Valley Surveys do not adequately reflect the nature conservation value of the woodland. Moreover, areas of semi-natural and native woodland were identified by Eco Tech within areas previously classified as PAWS. The notably high number of ancient woodland vascular plant species recorded in Pencoedtre wood and the very widespread coverage of ancient woodland vascular plant species throughout the woodland including those areas which are classified as PAWS (as highlighted in the previous section) are significant findings.

The Eco Tech Survey findings therefore provide clear and strong field evidence that the entire woodland at Pencoedtre is ancient and that its inclusion in the Glamorgan Inventory of Ancient Woodlands is upheld. The survey findings, for example the particularly notable number of ancient woodland vascular plant species recorded, also indicate the presence of high quality ancient woodland.

Historical Documentary Evidence

Ancient woodlands are defined as those which have had continuous woodland cover since at least 1600 AD to the present day and have only been cleared for underwood or timber production. The term applies to the site only; not the trees present (Glamorgan Inventory of Ancient Woodland (Southern 1986)).

The Council commissioned Eco Tech to undertake a second report (Pencoedtre West Archive Research 2005) in order to examine historical maps and documents to investigate the documented history of Pencoedtre Wood, in order to ascertain whether the wood falls within the Ancient Woodland definition as set out above.

The report concludes from the research undertaken, that the continuity of woodland at Pencoedtre was shown on all researched documents. The earliest Estate maps available (dating from the mid to late 1700s) show the site of the present day Pencoedtre Wood occupied by woodland, which at the time was named “Great Wood”. As stated in the Eco Tech report, it is considered reasonable to assume that in 1762 “Great Wood” was already an established woodland and is therefore highly likely to pre-date 1600 AD.

The historical documentation therefore provides strong evidence to indicate that all of the current woodland at Pencoedtre is ancient and supports the inclusion of the woodland in the Glamorgan Inventory of Ancient Woodlands.

In summary both the archive data and ecological data provide strong corroborative evidence that the entire woodland at Pencoedtre is ancient and that its inclusion in the Glamorgan Inventory of Ancient Woodland is upheld. The ecological survey findings, for example the particularly notable number of ancient woodland vascular plant species recorded by the Eco Tech survey, also indicate the presence of high quality ancient woodland habitat.

Cresswells Associates Additional Woodland Habitat and Species Survey 2005

A subsequent report was submitted by the applicant in response to outstanding information having been submitted in relation to an assessment of protected species on site and to carry further survey work in relation to the woodland habitat and species.

1. Assessment of species associated with ancient woodlands.

The Cresswells survey recorded a total of 37 species associated with ancient woodlands.

All ancient woodland indicator species recorded by the Ecotech report, with the exception of three, were recorded by the Cresswells report. One additional species associated with ancient woodlands, (toothwort) was recorded by the Cresswells survey.

The report recorded the ground flora throughout the woodland to be diverse. Species associated with ancient woodlands were recorded in all compartments surveyed with the number recorded per compartment ranging from 13 to 27 species per compartment.

Section 7.6 states “with some exceptions, the ground flora and under-storey are uniformly diverse throughout the woodland. Therefore, with the exception of the ASNW (compartment 6), no one compartment can be singled out over any other compartment(s) for development.”

2. Assessment of semi-naturalness of the tree canopy.

The assessment of semi-naturalness of the tree canopy in the Cresswells report is largely similar to the assessment in the Ecotech report, with the main differences being that the Cresswells report does not treat beech as native to the woodland and it does not record the vegetation under the wayleaves as ASNW.

3. Evaluation of the woodland habitat based on the survey findings.

The ecological data recorded in the Cresswells survey is therefore in agreement with the Ecotech survey data in that it provides clear and strong field evidence that the entire woodland at Pencoedtre is ancient and that its inclusion in the Glamorgan Inventory of Ancient Woodlands is upheld. The survey findings also indicate the presence of high quality ancient woodland.

4. Protected Species

Amphibians

The Cresswells report stated that Pencoedtre Wood does provide habitat suitable for use by foraging and hibernating amphibians. The report stated that two ponds known to support great crested newts are located approximately 1000m and 800m respectively from the site. However, it was concluded that as the site is isolated from these ponds by the Port Road, it was considered unlikely that great crested newts would be present within the site boundaries.

In the event that permission were to be granted for this application it would be recommended that site clearance works be undertaken under the supervision of a suitably experienced ecologist, and destructive searches of individual features undertaken, where necessary, to minimise the likelihood of incidental mortality of animals.

Reptiles

The Cresswells survey stated that compartment 10 and the field between Compartments 9 and 6 were considered to provide habitat potentially suitable for use by reptiles, in particular slow-worms and grass snakes, although it was considered likely that only small numbers of animals are present.

In the event that permission were to be granted for this application it would be recommended that a method statement for site clearance for reptiles be prepared and submitted for approval by the local planning authority and the Countryside Council for Wales prior to the commencement of works.

Nesting Birds

The Cresswells survey concluded that the woodland would be of value as a nesting site for birds. Although no targeted birds surveys were undertaken, two species of conservation concern, bullfinch and song thrush, were recorded as incidental observations.

In the event that permission were to be granted for this application it would be recommended that appropriate mitigation measures be implemented to ensure no disturbance to nesting birds.

Bats

The Cresswells survey concluded that some trees located around the perimeter of the site in compartments one, six and nine did appear to have features that could be utilised by roosting bats. These trees were not surveyed to confirm presence or absence of bats because it was stated that they were either not within the footprint of the development or they could be incorporated into the retained areas of the proposed development.

At least four species of bat were recorded to be present foraging in the wood: soprano Pipistrelle, common Pipistrelle, Noctule and one or more myotis species, probably natterer's, whiskered or brandt's bat. The report also states that the Vale of Glamorgan and Bridgend Bat Group have also recorded brown long eared bats foraging in the woodland.

In the event that permission were to be granted for this application it would be recommended that:

Should felling or surgery be required for any of the trees identified as potentially suitable for use by roosting bats, a full survey should be conducted by a licensed surveyor prior to the granting of planning consent.

A lighting scheme should be designed to avoid impacts on bats, both within the development area and the retained woodland, and submitted to the local authority for approval prior to works commencing.

Dormice

Although the Cresswells report stated that Pencoedtre Wood was considered to provide potentially suitable habitat for use by dormice an extensive search for field signs recorded no evidence of the presence of dormouse.

Badgers

Although the Cresswells report stated that Pencoedtre Wood was considered to provide suitable foraging habitat for badger, no setts or obvious signs of badger such as footprints, pathways, feeding sites or dung pits were recorded within the survey area.

Recommendations for inclusion in a Section 106 Agreement.

In the event that permission were to be granted for this application, appended to these comments is a list of recommendations to be included in a Section 106 agreement or as conditions of a consent.

Conclusion

Both the archive data and ecological data provide strong corroborative evidence that the entire woodland at Pencoedtre is ancient and that its inclusion in the Glamorgan Inventory of Ancient Woodland is upheld. The ecological survey findings, for example the number of ancient woodland indicator species recorded by both the Eco Tech survey and Cresswells survey, also indicate the presence of high quality ancient woodland habitat.

Status of National Policy in Relation to Ancient Woodland

In view of the above findings, regard must be given to the appropriate national and local planning policies.

In respect of trees and woodlands, paragraphs 5.2.8 and 5.2.9 of Planning Policy Wales (2002) state that:

“5.2.8 - Trees, woodlands and hedgerows are of great importance, both as wildlife habitats and in terms of their contribution to landscape character and beauty. Local planning authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality. Ancient and semi-natural woodlands are irreplaceable habitats of high biodiversity value which should be protected from development that would result in significant damage.

5.2.9 - Local planning authorities should, as appropriate, make full use of their powers to protect and plant trees to maintain and improve the appearance of the countryside and built up areas.”

The Countryside Council for Wales (CCW) have raised several letters of objection to the application and they are of the opinion that the overriding principle of Planning Policy Wales (2002) is to protect Ancient and semi-natural woodland. They advise that

“The proposed development would destroy the greater part of Pencoedtre Wood causing serious ecological and visual damage and is therefore contrary to national planning policy”.

In terms of the retention of parts of the wood, CCW acknowledge that the development currently proposed has been designed with the intention of retaining parts of the wood, including the part in the South West corner which was not subject to any re-planting in the past, where it is intended to fully restore those parts of the wood earmarked for retention by removing the larch trees, and to allow and manage public access. However, CCW do not consider that these measures justify the departure from national planning policies for ancient woodland, and the proposed loss of the greater part of this ancient woodland.

CCW also raise strong concerns in that in that the proposal would also continue the process of fragmenting the woodland. They have advised that:

“a key principle of woodland conservation is that larger sites are potentially more diverse and therefore more valuable. Losses to a site such as this would damage the integrity of the site and may have knock on effects to an area greater than that which is physically lost or damaged....”

They are of the opinion that further development would result in the remaining fragments becoming more isolated and the sustainability of the species within them becoming further compromised, undermining further the woodland connectivity in the wider district.

“Ancient woodland comprises the whole ecosystem, including not only woodland plants and fungi but also the invertebrates which live in soil and decaying wood. Therefore any compensatory planting, even to extend areas of existing ancient woodland would not constitute adequate mitigation for the loss of ancient and semi natural woodland.”

Fragmentation is considered in the Assembly's Woodland Strategy "Woodlands for Wales: The National Assembly for Wales Strategy for Trees and Woodlands" (2001) where it states:

"The success of this strategy will be shown if we can improve the quality of these woodlands, linking and expanding their habitat networks..."(section 2.5.1)

Additionally the strategy includes the commitments:

"We will increase the quality of native woodlands for wildlife and implement the Biodiversity Action Plan targets for their restoration and extension, creating links between fragmented woodlands".

and

"We will increase the area of native woodlands, targeting extension and connection of existing woods and incorporating the concept of increasing the core area of native woodland habitats".

Interpretation and Definition of Ancient Woodland

Notwithstanding the above definition of Ancient woodlands as set out in the Glamorgan Inventory of Ancient Woodland (Southern 1986), the agent has provided further correspondence in light of the findings of the Ecological Report undertaken by Cresswell Associates.

The points raised in relation to the definition of the woodland are as follows:

All of the ancient woodland was leased by the Forestry Commission was felled in 1956 and replanted in 1957.

The woodland is therefore Plantation on an Ancient Woodland Site and not ancient or semi-natural woodland which is confirmed by The Glamorgan Inventory of Ancient Woodland

Whilst the points are noted, the definition of an ancient woodland as previously stated "applies to the site only; not the trees present" (Southern 1986). Therefore the fact that much of the site has been cleared and replanted, in connection with forestry for underwood or timber production, is specifically included within the definition of Ancient Woodland which for clarity states :.

"Ancient woodlands are defined as those which have had a continuous woodland cover since at least 1600 AD to the present day and have only been cleared for underwood or timber production" (Southern 1986)

Moreover the agents asserts that the site should therefore be considered as "Plantation on a Semi-Ancient Woodland Site" and that the site therefore does not fall within the protection afforded to such woodland as set out in paragraph 5.2.8 of Planning Policy Wales which refers to ancient and semi-natural woodland only and not PAWS.

CCW have confirmed that they consider that the whole site is “Ancient Woodland” and to clarify they add that “Ancient Woodland” is an overarching term that includes both Ancient Semi-Natural Woodland and Planted Ancient Woodland Sites (PAWS), sometimes referred to as Ancient Replanted Woodland.

In relation to the CCW stance on the historic allocations and designation of the site for development, it should be noted that CCW raised an objection to the allocation of the site in 2003, in light of the national planning guidance in relation to the protection of Ancient Woodlands which was published on March 2002.

The process of progressing the Unitary Development Plan is set out earlier within the body of this report. Members will be aware that in the response to the Inspectors report, and the concerns of CCW, the Council allocated the site for a mix of residential, employment and retained woodland, and stated that a revised brief will be required to ensure that the development protects and enhances the good quality ancient woodland. The modifications to the Unitary Development Plan following publication of the Inspectors report and CCW’s concerns also advised that a survey of the woodland and appropriate management plan would be requested prior to the granting of planning permission.

This approach was taken given the concerns of CCW surrounding the status of the woodland and the potential value of the woodland, given the advice held within Planning Policy Wales (March 2002). As a result of the above and the level of uncertainty as to the area of the site which could be developed, at both the modification stage and in the Unitary Development Plan as adopted no specific number or site areas are specifically ‘allocated’ for housing and employment use, given the need for further research to inform any future development of the site.

That further work has now been undertaken, details of which are included above. Of particular note are the surveys undertaken by Eco Tech (on behalf of the Council) and Cresswells Associates (on behalf of the applicant). This work has indicated that the site is of a high quality ancient woodland and accordingly Countryside Council for Wales reinforces their objection to the proposed development.

Compensatory Planting

The Ecological Report undertaken by Cresswell Associates also makes reference (in addition to enhancement and management of the areas of retained woodland) to compensation planting whereby the loss of woodland as a result on the proposed development would be compensated by a strategy of woodland creation. The report states that a new woodland area would be created on an area of land in close proximity to the proposed development site (some 1.8 km to the north, on the western side of Wenvoe) and would link other fragments of Ancient Woodland (Goldslaw Wood, Wenvoe Wood and Squirrel Wood) either directly or through the planting of new hedgerows and new woodlands, shown in Fig 7 of the above referenced report.

In CCW's most recent letter, they state that they have considered the contents of the Ecological Report undertaken by Cresswell Associates. The letter states that they would welcome proposal from any applicant to provide mitigation for impact on the environment which might arise from a development. Whilst CCW recognise the potential advantages of the proposed planting which would link other existing woodlands to create an extensive area of habitat, which would contribute to BAP targets, this is on the basis of no loss of the existing woodlands. The letter adds:

"In this instance, however, our objection is based on the principle that ancient woodland is protected by policy 5.2.8 of Planning Policy Wales 2002. In our opinion, Pencoedre Wood is ancient and is covered by this policy. We do not consider that the proposed planting is appropriate as justification for the loss of an ancient woodland site."

Notification as a Site of Special Scientific Interest (SSSI)

In the light of the detailed ecological data contained within the Ecotech report, CCW received approval from their Directors Team of an "Approval in Principle Paper" to notify part of the site as an SSSI. On 6 November 2007 members of the Countryside Council for Wales approved the recommendation to confirm Barry Woodlands as a SSSI, with two amendments to the boundary, where confirmation took place on 11 December 2007. It should be noted that the Barry Woodlands SSSI relates to a collective group of fourteen separate woodland blocks, some of which are connected by hedgerows. The SSSI relates to two groups, about 3km apart, being centred on the application site (Pencoedre Wood) and includes the residual part of Pencoedre Wood on the opposite side of the Barry Docks Link Road (A4231), with other woodland groups including Middleton Wood located on the northern and western outskirts of Barry.

This group of woodlands have been designated being of special interest due to their semi-natural broad leaf woodland. Furthermore the ground flora is also considered of special interest, being especially rich, even in areas replanted with non-native trees.

In light of the above, CCW have reiterated their objection to the application, not only on the grounds of the impact on the ancient woodland but also because of the impact that the proposal would have on the Barry Woodland SSSI.

Of significant relevance is paragraph 5.5.8 of Planning Policy Wales (2002) state that:

With regard to SSSIs, which are of national importance, the Wildlife and Countryside Act, as amended by the Countryside and Rights of Way Act 2000, places a duty on all public bodies (including local planning authorities) to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the features by reason of which a SSSI is of special interest. SSSIs can be damaged by developments within or adjacent to their boundaries, and in some cases, by development some distance away. There is a presumption against development likely to damage a SSSI. Before authorising operations likely to damage any of the notified features on a SSSI, local planning authorities must give notice of the proposed operations to CCW, and must take its advice into account in deciding whether to grant planning permission and in attaching planning conditions.

Regard should also be given to Policy ENV14 - National sites of Nature Conservation Importance contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011, which states:

“Development likely to have an adverse effect, either directly or indirectly on the conservation value of a national nature reserve or a site of special scientific interest will not be permitted unless there is no alternative and it can be demonstrated that the benefits arising from the development clearly outweigh the special interest of the site. If development is permitted, appropriate conditions or agreed planning obligations will be used to secure adequate compensation or mitigation measures.”

The harm as a result of the loss of what would be some 35% of the SSSI (within the application site) for development in addition to the further impact on the remaining part of SSSI at Pencoedtre Wood either directly or indirectly, would not be outweighed by the need for development at the site in respect of housing and employment land need or any other considerations.

Other Designations

It should also be noted that Pencoedtre Wood is designated as a candidate Site of Importance for Nature Conservation (cSINC), cSINC ST SW/17, Pencoedtre Wood. As such development of this site would, therefore, also be contrary to Policy ENV15 (Local Sites of Nature Conservation Significance) contained in the above referenced plan, which states:

“Development and land use change likely to have an unacceptable effect on a local nature reserve, a regionally important geological / geomorphological site, or a site shown to be of importance for nature conservation will not be permitted unless the reasons for the proposal clearly outweigh the local importance of the site. If development is permitted, appropriate conditions or agreed planning obligations may be used to ensure the impact on nature conservation is minimized

The Council's Ecologist objects to the development proposal on the grounds that they would result in significant damage to this high quality ancient woodland site and would be contrary to National Planning Policy.

Ecology

The Cresswell Associates report indicates that survey work has been undertaken as the presence of amphibians, reptiles, nesting birds, bats, dormice and badgers.

With regard to the presence or otherwise of protected species, the presence of a species protected under European or U.K. 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. (Planning Policy Wales (2002) advises).

Planning Policy Wales further advises that new development works which contravene the protection afforded to European protected species require deregulation for the purposes of the Habitats Directive. Such deregulations are only authorised if there is no satisfactory alternative to the development and if the action authorised will not be detrimental to the residence of the population of the species concerned at a favourable conservation status in its natural range.

The advice contained in Planning Policy Wales (March 2002) is carried forward into the adopted Unitary Development Plan, within Policy ENV16 – Protected Species Sites.

“Permission will only be given for development that would cause harm to or threaten the continued viability of a protected species if it can be clearly demonstrated that:

- (i) there are exceptional circumstances that justify the proposals;*
- (ii) there is no satisfactory alternative; and*
- (iii) effective mitigation measures are provided by the developer.”*

The development would result in the loss of a significant area of woodland from the site and the Council needs to be certain that protected species will not be compromised by the development. In this regard, the Cresswell Associates report indicates that “an extensive search for field signs recorded no evidence of the presence of dormice” (para 5.58). However, in terms of bats, the Cresswell report is less certain and stating that certain trees located around the perimeter of the site did appear to have features that could be utilised by roosting bats. The report does however state that the trees in question are either not within the footprint of the development or could be incorporated within restricted area. As a consequence it is concluded that no further surveys were undertaken to confirm presence or absence of roosting bats.

As a consequence of the above, I have concerns that insufficient work has been undertaken to confirm the presence or otherwise of roosting bats within the woodland, and this is a matter that has been raised with both the agent for the application and Countryside Council for Wales.

On the basis of the above, and given that the granting of an “in principle” outline planning is being considered, the scheme and information as submitted is not of sufficient detail to allow the Council to conclude that the requirements of the Habitats Directive have been met and that the application can be approved. In this regard there is a lack of clarity as to whether the maintenance of roosting bats at favourable conservation status can be achieved, and further work is required in this regard, through additional bat surveys, and the impact on bats within the site cannot be fully assessed without this further information.

Compliance with the Habitats Directive tests as set out above is critical to the acceptability of the scheme, and in the absence of the required level of detail and certainty the Council cannot be certain that the development will not be detrimental to the maintenance of the population of the species at a favourable conservation status in their range. In addition, satisfactory alternatives to the development of this site for housing and employment do exist, given the allocations in the Unitary Development Plan.

Landscape Issues

The site forms an important gateway identified in The Landscapes Working for the Vale of Glamorgan (Volume 1 Fig. 7). The site is an important gateway into the main town of Barry via the Barry Dock Link Road and to the airport and the south west Vale via Port Road East (A4050).

Notably when approaching the application site from the A4050 (via Wenvoe) to the north, the site represents a dense and mature woodland which offers a strong and defensible landscape feature which screens the settlement of Barry from the A4050. The wood has a strong relationship with the adjacent countryside and wood on the opposite side of Port Road East (A4050) and the Barry Dock Link Road (A4213), where historical documents indicate that the area was originally a much larger wood which has only relatively recently been transversed by the two main roads.

Moreover the site also provides a dense and visually distinct wooded backdrop to the town, where the now substantially completed residential development at Pencoedtre is viewed against Pencoedtre wood when viewed from within Barry and primarily from the Barry Docks Link Road and Dobbins Road.

Notwithstanding the previous allocations of the site, it has always been acknowledged that the site has high landscape qualities which should be protected. The Landscapes Working for the Vale of Glamorgan (Volume 2 page 28) sets out a design brief for the redevelopment of the site (prepared on the basis that the site was appropriate for a mix of housing commercial and retained woodland). The brief acknowledges that the site is highly prominent and the main aim is to preserve the semi-rural character of the A4050 and A4231.

Countryside Council for Wales also raised serious concerns over the landscape and visual implications of the loss of such a large area of highly prominent woodland, particularly given the topography of the site and its prominence when viewed from the south. Given the scale of the development proposed and the prominence of the site in the landscape, they have raised concern that no landscape and visual assessment of the proposal has been undertaken.

In terms of policy, the substantial loss of woodland is considered contrary to Policy ENV11 of the above referenced adopted plan which relates to the protection of landscape features. This policy states that:

“Development will be permitted if it does not unacceptably affect features of importance to landscape or nature conservation including: trees, woodland, hedgerows, river corridors, ponds, stonewalls and species rich grasslands.”

Traffic and Highways

The Council's Highway engineers have requested further information in the form of a Traffic Impact Assessment, and confirmation of availability of land to allow satisfactory access arrangements into the site.

It is considered that without further assessment the Council cannot adequately assess the impact of the local road network and the necessary mitigation measures required. It is also as a consequence not possible, under the current level of detail provided to assess the scale of the works required to the highway network as well as the desirability of such works. As a result the proposal is contrary to Policies ENV27 – Design of New Developments, HOUS8 – Residential Development and EMP2 – New Businesses and Industrial Development.

Housing and Employment Need

Given the above material factors, and notwithstanding the policy position as regards to the adopted Unitary Development Plan, the release of the site for development is not required given the fact that the Council has a 7.8 year land supply at present based on the Land Availability Study (May 2007).

In terms of employment, the Council has also commissioned an independent study on employment land to inform the progress on the Local Development Plan.

As a consequence and given the very real concerns surrounding the irreversible impact of the proposal and the ancient woodland, SSSI and ecology of the site, the release of the site for development purposes is not required and would be unsustainable in the context of Planning Policy Wales (March 2002), which states (para 9.3.4) that;

“In determining applications for new housing, local planning authority should ensure the proposed development does not damage an areas character and amenity.”

Planning Policy Wales (March 2002) also provides guidance on conserving the historic and natural environment. In this regard, and with specific reference to the conservation of the natural heritage. Planning Policy Wales (2002) states in para. 5.5.1:

“Biodiversity and landscape considerations must be taken into account in determining individual applications.”

Para. 5.5.2 states:

“When considering any development proposal, local planning authorities should consider environmental impact, so as to avoid, whenever possible, adverse effects on the environment.”

The survey and research work undertaken a part of the application, and subsequent to the adoption of the Unitary Development Plan indicates the significant conservation value of the site.

The Unitary Development Plan allocates sufficient land for development, and it is notable that much of the development land in question is brownfield in nature, being located within the Barry Waterfront area with sustainable public transport links and good access to services.

Also relevant in this regard is the Welsh Assembly Government's objectives in terms of housing, as laid out in Planning Policy Wales (March 2002). Para 9.1.1 states that the Assembly Government will seek to ensure that:

previously developed land is used in preference to Greenfield sites”.

CONCLUSION

The following facts are relevant in terms of the assessment of the application:

- (i) The policy context, with the site having been allocated, historically for special employment use and more recently allocated under the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP) for a mix of housing, employment and retained woodland (the precise mix to be determined).
- (ii) The Plan recognises that the specific areas to be developed for employment and housing could only be concluded following the detailing of survey work and analysis of the ancient woodland, and this work has been undertaken both by the Council and the applicant as part of this application.
- (iii) As consequence of the research and analysis, the Countryside Council for Wales has maintained an in principle objection to the proposal on the grounds of irreversible loss of ancient woodland.
- (iv) The confirmation of the site as a Site of Special Scientific forming part of the larger Barry Woodlands SSSI.
- (v) There are also concerns relating to the landscape impact of the proposal, and it has always been acknowledged that the site has landscape qualities which require protection, not only in usual terms but also in historical and nature conservation/ecological terms.
- (vi) There are concerns that insufficient information has been submitted to deal with the highway impact of the proposal.

- (vii) Likewise there is also a lack of clarity in the survey work undertaken on the presence or otherwise of roosting bat sites within the woodland, and further information is required to establish whether or not the tests of derogation can be set as required by Planning Policy Wales (March 2002).
- (viii) The policy presumption in the Unitary Development Plan for is some form of development at the site. Of importance in this regard is the fact that based on having land availability figures, the site is not required for housing purposes during the plan period with other more sustainable options considerable to meet the Council's land supply requirements. In addition the inclusion of the site in the Unitary Development Plan was undertaken with the Council recognising the constraints of the site and therefore did not take the allocation into account when assessing housing land supply or employment need. The loss of the allocation would not therefore prejudice the Council's supply of land for employment or housing purposes.

The application process has led to full and detailed consideration of all the issues, and a considerable amount of work has been undertaken since the submission of the application and since the adoption of the Unitary Development Plan in the consideration of the appropriateness or otherwise of the site for development. Such significant material considerations are outlined in summary above, and on this basis the following recommendation is made:

RECOMMENDATION (W.R.)

REFUSE

1. Notwithstanding the allocation of the site under Policies HOUS1 [3] – Residential Allocations, EMP1 [11] – Land for Employment Uses and Policy REC 11 – Informal Open space and Country Parks within the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011, it is considered that the development of the site would represent an unacceptable and inappropriate form of development for the following reasons:
 - i. The majority of the application site has been notified as a Site of Special Scientific Interest, forming one of a group woodland blocks known as “Barry Woodlands”, and the development would result in irreversible damage to the special interest of the site.
 - ii. Both the archive data and ecological data provided in supplementary surveys, provide strong corroborative evidence that the entire woodland at Pencoedre is Ancient and that its inclusion in the Glamorgan Inventory of Ancient Woodland is upheld. Accordingly the proposed development would result in irreversible impact and damage to the ancient woodland, contrary to advice in Planning Policy Wales (2002).

- iii. The Joint Residential Land Availability Study (May 2007) shows that the Local Planning Authority has a readily identifiable housing land supply of 7.8 years. Moreover in the allocation of the site under Policy HOUS 1 [3] – Residential Allocations, the Council did not take this allocation into account in its housing figures and therefore there is no overriding need for development on the site, nor would the loss of the site adversely impact on the residential land supply with the plan period.
- iv. There is considered to be no overriding need for employment development on this site, taking account of the findings of the Employment Land Study Report (October 2007, which considers that, based on the take up rate, there is no need to allocate more land – aside from replacing any allocations ‘lost’, whilst acknowledging the likely deletion of the allocation of the site under EMP 1 [11] – Land for Employment Uses.
- v. Pencoedtre Wood is designated as a candidate Site of Importance for Nature Conservation (cSINC), cSINC ST SW/17, Pencoedtre Wood, and it is considered that there is no overriding need for the proposed development which would clearly outweigh the local importance of the site
- vi. There is a lack of clarity in the survey work undertaken on the presence or otherwise of roosting bat sites within the woodland, and further information is required to establish whether or not the tests of derogation can be met as required by Planning Policy Wales (March 2002).
- vii. Insufficient information has been submitted to enable the Local Planning Authority to adequately assess the highway impact of the proposal.
- viii. Notwithstanding the various designations of the site, including its designation as a Site of Special Scientific Interest and its status as ancient woodland, the proposal would result in the loss of a large area of woodland, in a highly prominent and important gateway location.

Taking account of each of the above, it is concluded that the proposed development would be contrary to the Policies ENV11 – Protection of Landscape Features; EMP2 – New Businesses and Industrial Development; ENV14 - National sites of Nature Conservation Importance, ENV15 - Local Sites of Nature Conservation Significance; ENV16 – Protected Species, ENV27 – Design of New Developments; HOUS8 – Residential Development criteria contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011, as well as Welsh Assembly Government policy as guidance set out in Planning Policy Wales (March 2002).

Fourgreen Development Ltd, Lyte Buildings, Wern Industrial Estate, Rogerstone, Newport. NP10 9YL

Boyes Rees Architects, Palace House, Stow Hill, Newport. , NP20 4EA , ,

Land adjacent to proposed Rhoose Station, Rhoose

2 storey commercial and residential mixed use development, with retail at ground floor with flats at first floor.

SITE DESCRIPTION

The application site is located in the north-western corner of the Rhoose Point re-development area. The site is bounded to the north by the Vale of Glamorgan Railway line and Torbay Terrace beyond, to the west by the recently opened Transport Interchange and to the east by residential development. The southern frontage of the site fronts the main spine road through Rhoose Point (Trem Echni leading to Heol y Pentir).

The application site measures an area of 0.34 hectares and is currently vacant, although the land in question has been previously used as a temporary site for storage of materials in connection with the construction of the adjacent transport interchange.

DESCRIPTION OF DEVELOPMENT

This is a full application which following its deferral at Planning Committee on 28 September 2005, has been amended and now relates to the construction of a two storey building comprising of commercial (retail) use at ground floor with a total of seven 2 bedroom flats above.

The building is of a modern and contemporary design and measures 45 metres long by a maximum width of 22 metres and will have a modern shallow asymmetrical roof with an eaves height of 6.8 metres and a maximum ridge height of 10.7 metres. The building will also have a feature stairwell which will have a higher eaves level of 9.4 metres.

The proposed plans indicate that the ground floor will comprise of a unit of 344 square metres of net retail floorspace with a second unit comprising of 215 square metres, with an option to subdivide this unit. The retail units will be served by an enclosed compound on the rear elevation. Further accommodation on the ground floor at the base of the stairwell will provide a lobby area and store in connection with the use of the residential flats above.

Car and service access for the retail units is via a new access from the main spine road to the south of the site with a total of 24 car parking spaces for public parking in connection with the retail units. A service area for the retail units is proposed to the rear of the development via a gated access, and unloading will take place adjacent to a covered compound area with the service area separated from neighbouring residential development by an existing perimeter brick wall and new landscaping. The service area will also accommodate 4 staff parking spaces.

Pedestrian and cycle-way routes are included from the main road and the adjoining housing development and cycle stands are located adjacent to the retail units.

The residential accommodation has been reduced from 14 to 7 units (comprising of two-bedroom flats). The flats fronting the southern (front) elevation will be served by small balconies. The front elevation of the building will accommodate the shop fronts although the specific details have not been submitted as part of this application. The entrance to the residential element will be via the existing access into the interchange site to the rear of the building through a gated parking area comprising of 25 car parking spaces, two of which are indicated as being disabled spaces.

The building will be finished at ground floor level with clay facing brickwork (Broadmoor, Oakdean Red) with off white render above and cedar horizontal ship lap cladding is proposed between eaves and first floor windows. The proposed roof is shown to be constructed in Kalzip sheets in standard natural stucco finish with standing seam. Eaves soffits are profiled coloured aluminium sheets.

Windows and patio doors are shown to be UPVC white and down pipes will be polyester powder coated.

PLANNING HISTORY

93/01186/OUT – Outline planning permission was granted for 500 dwellings, employment (B1/B2/B8), shop(s), pub/hotel/restaurant, environmental centre, 9 hole golf course, club house, open space, playing fields, new access road, etc. Approved on 27 March 1996 subject to conditions.

02/01515/FUL – Full planning permission was granted for a new district centre including a mixed retail unit, car parking, bus stop and shelters and a public car park on 23 October 2003.

CONSULTATIONS

Cardiff International Airport – “The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria. Accordingly, this department has no safeguarding objection to the proposal.”

Network Rail were consulted and have stated that they have no objections to the proposed development. However, given that the application will have a significant effect on a level crossing they have stated that Planning Authorities have a duty to consult not only Network Rail as adjacent landowner, but the Health and Safety Executive (HMRI) on behalf of the Secretary of State for Transport.

Environment Agency Wales were consulted and have responded with a “standard advice” note for developers.

Health and Safety Executive (Railway Inspectorate) were consulted and have no comments to make.

Glamorgan Gwent Archaeological Trust were consulted and have stated that there are no recorded archaeological features within the area of the proposed development.

South Wales Police (Crime Prevention Department) were consulted and have made the following observations:

“Crime Analysis

The risk assessment for crime in the Rhoose and specifically the Rhoose Point area is low, the main offences being Theft From Motor Vehicles and Criminal Damage to Motor Vehicles. There is a youth annoyance problem at the nearby shops and there are also problems locally with skateboarding youths. The development at Rhoose Point is continuing to grow and the retail facilities provided by this development will undoubtedly attract local youths which could lead to similar types of anti-social behaviour. In view of this I would ask that the following recommendations be considered.

Public Car Park

Car parks should be well lit after dark and be subject to good natural surveillance. Planting adjacent to car parking bays should have a thorn content. Traffic calming measures may be employed across the main entrance to the car park. Consideration should also be given to the type of surfacing to be used in the car park or rumble strips at intervals through the car park to discourage use by skateboarders.

Landscaping

All shrubs and plants should have a maximum growth height of 1m, whilst all trees should be pruned to a minimum height of 2m, thereby maintaining a clear field of vision within the site. Trees should not mask lighting columns nor become climbing aids. All hard landscaping and street furniture should be securely fixed down in order to prevent removal, vandalism and/or use as potential ammunition.

Street Lighting

Street lighting to the car park area and movement routes should comply with BS 5489. It should be carefully designed to cover all vulnerable areas and must not create shadows. Well-positioned lighting will deter and reveal potential offenders.

Drainpipes

Rainwater pipes must be either flush fitting or concealed to prevent them being used as a climbing aid to the first floor balconies.

Cycle Path

Public footpaths and cycle-ways are important in facilitating pedestrian and cycle movements within a proposed development and connecting with the rest of the built-up area. They should be provided where they are likely to be well used thereby providing fewer opportunities for crime and generating an increased sense of safety, which in turn increases their use. Wherever possible, footpaths should be wide, clear of hiding places, well lit and should follow a direct route. If they are not well used, they can provide opportunities for crimes against users, as well as unobserved access to the rear of buildings and as a means of escape for offenders.

The linking of the adjacent residential area to this site by means of a cycle/footpath will provide easy access to the area and means of escape for burglars, and will create opportunities for crimes against people”.

The Head of Visible Services (Highway Development) – “The proposed development site is located to the west of the Rhose Point Development, adjacent to the proposed park and ride facility for the station and is currently accessed by the unfinished road layout which serves Rhose Point from the sole point of access off Porthkerry Road.

In the interests of highway/public safety and to ensure an uninterrupted access to the Rhose Point Development as a whole, which includes housing, employment and recreation areas identified within the Vale of Glamorgan Council’s Unitary Development Plan, the Highway Authority requires an additional (secondary) safe means of vehicular/pedestrian access open to the public 365 days of the year to ensure that an alternative means of access is available, as recommended on pages 21 and 22 of “Design Bulletin 32, Second Edition” published by the Department of the Environment and Transport.

The Highway Authority would also advise that both the initial TIA produced by Ove Arup for Blue Circle Properties Limited and the subsequent TIA produced by Mason Richards Engineering for Cofton Land & Property Projects Limited identifies the use of the existing level crossing at Station Road as a secondary vehicular, pedestrian and cyclist access i.e. a Public Highway.

The Highway Authority require confirmation in writing from all of the affected parties i.e. HSE (HRMI) and Network Rail that all parties are agreeable in principle to utilise the said crossing as a secondary means of access to the development as a Public Highway subject to all necessary upgrading of the crossing in accordance with the Rail Regulatory Procedures/Specifications.

Therefore, in the absence of the above, the Highway Authority object to the residential use at the site. In any event, an objection would be raised based on highway safety as the proposed access to the residential use is via a public car park.

However, the Highway Authority has no objection in principle to the retail use at development subject following details being submitted as formal amendments to the planning application.

The pedestrian/cycle link to Rhoose train station from the adjacent residential development is required to be maintained through the proposed development site.

Parking spaces 20 to 24 serving the proposed retail use at the site are located within the proposed access serving the retail area, which will increase the likelihood of vehicle and pedestrian conflicts.

The submitted swept paths showing an articulated vehicle on the proposed site layout plan are required to resubmitted showing the swept paths of an 11.0m ridged vehicle”.

The Director of Legal and Regulatory Services (Environmental Health (Pollution)) has advised that: “to avoid noise complaints from nearby residents in the future, the applicant should carefully consider siting and use of the latest and quietest chillers/coolers. Moreover all fittings should be isolated from the walls and fitted into the fabric of the building, so that they are also attenuated.

As you are aware the previous use of the site could have lead to contamination. Thus although remedial work has been completed, it is essential that any ground works do not establish a new source/pathway/receptor linkage. For that reason I would like a condition requiring that during such works if any suspicious material is encountered then:

- (i) Works must be halted.
- (ii) The Authority must be informed.
- (iii) Written agreement with this Authority must be obtained before work is recommenced”.

REPRESENTATIONS

Adjoining occupiers were consulted in addition to occupiers on Torbay Terrace on the original and the amended scheme.

In relation to the original scheme, a total of 21 letters of objections were received (although several of the letters relate to representations from the same occupiers). A petition of 193 names and 54 names has also been received. In summary the representations received are summarised below:

- The height and scale of the building is out of keeping with surrounding dwellings.

- Loss of view.
- The development will result in overlooking and overshadowing and loss of light.
- Noise and disturbance.
- The increase in the scale of development over and above the original scheme which related to a single retail unit.
- The building is out of character with the rest of the development.
- Insufficient parking to serve the development.

Letters of representation have also been received from Ward Members Councillor Gordon Kemp and Councillor Jeffrey James. The letters relate to representations that have been made with regard to the dominance of the development on the skyline, loss of privacy and undermining the visual amenity of Torbay Terrace.

In relation to the amended scheme a total of eleven letters of representation have been received, whilst one of the letters welcomes the reduction in the height of the building the same concerns outlined in the original scheme continue to be raised.

REPORT

Planning Policies

The following policies contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 are considered relevant.

Policy HOUS2 of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 supports the principle of housing infill, small-scale development and redevelopment within the rural settlement boundary of Rhoose, subject to the criteria listed in Policy HOUS8 being met.

Policy HOUS8, states that subject to the provisions of Policy HOUS2, development will be permitted which is within or closely related to the defined settlement boundaries provided that it meets all the following criteria:

- (i) The scale, form and character 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 of noise, traffic congestion, exacerbation of parking problems or visual intrusion;
- (iii) The proposal does not have an unacceptable impact on good quality agricultural land (Grades 1, 2 and 3a), on areas of attractive landscape or high quality townscape or on areas of historical, archaeological or ecological importance;

- (iv) When appropriate and feasible the provisions of Policy REC3 are met;
- (v) The provision of car parking and amenity space is in accordance with the Council's approved guidelines; and
- (vi) Adequate community and utility services exist, are reasonably accessible or can be readily and economically provided.

Policy ENV6 (East Vale Coast) states that outside the Glamorgan Heritage Coast development within the undeveloped coastal zone will be permitted if:

- (i) a coastal location is necessary for the development and
- (ii) the proposal would not cause unacceptable environmental effects by way of:
 - visual or noise intrusion;
 - impact on areas of landscape importance;
 - air, land or water pollution;
 - exacerbation of flooding or erosion risk;
 - hazardous operations; or
 - impact on ecology or features of geological or geomorphological importance.

In areas of existing or allocated development within the coastal zone, any new proposal should be designed with respect to its local context and sensitive to its coastal setting.

Policy ENV27 (Design of New Developments) states that proposals for new development must have full regard to the context of the local natural and built environment and its special features.

Policy SHOP12 (New Retail Development outside District Shopping Centres) states that proposals for new retail development outside existing town and district shopping centres will be permitted if relevant criteria are met. In respect of this application the most relevant criteria are as follows:

- (i) the proposal either singularly or cumulatively with other existing or approved developments will not undermine the vitality, attractiveness and viability of the town and district shopping centres or the retail developments proposed in policy shop 3;
- (i) the proposal is well located to public transport, the needs of the non-car traveller and the main road network;
- (v) the highway network is capable of accommodating the traffic generated by the proposal without an unacceptable adverse effect on traffic flows and patterns, safety, energy use or other emissions;
- (ii) car parking and servicing facilities are in accordance with the council's approved guidelines;

Policy TRAN10 (Parking) states that the provision of 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 following Supplementary Planning Guidance is also of relevance:

- Sustainable Development.
- Amenity Standards.
- Public Art.

Also considered relevant are the following national planning policy documents:

Planning Policy Wales (March 2002)

TAN 12 - Design

TAN 18 - Transport

Issues

Committee Members will recall that this application was first reported to planning Committee on 28 September 2005 when it was DEFERRED to allow consideration of late representations and for officers to negotiate a reduction in the height of the proposed development.

By way of background Committee Members will be aware that a planning application for the construction of a transport interchange and new district retail centre, including car parking, was approved on 23 October 2003 (planning application 02/01515/FUL refers). The previously approved retail unit comprised of a single storey building of some 400 square metres located to the western side of the site.

The current application therefore seeks to increase the level of retail floorspace by an additional 160 square metres and provide flatted development above. The principle of retail development on the site has previously been accepted under application ref: 02/01515/FUL and prior to that under the original outline consent for the site under ref: 93/01186/OUT as set out in the approved master plan for Rhoose Point. However an assessment should be made with regard to satisfactory access, parking provision and considerations with regard to impact on the amenity of the adjacent residential occupiers as the retail unit will be sited closer to residential dwellings than the previously approved scheme.

With regards to the additional provision of residential accommodation, the application site falls within the residential settlement boundary of Rhoose, where Policy HOUS9 permits the principle of residential development subject to the compliance with relevant criteria.

Scale and Massing

In terms of the scale of the development, following the deferral of the application at the 28 September 2005 Planning Committee, discussions took place with the agent and applicants, to resolve the concerns raised in respect of the height of the building and its visual impact. The amended scheme has omitted the third floor level of accommodation and the resulting building is now of a significantly reduced scale compared to that of the original scheme (a reduction from 12.6 metres to 10.7 metres to the top of the stairwell) and will not appear prominent when viewed from within Rhoose Point and from Torbay Terrace to the north. With regard to the design, materials and finishes, the building is of a contemporary style characteristic of modern waterfront and indeed transport interchange developments. Whilst the majority of the Rhoose Point development relates to “vernacular style” dwellings, the materials proposed will echo those used in the dwellings.

Siting

As reported to Planning Committee of 28 September 2005 the building has been re-sited some 3 metres westwards from its original siting. Furthermore windows which were originally shown in the eastern side elevation overlooking the dwellings in Lon Lindys, have also been omitted.

It is considered that the amended scheme will not impact on the amenity of occupiers of nearby residential dwellings, where the building would be 25 metres from the nearest dwelling to the east (No. 14 Llon Lindys) and would be 53 metres from the terraced dwellings on Torbay Terrace. Furthermore it should be noted that the submitted cross-sections indicate that the building will be sited some 3.5 metres below the level of the dwellings at Torbay Terrace. Accordingly, whilst the proposed development is two storey the occupiers of Torbay Terrace would only view the first floor and roof area, given the differences in ground level.

Impact on Residential Amenity

In terms of impact on residential amenity, the scheme does propose an access, turning and service area adjacent to the residential dwellings to the east of the site. Following discussions with the applicant the building was moved some 3 metres westwards which has moved the access further away from the residential units with an enhanced landscape buffer. However it is considered that the amenity of the occupiers could at times be impacted upon during delivery and servicing of the retail units. Accordingly it is considered that if planning permission is granted, such a consent should be limited so that deliveries and servicing only take place during the daytime between the hours of 07:00 and 21:00 hours Mondays to Saturdays, to protect both amenities of the existing adjacent occupiers and the future occupiers of the flats above the retail units.

In terms of the nature of the proposed retail use, the applicant has not clarified an end user or the specific type of retail use. However given the planning history and the location of the development in a predominantly residential development, the use of the units should be restricted to uses falling with Class A1 of the Use Classes Order (1987), in order to protect the amenities of nearby adjacent occupiers.

Amenity Space

With regard to amenity space, the Council's Amenity Standards Supplementary Planning Guidance require flatted development to be served by 20 metres square of amenity space per person. The proposed scheme provides little private amenity space although it does provide necessary bin store areas and provision for cycle parking. It also provides a landscaped area which can be increased in size if the numbers of car parking spaces to serve the residential units are reduced in number. However, the Rhoose Point development benefits from considerable areas of informal public open space which is considered to override the deficiency in on-site amenity space, to the number of flats now proposed. Members should also note the proposed enhancement to open space provision being required under the application reference 2006/01807/OUT also being reported to this Committee.

Highway and Access

The proposed development is to be served by two separate access points, a new direct access from the main spine road and the second access via the existing access road serving the interchange. The highway engineer has not raised an objection to the access arrangements into the retail site, subject to conditions. However the engineer has raised a highway objection to the access to the residential element as in the interests of highway safety and pedestrian safety it is not considered acceptable to access the private residential parking area via a public car park. Whilst the engineers' comments are noted, the interchange car park is a Council implemented scheme and the access to the residential car parking area is only via the access road to the car park not through the car park itself. In this regard it would be totally unsustainable in planning terms and in appeal terms to require a yet further new access spur to be created from Tre Echni (which would take the total to 3 access points). Accordingly, it is not considered that the highway objection could be sustained, given the interchange car parking area itself is not used as an access route.

In terms of car parking levels for the residential units (7 in total), a total of 25 car parking spaces are proposed. This is an over provision and it is proposed that this area be re-planned by way of planning condition to provide for a covered cycle store area and for an enclosed area of landscaping and amenity space area.

In respect of the secondary access over the level crossing, it should be noted that the Highway Authority requires an additional (secondary) safe means of vehicular/pedestrian access open to the public 365 days of the year. This is to ensure that an alternative means of access is available, as recommended on pages 21 and 22 of "Design Bulletin 32, Second Edition" published by the Department of the Environment and Transport.

It was previously reported to Planning Committee that there was a large degree of legal uncertainty as to the precise status of the level crossing and the necessary procedural route whereby full public use of the crossing could be achieved.

An application was made in June 2005 by Network Rail (the line operator) for an Order under the Level Crossings Act 1983 with regard to the dedication of the roadway over the level crossing to reflect the current position, that is for the barriers to be kept in the raised position, except when the train needs to pass. In response the Railway Inspector (HMRI) were of the view that the changes proposed at the level crossing would ultimately lead to it being used by the general public with vehicles as of right rather than invitation. In this regard HMRI has sought to amend the draft, proposing that the barriers be kept in a closed position.

If granted in the terms sought by HMRI, the Order would provide for manually controlled barriers at the crossing, where every person, whether on foot or in a car would have to telephone the signaller for permission to cross. Such restrictions of normal access rights over the crossing, (which currently provide unfettered access), would strictly limit the use of the level crossing as an open second access into Rhoose Point, impacting both on the viability of the interchange and Rhoose Station, the sustainability of the site in providing a direct vehicular link between the village and Rhoose Point in respect of access to community facilities.

The draft Order was referred by HMRI to the Department for Transport (DfT) to decide the legal issues. The Council has sought an indication from DfT as to likely timescale for a decision, but no clear answer has been received and to date the legal position remains unconfirmed.

Counsel advice has been sought in order to achieve a way forward in light of the Council aims of providing mixed use development at the site and having regard to the previous planning permissions relating to Rhoose Point and the current undetermined applications for Rhoose Point.

In relation to the planning history at the site outline planning permission ref: 93/01186/OUT was granted for a mixed use development (see planning history). Planning permission was also granted for a retail unit under application ref: 02/01515/FUL, which included a new district centre including car parking, bus stop, shelters and a public car park. It should be noted that the Highway Engineer raised no objections in principle, however they did request a Grampian Condition be attached so that beneficial occupation of the site shall not take place until vehicular and pedestrian access across the adjacent level crossing have been established to the Council's satisfaction.

In terms of the current position it should be noted that Network Rail has, for the past 2 years or more been allowing full public access over the level crossing for pedestrians and vehicles without incident. One of the principal requirements for a secondary access to serve Rhoose Point is to provide a secondary means of access in case of emergency or in the case of any obstruction or loss of the use of the primary access. Counsel advice states that following consultation with the emergency services, they have advised that in case of an emergency, the level crossing could be opened for such use, even if DfT restricted user rights in line with HMRI's request for an amended Order.

Further to the above, there is more modern policy context, the Highway comments refer to DB32 which is no longer Government guidance, whereby Technical Advice Note (TAN) 18 – Transport published March 2007, takes a more flexible approach and does not specifically state that a residential development of this size requires two access points.

Therefore in conclusion Counsel Advice states that in light of alternative provision for emergency procedures, the planning history of the site, the desire to seek mixed use elements within Rhoose Point as originally envisaged and the fact that DB32 is no longer Government guidance, the refusal on the grounds of the absence of an unrestricted second access is unlikely to be upheld at appeal. Moreover it should be noted that Network Rail and the Health and Safety Executive (Railway Inspectorate) were both consulted and have stated that they have no objections to the proposed development. Furthermore the uncertainty over user rights of the second access may last indefinitely, and Members will be aware of the Council's desire to resolve this matter, provide certainty and to ensure the final phases of this mixed use development site are delivered.

In essence Counsel has stated that the matter is not straightforward and that there are several powerful points that could be made by the applicant in the event of an appeal, namely:

- The planning history – which sought and continues to seek a mixed use scheme at Rhoose Point.
- The fact that the Unitary Development Plan allocation contains no specific requirement for a secondary access.
- A matter of common sense – that even if unfettered access via a level crossing is not available in an emergency, emergency services could come and go over the crossing.
- The fact that all vehicles have been able to freely use the level crossing in recent times in any event.
- The modern policy context which sees TAN18 taking a more flexible approach to transportation issues generally and specifically encourages pedestrian movement over traffic movement.

It should also be noted that the proposed mixed use development on the site will have considerable benefits for the adjacent transport interchange in that the development will provide a high level of surveillance over the interchange particularly from the residential flats. The introduction of what would be a 24 hour use of the site will contribute to making a safer environment, reducing both the fear of crime and opportunity for crimes to be committed. Moreover the Council has negotiated through Section 106 contributions, £15,000 to improve/enhance the existing security surveillance equipment in the vicinity of the site, which will further enhance the levels of security at the adjacent interchange.

In conclusion, and taking all considerations into account, it is considered that the provision of a retail facility will serve the residential population of Rhoose Point and support the village of Rhoose and will support the adjacent interchange and park and ride facility. Furthermore the proposed retail facility and residential units are sited in a sustainable location, adjacent to the new Rhoose Cardiff International Airport Station serving the recently re-opened Vale of Glamorgan Railway Line, providing a direct link from Bridgend to Cardiff.

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 ENV6 (East Vale Coast), ENV27 (Design of New Developments), HOUS8 (Residential Development Criteria), SHOP12 (New Retail Development Outside District Shopping Centres) and TRAN10 (Parking), the proposal by virtue of its siting, scale, design and materials is considered acceptable with regard to its impact on the amenities of nearby residential occupiers, access and parking considerations and would not impact on the existing character of Rhoose Point or the wider character of the developed East Vale Coast.

RECOMMENDATION

Subject to the applicant first entering into a Section 106 Legal Agreement to include the following necessary planning obligations:

- The Developer shall pay the sum of fifteen thousand pounds (£15,000) to the Council to improve security surveillance equipment in the vicinity of 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. In this case the 1% for art has been calculated as sixteen thousand, nine hundred and five pounds (£16,905.00).
- 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 (£616 in this case).

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the plans registered on 5th November 2004 other than where amended by plans reference 102, 103, 104, 105 , 106, 107 AA, 108 BB and 109 received on 21 August 2007.

Reason:

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

3. The proposed levels of the building, parking areas and servicing areas shall be constructed as detailed on the proposed cross section drawing, reference 107 AA, 108 BB and 109 received by the Local Planning Authority on 21 August 2007.

Reason:

To ensure a satisfactory form of development and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

4. With the exception of the 25 residential car parking spaces, the access, turning areas, car parking spaces, bin store and cycle parking areas, shown on drawing number 102, shall be fully laid out prior to any part of the development hereby approved being brought into beneficial use and shall thereafter be maintained at all times to serve the retail development hereby approved.

Reason:

To ensure satisfactory provision of on-site parking and amenity facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policies ENV27 and TRAN 10 of the Unitary Development Plan.

5. Notwithstanding the submitted plans, the parking area shown located at the rear of the building and identified for the seven flats, shall be re-designed to accommodate a reduction in parking spaces and additional landscaping and covered cycle parking in accordance with a plan to be first submitted to and agreed in writing by the Local Planning Authority prior to the commencement of works on site, and the development shall be completed in accordance with the details hereby approved.

Reason:

To ensure satisfactory provision of on-site parking and amenity facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policies ENV27 and TRAN10 of the Unitary Development Plan.

6. Prior to their use in the construction in the building hereby approved, samples of standing-seam roofing, soffit cladding, brick and a sample panel of the proposed coloured render to be used, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and shall thereafter be carried out in accordance with the agreed samples and thereafter maintained at all times.

Reason:

To ensure a satisfactory standard of development and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

7. The hours of delivery, loading and unloading shall be restricted to between the hours of 07:00 to 23:00 during any one day on Mondays to Saturdays and no delivery loading and unloading shall take place at any time on Sundays or Bank Holidays.

Reason:

In order to protect the amenity of nearby residential occupiers and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

8. No materials, equipment, plant or stock shall be stored outside the building on the site unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

9. The consent hereby granted shall only relate to the ground floor use as a retail unit falling within Use Class A1 as defined in the Town and Country Planning Use Classes Order 1987.

Reason:

In order to control the use of the ground floor of the development hereby approved in order to protect the residential amenities of adjoining properties and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

10. Prior to the occupation of any of the retail units, where the units require the installation of any extraction equipment/air conditioning units or chiller units, a scheme detailing the specification of this equipment, its means of installation and isolation from the main structure of the building shall be submitted to and approved in writing by the Local Planning Authority, and the agreed equipment shall be installed and thereafter maintained in full accordance with the agreed details.

Reason:

In order to ensure that residential amenities of the occupiers are fully protected and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

11. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to 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.

12. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority which shall include species appropriate for the exposed coastal location of the site.

Reason:

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

13. 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.

14. During the course of any excavation or groundwork's on the site, should any contaminated material be discovered, all works shall cease immediately and the Environmental Health Department notified and works shall thereafter only recommence following written notification from the Environmental Health Department.

Reason:

In order that any groundwork's do not establish a new source/pathway/receptor linkage in the interests of public safety, and to ensure compliance with Policy ENV7 of the Unitary Development Plan.

NOTE:

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

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

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

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

2005/00860/OUT Received on 12 April 2006

Dreameze Beds Ltd. (Newco), C/o 256, Holton Road, Barry, Vale of Glamorgan. , CF63 4HL

CDC Westlea, 9, Burnham Avenue, Sully, Vale of Glamorgan. , CF64 5SU , ,

Site north west of Bendrick Road currently accessed off Wimborne Road, Barry Docks

Proposed 10,000 ft2 assembly/manufacturing unit and 12 three bedroom residential units

SITE DESCRIPTION

The site relates to an area of land situated between residential properties on Bendrick Road and land falling within Barry Docks/Port related land. The Cadoxton River runs alongside the north-western limits of the site. The site is annotated as allotments on Ordnance Survey plans. A recently built industrial unit lies to the north-east of the site to the rear of dwellings on Bendrick Road.

DESCRIPTION OF DEVELOPMENT

The application seeks outline planning consent for mixed residential and commercial development.

Commercial Development

9392m of industrial manufacturing units, with all matters reserved for subsequent approval other than access. Plans have however been submitted showing a building's footprint to the north-western boundary of the site with access and parking between this unit and the rear of dwellings on Bendrick Road. Access to the site is indicated from the Dock Road entrance adjacent to and behind the relatively recently erected commercial building and entails alterations to the access to that unit.

Residential Development

This part of the application also has all matters reserved other than access but the submitted plans indicate four terraced units positioned fronting Bendrick Road and four semi-detached pairs of dwellings to the rear (north-western and southern part of the site). Twelve residential units in total are proposed. Access is indicated off Bendrick Road.

An area referred to as allotments remains between the residential and commercial development. This area measures 17.5m x 44m approximately.

PLANNING HISTORY

93/00102/FUL – New pumping station. Approved subject to conditions 28 September 1993.

CONSULTATIONS

Barry Town Council – “Whilst no objections are raised in principle against the proposed industrial use of the site subject to the Local Planning Authority being satisfied:

1. That any consent be conditioned to fully protect the amenities of the neighbouring residential occupiers in Bendrick Road.
2. With the safety of the proposals for site access.

A strong objection is raised against the residential element for the following reason:

The application site is located well outside the Barry Settlement Boundary as defined by the Vale of Glamorgan Unitary Development Plan in an isolated urban fringe area well away from the essential day-to-day services required by future residents. The residential proposals are therefore considered to be contrary to Policy HOUS8 of that Plan.”

In relation to amended details the Town Council advise “ The alterations to the layout of the industrial area and the new access road have been noted and are welcomed. These amendments do nothing to overcome this Council’s previously submitted strong objection against the principle of residential development on this site. This Strong objection is therefore maintained.”

The Director of Learning and Development (School and Strategic Services) commented on the application that a contribution will be required to provide or enhance education facilities. Final comments are awaited in respect of the amount to be determined using the Council’s formulae for education contributions.

Glamorgan Gwent Archaeological Trust – Following receipt of an Archaeological evaluation which showed no signs of historic human occupation the site has a low level potential for archaeological remains. There is therefore no further requirement for archaeological mitigation should planning permission be granted. Full comments retained on file

The Head of Economic Development and Leisure – “I refer to your memo of 10 June and would comment that, from an economic development perspective, I would support the proposed new manufacturing facility. The residential development on the southern part of the allotments will improve security of the Atlantic Trading Estate and I would hence have no objection.”

Environment Agency Wales responded as follows, (for a full copy of response please see Appendix A).

“Based upon the information submitted, the assessment shows that the risks and consequences of flooding could be acceptably managed in accordance with criteria set out in TAN15. We therefore have no objection to the development from a flood risk perspective.”

Dwr Cymru/Welsh Water have no objections subject to standard conditions.

The Head of Visible Services (Highway Development) originally objected to the proposals on grounds of highway safety, however following the receipt of amended details their objections have now been withdrawn. The comments received are as attached at Appendix B.

Health and Safety Executive (PADHI) "Does not advise, on safety grounds, against the granting of planning permission in this case."

The Head of Economic Development and Leisure (Ecology) - See Appendix C.

REPRESENTATIONS

Four letters of representation have been received and are attached as Appendix D. These letters raise objections to the proposals on grounds of proximity to housing, noise, parking, traffic and air pollution.

One letter from the occupier of No. 35 Bendrick Road, Barry was received advising – "I wish to object to this application as I am the tenant of a 9 perch allotment on this ground. I have had this allotment since November 1963."

A letter has also been received from Dow Corning raising concern over the construction of houses on the site, close to the chemical complex, see Appendix E.

REPORT

The site lies outside the identified settlement boundary for Barry identified in the adopted Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011.

Planning Policies

The relevant policies include therefore those relating to commercial development, namely:

EMP2 - NEW BUSINESS AND INDUSTRIAL DEVELOPMENT

EMP3 - GENERAL INDUSTRY

ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY

Those relevant to residential development given the sites location outside the Barry Settlement Boundary are:

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE

ENV6 - EAST VALE COAST

ENV27 - DESIGN OF NEW DEVELOPMENTS

HOUS3 - DWELLINGS IN THE COUNTRYSIDE

REC3 - PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENT

Given that part of the site, at least, is used as allotments, the following policy is relevant:

REC10 - DEVELOPMENT OF ALLOTMENT LAND

ENV16 - PROTECTED SPECIES' IS RELEVANT

ENV7 - WATER RESOURCES' IS RELEVANT DUE SITE'S LOCATION IN A FLOOD ZONE - C2

ENV19 - PRESERVATION OF ARCHAEOLOGICAL REMAINS

ENV26 - CONTAMINATED LAND AND UNSTABLE LAND DUE TO SITE'S PROXIMITY TO FORMER LANDFILL SITE

Policy TRAN10 'Parking' and TRAN9 'Cycling Development' would apply to both the commercial and residential elements of the scheme.

Supplementary Planning Guidance on Public Art

Issues

The application was previously considered at the Planning Committee of 18 October 2006 but was deferred. It was reconsidered at the meeting of 19 July 2007 where it was recommended for refusal on the grounds of lack of information. The application was again deferred at the request of the applicant to enable him to submit the ecological, flood and archaeological studies required before determination. These studies have now been submitted.

The site lies between land allocated in the Unitary Development Plan Policy EMP1(i) as employment land (Atlantic Trading Estate) and the cluster of dwellings at Bendrick Road. A recently built industrial unit sits alongside the proposed industrial unit.

The policy defining the site in the Coastal Zone requires that a coastal location is necessary for the development as well as meeting criteria regarding potential impacts.

A coastal location is not necessary for the development, although regard has to be paid to the actual harm caused to the area and the policy if the site were to be developed. The supporting text to the policy identifies that if development is to take place, and is acceptable in all other respects, then the developed coastal zone can be considered. This site falls within such an area.

Planning Policy Wales (PPW) at para 9.3.1 advises that 'new housing development should be well integrated with and connected to the existing pattern of settlements. The expansion of towns and villages should avoid creating ribbon development, coalescence of settlements or a fragmented development pattern'.

The guidance continues (paragraph 9.3.2) that minor extensions to groups of dwellings may be acceptable. However the guidance also advises that residential development in the vicinity of existing industrial units should be restricted so that their presence does not seek to curtail industrial activities. The industrial allocation immediately adjoining the site relates to uses for B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended). B2 uses would not be compatible with close proximity to residential development.

The site for the housing adjoins the boundary of the Atlantic Trading Estate as defined in the Adopted Unitary Development Plan 1996-2011. It is noted however that the Head of Economic Development and Leisure appears to support the provision of housing adjacent to the estate as he considers that it will help to improve security at the Estate. If industrial development is proposed at the estate then regard to issues of noise and visual amenity would need to be considered and a suitable buffer area between the two uses considered.

Given that the site would lie between a reasonably sized group of residential properties and the Employment Land allocation, it would be difficult to substantiate any harm from this mixed use development or that it would be contrary to the aims of Policy ENV6.

In considering the development of housing in the Hayes Road/Bendrick area Committee are referred to planning application reference 99/01281/FUL. This related to the development of seven dwellings which was allowed on appeal in October 2000. The scheme was considered under the Draft Development Plan prior to adoption. However in reaching his decision the Inspector (paragraphs 25-26) considered the harm to policies for protection of the countryside in allowing housing on this site and concluded that the development would not lead to nor contribute to the coalescence of Barry and Sully nor detract from the visual amenities of the landscape. Thus that development did not conflict with the policy objective of protecting the countryside. It is considered that the development of the application site now before Committee in the coastal zone could be considered similarly.

In relation to the loss of allotment land, Policy REC10 states that development can take place if "suitable and accessible replacement sites are provided by the developer". The indicative plans indicate that a reduced area of allotment land will remain extending to approximately 17m x 45m maximum. The supporting text to this policy indicates that there is no evidence of excess demand for allotments. Subject to the provision of and securing the future of an area of allotment land of reasonable size, the aims of this policy would be safeguarded.

Under Unitary Development Plan Policy REC3, new residential developments are expected to make provision for public open space. Given the size of the site, this is not practical in this instance. Therefore, it is considered reasonable to seek a financial contribution of £10,000 to upgrade existing local areas of public open space likely to be used by future occupiers of the site.

Notwithstanding the above, issues arise with the provision of commercial development given the proximity to residential development both in terms of the visual effects but also possible noise, odour and lighting issues.

Committee will be aware that land behind Bendrick Road has recently been developed for a commercial unit. This was approved with a condition that the use be limited to that applied for and to no other use falling within Classes B1, B2 or B8 of the Use Classes Order. The development of this current site could be considered as suitable for some form of commercial use but that use should be limited to B1 or possibly B8 uses to ensure that neighbours' amenities are not adversely affected. It is generally accepted that B1 uses can operate in residential areas without undue adverse effects from noise and odour. The boundary nearest to the residential development on Bendrick Road should be screened and the restriction of outside storage be imposed on any planning permission if granted.

The site is fairly remote in terms of access to local facilities and services, yet a bus service operates approximately every 90 minutes during the daytime. Local and national planning policies emphasise the need for developments to be accessible by alternative modes of transport than the private car. Therefore, it is considered appropriate to seek a contribution to enhance facilities for sustainable transport (i.e. for pedestrians, cyclists, public transport patrons etc.) serving the site. In addition a condition is recommended requiring the submission of a Travel Plan for the commercial unit at reserved matters stage.

Notwithstanding the above Members will note that there has been a delay in bringing the application before Committee for determination, which has been caused by the need to consider the site's location in a flood zone as well as ecological issues.

The Council's Ecologist and the developer's appointed ecologist identified that surveys should be undertaken before the application could be determined. Policy ENV16 'Protected Species' and the duty of the Local Planning Authority to have regard to ensuring that any development does not derogate either the habitats of protected species nor the species themselves which are protected by the relevant legislation. An ecological survey for the site has now been conducted and assessed by the Council's ecologist. As will be seen from Appendix C subject to conditions to control vegetation clearance, to require native planting, and a habitat corridor there are no ecological objections to development of the site.

Similarly, in relation to flooding, the necessary information for the Local Planning Authority and Environment Agency to consider the implications for and potential, as appropriate, for mitigation, has now been received. Advice contained in TAN15 'Development and Flood Risk Areas' requires that information to confirm that the development would not cause or exacerbate flooding in the area is submitted. The Environment Agency have considered the information and in their comments advise that 'the risks and consequences of flooding could be acceptably managed in accordance with the criteria set out in TAN15. We therefore have no objection to the development from a flood risk perspective'.

In comments relating to the site's location in relation to a former landfill site, the Agency advise that if approved, investigation in relation to land contamination and mitigation measures as appropriate to the findings will be required to ensure no contamination of controlled waters. The Local Planning Authority would also seek to ensure that the future occupiers and nearby residents were not adversely affected by any contamination on the site. Whilst the comments of Dow Corning at Appendix F are noted the Safety Executive has no objections on safety grounds to the development.

In addition the Council has a percent for art policy which is supported by the Council's adopted supplementary planning guidance on Public Art. On major developments, developers are required to 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. This provision will be secured through a Section 106 Agreement.

It is noted that to secure the education contributions identified by the Director of Learning and Development (Schools and Strategic Services) in relation to the provision of education as a result of the development that the applicant will be required to enter into a Section 106 Legal Agreement to provide an appropriate financial contribution for education provision.

It is also the case that to ensure that the allotments are provided and actively managed the applicant/developer should be required to provide details under a legal agreement as to how this will be secured.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV1 - Development in the Countryside; ENV6 - East Vale Coast; ENV7 - Water Resources; ENV16 - Protected Species, ENV19 - Preservation of Archaeological Remains; ENV26 - Contaminated Land and Unstable Land; ENV27 - Design of New Developments; ENV29 - Protection of Environmental Quality; HOUS3 - Dwellings in the Countryside; TRAN9 - Cycling Development; TRAN10 - Parking; EMP2 - New Business and Industrial Development the development is considered acceptable. The development will not result in an unacceptable effect on the privacy or amenities of adjoining occupiers nor will it result in an unacceptable effect on the highway network or highway safety. The development can acceptably manage the risks and consequences of flooding and does not adversely impact on archaeology or ecology for the area.

RECOMMENDATION

Subject to the applicant first entering into a Section 106 Legal Agreement to include the following necessary planning obligations:

- The Developer shall pay a financial contribution to the Council to provide or enhance educational facilities available for future occupiers of the site (to be calculated using the Council's formulae for education contributions).
- The Developer shall pay the sum of ten thousand pounds (£10,000) to the Council to provide or enhance public open space and/or recreational facilities off site likely to be used by future occupiers of the development.
- The Developer shall pay the sum of fifty thousand pounds (£50,000) 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 provide a Management Plan for the provision, enhancement of and maintenance of the allotments.
- 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 (£441.60 in this case).

APPROVE subject to the following condition(s):

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

Reason:

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

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

(a) The expiration of five years from the date of this permission.

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

Reason:

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

3. Plans and particulars of the reserved matters referred to in condition 4, relating to the siting, design and external appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

The application was made for outline planning permission and to comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

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

Reason:

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

5. Prior to the commencement of development full engineering details of the access points and service roads, paving, lighting and drainage into the site shall be submitted to and approved in writing by the Local Planning Authority and the approved access, roads, lighting and drainage shall be fully implemented on site prior to the first beneficial use of the development to which it relates.

Reason:

To ensure safe access to serve the development site to meet the requirements of Policies ENV27 and TRAN10. of the Unitary Development Plan.

6. Prior to the commencement of development an investigation for the presence of contamination on the site and the control of effects on controlled waters and a report detailing all necessary remedial measures to be taken shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme of investigation and mitigation.

Reason:

To avoid contamination of controlled waters and in the interests of the health and safety of existing and future occupiers of the site and area in general and to meet the requirements of Policy ENV29 of the Unitary Development Plan.

7. The reserved matters for the site shall be designed having regard to the Local Planning Authority's Parking Guidelines for the provision of parking and Supplementary Planning Guidance for the provision of Amenity in residential developments.

Reason:

To ensure on site parking is provided in the interests of highway safety and that adequate amenity is provided for existing and proposed occupiers of residential dwellings and to meet the requirements of Policies HOUS11, ENV27 and TRAN10 of the Unitary Development Plan.

8. Prior to any site clearance a clearance methodology or reptile mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority and the site clearance and development shall be carried out in accordance with the approved details.

Reason:

To safeguard any protected species on the site and to meet the requirements of Policy ENV16 of the Unitary Development Plan.

9. There shall be no vegetation clearance of the site between march to August inclusive unless it can be demonstrated that nesting birds are absent.

Reason:

To ensure that no harm to the ecology of the site occurs to meet the requirements of Policy ENV16 of the Unitary Development Plan.

10. The scheme of landscaping required by the reserved matters shall incorporate indigenous planting to the northern river boundary and screen planting to the other boundaries.

Reason:

To enhance the ecological value of the site and to protect the amenities of adjoining occupiers to meet the requirements of Policies ENV16 and ENV27 of the Unitary Development Plan.

11. Full details of parking on site for bicycles for the industrial unit shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme of parking for bicycles shall be fully implemented on site prior to the first beneficial occupation of the development hereby approved and shall thereafter be so retained at all times.

Reason:

To ensure that satisfactory parking for the industrial unit is provided on site to serve the development, and to ensure compliance with the terms of Policy ENV27 and TRAN9 of the Unitary Development Plan.

12. There shall be no outside storage of waste, materials, goods or machinery other than in accordance with a scheme which shall have been submitted to and approved in writing by the Local Planning Authority in advance of such storage taking place.

Reason:

In the interests of the visual amenities of the area and the amenities of nearby occupiers and to meet the requirements of Policy ENV27 of the Unitary Development Plan.

13. The industrial development hereby approved shall be used only for purpose(s) falling within Class B1 or B8 of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order.

Reason:

To control the precise nature of the use of the site, and to ensure compliance with the terms of Policies ENV27 and ENV29 of the Unitary Development Plan.

14. The access to the rear of the existing residential units at Bendrick Road shall not be used as vehicular or pedestrian access to serve the industrial development.

Reason:

In the interests of highway safety and the amenities of residential occupiers to meet the requirements of Policy ENV27 of the Unitary Development Plan.

15. The allotment land shall be enclosed, in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority, and shall be made available for use prior to the first beneficial use of any part of the site and shall be so retained at all times thereafter.

Reason:

To ensure the provision of allotment land to meet the requirements of Policy REC10 of the Unitary Development Plan.

16. Prior to the construction of slab levels details of the finished floor levels of the dwellings and industrial development and the finished site levels in relation to existing grounds levels 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 levels.

Reason:

In the interests of the visual amenities of the area and to ensure that the flood mitigation measures are undertaken to meet the requirements of Policies ENV27 and ENV7 of the Unitary Development Plan.

17. The industrial area and the residential development area shall be enclosed prior to the first beneficial use of the site for these purposes in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority prior to their enclosure.

Reason:

In the interests of the visual amenities of the area and to define the areas as approved to meet the requirements of Policy ENV27 of the Unitary Development Plan.

NOTE:

1. **In accordance with the advice of the National Assembly for Wales regarding development of contaminated land I am giving you notice that the responsibility for safe development and secure occupancy of a site rests with the developer. Whilst the Council has determined the application on the information available to it, this does not necessarily mean that the land is free from contamination.**
2. **This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**
3. **The attention of the applicant is drawn to the fact that a public sewer runs through the site and may be affected by the development.**
4. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
5. **Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
6. **You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Countryside Council for Wales, 7 Castleton Court, Fortran Road, Cardiff; telephone number 02920 772400.**

- 7. Surface water run-off from the proposed development must not connect either directly or indirectly (i.e. via any existing or proposed private drainage system) to the public foul sewer under any circumstances.**
- 8. The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.**
- 9. The Environment Agency has stated that provision must be made to ensure that no polluting discharge from haul roads and disturbed areas enter any watercourse.**

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

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

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

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

2006/00939/FUL Received on 27 November 2006

G. Robins & Sons, The Barn, Marlborough Grange Farm, Near Cowbridge, Vale of Glamorgan, CF71 7LT
P. Verity, P. O. Box 378, Cardiff, CF5 6YU

Old Milking Parlour, Marlborough Grange Farm, Near Cowbridge

Conversion of the old milking parlour and adjoining barns to dwelling

SITE DESCRIPTION

The application site comprises an existing milking parlour and associated agricultural buildings sited within an existing farmyard located in the countryside to the west of Cowbridge.

DESCRIPTION OF DEVELOPMENT

The proposal entails the conversion of the existing agricultural outbuildings to provide a four bedroom dwellinghouse. The proposal entails the demolition of a lean-to shed on the south elevation of the two storey barn and a modern outbuilding on the south elevation of the single storey barn. The existing yard area enclosed by the buildings and a low wall to the north east will provide a garden curtilage. Vehicular access will be through the existing farmyard and via a single unmade track of approximately 160m in length onto the main B4270 road.

PLANNING HISTORY

00/00424/FUL - Conversion of redundant barn to residential. Refused 13 June 2000 for the following reasons:

1. The Local Planning Authority considers that the proposal would be contrary to Policy ENV7(1) of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1998, as the site does not form part of a rural settlement which is defined as a significant group of existing buildings in residential use.
2. The Local Planning Authority considers that the proposal would be contrary to Policy HOUS3 of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1998, and Policy H10 of the South Glamorgan Structure Plan (Alteration No. 1) 1989, in that the site falls within the open countryside where there is a presumption against new residential development, unless such proposals can be justified in the interests of agriculture or forestry. No such justification exists in this case.

A subsequent appeal was allowed on 9 April 2001.

05/00853/PNA - New building for fodder and machinery storage. Approved 23 June 2005.

Adjoining farm land within separate ownership:

06/00120/FUL - Construction of new residential access. Refused 24 March 2006 on the grounds of unjustifiable encroachment of domestic use into the countryside causing visual harm, and conflicting vehicle movements detrimental to highway safety.

06/01776/FUL - New farm and residential access. Refused 15 February 2007 on the grounds of unjustified intrusion into the countryside causing visual harm. A subsequent appeal was dismissed on 30 July 2007.

CONSULTATIONS

Cowbridge with Llanblethian Town Council has no objection.

Environment Agency Wales were consulted on 19 July 2006. No comments have been received to date.

Dwr Cymru/Welsh Water were consulted on 19 July 2006. No comments have been received to date.

Glamorgan Gwent Archaeological Trust – There is the possibility that archaeological material may be located in the application area and recommend a condition requiring the applicant to appoint an archaeologist to conduct a watching brief. In addition the building does not benefit from statutory protection, but being extant on the 1880 map it is therefore of local historic importance and recommend that a qualified building historian make a record of the structures both by means of a drawn and photographic record. The work to be undertaken prior to the commencement of any conversion and the completed record to be deposited in a suitable repository such as the Glamorgan County Record Office.

Countryside Council for Wales note from the bat and barn owl survey in support of the application that no evidence of bats or barn owls was found at the property. We therefore have no further comments to make on this application.

The Head of Economic Development and Leisure (Environment and Countryside (Ecology)) – It is recommended that the recommendations made in the bat survey report be included as a condition of any consent.

The Director of Legal, Public Protection and Housing Services (Environmental Health (Pollution)) – The additional information provided would appear to indicate that the proposed development might be amongst a working farm complex. If this is the case then we would advise objection to the development in order to prevent exposure to adverse odour and noise and consequent loss of amenity.

The Head of Visible Services (Highway Development) – Further to receiving additional information I would comment that the development proposals will increase the number of residential dwellings that are currently served via the existing shared private access. However as the milking operation associated with the existing farm will cease, the number and nature of vehicles visiting the site will be reduced. While it is accepted that the access to the development site is substandard in terms of width and visibility, the development proposals do not represent an intensification of use of the shared access. Therefore the Highway Authority are unable to sustain an objection to the development proposals.

Building Control Section (Principal Officer) concludes that the structural report does not appear to reflect the present condition of the east and west elevations of the existing building and there will be further implications to the structure where conversion works to provide a dwelling are proposed.

REPRESENTATIONS

The occupiers of neighbouring properties were initially notified on 23 August 2006 and renotified on 30 November 2006. In addition a site notice was posted on 20 July 2007. The occupier of Marlborough Lodge Farm has submitted letters of objection. In addition the occupier of Marlborough Farmhouse has no objection to the conversion but has concerns over the access. These letters are reproduced at Appendix A for Committee Members inspection. In summary the main points of concern relate to the intensification of use of the access track and highway safety, prejudicial impact on the separate farming operations at the neighbouring Marlborough Lodge Farm.

The applicant's agent has submitted letters in support of the application. These are reproduced at Appendix B.

REPORT

The proposal entails the conversion of existing agricultural buildings to residential use. The site is located within a working farm complex in the countryside to the west of Cowbridge and outside of any residential settlement boundary defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 (UDP). As such the proposal will be assessed against the following policy background.

Planning Policies

Policy ENV1 of the UDP relates to Development in the Countryside and is a restrictive policy that allows for appropriate and justified development, such as that necessary for agriculture or approved under other policies, including the re-use or adaptation of existing buildings.

Policy ENV8 relates to Small Scale Rural Conversions and states:

PROPOSALS WHICH INVOLVE SMALL SCALE CONVERSIONS OF RURAL BUILDINGS TO NEW USES WILL BE PERMITTED IF ALL OF THE FOLLOWING CRITERIA ARE MET:

- (i) WHERE THE BUILDING IS OF ARCHITECTURAL OR HISTORIC VALUE, THE PROPOSED CONVERSION RETAINS THOSE ARCHITECTURAL OR HISTORIC FEATURES PRESENT IN THE BUILDING;
- (ii) IN THE CASE OF A CONVERSION TO BUSINESS USE THE BUILDING IN TERMS OF FORM, BULK AND GENERAL DESIGN IS IN KEEPING WITH ITS SURROUNDINGS;
- (iii) THE BUILDING IS STRUCTURALLY SOUND AND THE CONVERSION CAN BE ACHIEVED WITHOUT SUBSTANTIAL RECONSTRUCTION OF THE EXTERNAL WALLS, OR EXTENSION TO THE BUILDING. HOWEVER, EACH PROPOSAL WILL BE ASSESSED AS A MATTER OF FACT AND DEGREE, DEPENDING ON THE PARTICULAR CIRCUMSTANCES OF THE CASE;

- (iv) CONVERSION WORK CAN BE UNDERTAKEN WITHOUT UNACCEPTABLY ALTERING THE APPEARANCE AND RURAL CHARACTER OF THE BUILDING;
- (v) WHERE RESIDENTIAL USE IS CONSIDERED ACCEPTABLE, AMENITY SPACE CAN BE PROVIDED WITHIN THE CURTILAGE OF THE SITE WITHOUT UNDUE INCURSION INTO THE RURAL LANDSCAPE;
- (vi) VEHICULAR ACCESS IS AVAILABLE OR CAN BE PROVIDED FROM THE PUBLIC HIGHWAY WITHOUT ANY UNACCEPTABLE EFFECT UPON THE APPEARANCE OF THE COUNTRYSIDE;
- (vii) SATISFACTORY PARKING PROVISION CAN BE MADE WITHIN THE CURTILAGE OF THE SITE;
- (viii) IN THE CASE OF CONVERSION FOR SMALL SCALE COMMERCIAL, INDUSTRIAL, RECREATIONAL OR TOURISM USE THE PROPOSAL SHOULD NOT CREATE UNACCEPTABLE TRAFFIC OR OTHER ENVIRONMENTAL PROBLEMS;
- (ix) IN THE CASE OF CONVERSIONS FOR SMALL SCALE COMMERCIAL OR INDUSTRIAL USES, ANY RETAIL SALE OF PRODUCTS SHOULD BE ANCILLARY TO THE MAIN USE;
- (x) THE PROPOSAL IS NOT INCOMPATIBLE WITH ACTIVITIES CARRIED OUT ON ADJOINING LAND. APPLICANTS MAY BE REQUESTED TO ENTER INTO A LEGAL AGREEMENT TO CONTROL THE ACTIVITIES OF OTHER LAND IN THEIR OWNERSHIP;
- (xi) UTILITY AND INFRASTRUCTURE SERVICES CAN BE PROVIDED WITHOUT UNACCEPTABLE VISUAL INTRUSION AND WITHOUT DETRIMENT TO THE ENVIRONMENT;
- (xii) THE PROPOSED NEW USE WOULD PRESERVE OR ENHANCE THE SETTING OR CHARACTER OF ANY CONSERVATION AREA;
- (xiii) THE PROPOSAL WOULD PRESERVE OR ENHANCE THE ARCHITECTURAL OR HISTORIC QUALITY OF A LISTED BUILDING OR ITS SETTING.

Policy ENV16 relates to Protected Species this states:

PERMISSION WILL ONLY BE GIVEN FOR DEVELOPMENT THAT WOULD CAUSE HARM TO OR THREATEN THE CONTINUED VIABILITY OF A PROTECTED SPECIES IF IT CAN BE CLEARLY DEMONSTRATED THAT:

- (i) THERE ARE EXCEPTIONAL CIRCUMSTANCES THAT JUSTIFY THE PROPOSALS;
- (ii) THERE IS NO SATISFACTORY ALTERNATIVE; AND
- (iii) EFFECTIVE MITIGATION MEASURES ARE PROVIDED BY THE DEVELOPER.

Policy ENV18 refers to Archaeological Field Evaluation and states that where development is likely to affect a known or suspected site of archaeological significance an archaeological evaluation should be carried out at the earliest opportunity.

Policy ENV27 refers to the Design of New Developments and is a criteria based policy that requires that new development has full regard to the context of the local natural and built environment and its special features.

Policy HOUS3 of the UDP refers to Dwellings in the Countryside and restricts the erection of new dwellings in the countryside to those that can be justified in the interests of agriculture and forestry.

TRAN10 refers to Parking and requires the provision of car parking facilities to meet the Council's parking guidelines.

Strategic policies include Policies 1 and 2 - The Environment and Policy 8 - Transportation. These highlight the importance of sustainable development, particularly in relation to its location and non-reliance on private transport.

The Council also has Supplementary Planning Guidance (SPG) including The Conversion of Rural Buildings SPG, a Sustainable Development SPG and the Amenity Standards SPG.

National guidance is contained in Planning Policy Wales (March 2002). Paragraph 7.6.8 of Planning Policy Wales recognises that the re-use and adaptation of existing rural buildings has an important role in meeting the needs of rural areas and states that Local Planning Authorities should adopt a positive approach to business re-use. However residential conversion is considered less favourably. Indeed paragraph 9.3.6 states:

“New house building and other new development in the open countryside, away from established settlements, should be strictly controlled.”

Issues

In assessing the proposal against the above policies and guidance the following points are noted.

The most relevant policy in assessing the proposal is Policy ENV8 - Small Scale Rural Conversions. Criterion (i) requires that where the building is of architectural or historic value, the proposed conversion retains those architectural or historic features present in the building. In addition criterion (iii) requires that the building is structurally sound and the conversion can be achieved without substantial reconstruction or extension. It is noted that Glamorgan Gwent Archaeological Trust have advised that the building is of local historic importance, and it would appear from the submitted plans that the proposed works will utilise existing openings and maintain the existing form and fabric. However the Council's Principal Building Control Officer has advised that the structural report does not reflect the true condition of the building as it provides only a brief overview and is not sufficiently detailed to enable an assessment of the actual extent of the demolition, repair and rebuild necessary to convert the buildings to residential use. As such the Council cannot assess the full implications from the proposed residential conversion.

The submission is also lacking in respect of information relating to the proposed car parking. Criterion (vii) requires satisfactory car parking provision be made within the curtilage of the site, whilst criterion (v) requires amenity space within the curtilage of the site without undue incursion into the rural landscape. The submitted proposed layout plan shows a garden area provided within the existing enclosed farmyard, but no provision is shown for parking within the site edged red. Additional information indicates a very approximate area for parking outside of the site edged red and also refer to a garage and store which appears to be within the authorised curtilage of a previous residential barn conversion allowed on appeal in 2001.

This situation touches on the whole principle of whether residential conversion is appropriate in this instance. Criterion (x) of Policy ENV8 requires that the proposal is not incompatible with activities carried out on adjoining land. It is noted that the buildings in question are currently still in agricultural use, but that the applicant has indicated that he intends to cease milking operations on the farm. It is far from clear, and indeed the agents letter of 31 January 2007 appears to indicate that other farming activities will continue. Thus the agents claim that there will be no conflict between residential parking to the front of the barns and agricultural traffic gaining access to the fields to the south, is not accepted. In addition the land immediately to the north and east of the application site is and will continue to be in agricultural use. This includes one half of the two storey barn proposed as part of the conversion along with an access road and other outbuildings located on the other side of the boundary wall to the proposed residential garden. The neighbouring occupier of Marlborough Lodge Farm has objected to the application on the grounds that it will prejudice his continued agricultural operations. This view is supported by the objections from the Council's Environmental Health Section objecting to the development on the grounds of the impact on residential amenity. Thus it is considered unacceptable in planning terms that agricultural activities should be adversely affected by the provision of a new dwelling that is neither justified nor necessary.

On the issue of need it is noted that the applicant intends utilising the converted barn for his own use. From the representations received both from the occupier of Marlborough Lodge Farm and Marlborough Farmhouse, it appears that within the farm complex there are currently three dwellings, one of which is a previous barn conversion, with two of the properties occupied by residents with no connection to the farm enterprise. It is noted that the previous barn conversion was allowed on appeal, however, it is considered that this sets no precedent for the conversion of the current buildings. It is considered that both local and national policies have progressed since 2001. There is a greater emphasis on sustainability and Planning Policy Wales March 2002, along with the Council's own SPG on The Conversion of Rural Buildings, clearly now recognises that the residential use of agricultural buildings is the least acceptable use. If it is indeed true that the applicant has recently sold two of the dwellings on the farm to private individuals unconnected to any farming enterprise then it is likely that he has not investigated any alternative, more appropriate uses for the buildings.

On the issue of highways it is noted that the Highway Engineer has not raised a highway objection on the grounds that the milking operations will cease.

As regards ecology the survey revealed no evidence of roosting site for bats and the Countryside Council for Wales have no objections. The Council's Ecologist however has requested that recommendations within the survey be followed as bats were recorded emerging from a neighbouring property.

The Glamorgan Gwent Archaeological Trust in addition to requesting an historical record of the buildings has also requested a watching brief.

Finally on the issue of infrastructure neither Dwr Cymru/Welsh Water nor the Environment Agency have commented on the proposal.

CONCLUSION

The decision to recommend refusal of 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.

In conclusion it is considered that the proposal represents an unjustified and unacceptable residential conversion of the barns that is likely to conflict with and prejudice the continued viability of existing agricultural activities surrounding the site. In addition insufficient information has been submitted to fully assess the implications for the character of the barns and the provision of adequate car parking facilities.

In view of the above the following recommendation is made.

RECOMMENDATION (W.R.)

REFUSE

1. In the opinion of the Local Planning Authority the proposal represents an unjustified and unacceptable residential conversion of the existing barns that would conflict with and prejudice the continued viability of existing agricultural operations surrounding the site contrary to Policies ENV8, criterion (x) - Small Scale Rural Conversions, ENV1 - Development in the Countryside and HOUS3 - Dwellings in the Countryside of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011; Supplementary Planning Guidance on The Conversion of Rural Buildings and Amenity Standards; and national guidance contained in Planning Policy Wales March 2002.

2. Insufficient information has been provided to allow a full assessment to be made of the implications of the proposed residential conversion on the character and appearance of the historic barns, and whether adequate car parking can be provided. The development is therefore considered to be contrary to Policies ENV8 - Small Scale Rural Conversions, ENV27 - Design of New Development and TRAN 10 - Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011; Supplementary Planning Guidance on The Conversion of Rural Buildings; and national guidance contained in Planning Policy Wales March 2002.

2006/01260/FUL Received on 25 October 2007

Dunraven Estates Ltd, C/o Agent,
Cooke and Arkwright, Bayer Lodge, Western Avenue, Bridgend., CF31 3TZ

Penylan Farm, Penylan Road, St. Brides Major

Conversion of three redundant barns into one dwelling and erection of three new dwellings including new landscaping

SITE DESCRIPTION

The application site comprises a farmyard and outbuildings including traditional stone barns, and more modern prefabricated buildings, located on the eastern side of Penylan Road.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission that comprises two elements. The first entails the conversion and extension of the existing stone barns to provide one, five bed residential unit. In addition to the repair and renovation of the existing stone structures the proposal involves a number of new build extensions to link the separate buildings to provide a detached house. These include a single storey, flat roofed corridor link between Barn 1 and Barn 2, measuring approximately 1.3m x 8m; and a single storey pitched roof extension between Barn 2 and Barn 3, measuring approximately 4.6m x 4.2m to a ridge height of approximately 3.2m on the west elevation and 3.8m on the south elevation. A single garage will be provided within the ground floor of Barn 1 with vehicular access via a new drive onto the improved entrance onto Penylan Road.

The second element of the application entails the demolition of a large modern barn on the eastern side of the farm complex and the construction of three new detached houses with garaging. Plot 1 comprises a two storey three bed dwelling with accommodation within the pitched roof. The footprint will measure approximately 12m x 5.7m, to a ridge height of approximately 5.8m. A single storey, pitched roof garage, approximately 4.2m x 5.7m will be attached to the south, side elevation. Plot 2 will comprise a two storey, four bed dwelling with accommodation within the pitched roof. The footprint will measure approximately 11m x 6.5m to a ridge height of approximately 6.1m. A single storey, pitched roof garage and utility room, measuring approximately 6.5m x 5.3m, will be attached to the north, side elevation. Plot 3 will comprise a part two, part single storey, pitched roof four bed dwelling with, again, accommodation within the roof. The footprint of the main, two storey section will measure approximately 11m x 6.7m, with the single storey kitchen/diner, utility room and garage set at right angles and measuring approximately 10.3m x 5.7m.

The design and external finishes of the proposed new dwellings include elements of a traditional barn building with natural slate roofing, smooth lime render and random limestone detailing.

Vehicular access will be via a new driveway with a large turning area providing visitor parking. This along with the individual driveway/parking areas will be surfaced in cobble style concrete block paving. A new random stone wall will be constructed around the north and east boundary of the barn conversion with each plot provided with a grassed garden curtilage and some new tree planting.

The application is supported by a bat and barn owl survey and a Design Statement.

PLANNING HISTORY

96/00048/FUL – Former Ogwr Borough Council. Conversion of redundant farm buildings to two dwellings. Approved 18 March 1996 subject to conditions including removal of permitted development rights for extensions, means of access, visibility splays and landscaping.

97/00053/FUL – Two-storey extension to existing farm house. Approved 7 March 1997.

01/00204/FUL – Renewal of permission P/96/48/FUL. Ogwr. Conversion of redundant farm outbuildings to two dwellings. Approved 4 May 2001 subject to conditions including removal of permitted development rights for extensions, means of access and landscaping.

04/01711/FUL - Conversion of barns to two residential units and construction of two new detached houses-withdrawn 23 February 2005.

04/01732/FUL – Conversion of redundant barns to two residential units-withdrawn 11 November 2005.

CONSULTATIONS

St. Brides Major Community Council – Comments on initial scheme:

“My Council unanimously opposes this proposed development for the following reasons:

1. On the basis of the proposed total of 16 bedrooms in the development, there will be potentially an unacceptable increase in the volume of traffic along the narrow Penylan Road – which is already inadequate to meet current needs for flow of traffic to the B4265 and is questionable as to how it meets the needs of emergency services.
2. Proposed new drainage scheme would put additional pressure on the existing services which regularly experience problems.
3. It is considered this proposal to be inappropriate and unjustified development in the countryside of St. Brides Major and is contrary to strategic ENV Policies.”

The Community Council were renotified of amended plans on 30 October and 21 December 2007. No further comments have been received to date.

Environment Agency Wales have submitted their standard "Guidance Note for Developers" only.

Dwr Cymru/Welsh Water request for a number of drainage conditions and standard advisory notes submitted.

Countryside Council for Wales (CCW) note from the survey report that no evidence of use by bats or barn owls was found. However evidence of tawny owl was discovered in the floor of one of the barns. The report concludes that this is an occasional roost and not a nesting site. Therefore no further comments to make on this matter.

The Head of Economic Development and Leisure (Environment and Countryside (Ecology)) request advisory note requiring the cessation of work and CCW to be contacted in the event of bats or barn owls being discovered. Also comments regarding the potential for great crested newts and recommendation that CCW be consulted. Other comments relating to the potential for the presence of reptiles and badgers and recommendations relating to nesting birds.

The Director of Legal, Public Protection and Housing Services (Environmental Health) has no comments.

The Head of Visible Services (Highway Development) comments on initial scheme:

"Noted that the work has commenced in relation to improvements to the existing access in accordance with the previous planning consent 01/00204/FUL. Four parking spaces required for each dwelling, and the proposed turning area to be increased in size."

Comments on amended scheme:

"Further to receiving amended plan in relation to the above I would comment that the Highway Authority are unable to sustain an objection to the development proposals provided that the following details are made conditional to the planning consent.

The proposed parking provision and manoeuvring area as shown on the amended site layout plan, Drawing No. 30407/2 Rev A, shall be provided in accordance with the Highway Authority's Parking Guidelines before beneficial occupation and thereafter maintained and retained at all times for the purpose associated with the development site."

REPRESENTATIONS

The occupiers of neighbouring properties were initially notified on 28 September 2006, and renotified of amended plans on 30 October and 21 December 2007. In addition a site notice was posted on 3 October 2006. Letters of objection to the initial scheme have been submitted by the occupiers of "Tegfan", "Croesty", "The Crofta", "Bryn Sion Chapel House", "Maes Yr Haf", "Planhigyn", "Branksome Cottage" and "The Chimneys" Penylan Road. In addition a petition against the development with a total of 40 signatories has been received. Following renotification of amended plans further objections have been submitted by the occupiers of "Tegfan", "Ty Cwar" and "Croesty". Whilst all the representations are available on file for Committee Members inspection the letters from the occupiers of "The Chimneys" and "Branksome Cottage" are reproduced at Appendix A as being generally indicative of the objections made. In summary, the main points raised include highway problems from increased traffic on a narrow substandard lane; infringement into the countryside; damage to character of the area; adverse affect on neighbouring privacy and outlook; general noise and disturbance; damage to property; problems with drainage and water facilities; access to existing power supply; affect on wildlife; and devaluation of property.

REPORT

The proposal entails the conversion of existing redundant agricultural buildings and the construction of new houses to provided a total of four new detached dwellings. The site comprises part of Penylan Farm and lies within the residential settlement boundary for St. Brides Major as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP). As such the following policy background is relevant to the assessment of the application.

Planning Policies

Policy HOUS2 of the UDP allows for new housing infill, small scale development and redevelopment within the settlement boundary for St. Brides Major subject to the criteria outlined in Policy HOUS8 – Residential Development Criteria.

These include:

- (1) THE SCALE, FORM AND CHARACTER OF THE PROPOSED DEVELOPMENT IS SYMPATHETIC TO THE ENVIRONS OF THE SITE.
- (2) THE PROPOSAL HAS NO UNACCEPTABLE EFFECT ON THE AMENITY AND CHARACTER OF EXISTING OR NEIGHBOURING ENVIRONMENTS FROM NOISE, TRAFFIC CONGESTION, EXACERBATION OF PARKING PROBLEMS OR VISUAL INTRUSION.
- (3) THE PROPOSAL DOES NOT HAVE AN UNACCEPTABLE IMPACT ON GOOD QUALITY AGRICULTURAL LAND (GRADES 1, 2 AND 3A), ON AREAS OF ATTRACTIVE LANDSCAPE OR HIGH QUALITY TOWNSCAPE OR ON AREAS OF HISTORICAL, ARCHAEOLOGICAL OR ECOLOGICAL IMPORTANCE.
- (4) WHEN APPROPRIATE AND FEASIBLE THE PROVISIONS OF POLICY REC3 ARE MET.

- (5) THE PROVISION OF CAR PARKING AND AMENITY SPACE IS IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES.
- (6) ADEQUATE COMMUNITY AND UTILITY SERVICES EXIST, ARE REASONABLY ACCESSIBLE OR CAN BE READILY AND ECONOMICALLY PROVIDED.

Policy ENV8 relates to small-scale rural conversion and permits new uses subject to certain criteria, including.

- (iii) THE BUILDING IS STRUCTURALLY SOUND AND THE CONVERSION CAN BE ACHIEVED WITHOUT SUBSTANTIAL RECONSTRUCTION OF THE EXTERNAL WALLS, OR EXTENSION TO THE BUILDING. HOWEVER, EACH PROPOSAL WILL BE ASSESSED AS A MATTER OF FACT AND DEGREE, DEPENDING ON THE PARTICULAR CIRCUMSTANCES OF THE CASE.

and

- (iv) CONVERSION WORK CAN BE UNDERTAKEN WITHOUT UNACCEPTABLY ALTERING THE APPEARANCE AND RURAL CHARACTER OF THE BUILDING.

Policy ENV10 refers to Conservation of the Countryside and favours measures that maintain and improve the countryside, its features and resources, particularly in certain areas such as the urban fringe.

Policy ENV16 relates to Protected Species and states that permission will only be given for development that would cause harm to or threaten the continued viability of a protected species if it can be demonstrated that (i) there are exceptional circumstances that justify the proposal; (ii) there is no satisfactory alternative; and (iii) effective mitigation measures are provided by the developer.

In addition Policy ENV27 relates to the Design of New Developments and requires that it have full regard to the context of local natural and built environments and its special features. New development is permitted subject to the following criteria.

- (i) COMPLEMENTS OR ENHANCES THE LOCAL CHARACTER OF BUILDINGS AND OPEN SPACES.
- (ii) MEETS THE COUNCIL'S APPROVED STANDARDS OF AMENITY AND OPEN SPACE, ACCESS, CAR PARKING AND SERVICING.
- (iii) ENSURES ADEQUACY OR AVAILABILITY OF UTILITY SERVICES AND ADEQUATE PROVISION FOR WASTE MANAGEMENT.
- (iv) MINIMISES ANY DETRIMENTAL IMPACT ON ADJACENT AREAS.
- (v) ENSURES EXISTING SOFT AND HARD LANDSCAPING FEATURES ARE PROTECTED AND COMPLEMENTED BY NEW PLANTING, SURFACE OR BOUNDARY FEATURES.
- (vi) ENSURES CLEAR DISTINCTION BETWEEN PUBLIC AND PRIVATE SPACES.
- (vii) PROVIDES A HIGH LEVEL OF ACCESSIBILITY, PARTICULARLY FOR PUBLIC TRANSPORT, CYCLISTS, PEDESTRIANS AND PEOPLE WITH IMPAIRED MOBILITY.
- (viii) HAS REGARD TO ENERGY EFFICIENCY IN DESIGN, LAYOUT, MATERIALS AND TECHNOLOGY: AND
- (ix) HAS REGARD TO MEASURES TO REDUCE THE RISK AND FEAR OF CRIME.

Policy TRAN10-Parking requires the provision of parking facilities in accordance with the Council's approved parking guidelines.

The Council also has adopted Supplementary Planning Guidance (SPG), including an SPG on The Conversion of Rural Buildings and another on Amenity Standards. The SPG on Amenity Standards contains policies not only in relation to the level and quality of garden space but also covers issues of privacy, overshadowing and visual amenity.

National guidance is contained within Planning Policy Wales March 2002 and TAN 12 – Design. Paragraph 5.1.1 of Planning Policy Wales highlights the importance of the natural heritage of Wales both for its own sake and for the health and the social and economic well being of individuals and communities. In addition paragraph 9.3.4 states that:

“In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity.”

TAN 12 – Design advises that Design Statements should be submitted with all planning applications for development which have design implications.

Issues

In assessing the proposed development against the above policies and guidance the following points are noted.

A number of the objections refer to the site being within the countryside. This is not the case as following the Public Inquiry into the current Unitary Development Plan the settlement boundary of St. Brides Major was revised to include the majority of Penylan Farm and the associated yard and outbuildings, in line with the Inspector's Recommendation 4:91. The Inspector concluded that it would constitute only small scale rounding off of the settlement boundary. He did however qualify this by indicating that the redevelopment of the rear part of the site should be “carried out in an appropriate and sensitive manner and in local materials”.

Given the above it is considered that the principle of residential development is acceptable and it is the detail of the design that is one of the primary issues to be considered in the current application. It will be noted from the planning history that a previous application for two new dwellings was withdrawn. In assessing the details of that scheme it was considered that the proposal failed to consider the context of the site. No Design Statement was submitted in support of the application and it appeared that the scheme was led by economic requirements alone, and the siting, scale and detailed design elements of the proposed new dwellings paid little regard to the rural character of this sensitive edge of village location or the residential amenities of either the existing neighbouring occupiers or the future residents of the proposed dwellings.

The current application is supported by a Design Statement and the amended scheme is considered to be much more sympathetic in terms of size, scale and the use of traditional materials being more in keeping with the traditional buildings in the village, including the farm house and the existing stone barns. In particular the overall height of the new build houses has been kept to a minimum by providing accommodation within the roof space. In addition the layout of the new build is more intimate than the previous scheme.

As regards the proposed barn conversion, it is noted that the linking extensions do detract somewhat from the original character of the barns as rural buildings. . In addition original features such as an external stairway on Barn 1 will be lost. However, bearing in mind the fact that the barns are located within the residential settlement boundary and not in a countryside location, the alterations are considered acceptable in this instance, particularly as a large part of the original buildings will be retained.

On the issue of highway safety it is noted that this is one of the main grounds of objection raised by the neighbouring occupiers. Concerns over the increase in traffic on Penylan Road which would exacerbate the existing problems of movement along the narrow lane have been raised by the majority of objectors. The Council's Highway Engineer however has no highway objections to the development. Indeed it is noted that the improvements to the existing vehicular access onto Penylan Road required by conditions on an earlier planning consent for two residential barn conversions, reference 01/00204/FUL have been carried out. On the basis that the permission has been implemented then it would remain extant. Thus the current application represents an additional two houses only, over the existing permission, which when weighed against the likely traffic movements from a working farm would not justify a refusal on highway grounds.

A number of objections refer to issues of neighbourliness, particularly privacy and outlook. It is noted however that the proposed new build is more than 24m from the nearest existing house. In addition that are no directly overlooking habitable room windows. It is accepted that the new driveway may cause some noise and disturbance to neighbours, but this must be compared to the authorised use of the site as a farm yard. The concerns over disruption during construction are understandable, but as a temporary situation they do not represent a valid planning ground for rejection of the development.

As regards wildlife issues it is noted that the Countryside Council for Wales have no objections to the development. The Council's Ecologist has requested a number of informatives and/or conditions be attached to any consent. A landscaping plan has been submitted but it is considered that this is minimal and more could be achieved to support wildlife and improve neighbouring residential amenity with, for example, the planting of native hedgerow on the external boundaries.

On the issue of infrastructure it is noted that both Welsh Water and the Environment Agency have raised no objections to the proposal.

Thus it is considered that the current submission, despite some poor architectural detailing, is nevertheless a considerable improvement in scale and design from the earlier submissions for the redevelopment of the farmyard. The Design Statement illustrates how consideration has been given to the context of the site and its sensitive and prominent village edge location, with an attempt to reflect the vernacular farm buildings of the Vale.

In view of the above the following recommendation is made.

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 HOUS2 – Additional Residential Development; HOUS8 - Residential Development Criteria; ENV8 - Small Scale Rural Conversions; ENV10 - Conservation of the Countryside; ENV16-Protected Species; ENV27 - Design of New Development; and TRAN10 - Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and Supplementary Planning Guidance on The Conversion of Rural Buildings and Amenity Standards, it is considered that the proposal represents an acceptable residential redevelopment of this former farmyard that should not unduly detract from the character of the area, residential amenity, or highway safety.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the following schedule of plans and documents:

- Site location plan, amended plan received 18 December 2007.
- Topographical Survey Plan, received 1 September 2006.
- Existing Site Layout, Drg. No. 30407/1, received 1 September 2006.
- Proposed Site Layout, Drg. No. 30407/2B, amended plan received 18 December 2007.
- Existing Barn Elevations, Drg. No. 30407/3, received 1 September 2006.
- Existing Layout of Barns, Drg. No. 30407/4, received 1 September 2006.
- Proposed Elevations-Barn Conversion, Drg. No. 30407/5, received 1 September 2006.
- Proposed Floor Layout, Drg. No. 30407/6, received 1 September 2006.
- Plot 1 Layout, Drg. No. 31469/7A, amended plan received 11 October 2007.
- Plot 1 Elevations, Drg. No. 31469/7AA, amended plan received 11 October 2007.
- Plot 2 Layout, Drg. No. 31468/8A, amended plan received 11 October 2007.
- Plot 2 Elevations, Drg. No. 31469/8AA, amended plan received 11 October 2007.
- Plot 3 Layout, Drg. No. 31469/9A, amended plan received 25 October 2007.
- Plot 3 Elevations, Drg. No. 31469/9AA, amended plan received 11 October 2007.
- Proposed Site Layout Indicative Parking, Drg. No. 31469/10, amended plan received 11 October 2007.
- Proposed Site Layout Landscaping, Drg. No. 31469/11, amended plan received 11 October 2007.
- Bat and Barn Owl Survey, dated June 2005, received 1 September 2006; and

- Planning Application Design Statement (Rev. A) received 11 October 2007.

Reason:

For the avoidance of doubt as to the approved details.

3. A method statement which should highlight on an elevational plan the areas of the proposed barn conversion requiring repair/restoration, which shall pay particular regard to:
 - a) Foundation requirements and any underpinning, including alterations to ground level.
 - b) Repointing of the buildings which shall be undertaken using a lime based mortar, including a specification for said mortar.
 - c) Re-roofing including samples of roof slates and details of any flues;

shall be submitted to and agreed in writing with the Local Planning Authority before the commencement of development. The development shall thereafter be carried out strictly in accordance with the approved details.

Reason:

In the interests of the character and appearance of the barns in accordance with Policies HOUS8 and ENV27 of the Unitary Development Plan.

4. Notwithstanding the submitted plans, before the commencement of development further details of the external finishes, including samples, shall be submitted to and approved in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the agreed details.

Reason:

In the interests of visual amenity and the rural character of this edge of village location in accordance with Policies HOUS8 and ENV27 of the Unitary Development Plan.

5. Notwithstanding the submitted plans, before the commencement of development further details of the proposed window and door design, including rooflights which should be of a `conservation` type, shall be submitted to and approved in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the agreed details.

Reason:

In the interests of visual amenity and the rural character of this edge of village location in accordance with Policies HOUS8 and ENV27 of the Unitary Development Plan.

6. Before the commencement of development full details of the proposed finished floor levels in relation to the existing ground levels and the finished levels of the site, including cross sections, shall be submitted to and approved in writing with the Local Planning Authority. the development shall be implemented thereafter in accordance with the agreed details.

Reason:

In the interests of visual amenity and the rural character of this edge of village location in accordance with Policies HOUS8 and ENV27 of the Unitary Development Plan.

7. The new access driveway and turning/parking area, as indicated on Drawing Nos. 30407/2B, received 18 December 2007 and 31469/10, received 11 October 2007, shall be implemented prior to the first beneficial occupation of any one of the dwellings hereby permitted and shall thereafter be retained and maintained to provide parking and access to the development hereby permitted.

Reason:

In the interest of highway safety in accordance with Policies ENV27 and TRAN10 of the Unitary Development Plan.

8. Notwithstanding the submitted plans further details of the proposed hard and soft landscaping, which shall provide for the planting of native hedgerow to the external boundaries of the site, shall be submitted to and approved in writing with the Local Planning Authority.

Reason:

In the interests of visual amenity and the rural character of this edge of village location in accordance with Policies HOUS8, ENV10 and ENV27 of the Unitary Development Plan.

9. 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.

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 additional windows shall be inserted in the north facing elevations of the dwellings hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To safeguard the privacy of adjoining occupiers, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

13. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995 or any Order amending, revoking or re-enacting that Order no fence, wall or means of enclosure shall be erected, constructed, improved or altered on site without the prior consent of the Local Planning Authority.

Reason:

In the interests of visual amenity and the rural character of this edge of village location in accordance with Policies HOUS8 and ENV27 of the Unitary Development Plan.

14. The garages hereby approved, along with the individual curtilage car parking bays, shall not be physically altered or converted to any other domestic purpose, unless otherwise agreed in writing with the Local Planning Authority. The garages and parking bays shall be available at all times for the parking of private motor vehicles associated with the dwellings hereby permitted.

Reason:

To ensure adequate on site car parking is maintained in the interests of highway safety in accordance with Policies TRAN10 and ENV27 of the Unitary Development Plan.

NOTE:

1. **You are advised that there may be species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Countryside Council for Wales, 7 Castleton Court, Fortran Road, Cardiff; telephone number 02920 772400.**

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

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

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

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

2006/01807/OUT Received on 19 December 2006

Savills 12 Windsor Place, Cardiff, CF10 3BY.
Cofton Ltd, C/o Agent

Land to the south side of the railway line Rhoose Point, Rhoose

Residential Development and community uses with associated infrastructure

SITE DESCRIPTION

The application site relates to a vacant rectangular shaped area of land measuring 2.95 hectares, located within the Rhoose Point housing estate.

To the north the site abuts the Vale of Glamorgan railway line and beyond that lies the site which is allocated for housing under Policy HOUS1(22) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. To the south, the site adjoins Trem Echni, the main highway through the Rhoose Point development. To the west and east the application site adjoins modern residential dwellings built as part of the Rhoose Point development.

DESCRIPTION OF DEVELOPMENT

The application is for outline planning permission with all matters reserved for residential development and community uses with associated infrastructure.

Whilst all matters are reserved the site layout plan as now submitted and subsequently amended indicates that the community uses will comprise of offices, a health centre, a public house and a children's nursery.

The residential element of the application which comprise of approximately two thirds of the site and indicates in illustrative form the provision of 54 dwellings located on the western side of the site, with the community uses provided in the eastern portion of the site. The revised scheme now includes the provision of a double length bus lay-by and an area of land reserved to facilitate the possible provision of an improved means of pedestrian crossing to the railway at its point over the railway to the land to the north.

PLANNING HISTORY

Application Site

03/01380/OUT - Outline application for employment development. Approved 22 August 2005, subject to conditions.

02/01518/OUT - Outline application for residential development. An appeal was made against non-determination to the Welsh Assembly on 7 July 2003. Planning Committee resolved on 30 July 2003 that the application would have been refused had the application been determined prior to the appeal. The appeal was withdrawn on 21 April 2006.

Rhoose Point (General)

04/01809/FUL - 2 storey commercial and residential mixed use development, with retail at ground floor with flats at first floor at land adjacent to interchange. Application not yet determined, but being reported to this Committee.

03/01311/OUT - Outline application for pub/restaurant. Refused 18 October 2004.

02/01515/FUL – Full planning permission was granted for a new district centre including a mixed retail unit, car parking, bus stop and shelters and a public car park on 23 October, 2003.

98/01065/FUL - Determination of updated conditions for mineral site at Rhoose Quarry. Outstanding to date.

93/01186/OUT - 500 dwellings, employment (B1/B2/B8), shop(s), pub/hotel/restaurant, environmental centre, nine hole golf course & club house, open space, playing fields, new access road etc. Approved 20 March 1996 with a Section 106 Legal Agreement.

CONSULTATIONS

Environment Agency Wales were consulted and their response of 26 January 2007 does not raise an objection to the development in principle but suggests conditions relating to contaminated land, infill materials and drainage / flood defence.

The Health and Safety Executive advised to check the PADHI+ system – no specific consultation response given.

British Gas were consulted on 8 January 2007, no response received to date.

Civil Aviation Authority were consulted on 8 January 2007, no response received to date.

The Operational Manager for Engineering Design (drainage) commented on 24 January 2007 in respect of land drainage and coastal protection matters as follows:

“A carrier drain passes near the northern boundary of the proposed development and may be affected by the proposals. The developer will be required to maintain flows within the pipe, 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 commencement of any works.

It is noted that some of the proposed buildings are over or near the carrier drain. This will severely restrict any future maintenance and repair work to the pipe. It is therefore recommended that no buildings are constructed within a minimum of 6 metres of the pipe.

It is noted that the development consists of a number of plots and I assume that these are to be sold individually. The developer should therefore be requested to confirm the future responsibility for the maintenance/repair of the carrier pipe to ensure that this is clearly defined.

The developer should also advise each individual plot owner of the presence of the carrier pipe where it passes through their land and confirm that he has done so.

It is noted that land drainage ditches cross the site. The developer should therefore identify all land drainage ditches and ensure that they are still utilised for their intended use or alternative provisions made. The developer should be requested to submit appropriate details showing proposals to maintain the same to the Local Planning Authority for approval prior to the commencement of any works.

Land drainage pipes also pass under the railway and onto the proposed development. The developer should therefore be requested to identify and provide details of these pipes, including the method of connection to the carrier drain and hydraulic flow calculations, to ensure that flows within these pipes are maintained. It is also recommended that you seek the comments of Network Rail as the pipes under the railway are considered to be in their ownership.

The submitted details indicate that surface water run-off from the proposed development is to discharge to existing mains. The applicant should therefore be requested to submit full details of the proposals for the disposal of surface water run-off for further comment.

It is also recommended that you seek the views of Dwr Cymru/Welsh Water regarding the adequacy of the public and potentially adoptable sewerage systems to accept the drainage flows from proposed development."

The Head of Visible Services (Highway Development) was consulted and made the following comments.

"Further to receipt of the amended site layout plan produced by RPS Design, reference number ACA4941/101/C in relation to the submitted planning application, the Highway Authority are aware of the site's designated use for employment previously identified within the Vale of Glamorgan Council's Unitary Development Plan 1996 - 2011, Deposit Draft 1998, reference EMP 1(14) and now within the Vale of Glamorgan Council's Adopted Unitary Development Plan 1996 - 2011, reference EMP 1(12) and the previous planning permission reference 93/01186/OUT for the site.

The Highway Authority would advise the Local Planning Authority that the matter of the provision of a safe " **Secondary** " access to the Western corner of the Rhooose Point development via the existing level crossing to cater for all modes of transport whether by public transport, car, cycling or walking which would provide access to the public all year round (365 days of the year) to the surrounding areas i.e. Rhooose Village as an alternative in addition to the " **Primary** " vehicular access provided via Pentir y De which connects directly to the roundabout on Porthkerry Road.

The issue of a secondary access to Rhoose Point forms an integral part of the overall development to provide alternative / permeable networks within the site and existing street networks outside the site which was initially identified within the Traffic Impact Assessment (TIA) produced by Ove Arup for Blue Circle Properties Limited which has been subsequently included in the TIA produced by Mason Richards Engineering on behalf of the applicant Cofton Land & Property Projects Ltd for the previous application relating to the ' Proposed Reallocation of Employment Land for Housing Development, Vale of Glamorgan Council (Planning Application reference, 03 / 1380 / OUT ' and again within the Transport Assessment (Item 2.8) produced by FMW Consultancy submitted as part of this planning application.

The Highway Authority would inform the Local Planning Authority that we are not aware to date that the Office of Rail Regulation (ORR) has given written consent for the change in use of the level crossing status for use by all highway users.

In the absence of the above, the Highway Authority would raise an objection to the residential use of the site without the above being satisfied. However, there would be no objection raised to a suitable designed layout for an employment development.”

The Head of Economic Development and Leisure (Public Rights of Way Officer) was consulted on 8 January 2007, no response received to date.

The Director of Legal, Public Protection and Housing Services (Environmental Health) was consulted and the response of 19 January 2007 stated that part of the site previously formed part of the Rhoose Cement Works. They recommend attaching a contaminated land condition and an imported materials condition. They advise that any residential development adjacent to the railway must be subject of a noise assessment in accordance with TAN 11, identifying appropriate noise attenuation measures. They also note potential impacts from the commercial uses e.g. noise, disturbance, fume extraction etc.

Dwr Cymru/Welsh Water were consulted and their response of 16 February 2007 stated no objection in principle subject to standard conditions and agreements.

Network Rail were consulted and their response received on 23 January 2007 stated no objection in principle. They provide advice in relation to safety, construction and impact upon the railway that will need to be taken into account at the reserved matters stage.

Cardiff International Airport commented on 20 January 2007 that they cannot comment at this stage and should be reconsulted at detailed planning stage.

Glamorgan Gwent Archaeological Trust were consulted and their response of 14 February 2007 stated it is unlikely that archaeological material would be disturbed.

HM Railway Inspectorate were consulted on 31 January and their response received on 22 February 2007 stated that the development must not interfere with the level crossing or cause traffic queues to form in the vicinity of the level crossing.

REPRESENTATIONS

The application was advertised in the press on 16 January and 20 February 2007 and a site notice was displayed on 20 February 2007. Adjacent and nearby occupiers were notified on the original layout on 19 January 2007 and the amended layout on 30 August 2007.

In respect of the original scheme a total of 13 letters of representation have been received. The principle concerns relate to the fact that they wish to see that all outstanding infrastructure issues resolved prior to the granting of any further planning permission, particularly in respect of the adoption of the sewers and roads. Reference is also made to the drainage infrastructure which crosses the application site (carrier drain) and through the gardens of dwellings on the adjacent residential development. Further concerns relate to issues of flooding, access over the railway line, additional traffic generation and noise and disturbance. A copy of a sample letter is attached as Appendix A.

Councillor Jeffery James has commented on the application that there are a number of outstanding issues in relation to the original Rhoose Point development such as non adoption of drainage by Welsh Water, non adoption of highways by the Vale Council, outstanding planning obligations from the Section 106 Agreement, and ongoing dialogue about the Level Crossing. He notes that the health centre and pub may meet the needs of some residents. However, he seeks reassurance that proper marketing of the site for employment purposes has been undertaken to justify the departure from the allocated use to residential.

On the amended indicative site layout plan (which amended the illustrative location of the public house with the health centre) there are a further 9 letters of objection which continue to raise the same issues. A copy of one of these letters is attached as Appendix B being indicative of the responses received.

REPORT

Planning Policies

Relevant National and Local Planning Policy Documents

Planning Policy Wales March 2002 contains policy objectives and principles which together with TANS and circulars should be taken into account by Local Planning Authorities in Wales in the preparation of Unitary Development Plans and is material to decisions made on individual planning applications.*

The relevant Technical Advice Notes which should be read in conjunction with Planning Policy Wales March 2002 are set out below:

TAN2 – PLANNING AND AFFORDABLE HOUSING

TAN12 – DESIGN

TAN18 - TRANSPORT

Local Planning Policies

For the purposes of assessing this application, the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 constitutes the development plan for the area for the purposes of Section 38 of The Planning and Compulsory Purchase Act 2004. However considerations should also be given to other material historical allocations, in relation to the site.

The application site lies within the settlement boundary of Rhose and is specifically allocated under Policy EMP 1 (12) 'Land for Employment Uses' (12) for employment uses falling within B1, B2 and B8. Moreover it should be noted that there is an extant outline planning permission (03/01380/OUT) for employment use.

The proposal seeks to retain an element of employment related uses along side community and related uses, with the addition of residential development on the site. The following policies are relevant and contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011:

POLICY EMP4 - Protection Of Land For Employment Uses states that on existing employment sites and sites identified in Policy EMP1 development of uses that are not contained in classes B1, B2 and B8* of the town and country planning (Use Classes) order 1987 (as amended) will not be permitted.

Policy HOUS2 supports the principle of housing infill, small-scale development and redevelopment within the rural settlement boundary of Rhose, subject to the criteria listed in Policy HOUS8 being met.

Policy HOUS8, states that subject to the provisions of Policy HOUS2, development will be permitted which is within or closely related to the defined settlement boundaries provided that it meets all the following criteria:

- (i) The scale, form and character 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 of noise, traffic congestion, exacerbation of parking problems or visual intrusion.
- (iii) The proposal does not have an unacceptable impact on good quality agricultural land (Grades 1, 2 and 3a), on areas of attractive landscape or high quality townscape or on areas of historical, archaeological or ecological importance.
- (iv) When appropriate and feasible the provisions of Policy REC3 are met.
- (v) The provision of car parking and amenity space is in accordance with the Council's approved guidelines; and
- (vi) Adequate community and utility services exist, are reasonably accessible or can be readily and economically provided.

ENV6 (East Vale Coast) states that outside the Glamorgan Heritage Coast development within the undeveloped coastal zone will be permitted if:

- (i) a coastal location is necessary for the development; and
- (ii) the proposal would not cause unacceptable environmental effects by way of:
 - visual or noise intrusion;
 - impact on areas of landscape importance;
 - air, land or water pollution;
 - exacerbation of flooding or erosion risk;
 - hazardous operations; or
 - impact on ecology or features of geological or geomorphological importance.

In areas of existing or allocated development within the coastal zone, any new proposal should be designed with respect to its local context and sensitive to its coastal setting.

ENV27 (Design of New Developments) states that proposals for new development must have full regard to the context of the local natural and built environment and its special features.

TRAN10 (Parking) states that the provision of 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 following Supplementary Planning Guidance is also of relevance:

- Sustainable Development.
- Amenity Standards.
- Public Art.

Also considered relevant are the following national planning policy documents:

Planning Policy Wales (March 2002)

TAN12 - Design

TAN18 - Transport

Issues

The principle of development at the site has already been considered acceptable, albeit for employment uses (Use classes B1, B2 and B8). Accordingly in light of the above relevant policies and guidance, the following issues are considered central to the consideration of this outline application:

- i. Whether the loss of part of the employment allocation at Rhose Point would prejudice the planned provision of a sustainable mixed use redevelopment at Rhose Point.
- ii. The appropriateness of the introduction of residential development on some two thirds of the site which is specifically allocated under EMP 1 (12) 'Land for Employment Uses'.
- iii. The consideration of the highway issues with regard to the provision of the secondary access.
- iv. Other material considerations, which include the planning history of Rhose Point, and site specific matters relating to the proposed development.

Loss of Part of the Employment Allocation

As part of the Local Development Plan the Council has undertaken a study, (Employment Land Study Report (October 2007) in order to assess the supply, need and demand for employment land and premises (use Class B) in the Vale of Glamorgan. Whilst the study was undertaken for the Vale of Glamorgan Council to provide robust evidence to underpin the information the Local Development Plan, 2011-2026, the report has weight in assessing applications. The report concludes that there is sufficient land allocated for employment use in the Vale and recommends the de-allocation of Rhose Point as an employment allocation, although it states that the site should be utilised for mixed-use purposes.

The proposed uses comprise of offices, a health centre, a public house and a children's nursery, which comprise a mix of uses classes, namely A3, B1 and D1 uses. Whilst two of these uses fall outside of what is considered as employment uses (B1, B2 and B8) these uses nevertheless still result in employment opportunities at the site which would assist in achieving the objectives of the Employment Chapter of the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011.

Moreover it should be noted that if the site was developed, as approved for B1, B2 and B8 uses such commercial uses may not have necessarily result in local employment opportunities or any significant levels of employment, or provide any benefits by way of community uses. Whilst such employment uses would have provided a mix use development in respect of Rhose Point, in reality, such uses may not have necessarily provided direct benefit to residents of Rhose Point or the village of Rhose as a whole.

In this regard the provision of a broader range of uses at the site with a higher proportion of community related uses such as the public house, nursery and health centre, would provide local facilities for the nearby residents and still satisfy the Councils objectives in providing a mixed use form of development at Rhoose Point. It is particularly relevant that the original master plan for Rhoose Point envisaged the provision of a public house. A previous planning application for a public house (ref: 03/01311/OUT refers) was refused given its inappropriate location vis a vis existing residential properties. This current proposed location is considered far more appropriate being closer to the existing centre of Rhoose and more accessible to residents of both Rhoose Point and Rhoose itself.

Principle of Acceptability of Residential Use

Prior to planning permission being granted to renew the outline application for employment development ref: 03/01380/OUT, a previous application was submitted for residential development on the whole of the site under application ref: 02/01518/OUT. Whilst the application was not determined, an appeal was made against non-determination to the Welsh Assembly on 7 July 2003. Planning Committee resolved on 30 July 2003 that the application would have been refused had the application been determined prior to the appeal. The appeal was withdrawn on 21 April 2006.

This application now proposes the development of some two thirds of the site for residential use. The loss of employment land to residential would normally be considered contrary to Policy EMP4 (which seeks to retain allocated employment sites), however for the reasons given above and based on the supporting documentation produced by the applicant and the Employment Land Study Report (October 2007), there is considered to be some degree of flexibility in permitting non employment uses on part of the site.

In policy terms, the principle of residential development at the site (notwithstanding the employment land considerations,) would nevertheless be considered acceptable given that the site falls within the settlement boundary of Rhoose.

Siting

Whilst the application is in outline with siting reserved some weight is given to the indicative site layout plan, which provides a broad indication to the general layout of the site and the location of the uses proposed. In this regard the original plan indicated the location of the public house adjacent to the existing residential dwellings located on Maes y Gwenyn and Bryn Y Glon to south east corner of the site. Following representations received and consideration of the scheme, concerns were raised with regards to the proximity of the public house to existing dwellings and the likely impact in respect of noise and disturbance.

Amended plans were therefore sought, and whilst illustrative the amended scheme now proposes to site the public house in place of the health centre and visa versa. It is considered that the public house is now more appropriately located towards the centre of the site and given that it does not directly adjoin any existing residential development its general siting is now considered acceptable. However the actual impact in relation to existing and future occupiers of dwellings will be a matter which will be fully considered in subsequent reserved matters applications. Therefore the general location of the residential elements and that of the community and commercial uses is considered acceptable and should be conditioned to ensure that future reserved matters applications are in general accordance with the illustrative layout plan.

In considering the acceptability of the proposed level of residential accommodation at the site, discussions took place with the applicant and agent, where initial concerns were raised with the balance between residential and community uses. It was the Council's view that the proposed mixed use of the site may be considered acceptable although the residential element should be reduced. It was suggested that the site could include a form of recreational use to help achieve the mixed use development at the site in the form of a Multi Use Games Area (MUGA). In response the agent offered to provide this facility off site (on the western part of the site on land to the south of the interchange, which land has previously been identified to be used for accommodating, in part a playing field. Furthermore it has also been agreed that the MUGA and a playing pitch will be served by a fully serviced changing facility. Members should also be aware that whilst not part of this application the landowner has also agreed to provide a full-sized football / rugby pitch, which is an outstanding matter which should have been provided under the original Section 106 Legal Agreement attached to planning permission ref: 93/01186/OUT. It has also been agreed that the recreational facilities will be adopted by the Council and the developer pay a 20 year maintenance contribution to the Council to maintain these.

In this regard subject to the MUGA being provide off site (secured by a Section 106 Legal Agreement) it is considered that the balance of uses on the application site would be considered appropriate. However in accepting this balance the Council will seek to ensure that the non residential elements (community and employment uses) are delivered at the site in a phased manner. Therefore the Section 106 Legal Agreement will include a clause regarding phasing to ensure that the commercial uses are provided before or alongside the residential development in a staged manner.

Highway and Related Considerations

The proposed development is to be served by two separate access points, from Trem Echni with dedicated access serving the residential element and the community uses. No objection has been raised to a suitable designed layout for the employment (community) element however an objection is raised on the residential use of the site on the grounds of the provision of a safe secondary access into Rhoose Point. The Head of Visible Services (Highway Development) requires an additional (secondary) safe means of vehicular/pedestrian access open to the public 365 days of the year to ensure that an alternative means of access is available, as recommended on pages 21 and 22 of "Design Bulletin 32, Second Edition" published by the Department of the Environment and Transport.

Members of the Planning Committee will be aware that there was a large degree of legal uncertainty as to the precise status of the level crossing and the necessary procedural route whereby full public use of the crossing could be achieved.

An application was made in June 2005 by Network Rail (the line operator) for an Order under the Level Crossings Act 1983 with regard to the dedication of the roadway over the level crossing to reflect the current position, that is for the barriers to be kept in the raised position, except when the train needs to pass. In response the Railway Inspector (HMRI) were of the view that the changes proposed at the level crossing would ultimately lead to it being used by the general public with vehicles as of right rather than invitation. In this regard HMRI has sought to amend the draft, proposing that the barriers be kept in a closed position. If granted in the terms sought by HMRI, the Order would provide for manually controlled barriers at the crossing, where every person, whether on foot or in a car would have to telephone the signalman for permission to cross. Such restrictions of normal access rights over the crossing, (which currently provide unfettered access), would strictly limit the convenience of the level crossing as a general second access into Rhoose Point, impacting both on the viability of the interchange and Rhoose Station, the sustainability of the site in providing a direct vehicular link between the village and Rhoose Point and access to community facilities.

The draft Order was referred by HMRI to the Department for Transport (DfT) to decide the legal issues. The Council through Counsel advice have sought an indication from DfT as to likely timescale for a decision, but no clear answer has been received and to date the legal position remains unconfirmed.

Counsel's advice has been sought in order to achieve a way forward in light of the Council aims of providing a mix used development at the site and having regard to the previous planning permissions and current undetermined applications.

In relation the planning history at the site outline planning permission Ref 93/01186/OUT was granted for a mixed use development (see planning history). The only condition relating to highways was the requirement to submit highway details as part of the reserved matters, and there was no S.106 obligation in respect of the provision of the second access to serve the development. It should be noted that in the outline application for employment development ref: 03/01380/OUT, the Highway Authority continued to raise no objection subject to (inter alia) the requirement for *"an additional (secondary) safe means of vehicular/pedestrian access open to the public 365 days of the year to ensure that an alternative means of access is available"*. However this application was subsequently approved on 22 August 2005, subject to conditions and the outline consent is still extant for the submission of a reserved matters application.

In terms of the current position it should be noted that Network Rail have, for over 2 years been allowing full public access to both pedestrians and vehicles without incident over the level crossing. One of the principal requirements for a secondary access to serve Rhoose Point is to provide a secondary means of access in case of emergency or in the case of any obstruction or loss of the use of the primary access. Counsel advice states that following consultation with the emergency services, they have advised that in case of an emergency, the level crossing could be opened for use, even if DfT restricted user rights in line with HMRI's request for an amended Order. In this regard the emergency services would have a right and ability to cross irrespective of the status of the crossing.

Further to the above, the Highway comments refer to policy document DB32 which is no longer Government guidance. Technical Advice Note (TAN)18 – Transport published March 2007, has recently been adopted and takes a more flexible approach to highway and related matters.

In conclusion Counsel Advice states that in light of provision for emergency procedures, the planning history of the site and the fact that DB32 is no longer Government guidance, the refusal on the grounds of the absence of an unrestricted second access is unlikely to be upheld at appeal. Furthermore the uncertainty over user rights of the second access may last indefinitely, and Members are therefore respectfully asked to consider the above given the Council's desire to resolve this matter, provide certainty and to ensure the final phases of this mixed use development site are delivered.

More specifically, given that the application site falls centrally within the Rhoose Point Development, and given its proposed community uses, it is likely to provide a community focus. In this regard there is also an opportunity to provide an enhanced pedestrian link to the land to the north. The developer has agreed to provide a PROW Contribution of £10,500 towards the feasibility works for the transfer of the land necessary to undertake these work free of charge to the Council.

In support of the enhancement of the Public Right of Way and to promote and enhance more sustainable means of transport the Council has also sought to secure a double length bus lay which will form part of the application site to I provide a suitable and centrally located bus lay by for use by school buses and other future dedicated services through Rhoose Point. A bus stop maintenance contribution will also be sought through Section 106 contributions in addition to a contribution to improve public transport services and public transport information for future users of the site. Contributions are also sought to provide or enhance facilities for cyclists in the vicinity of the site.

Other Related Considerations

Drainage

Members of the Planning Committee will be aware of the outstanding matters within Rhoose Point and the concerns raised by local residents is in respect of the adoption of the sewers, the carrier drain which passes through the site and concerns with flooding.

In this regard whilst the application is in outline, if planning permission is granted conditions attached to the outline consent will ensure that any reserved matters application provide full details for foul and surface water drainage and identify all existing land drainage ditches, pipes and drains through the site and details of how the existing flows will be maintained. Furthermore a condition will also ensure that subsequent applications have full regard to the location of the carrier drain to ensure that future development will not impact on the existing system either directly or indirectly and to ensure that no buildings are sited within 6 metres of the pipe to ensure future maintenance where necessary.

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 ENV6 (East Vale Coast), ENV27 (Design of New Developments), EMP1 (Land for Employment Uses), EMP4 (Protection of land from Employment Uses), HOUS8 (Residential Development Criteria) and TRAN10 (Parking), the proposal is considered acceptable with regard the principle of the use at the site and highway considerations and would not impact on the existing character of Rhoose Point or the wider character of the developed East Vale Coast.

RECOMMENDATION

Subject to the applicant first entering into a Section 106 Legal Agreement to include the following necessary planning obligations:

- A minimum of 20% of the residential units shall be affordable housing and this shall be phased to be developed alongside the market housing units.
- A bus stop and lay-by shall be provided on Trem Echni and a bus stop maintenance contribution shall be paid to the Council to maintain the bus stop.
- The Developer shall pay a Public Transport Contribution of fifty thousand pounds (£50,000) to the Council to improve public transport services and public transport information for future users of the site.
- The Developer shall pay a Cycling Contribution of eighteen thousand pounds (£18,000) to the Council to provide or enhance facilities for cyclists in the vicinity of the site.
- The Developer shall pay a PROW Contribution of ten thousand five hundred pounds (£10,500) to the Council towards the feasibility works for the provision of an enhanced pedestrian link north over / under the railway line and transfer the land necessary to undertake these work free of charge to the Council.

- 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 a Community Facilities Contribution of twenty five thousand pounds (£25,000) to be paid to the Council to provide or enhance Community Facilities in the vicinity of the site.
- The Developer shall pay an Education Contribution to be calculated upon submission of full details to provide or enhance educational facilities within the catchment area required as a consequence of the development.
- The Developer shall provide Recreational Facilities in the form of a Multi Use Games Area, a fully serviced changing facility and full-sized football / rugby pitch with vehicular access for maintenance vehicles to be provided off site (land to the south of the transport interchange). In the event that the developer fails to provide these facilities a financial contribution shall be paid to the Council to construct the facilities themselves.
- The recreational facilities shall be adopted by the Council and the developer shall pay a 20 year maintenance contribution to the Council to maintain these.
- The Development shall be phased to ensure that the commercial uses are provided before or alongside the residential development in a staged approach.
- 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 (£1,520 in this case).

APPROVE subject to the following condition(s):

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

Reason:

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

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

Reason:

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

3. The development to which this permission relates must be begun not later than whichever is the later of the following dates:
 - (a) The expiration of five years from the date of this permission.
 - (b) The expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matters to be approved.

Reason:

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

4. The submission of all reserved matters applications shall be in accordance with the amended indicative site layout submitted to the Local Planning Authority on 9 November 2007, in relation to the areas allocated for residential use and community/commercial uses.

Reason:

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

5. The development of the site shall be limited to the uses set out and specified on the amended indicative site layout submitted to the Local Planning Authority on 9 November 2007.

Reason:

For the avoidance of doubt.

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 and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason:

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

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

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

8. No development shall take place on any part of the site until an investigation has been carried out to determine whether the land is contaminated and any associated remedial works have been carried which shall be fully detailed in a report which shall have first been submitted to and approved in writing by the Local Planning Authority. The investigation shall include a desktop study, intrusive site investigation, remedial statement and a remediation validation report.

Reason:

In the interests of health and public safety in accord with Policies ENV26 - Contaminated Land and Unstable Land and ENV27 - Design of New Development of the Unitary Development Plan.

9. Any soils or similar material to be imported shall be assessed for potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation, on any of the development areas.

Reason:

In the interests of health and public safety in accord with Policies ENV26 - Contaminated Land and Unstable Land and ENV27 - Design of New Development of the Unitary Development Plan.

10. Any subsequent reserved matters application shall have full regard to the location of the carrier drain and its depth and no part of any building shall be constructed within 6 metres of either side of the carrier drain.

Reason :

In order to facilitate future maintenance of the carrier drain to ensure accordance with Policy ENV27 - Design of New Development of the Unitary Development Plan.

11. Before the commencement of the development on any part of the site, a scheme showing the means by which foul sewage and surface water run-off are to be catered for (which shall include the identification of all existing land drainage ditches, pipes and drains within the site and a scheme to maintain the existing flows within the ditches and pipes) shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby permitted shall be put to beneficial use until the drainage works have been completed in full accordance with the approved details.

Reason:

To ensure a satisfactory means of drainage of the site and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

12. 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.

13. Any reserved matters application(s) relating to residential development adjacent to the railway line shall be supported by a noise assessment of daytime and nighttime railway noise in accordance with the guidance set out in Technical Advice Note 11 : Noise, which shall identify the appropriate noise category and the requirement for any noise mitigation measures.

Reason:

To safeguard the amenities of residential occupiers and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

14. The detailed plans shall provide for parking facilities to meet the standards of the Local Planning Authority.

Reason:

To ensure adequate on-site parking in accordance with Policy TRAN10 'Parking' of the Unitary Development Plan.

15. The proposed residential development shall be designed to meet the Council's minimum standards of amenity space and privacy as outlined in the approved Supplementary Planning Guidance on Amenity Standards.

Reason:

To ensure adequate provision of private amenity space and privacy in accord with Policy ENV27 'Design of New Developments' and Supplementary Planning Guidance on Amenity Standards.

NOTE:

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

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

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

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

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

2007/00217/FUL Received on 10 September 2007

CPG (Wales) Plc., Llantrisant Road, Llantrisant., CF72 8PG
David Preece DipArch RIBA, 44, Seabank, Penarth, Vale of Glamorgan., CF64
3AR

Wesley Hall Site, Station Road, Dinas Powys

Provision of 14 no. 2-bed apartments and 1 no. 3 bedroom house with on site parking and provision of access road

SITE DESCRIPTION

The application site is located off Station Road, Dinas Powys, directly opposite the Methodist Church. The front part of the application site is laid out as a car park and the existing Wesley Hall building is set further back into the site. The site also includes sections of the rear gardens of Nos. 29, 31 and 33 Station Road. The building was last used as a Church Hall with associated rooms and is currently vacant. The level of the site slopes steeply down from front to rear, i.e. from west to east.

The site lies within the Dinas Powys Conservation Area and the settlement boundary of Dinas Powys. The site is approximately 2300 square metres.

DESCRIPTION OF DEVELOPMENT

The application proposes the redevelopment of the site to provide a three-bed detached dwelling house to the front of the site and two buildings comprising a total of 14 two-bed apartments to the rear of the site along with an access road and a total of 22 No. parking spaces.

The detached dwelling house will have maximum dimensions 6.2 metres wide by 9.5 metres deep. It will have a gabled roof with a ridge height of 8.7 metres and an eaves height of 5.2 metres. The dwelling will feature a gabled two storey side projection and a gabled dormer window in the north side elevation. It will be sited approximately 5.5 metres from the front boundary of the site and 1 metre from the south side boundary.

The main block comprising eleven apartments (Units 2 to 12) is an S-shaped building that broadly follows the boundary of the site with the rear gardens of Nos. 29, 31 and 33 Station Road. The three main elements will have widths of 25.5 metres, 33.3 metres and 20.6 metres respectively and an average depth in the region of 7 metres. The building will feature predominantly hipped roofs with a maximum height of 9.2 metres. Towards the front of the site, the building will be two storeys and to the rear of the site, the building will be three storeys.

The smaller three storey block, comprising Units 13 to 15, has maximum dimensions 13.0 metres wide by 7.6 metres deep. The building will have a hipped roof with a maximum height of 9.2 metres.

The proposal has been amended several times during the course of the application with the above description relating to the proposal currently under consideration.

PLANNING HISTORY

2004/02039/FUL - Six flats with associated works. Approved. Extant.

2005/01559/CAC – Full demolition of building. Approved. Extant.

CONSULTATIONS

Dinas Powys Community Council were originally consulted on 2 March 2007) and commented as follows:

“Strongly object to the number of units now proposed for this site which could have serious road safety implications with access/egress onto Station Road. We also consider the proposed house is out of keeping with the existing neighbouring properties within the Dinas Powys Conservation Area.”

Dinas Powys Community Council were reconsulted on 20 September 2007. Further comments are as follows:

“We strongly object to this application and would reiterate our previous comments that the proposal would have serious road safety implications with access/egress onto Station Road, a known accident black spot.”

The Director of Legal, Public Protection and Housing Services (Environmental Health) were reconsulted on 20 September 2007 and comment as follows:

“We have no objection to the type or location of the development. However we note that floor plans as illustrated in Drawing Nos. 2 and 3 for Units 4 to 9 indicate that living rooms are immediately adjacent to the bedrooms of the next unit. Unless considerable attention is given to the prevention of noise and vibration transmission within the building structure there is a likelihood of loss of amenity to the occupants in the form of unwanted noise and vibration. A scheme to demonstrate sufficient mitigation measures would be required before beneficial use.

A better alternative would be to reconfigure the floor plans to ensure compatible rooms in adjacent flats (both to sides and above and below).”

The Head of Visible Services (Highway Development) were reconsulted on 16 November 2007 and comment as follows:

“No objection to the proposal subject to the imposition of conditions on any planning consent granted.”

Glamorgan Gwent Archaeological Trust were consulted on 02 March 2007 and comment as follows:

"The Regional Sites and Monuments Record shows that there are no recorded features or finds within the area of the proposed development itself. However, the record notes that nearby Dinas Powys Common is the location of a Romano-British Farmstead and the common is a scheduled ancient monument; Roman, medieval and later pottery has been found nearby in addition to scatters of flint tools and debitage of pre-historic date. Archaeological work in the general area has shown that the sites appear to have been concentrated in the area of the Common and it is therefore unlikely that the proposed work will disturb any archaeological material.

The record is not definitive, however, and archaeological material may be disturbed during the course of the work. In this event, please contact this Division of this Trust. Nevertheless, as the archaeological advisers to your Members, we have no objection to the determination of this application."

Environment Agency Wales were consulted on 02 March 2007 and comment as follows:

"We have no objection to the proposal and our generic information note for developers applies."

Dwr Cymru/Welsh Water were consulted on 02 March 2007 and comment as follows:

"Conditions requested on any planning permission granted."

Vale of Glamorgan Conservation Advisory Group at their meeting on 11 April 2007 recommended refusal. The Group felt that the proposal would neither preserve nor enhance the character of the Conservation Area, being overdevelopment of the site and of inappropriate scale and design. The Group also noted that the proposal would result in a considerable loss of amenity space to properties abutting the site, thereby reducing the openness of the area. The Group also expressed concern at the unauthorised removal of trees from the site, in response to which the Planning Officer confirmed that the matter was being addressed.

REPRESENTATIONS

Neighbour notification letters were sent to nearby occupants on 2 March 2007 and 20 September 2007.

A total of eleven letters of objection have been received, from eight different addressees. The general issues raised are as follows, with the most detailed letter received attached as Appendix A.

- Poor traffic management of Station Road.
- Increased use of Station Road by vehicles; additional pressure on a dangerous stretch of road.
- Lack of parking on Station Road.

- Loss of parking area used by church goers.
- Overdevelopment of the site.
- Extensive earth-moving will be required.
- Unacceptable noise nuisance and traffic hazard during construction.
- Size and scale of the proposed development.
- Overlooking to neighbouring properties resulting in loss of peace and tranquillity.
- Current green space is aesthetically pleasing and a haven for wildlife.
- Noise nuisance.
- Detrimental impact on road safety.
- Lack of parking on site for visitors and refuse collection.
- Too many units are proposed.
- Loss of light to neighbouring property.
- Too close to neighbouring property.
- Development is unnecessary and offers no added value to the village and community.
- Loss of trees within the Conservation Area.
- Additional noise resulting from the development, for example from fan assisted boilers, extraction fans, lifts, drainage pumps and traffic.
- Light pollution from the flats and access road lighting.
- Loss of view from rear of properties of Elm Grove Lane.
- Foul and surface drainage methods and quantities are not indicated.
- Lack of information about sustainability of proposed development.

Seven letters of support have been received. The letters do not detail any reasons for support.

REPORT

Consideration of the application was deferred from the Planning Committee of 13 December 2007 to enable Members to visit the site. It is anticipated that this site visit will take place on 17 January 2008.

Planning Policies

ENV27 - DESIGN OF NEW DEVELOPMENTS

ENV20 - DEVELOPMENT IN CONSERVATION AREAS

HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT

HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA HOUS2 SETTLEMENTS

TRAN10 – PARKING

AMENITY STANDARDS SPG

PUBLIC ART SPG

Issues

The application site is located within the settlement boundary of Dinas Powys. As such, the proposed redevelopment of the site for residential purposes is acceptable in principle and the detailed criteria of Policy HOUS8 are required to be met in addition to other relevant Development Plan policies. Criteria (vi) states that adequate community and utility facilities exist or can be provided. In this case a financial contribution is sought to enhance existing community facilities in the vicinity.

In addition, the site is located within the Dinas Powys Conservation Area and therefore the proposed development should preserve or enhance its character and appearance.

The proposed detached dwelling house relates well to the existing dwellings fronting Station Road in terms of plot size, building size and design. The traditional frontage will be the most apparent elevation of the proposal and it is considered that it suitably reflects the style of the Victorian properties in the immediate vicinity. The remainder of the development makes good use of the site with the S-shaped building broadly following the boundary of the site and the levels of the site being utilised with the built form closest to Station Road being two storey, partly dug into the site, and the built form furthest to the rear of the site being over three levels. This reflects the relationship of the existing building on the site with the ground levels. The design of the proposed apartment buildings is contemporary. However, these buildings do not front onto an existing highway and therefore views of these buildings will be fairly limited. As such, it is considered acceptable for the buildings to be of a contemporary design. Whilst the proposal does provide a substantial amount of built form across the site in comparison with the existing site, there are sufficient visual gaps provided throughout the development. As such, whilst the proposal does represent a substantial development on the site, it is considered that it is sympathetic to the general street scene and that the appearance of the Conservation Area will be preserved.

The amenity space for the proposed dwelling is equivalent in size to the gross floor area of the dwelling, which is in line with the requirements of the Council's SPG on Amenity Standards. Whilst the rear garden area does not make up 70% of the amenity space, the dwelling does have a reasonably sized rear patio area that provides for some private amenity space. As such no objections are raised with respect to the amenity provision for the dwelling. The 14 apartments can accommodate a total of 55 persons. In accordance with the SPG, 850 square metres of amenity space should be provided for the apartments. The scheme provides approximately 600 square metres of amenity space. Whilst this is below the Council's standards, Dinas Powys Common is within a very short walk of the site and a financial contribution will be payable through the Section 106 Legal Agreement to enhance nearby public open space. Therefore it is not considered that objections are sustainable in this respect. Furthermore, an appropriately sized area is designated for refuse and recycling purposes.

The development site is partly made up of the existing rear garden areas of Nos. 29, 31 and 33 Station Road. The smallest remaining garden will be for No. 33, which will still have an adequate rear garden area. As such, no objections are raised with respect to the remaining rear garden areas for Nos. 29, 31 and 33 Station Road.

The Highway Authority has no objection to the proposal subject to the imposition of conditions relating to engineering details and the provision and retention of the proposed parking area. Therefore no objections are raised in this respect.

In accordance with the Council's car parking guidelines, each flat should have one to two spaces and the dwelling house should have three spaces, plus visitor spaces for the development. This results in a range of 20 to 36 spaces. The development provides 22 No. parking spaces in addition to a cycle parking area. Furthermore, the site is a short distance from Dinas Powys railway station and a main bus route and a financial contribution will be payable through the Section 106 Legal Agreement to enhance sustainable transport facilities serving the site. Therefore it is considered that the provision of car parking spaces towards the lower end of the range of the Council's standards is acceptable in this sustainable location.

With respect the impact of the proposal on the amenities of the occupants of neighbouring properties, the proposed dwelling house is sited approximately one metre from the south side boundary with No. 37 Station Road. The proposed dwelling will not project substantially to the front or rear of this neighbouring property, which does not feature any flank windows. As such it is not considered that the proposed dwelling house will appear visually intrusive or overbearing to these neighbouring occupants. The windows in the south elevation of the dwelling are to be obscure glazed and the roof lights are high level. As such there will be no overlooking of this neighbouring property. The dwelling is located in excess of 3 metres from the rear (east) boundary. Whilst the dwelling will be clearly visible to the occupants of No. 1 Wesley Court when utilising their rear amenity space and habitable rooms, it is not considered that it will appear unduly overbearing or intrusive. The first and second floor windows in the rear elevation of the dwelling house will be obscure glazed to prevent overlooking whilst the ground floor French doors will be screened by the existing close boarded fence.

As a result of the levels of the site, the built form closest to the rear boundaries of the Nos. 29, 31, 33 and 35 will predominantly appear as single storey and will therefore not appear overbearing or visually intrusive to these neighbouring occupants when utilising their rear amenity space or habitable rooms. Furthermore, there are no windows serving habitable rooms proposed in this elevation (F-F). Elevation D-D will run adjacent to the boundary with the parking area serving the neighbouring apartments and therefore there will be no loss of amenity in this respect. The rear boundary of the site is predominantly an undeveloped wooded area of sufficient width to protect the amenities of the occupants of Elm Grove Lane properties. Any views from the front elevation of Units 13 to 15 will be relatively distant and oblique and will not result in a significant loss of privacy. The remaining properties bounding the site are Nos. 1 and 2 Wesley Court and No. 17 Cardiff Road. Only the very rear of the long garden of the latter property bounds the site and the area of garden in question features a number of sheds and outbuildings. Notwithstanding this, the part of the development adjacent to these properties is the parking and turning area rather than built form. Whilst there may be a degree of disturbance from the parking area, it is not considered that it will be to a level which is unusual in a residential area and therefore no objections are raised with respect to the impact of the proposal on the amenities of the occupants of these neighbouring properties.

Update

The Planning Committee deferred the planning application for a site visit at their meeting on 13 December 2007. This site visit is scheduled to take place on 17 January 2008.

A letter has been received from the Community Police Officer for the area. The letter is attached as Appendix B and outlines the ongoing youth annoyance in the area, including alcohol consumption, general anti-social behaviour and vandalism to the building. The Officer believes the area would benefit from the destruction of the building and improve the quality of life for residents in the area.

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 HOUS2, HOUS8, ENV27, ENV20 AND TRAN 10 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the approved Supplementary Planning Guidance Amenity Standards, it is considered that the proposed development would amount to an appropriate form of development within the settlement boundary of Dinas Powys, would preserve the character and appearance of the Conservation Area and would not cause demonstrable harm to the established character or pattern of development in the locality, the amenities of neighbouring properties, highway safety and other interests of acknowledged importance.

RECOMMENDATION

Subject to the applicant first entering into a Section 106 Legal Agreement to include the following necessary planning obligations:

- The developer shall pay the sum of five thousand pounds (£5,000) to the Council to improve Sustainable Transport Facilities serving the site.
- The developer will provide public art on site to a value of a minimum of 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. In this case the 1% for art has been calculated as eight thousand four hundred and seventy one pounds and twenty five pence (£8,471.25).
- The developer shall pay the sum of ten thousand pounds (£10,000) to the Council to provide or enhance Community Facilities in the vicinity of the site.
- The developer shall pay the sum of twenty thousand pounds (£20,000) to the Council to provide or enhance public open space or recreation facilities likely to be used by the 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 (£921.60 in this case).

APPROVE subject to the following condition(s):

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

Reason:

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

2. Prior to their use in the construction of the residential development hereby approved, details of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory standard of development and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

3. This consent shall only relate to the amended plans received by the Local Planning Authority on 7 November 2007 and the development shall be carried out strictly in accordance with these details.

Reason:

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

4. The first and second floor windows in the east and south elevations of the dwelling hereby permitted shall be fitted with obscure glazing at the time of the construction of the development hereby approved and prior to the first beneficial use of the dwelling house and shall thereafter be so maintained at all times.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order), no development falling within Classes A to E of Part 1 or Class A of Part 2 of Schedule 2 to the said Order shall be erected, constructed or placed within the curtilage of the dwelling house hereby permitted unless planning permission is first granted by the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of the development and its impact on the character and appearance of the area.

6. Prior to commencement of development of the dwelling house, details of the roof lights which shall be of a conservation type, to be inserted in the north elevation of the dwelling house, at a scale of 1:20, 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 details.

Reason:

To ensure the visual amenities of the Conservation Area are safeguarded.

7. Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering details of the road layout with sections, street lighting and surface water drainage have been submitted to and approved by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure that the proposed access is constructed in accordance with the Highway Authority's standards for adoption in the interests of highway safety.

8. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details shown on the approved plans and details and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

9. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development which shall include indications of all new planting and all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason:

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

10. 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.

11. Prior to commencement of development, full details of the on-site provision for cycles including covered and secured storage shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented on site prior to the first beneficial occupation of the development hereby approved and shall thereafter be so retained at all times.

Reason:

To ensure that satisfactory cycle parking is provided on site to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

12. Prior to commencement of development, full details of the refuse and recycling area shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented on site prior to the first beneficial occupation of the development hereby approved and shall thereafter be so retained at all times.

Reason:

To ensure that satisfactory refuse and recycling storage is provided on site to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

NOTE:

1. **Please note that a Legal Agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**

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

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

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

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

2007/00643/FUL Received on 25 October 2007

Mr. Andrew Bower, 39, Montgomery Road, Barry, Vale of Glamorgan., CF62 7DB
Mr. Andrew Bower, 39, Montgomery Road, Barry, Vale of Glamorgan., CF62 7DB

39, Montgomery Road, Barry

Proposed new porch to front elevation, proposed conservatory, utility room and bathroom to rear elevation

SITE DESCRIPTION

The application site relates to an extended semi detached dwelling located on the south side of Montgomery Road, Barry. The dwelling sits within a sloping site, which falls away to the rear, and the rear garden is a full storey below the ground floor level of the dwelling. The application dwelling is served by an elevated patio area which provides access to the lower rear garden by external stairs. The dwelling has been extended by way of a two storey side extension and lower ground level store.

DESCRIPTION OF DEVELOPMENT

The proposal relates to a lower ground and ground floor extension on the rear elevation and a porch on the front elevation.

The lower ground floor extension will be constructed to the side of the existing store and will measure 3.8 metres in depth by a width of 5.2 metres to accommodate a bathroom, internal stairs and access onto the steps. The ground floor extension will be built over the existing lower ground level store and the extension will accommodate a hipped roof conservatory 7 metres in width by a depth of 4.7 metres, with an eaves height of 4.5 metres and ridge height of 5.1 metres (measured from lower ground floor level). The conservatory is shown to have a low level dwarf wall constructed in facing bricks with a glass roof and obscure glazing on both side elevations, with white UPVC glazing bars. This scheme is as amended following discussions between the applicant and your officers.

The proposed porch to the front of the dwelling is 2.9 metres in width by a depth of 2 metres with an eaves height of 2.4 metres with a ridge height of 3.7 metres. The porch will have a hipped gazed roof and glass elevations.

PLANNING HISTORY

89/00913/FUL – Extension to provide 2 bedrooms and a disabled bedroom on ground floor and store. Approved 18 August 1989.

CONSULTATIONS

Barry Town Council were consulted on 21 May 2007 and comment that this application raises a number of concerns which it is hoped will be given very careful consideration during the determination process:

1. The design, forward projection and finish of the front porch.
2. The large scale and design of the rear conservatory: its impact on the privacy of neighbouring residential occupiers and local visual amenity.

On the amended scheme the following comments were made:

Objection. The amended plans continue to raise serious concern despite the reduction in the width of the rear conservatory particularly in respect of its large scale, projection and height above the rear garden and its impact on local visual amenity.

The Director of Legal, Public Protection and Housing Services (Environmental Health) was consulted on 21 May 2007 and has responded with no comments to make

REPRESENTATIONS

Adjacent occupiers were consulted on the original and amended plans.

To date the occupier of the adjacent dwelling of No. 41 Montgomery Road has raised an objection to both the original and amended plans. The main objection raised in respect of the amended plans relate to the fact that the extension is imposing and it would result in a loss of view, loss of light and would darken the steps leading down into the garden.

The occupier of No. 37 Montgomery Road has objected to the original scheme on the basis of the size of the conservatory, although no objection is raised to the principle of a conservatory.

REPORT

Consideration of the application was deferred from the Planning Committee of 13 December 2007 to enable Members to visit the site. It is anticipated that this site visit will take place on 17 January 2008.

Planning Policies

The following Policies contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 are applicable.

ENV27 – DESIGN OF NEW DEVELOPMENTS

TRAN10 – PARKING

Also relevant is the adopted Supplementary Planning Guidance on Amenity Standards.

Issues

The rear elevations of the application dwelling and the adjacent dwellings due to the lower garden levels appear as three storey dwellings when viewed from the rear. Therefore the proposed extension at ground floor level would be in an elevated position when viewed from the lower garden levels.

Furthermore due to the elevated nature of the rear elevations, the principal habitable windows at ground floor level can be overlooked from the elevated patio areas of adjacent dwellings, as the boundary walls and fences between dwellings are located at the lower ground floor level. In this regard any extensions require careful consideration particularly in respect of the impact on the visual amenity and privacy of neighbouring occupiers.

The original scheme proposed a full width conservatory, at ground floor level which would have been located directly adjacent to the boundary with No. 41. It should be noted that the adjacent dwelling has also been extended by way of a single storey extension to the side of the dwelling, with patio doors in the rear leading to an elevated patio area. Therefore the proposed conservatory would have projected some 3.7 metres directly adjacent to the boundary. Furthermore the adjacent dwelling (No. 41) is also located at a lower level (approximately 1 metre lower) and therefore the proximity of the extension to the habitable window of the side extension of No. 41 was considered to result in an overbearing form of development. In addition the elevation directly adjacent to the boundary was shown to be clear glazed above the dwarf wall, which would also have resulted in a significant loss of privacy to the adjacent occupiers patio and provide views into the living room.

The applicants were advised that whilst the principle of a conservatory may be considered acceptable, the overbearing impact and opportunities for overlooking would need to be addressed.

Following further discussion and negotiation, amended plans have been submitted for a revised conservatory which is of an amended design and size and is now shown to be set off the boundary with No. 41 by 0.4 metres and the depth of the conservatory which will be 'side on' to the boundary is now reduced to 2.9 metres (a reduction of 0.8 metres) with the remainder of the side elevation conservatory splayed at an angle. Furthermore the amended plans now detail obscure glazing to both side elevations, above the dwarf brick wall. It is considered that the reduced depth of the side extension and set back from the boundary, as a whole reduces the level of impact on the occupiers of No. 41 Montgomery Road, to a point where the level of harm is not considered to warrant refusal of this application. Moreover it should be noted that the existing situation (that is the elevated patio area of the application dwelling), affords considerable level of overlooking over the patio area and rear habitable windows of No. 41 Montgomery Road and therefore the proposal will actually improve the level of privacy to the adjacent occupier.

In relation to the impact of the adjoining occupier of No. 37 Montgomery Road, it was also considered that the original scheme would have an overbearing impact and loss of privacy to the occupiers of this dwelling. Accordingly the revised plans now show the conservatory to be set off the boundary by 1.7 metres, which with a reduction in the depth of the extension and obscure glazing is now considered acceptable in relation to the level of impact on the occupiers of No. 37 Montgomery Road.

In terms of the impact of the extension when viewed from the rear, the proposal will be visible from the rear gardens of the adjacent properties, however the reduced width of the extension, will reduce its prominence and impact on the application and adjacent dwellings. It should be noted that there are other examples of extensions on the rear elevations of the dwellings on this side of Montgomery Road including a conservatory and therefore the extension will not be out of character with the rear elevations.

In relation to the proposed porch on the front elevation this is of a limited size and scale and whilst it comprises of glazed elevations and roof, the front elevation of the dwelling is set back some 11 metres from the road frontage and is fairly well screened. As such the proposed porch is not considered to adversely impact on the character of the dwelling or the wider street scene.

The dwelling as extended will still be served by adequate provision of amenity space and provision for off street parking in line with the Council's standards.

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 regards to Policies ENV27 – Design of New Developments and TRAN10 – Parking, the proposed extension in terms of its scale, design and materials is considered acceptable in relation to its impact on the character of the existing and neighbouring dwelling, the wider street scene and would not impact on the amenities of adjacent occupiers.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the plans registered on 4th May 2007 other than where amended by plans reference 07/00643/FUL/ A, B, C, D received on 25 October 2007 and plan reference 07/00643/FUL/E received on 18 October 2007 and plans reference 07/00643/FUL/F, G received on 1 October 2007.

Reason:

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

3. The side elevation windows in the conservatory shall be fitted with obscure glazing (as detailed on the proposed plans) at the time of the construction of the development hereby approved and prior to the first beneficial use of conservatory and shall thereafter be so maintained at all times.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

NOTE:

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

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

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

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

2007/00751/FUL Received on 24 May 2007

Clearwater Property Company Ltd Firdene, Windsor Walk, Weybridge, Surrey.,
KT13 9AP

RIO Architects, 21A, Allensbank Road, Heath, Cardiff., CF14 3PN

67-79, Dochdwy Road (Shopping Parade), Llandough

18 self-contained residential units over three storeys to replace demolished mixed use building

SITE DESCRIPTION

The site relates to an area of land situated within a residential estate. The site adjoins a school and a play area exists to the rear of the site.

The site was until recently occupied by commercial (retail) units with flat accommodation above, believed to be six flats. These buildings were demolished as the units had been vacant for some time and were subject to vandalism. This building was approximately 6.5metres high with two access points serving the site. A rear parking area and service area for the commercial use was included.

DESCRIPTION OF DEVELOPMENT

To construct a three storey block of residential accommodation. The accommodation to provide 6 x 1 bed flats and 12 x 2 bed flats. The materials of construction will include cedar cladding, white render, blue engineering brick with zinc cladding. The roof will be generally a flat roof of single ply membrane

The building will have a maximum height of approximately 10 metres. The building will be set down below the road (Dochdwy Road), as was the original building on the site, by approximately 2 – 2.5 metres. The building will be approximately 3.8 metres higher than the original, now demolished building on the site.

23 parking spaces are shown on site. A further two spaces are shown in a lay-by to the front of the site. 17 bicycle parking spaces are shown. These are not indicated as covered areas.

Access to the site would be via an 'in' and 'out' arrangement accessed off Dochdwy Road in approximately the same location as the current access points but with a reconfigured geometry.

PLANNING HISTORY

05/00994/PND - Prior notification of demolition of the commercial and residential building on the site. The building has been demolished.

The commercial units were subject to applications. The most recent was an appeal approval for a takeaway unit in 2000 (ref: 99/00563/FUL).

CONSULTATIONS

Llandough Community Council comments: 'Does not oppose the application but would suggest that the Vale of Glamorgan Council ensure that access through to the Adventure Playground is secured and that the car parking area that was available at the former shopping precinct is secured if this proves possible.'

Further comments advise that: "The Council would like to see the development embrace a small shop unit to address the demand for such a facility and the fact that a number of shopkeepers have approached the Council expressing an interest in setting up business in Llandough.

The Council looks forward to the footpath between Dochdwy Road and Cogan Pill Road being re-opened at the earliest opportunity.

The Council is concerned that there is already a parking issue in this part of Dochdwy Road and the development proposed may exacerbate the position if there are insufficient car parking spaces built into the design."

Environment Agency Wales' standard advice notes apply.

The Head of Visible Services (Highway Development) comments: "Further to receiving amended plans in relation to the above, the Highway Authority would advise that based on the proposed alterations to the site access/egress and the financial contributions (via a Section 106 Agreement) to enhancing public transport facilities within the area of the site, there is no objection to the development proposals provided that the following details are made conditional to the planning consent.

1. Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering details of the proposed site access and egress have been submitted and approved in writing by the Local Planning Authority.
2. The area of adopted highway identified on the amended site layout plan (Drawing. No. 05075-SK105) bounded in blue, shall be extinguished under Section 247 of The Town and Country Planning Act 1990 before commencement of works at the site.
3. The proposed parking provision within the boundary of the development site as shown on the submitted plans shall be provided before first beneficial occupation of any dwelling and there after maintained and retained at all times for the purpose associated with the development.
4. The proposed cycle parking within the boundary of the development site as shown on the submitted plans shall be provided before first beneficial occupation of any dwelling and there after maintained and retained at all times for the purpose associated with the development."

The Head of Economic Development and Leisure (Public Rights of Way Officer) has advised that there is no definitive public right of way on the site, namely:

“Further to our telephone conversation this morning, I confirm that the above application is not affected by any public rights of way shown on the Definitive Map.

However, I am aware of one issue that has been of concern to residents which involves previous informal access across the site to reach a park adjacent to the proposed development. However, there is at present no formal public right of way that would enable such access, nor have I received an application under Section 53 of the Wildlife and Countryside Act 1981 claiming such a path or requesting that one be added to the Definitive Map, though I have informed residents of such a procedure.”

The Director of Community Services – No comments have been received to date.

The Director of Legal, Public Protection and Housing Services (Environmental Health) has “ No comment”.

Dwr Cymru/ Welsh Water have no objections subject to standard conditions.

The Head of Visible Services (Operational Manager Parks and Grounds Maintenance) objects to the principle of the development. “The Council has had vehicular and pedestrian access to the public open space known as Cogan Pill across the application site for a period of 20 years. I cannot see anywhere in the application that indicates that this is available. I require that this access is shown with dedicated pedestrian and vehicular to Cogan Pill that is open at all times and not restricted. “

Glamorgan Gwent Archaeological Trust advise that whilst the record is not definitive they have no objection to the determination of the application.

Councillor Colin Osborne requests a site visit is undertaken and raises concerns about a possible right of way through the site; considers that the application should be refused on grounds of over development and adverse effect on privacy and amenity. Matters concerning a caretaker and accommodation of such are also raised. See Appendix A.

REPRESENTATIONS

Nos. 1, 2, 3, 4 Waverley Close, No. 7 Grassmere Close, Nos. 51, 53, 55, 57, 59, 61, 63, 65, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98 and Llandough County Primary School, Dochdwy Road, No. 3 Summerland Crescent, and No. 1 Waverley Close were consulted. A site and press notice was posted on 15 June 2007.

Twenty two letters of representation were received. Seven letters are reproduced as Appendix B being generally representative of the views expressed. All comments are retained on file should Members wish to inspect them. In summary, the concerns of respondents relate to noise from vehicles, overlooking, intensity of use, traffic, height of the proposed building, parking, materials of construction and loss of shopping facilities.

REPORT

Planning Policies

HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT

HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA

HOUS11 - RESIDENTIAL PRIVACY AND SPACE

TRAN9 - CYCLING DEVELOPMENT

TRAN10 - PARKING

ENV27 - DESIGN OF NEW DEVELOPMENTS

SHOP9 - PROTECTION OF RETAIL USES

ADVICE CONTAINED IN PLANNING POLICY WALES, ASSOCIATED TAN'S, AND SUPPLEMENTARY PLANNING GUIDANCE 'AMENITY STANDARDS, SUPPLEMENTARY PLANNING GUIDANCE 'SUSTAINABLE DEVELOPMENT' .SUPPLEMENTARY PLANNING GUIDANCE 'PUBLIC ART' .

Issues

The site is considered to be a Brownfield site and lies within the settlement boundary as defined for Llandough in the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011.

The site is referred to in the Development Plan under Policy SHOP9 'Protection of Retail Uses'. This policy favours the retention of retail units. The policy seeks to protect from the 'intrusion of offices and other non-retail users'. It is noted that the site was demolished in early 2007 under the 'prior notification' procedure due to the presence of the flats (residential units). The Local Planning Authority therefore had no control over the retention of the building housing these commercial/retail units. It is noted that the retail units were subject to high vacancy rates in recent years and more recently, due to the vacancy the building, suffered from vandalism and anti- social behaviour. The comments of the Community Council and residents are noted, including those welcoming the demolition of the retail units, however it is not considered that refusal of the scheme as now presented on grounds that it does not include any retail or commercial uses could be supported by this policy.

The site has been cleared of the former two storey mixed commercial and residential development. The scheme seeks to erect a three storey contemporary design block of flats. Whilst the development will be higher than the previous development on the site in principle this would not be unacceptable. Consideration of the impacts of the increase in height on the street scene and on the amenities and privacy of adjoining occupiers is required. In relation to the street scene the fact that the site sits below road level results in the increase in height being accommodated in the street scene without detriment to the wider amenity of the area.

In terms of the impact on the nearest dwellings there are two main issues raised in the representations. The first to be considered is the reference to loss of view, which is not a material planning consideration.

The wider public interest regarding visual impact as indicated above is not adversely affected to any degree to warrant a refusal of the scheme on this ground. The design of the building, whilst of contemporary nature, is not considered to affect the character of the residential area and is an enhancement over the appearance of the building which was recently demolished on the site.

In relation to the possible effect on the amenity of existing dwellings the scheme incorporates balconies to only four flats, these being on the second floor to the rear elevation facing towards the rear of Waverley Close properties. The former building had a rear access/balcony area running the whole length of the rear of the building serving all the flatted development at first floor. There was an external rear staircase to access this balcony area. The position of this balcony and access staircase enabled views towards the rear gardens of the dwellings at Waverley Close. The distance of overlooking from the original building was approximately 19 metres.

The scheme as now submitted will include balconies for only four of the units, at second floor level, and which are 21 metres from the rear of the dwellings at Waverley Close. Consideration should be given therefore as to the effect of this development over and above any overlooking that would have occurred with the balcony area at first floor level in the original building. Having regard to the pre-existing condition the development is not considered to diminish the amenity of these residents to any degree which would warrant refusal. The distance of the proposed building to the properties on Dochdwy Road at the front of the site remains at a similar distance to the original building i.e. approximately 29 metres.

In terms of the amenity of the occupiers of the flats, the proximity of the pavement to the flats at the front of the site reflects the arrangement found in the original building on the site. In terms of amenity space, the four units at second floor will have private balconies. Areas of amenity space are provided to the front of the site to serve the ground floor units albeit this will be overlooked from the pavement. Enclosure treatments may be able to provide a degree of privacy and will be required to be agreed by condition if approved.

Minor incidental areas of landscaping are proposed to the rear of the parking area. As a consequence of this under provision account has been taken of the proximity of the site to existing open space and play area. Subject to the contributions for the open space/play area enhancement referred to in any Section 106 Agreement referred to below the development is considered acceptable.

The access arrangements as proposed have been the subject of discussion with the highway development section and are now considered to produce a safe entrance and exit in relation to the school entrance. An 'in ' and 'out' arrangement has been indicated following discussion with the Highway Development Section. The arrangement would improve the safety of users of the school entrance and provide a safe access for proposed users of the site. There is no public footpath or public right of access over the site to the play area. Whilst the comments of the Operational Manager Park and Grounds Maintenance are noted this is a 'civil' land ownership matter, not for consideration as part of the planning application.

The level of parking provision, the need to encourage, and where appropriate enhance public transport and pedestrian and cycling movements have all been assessed. The provision of on-site bicycle parking is welcomed however to maximise its potential use on a regular basis the provision should be in the form of secured, covered parking. A condition to this effect will therefore be required.

The enhancement of public transport services has been addressed and is covered in the paragraph below in relation to Section 106 contributions.

In considering residential development of this scale consideration is required as to the need for Section 106 contributions. The areas considered relevant to this scheme relate to education, public art, public open space and public transport. The response from the Learning and Development Office indicates that given the nature of the accommodation the development would not generate sufficient pupils to warrant planning gain. The appropriate level of contributions are therefore listed as:

Public Art	£9,678.00	
Public Transport	£10,000.00	In the form of enhanced bus stop and information provision
Public Open Space	£40,000.0	To upgrade the existing play area
Section 106 Officer Administration Fee	£1,137.60	
TOTAL	£60,815.60	

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 SHOP9 'Protection of Retail Uses', HOUS2 'Additional Residential Development', HOUS8 'Residential Development Criteria', HOUS11 'Residential Privacy and Space', TRAN9 'Cycling Development', TRAN10 'Parking' and ENV27 'Design of New Developments' the design, scale and form of the development are considered acceptable. The access and level of parking provides a safe and adequate level of onsite parking and connection to the highway. The arrangement of the development is acceptable in relation to adjoining neighbours' privacy and amenity and does not affect the visual amenities or the character of the area and street scene.

RECOMMENDATION

Subject to the applicant first entering into a Section 106 Legal Agreement to include the following necessary planning obligations:

- The Developer shall pay the sum of ten thousand pounds (£10,000) 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. In this case the 1% for art has been calculated as nine thousand six hundred and seventy eight pounds and (£9,678).
- The Developer shall pay the sum of forty thousand pounds (£40,000) to the Council to provide or enhance public open space or recreation facilities likely to be used by the 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 (£1,137.60 in this case).

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the plans registered on 24 May 2007 other than where amended by plans reference 05075-SK105 received on 26 November 2007 and RIO106 additional drawing received on 3 July 2007.

Reason:

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

3. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the first beneficial occupation of the development and which scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason:

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

4. 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 Policy ENV27 of the Unitary Development Plan.

5. The development shall not be brought into beneficial use until the approved access has been constructed in accordance with the approved plans and the access shall thereafter be so retained to serve the development hereby approved.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

6. Prior to the construction of the access points with the public highway full engineering details of the access points shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into beneficial use until such time as that junction has been constructed in accordance with the approved details.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

7. No part of the development hereby approved shall be brought into beneficial use until such time as that area of highway shown edged blue on Drawing No. 05075-SK105 has been formally stopped up in accordance with Section 247 of the Town and County Planning Act 1990.

Reason:

To ensure a safe highway arrangement to meet the requirements of Policy ENV27 of the Unitary Development Plan.

8. All means of enclosure, including enclosure of the bin store areas, and gates 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 and the means of enclosure and gates shall be implemented in accordance with the approved details prior to the development being put into beneficial use unless the Local Planning Authority gives prior written consent to any variation.

Reason:

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

9. Notwithstanding the submitted details, details of secure and enclosed parking on site for bicycles shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme of parking for bicycles shall be fully implemented on site prior to the first beneficial occupation of the development hereby approved and shall thereafter be so retained at all times to serve the development.

Reason:

To ensure that satisfactory parking for bicycles is provided on site to serve the development, and to ensure compliance with the terms of Policies TRAN9 and ENV27 of the Unitary Development Plan.

10. Prior to the laying of the slab for the building details of the finished floor levels in relation to existing ground levels and finished ground levels and in relation to the highway level at Dochdwy Road shall be submitted to and approved in writing by the local planning authority and the development shall thereafter be carried out in accordance with the approved levels.

Reason:

To safeguard local visual amenities, as required by Policy ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011.

11. Prior to their use in the construction of the development hereby approved, samples of the materials to be used in the external finishes of the building, parking areas and access surfaces shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details unless the Local Planning Authority gives written consent to any variation.

Reason:

To ensure a satisfactory standard of development and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

NOTE:

- 1. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
- 2. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
- 3. This development is on adopted highway. For further details please contact the Highways Department, The Vale of Glamorgan Council, The Alps, Wenvoe, Cardiff; CF5 6AA. Telephone No. 02920 673071.**

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

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

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

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

2007/00869/FUL Received on 14 June 2007

Stephen Leeke, c/o Leekes Ltd., Mwyndy Business Park, Pontyclun., CF72 8PN
Stephen Leeke, c/o Leekes Ltd., Mwyndy Business Park, Pontyclun., CF72 8PN

Hensol Castle Estate, Hensol

Demolition of 2 no. former nurses 3 bedroom dwellings and erection of 1 no. 6 bedroom residential dwelling

SITE DESCRIPTION

The site relates to two dwellings situated within the grounds of the former hospital, namely within the grounds of the Grade 1 Listed Hensol Castle and historic gardens. The dwellings are of post 1947 construction, and are currently vacant.

DESCRIPTION OF DEVELOPMENT

The proposal involves the demolition of the two, three bed dwellings amounting to a total floor space of approximately 350²m in total, their garages and outbuildings and to erect one, six bed dwelling and double garage on the site. The dwelling will be of two storey construction with two side wings and a rear conservatory. The floor area of the two storey wings will measure approximately 5m by 7.2m and will be set back from the front and rear elevations by approximately 3metres. The ridge line of the side projections will be set down by approximately 1 metre. The proposed dwelling will have an overall floor area of approximately 500²m.

The dwelling will have walls of facing brick and render, with stone quoins and a roof of slate.

PLANNING HISTORY

The site was included in the application for the comprehensive redevelopment of the castle and grounds for a spa, hotel, residential development and holiday homes. Planning application reference 05/00087/FUL refers.

CONSULTATIONS

Penllyn Community Council were consulted in June 2007. No comments have been received to date.

Environment Agency Wales has responded with no objections subject to the capacity of the private sewage treatment works, and further standard comments.

The Head of Visible Services (Highway Development) has raised on objections subject to conditions regarding vision splays, gates and walls and pedestrian access.

The Head of Economic Development and Leisure (Public Rights of Way Officer) was consulted in June 2007. No comments have been received to date.

Cadw has responded with no objections and considers the development would not harm the surrounding historic parkland.

Dwr Cymru/ Welsh Water advise that there are no public sewers in the area. It may be possible for the developer to requisition sewers from Dwr Cymru/Welsh Water under Sections 98 to 101 of the Water Industry Act 1991.

Garden History Society were consulted on 28 June 2007. No comments have been received to date.

Glamorgan Gwent Archaeological Trust has responded with no objections.

REPRESENTATIONS

The application has been advertised but no comments have been received to date.

REPORT

Planning Policies

ENV1- DEVELOPMENT IN THE COUNTRYSIDE

ENV4 - SPECIAL LANDSCAPE AREAS

ENV16 - PROTECTED SPECIES

ENV17 - PROTECTION OF HISTORIC AND BUILT ENVIRONMENT

ENV27 - DESIGN OF NEW DEVELOPMENTS

HOUS7 - REPLACEMENT AND EXTENSION OF DWELLINGS IN THE COUNTRYSIDE

TRAN10 - PARKING

Issues

The site lies in an area of attractive rural landscape. This is further emphasised by the site's location within the boundaries of the Grade II Listed, historic garden surrounding the castle. The site is currently occupied by two dwellings of no particular architectural merit and which are both vacant. These properties are referred to in the Development Brief for the re-development of the castle and are noted as "two modern derelict houses...on the northern outskirts of the site, which may be brought back into residential use." (Page 14 of the Development Brief : Hensol Castle July 2004). It is considered that this reference to their poor condition, their generally poor design, and the fact that they have no value to the historic context of the Castle and Grounds, means that there is no objection to their demolition.

Consideration therefore should be given as to whether the replacement of two dwellings by one, albeit larger dwelling, will compromise policy for controlling development in the countryside and for preserving and/or enhancing the setting of the historic garden and castle. In terms of the latter the dwellings are located approximately 320m from the castle itself, therefore in terms of its immediate context they have no significant impact. However in terms of the castle grounds as a whole the dwelling will be seen as part of the wider setting. The dwellings to be replaced have a total floor area of approximately 350m², and it is considered that the replacement dwelling, although of a larger scale, is of a higher standard of design and, subject to use of materials, will improve the appearance of this part of the grounds. It is considered that the dwelling as proposed will be more compatible with the development in the immediate surroundings of the Castle and will enhance the setting of this part of the garden, a view supported by Cadw in their comments.

A number of requirements have been listed by the highway development section, however as this is a replacement dwelling of one for two units served by a drive off an existing private road, the driveway as indicated is considered adequate to provide safe and reasonable access to the site. There is adequate parking on the site. Details of any enclosure including gates will be required by conditions subject to approval.

Control is required over the extent of allocated curtilage for the dwelling as the amended point of access drive through the grounds could result in a significantly larger curtilage than that currently existing for the two dwellings. The properties have relatively large gardens extending to approx 0.36ha in total. The access as amended would run through an area of former woodland now cleared and could be planted in part along its length to further enhance the setting.

Other issues which have been considered include ecology, archaeology, access and drainage however, subject to conditions the development is considered to be acceptable.

Members should note that the proposal has been significantly amended from that first submitted in June 2007. The use of side wings/projections and rearward projections serve to reduce the impact of the proposal even further and also add interest to the design and appearance of the proposed dwelling.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV1 'Development in the Countryside', ENV4 'Special Landscape Areas', ENV16 'Protected Species', ENV17 'Protection of Historic and Built Environment', ENV27 'Design of New Developments', HOUS7 Replacement and Extension of Dwellings in the Countryside and TRAN10 Parking it is considered that the replacement of the two dwellings by one larger dwelling would not, in this instance, compromise planning policy for the control of development in the Countryside. The dwelling would be of a design and scale which enhances the wider setting of the historic garden and the landscape of this Special Landscape Area. The development would have no adverse impact on the privacy or amenities of adjoining land users and is served by an acceptable access and provides on-site parking.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. Prior to the commencement of development for the construction of the dwelling hereby approved the two existing dwellings on site shall be demolished and the resulting debris shall be removed from the site or reused in accordance with the Sustainability Statement paragraph 3.4.2 submitted with the application unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To ensure that only one dwelling remains on a site to meet the requirements of Policies ENV1, HOUS7 and ENV17 of the Unitary Development Plan.

3. The residential curtilage to serve the dwelling hereby approved shall be as outlined in green on the plan reference 07/20/002 attached to this decision notice.

Reason:

To safeguard the visual amenities and setting of the Listed Historic Garden at Hensol Castle and the setting of the Special Landscape Area and to meet the requirements of Policies ENV1, ENV17, ENV27 and HOUS7 of the Unitary Development Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the dwelling 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.

5. 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 the purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected or placed within the curtilage of the dwelling 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.

6. All means of enclosure, including any gates, 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.

7. The dwelling hereby approved shall be constructed in accordance with the details contained in the Design and Sustainability statement submitted with the application unless the Local Planning Authority give prior written consent to any variation.

Reason:

To ensure that the development meets the principles of sustainable development .

8. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason:

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

9. 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.

10. The demolition of the dwellings and development on the site shall be undertaken in accordance with the 'Disturbance of bat roosts Mitigation/Method Statement- Hensol Castle and Estate'.

Reason:

To ensure that protected species on site are safeguarded and to meet the requirements of Policy ENV16 of the Unitary Development Plan.

11. This consent shall relate to the plans registered on 14 June 2007 other than where amended by plans reference 07/20/002, 07/20/003 and 07/20/004 received on 20 December 2007.

Reason:

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

12. Prior to their use on site details, including samples, of the materials to be used in the external finishes of the dwelling 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 details unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To safeguard the visual amenities of the Special Landscape Area and the setting of the Historic Garden and to meet the requirements of Policies ENV4, ENV17 and ENV25 of the Unitary Development Plan.

NOTE:

1. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Countryside Council for Wales, 7 Castleton Court, Fortran Road, Cardiff; telephone number 02920 772400.

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

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

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

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

2007/01129/FUL Received on 27 November 2007

Robbick Property Ltd, C/O agent
Nightingale Associates, Tony Groves, The Old Convent, The Walk, Cardiff, CF24
3AG

The Old Cinema, Herbert Terrace, Penarth

Retention of A1 use into 3 units at ground floor. Addition of 34 studio flats on three upper floors with ancillary (refuse, plant, Lobby) at ground floor. Addition of Washington Gallery extension at first and second floor.

SITE DESCRIPTION

The application site comprises the former cinema building known as part of the Washington Buildings on the corner of Herbert Terrace and Hickman Road. The site is located within Penarth Town Centre and the immediate surrounding area contains a mix of residential and commercial uses typical of a town centre location.

The building to which the application relates abuts the mixed commercial and residential units fronting Stanwell Road including the Washington Gallery on the corner of Herbert Terrace. It also adjoins the car park area serving the existing Washington Flats and Washington Buildings. The site plan shows these buildings and car park are currently in the control/ownership of the applicant.

At ground floor the building is currently in A1 Use occupied by 'Hypervalue'. Above ground floor, the cinema building is vacant and has been for a significant length of time.

The site lies within the Penarth Conservation Area and is recognised as a County Treasure (ref: 903). The northern frontage on Herbert Terrace is recognised as a key frontage in the Penarth Appraisal, whilst the old cinema frontages are recognised as weak.

DESCRIPTION OF DEVELOPMENT

Planning permission is sought to redevelop the Washington Cinema, into a mix of three A1 Uses at ground floor and 34 studio apartments above.

The original plans proposed three A3 units at ground floor in the form of bar / restaurant uses with external canopies and outside seating areas on Herbert Terrace and Hickman Road. Following concerns being raised by South Wales Police, the Council's Environmental Health Department and neighbouring occupiers, the applicant amended the plans to retain A1 Uses at ground floor.

The redevelopment to provide residential accommodation above involves the addition of a mansard roof to provide a 3rd floor. It also involves window insertions in the frontage elevations with small 'Juliet' balconies. Cycle storage at a ratio of 1:1 is provided at ground floor along with a communal recycling and separate refuse storage area. No on-site car parking is provided.

The proposed development also includes an expansion of the Oriel Washington Gallery to provide additional exhibition space.

The application is supported by a design and access statement, statement of sustainability, planning supporting statement, bat survey and parking survey.

PLANNING HISTORY

The following recent relevant planning applications have been received in the vicinity of the site:

03/01586/FUL - Upper crust Sandwich Shop, No. 4, Washington Buildings, Stanwell Road, Penarth. To use area as a seating area for shop customers : 5 tables, 16 seats, change of use from A1 to A3. Approved 24 December 2003.

02/01645/FUL - Washington Buildings, Stanwell Road, Penarth. New residential development over existing commercial premises. Approved 3 July 2003.

99/01226/FUL - Washington Gallery/Coffee Shop, Stanwell Road, Penarth. Outside raised seating area with an additional entrance and disabled access. Approved 18 February 2000.

CONSULTATIONS

Penarth Town Council were consulted on 14 August 2007, their response dated 14 September 2007 stated: "That the application should be approved although concerns were expressed over the anticipated further demand on the already scarce and congested parking facilities in the surrounding area." They were reconsulted on amended plans and their response stated: "bearing in mind the initial observations, the Town Council raises no objection to the amendments proposed subject to the waste store not resulting in any loss of existing car parking provision."

Environment Agency Wales were consulted on 14 August 2007, and their response raised no objection to the proposals, their standard advice was attached.

Dwr Cymru/Welsh Water were consulted on 14 August 2007 and their response of 24 August stated no objection subject to standard conditions and advisory notes.

Glamorgan Gwent Archaeological Trust were consulted on 31 August 2007 and their response of 28 September stated it is unlikely that archaeological material would be located during the planned development.

South Wales Police have commented that the principles of 'Secured by Design' should be adopted. They note that any future residents with cars will have to park on the street and this is not ideal.

The Head of Visible Services (Highway Development) were consulted on 14 August 2007. Their initial response stated no objection to the proposed change of use at ground floor from A1 retail to A3 restaurant / bar use. However, the residential development is deficient by 41 car parking spaces. It is accepted that the development site is located within walking distance of good public transport links, nevertheless the Highways Authority are concerned about any additional demand for on street parking within the locality and the absence of servicing facilities for the development. A parking survey and further details of servicing arrangements was requested.

Following receipt of the parking survey Highway Development were reconsulted and their comments of 20 December 2007 acknowledge the survey results showing that during daytime (Mon-Sat) on-street parking is at or near capacity, but during evenings and Sundays there is spare capacity for parking on street in the vicinity of the site. They note that census data shows 55% of occupants of flats do not own a car. They acknowledge that the developer should be expected to pay financial contributions to enhance sustainable transport facilities serving the site and that the flats will be marketed as having no car parking. Therefore they conclude: "it is clear that the development proposals contribute to local and national policy and is situated in a sustainable location, within the town centre, close to all amenities and public transport facilities. Therefore, when taking into account national policy and guidance it is considered that on balance, it would be difficult to sustain an objection to the development proposals based on the absence of parking facilities in this particular location. "Further comments in respect of amended plans received on 18 December 2007 were received on 2 January 2008 which stated that the door to the bin store should not open over the public highway and the existing vehicular crossovers on Herbert Terrace and Hickman Road leading to the development site should be reinstated as public footway.

The Conservation and Design Group were consulted and their response dated 29 August welcomed the design approach to the development, and noted the importance of the site within the context of the Town Centre and Conservation Area. The proposed scheme for retention of the bulk of the building is considered to be appropriate and the treatment of the ground floor frontages is welcomed. The A3 uses would contribute to the visual vitality of the town centre. The proposals above ground floor are considered to enhance the existing building. It is important that a unified approach to canopies, shop front design and advertisements is achieved.

Vale of Glamorgan Conservation Advisory Group at their meeting on 13 September 2007 recommended approval.

The Council's Arboricultural Officer was consulted and has commented that the proposals are unlikely to cause harm to the street trees in the vicinity of the site.

The Director of Legal, Public Protection and Housing Services (Environmental Health) were consulted on 14 August 2007, their response dated 3 October raised issues with potential cooking odours from the proposed A3 use although no details of fume extraction have been provided to date. Issues of noise disturbance from outside eating, smoking and drinking areas were raised, in addition to noise and disturbance from typical A3 activities such as waste and bottle collection and deliveries. They advise the trading hours for the A3 units be restricted to 'office hours' (i.e. 08.00 to 18.00 Monday – Saturday and limited hours on Sunday) and restrict delivery and servicing activities to protect residential amenity. Noise transmission to the residential units above is raised as a major concern. They advise if the scheme is to be approved, sound insulation measures must be ensured to protect residential amenities. They were reconsulted on the amended plans, but no response has been received to date.

The Head of Visible Services (Parks and Grounds Maintenance (Street Trees)) were consulted on 31 August 2007. No response to date.

The Head of Visible Services (Waste Management) commented on 1 November 2007 that the residential element should make adequate provision for 68 refuse bags (i.e. 2 per household). The preferred provision would be in the form of either 240ltr or 360ltr wheeled style bins which hold 5 and 7 bags respectively, as these are easier to handle and manoeuvre. They comment that designated areas for recycling storage should be available and that the commercial premises should have separate areas for waste/recycling storage to the domestic units. The amended plans showing the external bin store area were sent for further comments on the 18 December 2007 and no response has been received to date.

The Head of Economic Development & Leisure (Ecology) has commented that the bat survey shows there is little opportunity for bats to roost or utilise the building or the vicinity of the site or evidence of bat activity. Therefore no action is required, but contractors should be made aware of the possibility of bat disturbance.

REPRESENTATIONS

Nos. 2, 3, 4, 5, 6, 7, 8 Herbert Terrace; Flats 1, 1a, 1b, 2, 2a, 3, 4, 4a, 4b, 5, 5a, 6, Washington House; Nos. 3, 4 & 5 Washington Chambers; Nos. 5, 6, 7, 8, 9, 10, 11 & Westbourne School, Hickman Road, Nos. 3a, 5 & 8 Stanwell Road; No. 8 Henry Street, Nos. 4, 5, 6, 8, 9, 10, 11 & 12 Washington Buildings, Apartments 1, 2, 3, 4, 5, & 6 Llofft Washington; No. 7 Archer Road were consulted on 14 August 2007 and re-consulted on 28 November 2007.

The application was advertised as a major application and three site notices were displayed on 14 August 2007 and 28 November 2007.

10 written representations were received in respect of the originally submitted plans and are summarised as follows:

- The change of use would destroy levels of privacy and low levels of noise currently enjoyed by residents of Herbert Terrace.

- The windows / balconies proposed are only 18m from windows of habitable rooms opposite.
- The outside seating areas would cause noise and disturbance and possibly anti-social behaviour.
- The absence of any car parking provision will add to existing deficiencies in the immediate and wider vicinity.
- The residential development will create an additional 60 cars in the area.
- The proximity to the school causes additional traffic problems.
- No objection to the extension to the Washington Gallery.
- The building is in a Conservation Area and the majority will be destroyed.
- There will be additional refuse and waste, which has already been a problem with the existing A1 use.
- The outside areas will be used by smokers and potentially damage health.
- The servicing delivery to the A3 uses will cause noise and disturbance.
- There will be light pollution from lit windows in the new development.
- General noise, pollution and disruption during the construction.
- The area is town centre for small businesses not dwellings.
- The existing business is thriving and should not be pushed out.
- The residents will take up parking needed by public using the nearby businesses in the town centre.
- The number of flats is excessive.
- During construction, parking for the existing Washington Flats and Lofts will be affected.
- There will be loss of privacy from overlooking windows to the flats in Washington House, resulting in loss of light from blinds having to be drawn.
- There will be a huge amount of waste generated by 34 studio apartments.
- Impact upon the Victorian drainage system.

A further 7 written representations were received in respect of the amended plans, the comments are summarised as follows:

- Welcome the deletion of the proposal for café / bars at ground floor which would have caused disruption to local residents.
- Note concern about splitting the A1 unit into three units thereby tripling the noise and disturbance created by delivery vehicles, service vehicles and customer vehicles.
- The proposal to share the existing waste area used by Washington Buildings and Washington Lofts is not acceptable as these are currently over capacity and an eyesore.
- Other objections still stand: namely loss of privacy, impact on Conservation Area, increased traffic and lack of parking.

A typical letter of representation is attached at Appendix A.

REPORT

Planning Policies

Policy 2 (Sustainability) and Policy 8 (Transportation):

Favour proposals which encourage sustainable practices, including developments which are located to minimise the need to travel especially by car and help to reduce vehicular movements.

Policy 9 (Retailing) states that the vitality, attractiveness and viability of town centre shopping facilities will be protected and enhanced.

Policy 11 (Sport and Recreation) seeks to address existing deficiencies in sport and recreational facilities by favouring the provision of such facilities to meet existing and anticipated need.

Policies ENV17 (Protection of the Built and Historic Environment) and ENV20 (Development in Conservation Areas) seek to ensure new developments preserve or enhance the character of Conservation Areas.

Policy ENV27 (Design of New Developments) establishes criteria by which all new developments should be assessed in relation to its context to achieve appropriate sensitive new development that promotes creative and imaginative design within the Vale of Glamorgan.

Policy ENV28 (Access for Disabled People) states that buildings which are open to the public will be required to provide suitable access for customers, visitors or employees with mobility difficulties.

Policies HOUS2 (Additional Residential Development) and HOUS8 (Residential Development Criteria) permit redevelopment of sites for residential within settlement boundaries subject to criteria being satisfied in respect of: the scale, form and character being sympathetic to the environs of the site, no unacceptable effect on neighbouring environments, no unacceptable impact upon good quality agricultural land, that the provisions of Policy REC3 are met, car parking and amenity is in accordance with the Council's guidelines, and adequate community and utility services are available.

Policy TRAN10 (Parking) states that parking must be provided in accordance with the parking guidelines taking account of land use, its density and location, accessibility to public transport facilities and capacity of the highway network.

Policy SHOP10 (Upper Floors in Town and District Shopping Centres) permits the beneficial use of upper floors in town centre locations and states that in respect of residential uses, the Council will adopt a flexible approach in assessing the need for amenity space and parking spaces.

Policy REC3 (Provision of Open Space within New Residential Developments) requires the provision of public open space within new residential developments at a standard of 2.43 hectares per 1000 projected population. Where on site provision is impractical, the Council may accept off site contribution payments in lieu of on site provision.

In addition the following supplementary planning guidance (SPG) are relevant to the application:

- Amenities Standards SPG
- Penarth Conservation Area SPG
- Public Art SPG
- Sustainable Development SPG

Issues

The application seeks permission for the redevelopment of an existing building to retain A1 uses at ground floor and introduce new residential development above ground floor to create 34 studio apartments. The scheme also includes an internal extension to the Washington Gallery which is acceptable in planning policy terms and has been welcomed in the written representations received from the local community.

The subdivision of the existing A1 unit (currently a Hypervalue store) into three separate units does not require planning permission under the Town and Country Planning (Use Classes) Order 1987. Therefore the consideration of this application relates primarily to the proposed residential element, and a number of issues must be considered to satisfy the relevant planning policies.

Parking and Highways

One of the main concerns raised by local residents is the impact of the proposals on traffic and parking in the vicinity of the site given the number of units and the absence of any designated on site parking to serve the residential or commercial units.

It is acknowledged that the proposal does not meet the Council's guidelines for car parking which were adopted in 1993 and require the provision of 41 spaces. However, given that the site is located within a town centre, in very close proximity to local shops, facilities and services as well as good quality public transport links, it is considered a pragmatic approach to parking should be considered, in line with Policy SHOP10. This stance is supported by advice contained in Planning Policy Wales (2002) and TAN18 (Transport) 2007, which emphasise the need to reduce the need to travel and the reliance on the private car to travel.

The Parking Study submitted on 4 December to support the application shows that whilst on street parking is at or near capacity during the day on Monday to Saturday, on Sunday and in the evenings there is spare parking capacity on street and this could be utilised by residents and visitors to the proposed development. It also states that the 2001 Census showed 55% of flat occupiers do not own a car or van, which increases to 64% for single occupancy flats. Furthermore it states that the flats will be marketed as having no car parking spaces and non-car-owners will be attracted to the development.

In light of this, the Highway Authority has not raised an objection to the lack of parking, provided that an appropriate financial contribution is provided through a Section 106 Agreement to provide or enhance sustainable transport facilities, such as cycleways, cycle parking, public transport facilities, or pedestrian facilities. In this case, a contribution of £70,000 is sought to provide such facilities.

It is considered that the unique circumstances of this development in terms of its location (i.e. proximity to local services and sustainable transport links), the type of units proposed (i.e. likely to be single occupancy) and the fact that future occupiers will be aware they have no car parking available, are sufficient reasons to overcome concerns about the absence of car parking. In addition secure cycle parking is provided at ground floor for all residents and a condition is recommended to ensure its future retention.

A condition is attached in respect of the reinstatement of the adopted footway on Hickman Road adjacent to the application site in accordance with the Highway Authority's comments.

Amenity Space and Public Open Space

The proposal does not include any useable outdoor amenity space or public open space, although the majority of the flats do have 'Juliet' style balconies. As such, the proposals fail to satisfy the Council's guidelines contained in the Amenity Standards SPG which require 20²m per person based on the maximum number which can be accommodated; in this case 68 people require 1360²m of amenity space. However, Policy SHOP10 favours the beneficial use of upper floors in town centre locations and states that in respect of residential uses, the Council will adopt a flexible approach in assessing the need for amenity space.

In addition, Policy REC3 requires the provision of around 1650²m of public open space. Given the restricted nature of the site (being only 676²m in area) it would be impractical to provide this on site. Therefore, a financial contribution of £80,000 is sought to provide or enhance public open space in the vicinity of the site likely to be used by future occupiers. This contribution can be used to enhance nearby outdoor space or access to it for future residents to compensate for the absence of onsite provision.

Waste and Recycling

Amended plans received on 18 December 2007 show the provision of an internal area for recycling storage and an external area for waste storage to serve the residential units. The waste storage area contains ten 360ltr wheely bins which can hold up to 70 refuse sacks, which is adequate to serve the residential units. The refuse storage area will be enclosed with 2.5m high rendered walls to match the main building which will preserve the visual amenity of the site in the streetscene. A condition is recommended to ensure the management and maintenance of the waste and recycling storage areas can be controlled.

Impact on Neighbouring Properties

The issues of smells, noise and disturbance from the A3 units and external seating areas raised in initial written representations are considered to be overcome by the amendments to the application to retain A1 uses at ground floor rather than introducing new A3 units.

In terms of impact upon privacy, the concerns raised by neighbours primarily relate to direct overlooking from facing windows. Some of the flats in Washington House have primary windows to habitable rooms facing the cinema building where new windows will be inserted as part of the redevelopment. The new windows proposed at first and second floor level are only 2.5m from the Washington House building. The proposal seeks to resolve this issue by angling the windows and Juliet balconies away from the face of the Washington House building, thereby making it impossible to directly or indirectly overlook into the neighbouring properties from inside the new apartments. The neighbouring flats would face wall projections being 1.2m depth plus the Juliet balcony (0.3m depth) rather than windows – these would not unreasonably detract from the amenities of these properties.

There are some residential properties above ground floor level on Herbert Terrace, which are at a distance of 18m from the cinema redevelopment. Whilst this distance falls below the 21m stipulated in the Amenity Standards SPG, it is not considered that this will significantly detract from the privacy and amenity of the neighbouring properties opposite to warrant refusal of planning permission. In addition the windows are separated by Herbert Terrace itself which is an adopted highway and therefore the windows could not be considered as directly overlooking. The properties on Hickman Road are 23m away and therefore will not be overlooked from the proposed apartments.

Design and Impact Upon Conservation Area

As the application site lies within the Penarth Conservation Area, the proposal must preserve or enhance the character of the Conservation Area. The Council's Conservation and Design officer and the Vale of Glamorgan Conservation Area Advisory Group support the application in terms of its impact upon the Conservation Area.

The building is recognised as a County Treasure and as such its reuse and renovation is to be welcomed. At present the vacant upper floors in the cinema building have blank elevations which are recognised as weak frontages in the Penarth Conservation Area Appraisal and the bulk of the building to which the application relates has no particular architectural merit. The proposed development offers the opportunity to enhance these frontages with new openings and balconies which will add visual interest to the building. The proportions and materials of the original building are retained as far as feasible and this is welcomed and the additional mansard roof is sympathetic to the scale and form of the original building. Therefore, the concerns raised in written representations in respect of such matters are not considered to be warranted.

The replacement shop fronts at ground floor are considered to be an improvement compared to the current shopfront of the single A1 'Hypervalue' unit and the window proportions match the new openings in the upper floors.

Other Matters

There are no issues in terms of ecology given that the bat survey showed no evidence of bat presence and minimal potential for foraging and roosting.

It is considered that the development will not have any adverse effect upon the street trees in the vicinity of the application site.

The Council has a percent for art policy which is supported by the Council's adopted supplementary planning guidance on Public Art. On major developments, developers are required to 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. In this case, the proposal includes an extension to the Washington Gallery which is a not-for-profit registered charity which is free to the general public and therefore negates the requirement for public art provision to a degree. Therefore, the requirement for 1% for public art (which equates to £16,295 in this case) has been reduced to a value of £10,000 to take account of this. This provision will be secured through a Section 106 Agreement.

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 ENV17 (Protection of the Built And Historic Environment), ENV20 (Development in Conservation Areas), ENV27 (Design of New Developments), ENV28 (Access for Disabled People), HOUS2 (Additional Residential Development), HOUS8 (Residential Development Criteria), TRAN10 (Parking), SHOP10 (Upper Floors in Town and District Shopping Centres) and REC3 (Provision of Open Space within New Residential Developments) and the relevant supplementary planning guidance, the proposed development is considered to be acceptable in terms of impact upon the amenity of neighbouring properties, the character of the Conservation Area, and in terms of the levels of parking, amenity space and waste storage provision.

RECOMMENDATION

Subject to the applicant first entering into a Section 106 Legal Agreement to include the following necessary planning obligations:

- The Developer shall pay a Sustainable Transport Contribution of seventy thousand pounds (£70,000) to the Council to provide or enhance sustainable transport facilities serving the site.
- The Developer will provide public art on site to a value of £10,000 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 a Public Open Space Contribution of eighty thousand pounds (£80,000) to the Council to provide or enhance sustainable transport facilities serving 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 (£2,212 in this case).

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the plans registered on 8 August 2007 other than where amended by plans received on 18 December 2007.

Reason:

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

3. Full details of a scheme for drainage of foul and surface water 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 adequate drainage facilities are provided and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

4. Prior to the commencement of development a scheme for noise attenuation shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme of noise attenuation shall be fully implemented prior to beneficial occupation of the residential dwellings hereby approved.

Reason:

To safeguard the amenities of future occupiers of the residential dwellings hereby approved and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

5. No development shall take place until such time as a scheme for the replacement of the existing vehicle crossovers and reinstatement of the footpath adjacent to the cinema building on Hickman Road to an adoptable standard has been submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into beneficial use until such time as that scheme has been carried out in accordance with the approved details.

Reason:

In the interest of highway safety and to ensure a satisfactory form of pedestrian access to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

6. The cycle parking area shown on the approved plans shall be fully implemented on site prior to the first beneficial occupation of the development hereby approved and shall thereafter be so retained at all times.

Reason:

To ensure that satisfactory parking for bicycles is provided on site to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

7. Notwithstanding the submitted details, the door to the waste storage area shall open inwards and shall not open out over the adopted highway.

Reason:

In the interest of pedestrian safety on Hickman Road.

8. Prior to the beneficial occupation of the residential development hereby approved, details of the management, cleansing and maintenance of the communal areas including the recycling and waste storage areas, shall be submitted to and approved in writing by the Local Planning Authority and these areas must thereafter be managed and maintained in accordance with the approved details.

Reason:

To ensure adequate measures are in place to manage and maintain the waste and recycling facilities in a state fit for purpose and to protect the visual amenity of the site and its surroundings in accordance with Policy ENV27 of the Unitary Development Plan.

NOTE:

1. **Any advertisement signs should be an integral part of the building, their size and location should be compatible with the appearance of the building. Projecting signs should be restricted to one per shopfront and generally all signs should be limited to the ground floor.**

- 2. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**

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

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

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

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

2007/01141/FUL Received on 18 September 2007

Mr. & Mrs. Rasbuary, Garden Flat, 42 Arsley Road, Clifton, Bristol., BS8 2ST
C. T. Design Services, The Anchorage, Garth Hill, Gwaelod Y Garth, Cardiff,
CF15 9HS

47, Redlands Road, Penarth

Retention of dormer window to rear & alterations to main roof

SITE DESCRIPTION

The application site is located at No. 47, Redlands Road, Penarth. The property is a two-storey, end of terrace and is accessible from a rear vehicle lane adjoining earl road.

DESCRIPTION OF DEVELOPMENT

The application is for the erection of a dormer to the rear of the property and alterations to the main roof to convert it from a hip shaped roof to a gable. The proposed dormer will have a flat roof and the dimensions are approximately 2.6m depth, by 4.6m and 1.6metres high. The proposal is for a bedroom with an en-suite toilet.

PLANNING HISTORY

05/01106/FUL - Installation of electric roller door to rear boundary wall. Approved 5th September 2005.

93/01181/FUL - Vehicular crossover to parking bays. Refused 7 January 1999.

CONSULTATIONS

Penarth Town Council were consulted on 15 August 2007. That the application should be refused as the rear dormer, as built, is at variance with the submitted plans and represents an overly dominant feature prominent within the local street scene when viewed from Earl Road and Baron Road. Furthermore, it is noted that there are discrepancies in the submitted plans, notably that the height of the dormer proposed to be built differs on the rear and side elevations.

REPRESENTATIONS

Nos. 45, 49, 58, 60 Redlands Road and Nos. 3, Earl Road, were notified on 15 August 2007 and 20 September 2007. Two letters of objection were received by Nos. 49 Redlands Road and 3, Earl Road. The main issues raised within the letter included; impact of privacy, sunlight, as well as the prominence, scale and character of the dormer development. A copy of that letter is included at Appendix A.

REPORT

Consideration of the application was deferred from the Planning Committee of 13 December 2007 to enable Members to visit the site. It is anticipated that this site visit will take place on 17 January 2008.

There is no specific planning history, however, this application was generated through an enforcement complaint ref: ENF07/0322/PC for the unauthorised works to the roof including the large rear dormer. After a site visit it was concluded that the dormer was larger on site than submitted on plan with this application. Following reduction in the size of the dormer and amendments to the plans now reflect the dormer development on site.

Planning Policies

In assessing this application consideration must be given to local planning policies and the following are considered relevant in assessing this application.

ENV27 - Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Policy ENV27 states that developments must be of a high standard of design, and have full regard to the context of the local natural and built environment and its special features. New development will be permitted where it:

- (i) Complements or enhances the local character of buildings and open spaces.
- (ii) Meets the Council's approved standards of Amenity and open space, access, car parking and servicing.
- (iii) Ensures adequacy or availability of utility services.
- (iv) Minimises any detrimental impact on adjacent areas.
- (v) Ensures existing soft and hard landscaping features are protected and complemented by new planting, surface or boundary features.
- (vi) Ensures clear distinction between public, private and semi private spaces and other measures to reduce the risk and fear of crime.
- (vii) Provides a high level of accessibility, particularly for public transport, cyclists, pedestrians and people impaired mobility.
- (viii) Has regard to energy efficiency in design, layout, materials and technology.

Furthermore, it is necessary to take account of the objectives and advice found within the Council's Supplementary Planning Guidance Amenity Standards.

Issues

The amended application has significantly reduced the depth of the proposed dormer and its overall scale. Furthermore, the dormer was amended to include smaller and more sensitively designed windows that match the existing dwelling. The dormer is visible from Earl Road, however, with the reduced scale and materials to match the existing dwelling it is considered that the impact upon the street scene is not significant enough to warrant a refusal.

It is considered that the dormer caused no severe impact upon the privacy of any of the adjoining neighbours. The dormer exceeds 21m from the side elevation of the property No. 3, Earl Road giving sufficient distance allowed between two habitable rooms as advised by the council's Adopted 'Amenity Standards' Supplementary Planning Guidance.

Furthermore, the dormer window is within close proximity of a side elevation of two storey rear extension at No. 49, Redlands Road. However, the side elevation of No. 49, Redlands Road has two small windows at an acute angle, one being an obscured bathroom window which reduces any serious overlooking issues. As such, it is not considered necessary to obscure the glazing of the dormer.

The alterations made to the main roof are considered to be appropriate under planning considerations. The change from a hip to a gable will not negatively impact upon the dwelling or the wider visual amenities of the street scene at Redlands Road. There are several examples of gable ended properties within close proximity and due to the unbalanced features of the three property terrace the change to the roof will not cause harm to the character of the terrace or the general street scene.

Taking into consideration visual amenity, design and scale, the dormer as now constructed is considered to be acceptable and therefore the recommendation is for approval.

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 Policy ENV27 the dormer development and roof alteration is considered to have an acceptable scale and design with no detrimental impact upon the private amenities of the adjoining neighbours or the wider visual amenity of the rear terrace street scene. Therefore, the proposal complies with Policy ENV27 - Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 and the advice and guidance contained within the Council's Adopted 'Amenity Standards' Supplementary Planning Guidance.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. This consent shall relate to the plans registered on 10 August 2007 other than where amended by plans reference 07/01141/FUL Rev B received on 7 November 2007, which coincide with the development as carried out on site.

Reason:

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

NOTE:

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

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

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

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

Royal Hotel (Barry) Ltd., C/O Agent
Peter Jenkins Architects, 124, High Street, Barry, Vale of Glamorgan, CF62 7DT

Land adjacent to Kenilworth Road, Barry

Proposed development on 4 No. one bedroom residential units

SITE DESCRIPTION

The application site is land adjacent to Kenilworth Road, Barry. The site is over split levels, with the main section of the site at the level of Kenilworth Road, and the remainder of the site dropping away steeply towards the Royal Hotel at the rear. The site is located adjacent to the gated pedestrian lane which separates it from Cadoxton Spiritualist Church. The site measures approximately 33m wide across the Kenilworth Road frontage, with a maximum depth of 22m.

The site lies opposite the junction of Kenilworth Road and Llanover Street and is adjoined to the side and rear by the Royal Hotel and Nos. 3, 5 and 7 Barry Road. There is a vehicular access into the site, directly from Kenilworth Road opposite Llanover Street. The top plateau and lower levels are presently overgrown with brambles and grass and not put to any apparent use.

DESCRIPTION OF DEVELOPMENT

The application proposes the erection of four single bedroom flats. The proposed building is two-storeys in height and has the appearance and form of a pair of semi-detached houses. It measures 8.2m in height to the ridge of the pitched roof (5.3m to the eaves) x 15m in width x 7.6m in depth. Due to the gentle gradient of the land from east to west, the left hand half of the building is set down 0.3m below the right hand section.

The main front elevation of the building is set back 2.6m from the highway, and also contains two single storey lean-to porches, 3.3m high x 2.7m wide x 1.4m deep. The building is to be finished in 'stone blockwork' with a cement slate roof and upvc windows.

Each flat has accommodation comprised of a single bedroom, lounge, kitchen and bathroom. Access to the two ground floor flats is via the central doors on the front elevation and access to the first floor flats is via the two front porches.

The flats are to be served by a shared area of amenity space, split over two levels. The top level, directly to the rear of the flats, is comprised of a strip of land, 15m wide x 3m deep and a triangular terrace to the left of the flats, 6.5m wide x 6.5m deep. The second area of amenity space is 3m below the top plateau and linked to the former by a new external set of stairs. It measures approximately 16m wide x 4m deep.

An enclosed parking area for four vehicles is to be provided to the left of the flats, accessed directly off Kenilworth Road.

PLANNING HISTORY

There are no previous planning applications relating to this piece of land.

CONSULTATIONS

Barry Town Council have raised no objection, subject to the Local Planning Authority being satisfied with the design, external finishes, amenity space, landscaping and site enclosure.

Environment Agency Wales have raised no objection.

The Head of Visible Services (Highway Development) has advised that the width of the proposed parking area should be increased to 10.5, (relative to the 9.8m that is shown on the plans), to enable users to open car doors in the space adjacent to the boundary wall.

The Director of Legal, Public Protection and Housing Services (Environmental Health) has no objection to the application.

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

REPRESENTATIONS

The neighbouring properties No. 196 Court Road, Cadoxton Spiritualist Church, The Royal Hotel, Nos. 3, 5 and 7 Barry Road, Nos. 42, 49, 51, 53 and 55 Kenilworth Road and No. 2 Llanover Street were consulted directly and a site notice was posted. No representations have been received.

REPORT

Planning Policies

The site lies within the settlement boundary of Barry and accordingly, the application has been assessed against the following Policies of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011:

ENV27 - DESIGN OF NEW DEVELOPMENTS.

HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT.

HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA.

Policy HOUS2 supports the principle of housing infill, small-scale development and redevelopment (including conversions) within the settlement boundary of Barry, subject to the criteria listed in Policy HOUS8 being met.

Policy HOUS8, states that subject to the provisions of Policy HOUS2, development will be permitted which is within or closely related to the defined settlement boundaries provided that it meets all the following criteria:

- (i) the scale, form and character 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 of noise, traffic congestion, exacerbation of parking problems or visual intrusion;
- (iii) the proposal does not have an unacceptable impact on good quality agricultural land (Grades 1, 2 and 3a), on areas of attractive landscape or high quality townscape or on areas of historical, archaeological or ecological importance;
- (iv) when appropriate and feasible the provisions of Policy REC3 are met;
- (v) the provision of car parking and amenity space is in accordance with the Council's approved guidelines;
- (vi) adequate community and utility services exist, are reasonably accessible or can be readily and economically provided.

Policy ENV27 relates to all new forms of development and requires that new forms of development are of a high standard of design and have regard to the context of the environment within which they are proposed.

Issues

The application site is located within the settlement boundary of Barry, as defined by Policy HOUS2 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP) and accordingly, residential development is acceptable in principle in this location.

The acceptability of the application therefore falls to be considered in respect of the detail of the scheme and specifically: the scale, form and design of the development and its impact on the street scene, the level and arrangement of car parking and amenity space and the impact on the amenities on neighbouring properties.

Scale, Form, Design and Impact on Streetscene

The primary views of the proposed development will be along Kenilworth Road, where the existing dwellings and church provide the immediate context of buildings. The stretch of frontage west of the church is presently open in appearance until Kenilworth Road meets Barry Road, however, it is not considered that this renders the development unacceptable in principle. The land is not public open space and it is not considered that the site at present makes a positive contribution to the visual amenities of the area.

The proposed flats would exceed the height of the adjacent church buildings, however, they are of a scale and form which are comparable with the dwellings further long Kenilworth Road and the terraces opposite. The development would also be set back 2.6m from the highway edge, broadly along the same general building line as the existing dwellings along this street frontage. The street scene is comprised of dwellings of a mixture of types, and it is considered that the proposed development, which is of a relatively conservative design, would be in keeping with the character of the existing residential developments and would be sympathetic to the environs of the site. In this respect, it is therefore considered that the proposed building satisfies criterion (i) of Policy HOUS 8 of the UDP.

Whilst the site is visible from Main Street adjacent to The Royal Hotel, the development would not be prominent from this viewpoint. Notwithstanding this, it is considered that the building would appear as an appropriately scaled building, which is in keeping with the surrounding built environment.

Amenity Space

The four units would be served by a shared area of amenity space, split over two levels. The Council's Supplementary Planning Guidance (SPG) on Amenity Standards states that for flatted developments, at least 20m² of amenity space should be provided per resident. The development as a whole, which contains four double sized bedrooms, could theoretically provide accommodation for eight people.

The terraces to the rear and side of the building provide approximately 80m² of amenity space, the lower level terrace, 60m² and the small front yards, both 5m x 2.5m in size, amount to 25m². The development would therefore provide 165m² in total, satisfying the required standard of 20m² per occupier. Whilst over two levels, it is considered that the space is proposed in a useable and practical layout, the large majority of which being in the form of the private terraces to the rear.

Parking

The application proposes four parking spaces to serve the development, one per unit, which satisfies the level required by the Council's Parking Guidelines. In addition there is a generous provision of un-restricted on street parking in the vicinity.

The proposed parking area measures 9.8m in width, however, the Council's Highways Engineer has advised that due to the proposed wall directly abutting the parking area, the total width should be at least 10.5m. No objections have been raised in any other respect relating to parking or highway safety.

It is therefore considered that subject to a condition requiring a widened parking layout to be submitted and agreed, the development is acceptable in all highways terms.

Impact on Neighbours

The proposed building lies approximately 20-25m away from No. 7 Barry Road and 15-17m away from Nos. 3 and 5 Barry Road. These neighbouring properties are presently retail on the ground floor, appearing to have an element of residential accommodation above. It is therefore considered that the building will not be unneighbourly or overbearing to these neighbours. Similarly the development would not have any adverse impact on the church, which lies the other side of the pedestrian lane.

The rear elevation of the proposed building would face at 45 degrees towards the rear of these properties, which do not appear to contain any principal windows serving the residential accommodation. Notwithstanding the above, the Council's Amenity Standards SPG states that there should be at least 15m between principal windows where the angle between the building and the line of view is 70 degrees. In this case, the angle is approximately 45 degrees, which provides even less direct overlooking, and is at a distance of 15+ metres. It is therefore considered that the windows within the building would not adversely affect the amenities of any potential occupiers of the upper floors of the neighbouring properties.

Given the relatively raised height of the application site in relation to the properties on Barry Road, the use of the rear gardens would potentially enable a degree of overlooking towards the neighbouring properties. Whilst it does not appear that the rear yards of these properties are highly used for domestic purposes at present, it is nevertheless considered necessary to maintain an adequate degree of privacy between the areas to safeguard the amenities of any future occupiers. Therefore, subject to the erection of 1.8m high screens along the side boundaries of the amenity space, it is considered that the development would not give rise to an unacceptable degree of overlooking from the shared gardens.

In light of all the above points, it is considered that the proposed development would satisfy the criteria of Policies ENV27, HOUS2 and HOUS8 of the UDP, and represents an appropriate and sensitive form of infill.

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 ENV27 - Design of New Developments, HOUS2 - Additional Residential Development and HOUS8 - Residential Development Criteria, of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011, it is considered that the proposal is acceptable in that it is of a scale, form and design that is in keeping with the existing street scene, makes an appropriate provision of amenity space and off street car parking, and would not adversely affect the amenities of any neighbouring property.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. Prior to their use in the construction of the development hereby approved, samples of the materials to be used in the construction of the flats and any new walls or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved samples.

Reason:

To ensure a satisfactory standard of development and to ensure compliance with Policies ENV27 and HOUS8 of the Unitary Development Plan.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking or re-enacting that Order, no additional windows shall be inserted in the building hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To safeguard the privacy of adjoining occupiers, and to ensure compliance with the terms of Policies ENV27 and HOUS8 of the Unitary Development Plan.

4. Full details of a scheme for the drainage of the site 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 the satisfactory drainage of the site, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

5. Prior to the commencement of development details of the finished levels of the site in relation to existing ground levels and finished ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

To ensure that the visual amenities of the area are safeguarded, and to ensure the development accords with Policies ENV27 and HOUS8 of the Unitary Development Plan.

6. Prior to the first beneficial occupation of the flats hereby approved, privacy screens shall be erected along the side boundaries of the areas of amenity space, in accordance with a scheme which shall have first been submitted to and agreed in writing by the Local Planning Authority.

Reason:

In order to protect the privacy of the neighbouring properties and to ensure compliance with Policies ENV27 and HOUS8 of the Unitary Development Plan.

7. Notwithstanding the submitted plans, details of an amended parking area, to be at least 10.5m in width, shall be submitted to and agreed in writing by the Local Planning Authority, and the parking area shall be provided in accordance with the approved details, prior to the first beneficial occupation of the units.

Reason:

In order to ensure a satisfactory level and layout of off street parking is provided to serve the development, and to ensure compliance with Policies ENV27 and HOUS8 of the Unitary Development Plan.

NOTE:

1. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**

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

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

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

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

2007/01366/FUL Received on 27 September 2007

Miss Anna Bendall-RWE Npower PLC, Windmill Hill Business Park, Whitehill Way, Swindon., SN5 6PB

Miss Anna Bendall-RWE Npower PLC, Windmill Hill Business Park, Whitehill Way, Swindon., SN5 6PB

Aberthaw Power Station, The Leys, Aberthaw

To install a local stack and scrubber to remove ammonia from PFA Drier output (in relation to 05/01498/FUL)

SITE DESCRIPTION

The application relates to a site at Aberthaw Power Station where a building for the treatment of pulverised fuel ash (pfa) is currently being constructed. The site lies on the east bank of the River Thaw, approximately 200 metres from the river mouth and at the south-western corner of the ash mound.

DESCRIPTION OF DEVELOPMENT

A full application for the construction of a 30 metre high vent stack and associated scrubbing plant to remove ammonia from the pfa drier output. The stack and plant are to be constructed on the northern end of the building. The scrubbing plant, having the appearance of a large item of machinery, is to be approx 6 x 5 metres in area and 13.5 metres in height and will be linked to the main building by various pipes and ducts. The vent stack, to be linked to the plant by further pipe work, is to be 1.4 metres in diameter and 30 metres high.

PLANNING HISTORY

There is an extensive planning history on the power station site, but of most relevance to this proposal is:

05/01498/FUL - Establishment of new plant to treat pfa from Aberthaw Power Station. Approved 12 January 2006 and currently under construction.

CONSULTATIONS

There is no Community Council for this area. Councillor James has been notified as local Member but has made no comment except to seek confirmation that the Environment Agency will be responsible for any emissions or odours.

Environment Agency Wales confirm that the requirement for the stack and scrubber have been agreed with them during the determination of the PPC permit for the station. They have no adverse comment on the planning application. Their letter is attached as Appendix A along with a reply to an e-mail requesting further information regarding any omissions.

Ministry of Defence has no safeguarding objections to the proposal.

The Director of Legal, Public Protection and Housing Services (Pollution Control) has no comment to make following receipt of information on ammonia emission levels.

Countryside Council for Wales have no observations to make on the physical installation of the plant. They note that emissions to air and seas are the responsibility of the Environment Agency and understand that these issues are included in a PPC application to the Agency which has recently been the subject of public consultation. Their letter is attached as Appendix B.

Dwr Cymru/Welsh Water were consulted on 5 October 2007. No comments have been received to date.

REPRESENTATIONS

There are no dwellings within 700 metres of the site. The proposal was advertised by four site notices on 9 October 2007, two of which were replaced on 23 October following advice from a resident of Rhoose that they had been removed.

The occupier of No. 1 Bryn y Môr, West Aberthaw, some 1100 metres from the site, has expressed concern over possible noise and loss of amenity, and comments that emissions and noise from both the power station and cement works are increasing as station and works expand. His emailed comments are attached as Appendix C.

There has been an exchange of e-mail correspondence between Mr. Max Wallis and Barry/Vale Friends of the Earth and your officers. It is attached at Appendix D, and consists of a letter and attachment dated 22 November from Mr. Wallis, the case officer's response by e-mail of the 26 November; a further e-mail of 27 November from Mr. Wallis and acknowledgement from the Council (dated 27 November 2007) and two further letters from Mr Wallis dated 5th and 9th December. The latest letters object on the grounds that any transportation of ash from the plant to the cement works should be by conveyor and not by road and that inadequate consideration has been given to issues of emissions and discharges.

REPORT

This application was reported to the December meeting of this Committee, when determination was deferred pending clarification of the Environment Agency's position regarding discharges from the plant to the sea. The letter of comment from the Agency, dated 1 November 2007 and confirming they have no adverse comment to make, is attached as Appendix A to this report. The applicants have since clarified, and the Agency have confirmed, that marine discharges from this plant will be combined with the main seawater discharge of the power station and that following the 'scrubbing' process no ammonia discharge to the sea will be detectable. The Agency also confirm that all necessary information has been provided to them by the applicants as part of the IPPC process and that the PPC permit will contain appropriate controls to minimise the impact of emissions.

The building to which the new plant is to be attached will, when operational, treat up to 50% (200,000 tonnes) of the annual ash arisings from the power station, with 30% of the total being recycled as fuel for the station and the remainder being sold, mainly to the cement industry as a replacement for primary aggregates. The proposal has been assessed against Schedule 2 of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 and it has been confirmed that an Environmental Impact Assessment is not required.

In support of the application, the applicants advise that as originally envisaged vapour, including ammonia, arising from the process would be piped to the main part of the power station and discharged from the main power station stack, a distance of over 1 km. Further work has shown that due to the distance involved this is not feasible due to potential condensation and pooling of vapour in the pipeline, and a separate seawater ammonia scrubbing plant and a local stack are therefore proposed to overcome this problem.

Additional information submitted by the applicants indicates that the scrubbing system will remove 99.6% of ammonia arisings. Modelling predicts ground level ammonia concentrations at 0.17% of the Environment Agency's Air Quality Benchmark, with the maximum predicted concentration being less than 2% of the odour detection threshold. The only other gases to be vented through the stack are water vapour, carbon dioxide and air.

Planning Policies

None of the policies of the Vale of Glamorgan adopted Unitary Development Plan 1996 - 2011 refer directly to Aberthaw Power Station. However, Strategic Policy 2 encourages proposals for sustainable practices which contribute to (amongst other things) energy conservation or efficiency, waste reduction and recycling.

Issues

From the information submitted in support of the application, it is clear that the works proposed are essential for the efficient operation of the plant currently under construction. In policy terms, the plant will recycle material that would otherwise normally be sent for landfill, for use as fuel in the station and as an alternative aggregate, with a resulting substantial reduction in the use of primary materials and in the amount of material requiring disposal. It therefore meets the objectives of Strategic Policy 2 in respect of sustainability, energy efficiency, waste reduction and recycling.

As stated, the application site is over 700 metres from the closest dwelling (Mon Repos, East Aberthaw) and will be screened from that property by the intervening ash mound. The proposed plant and stack will be partly visible from the coastal footpath on the sea wall on the east side of the River Thaw, but even from this viewpoint it will be screened by the main part of the treatment plant, will be seen against the mass of the ash mound and will generally form part of the heavy industrial landscape of the power station. There are unlikely to be any views from East or West Aberthaw and it is concluded that the new plant and stack will not be visually intrusive features.

From the information available it is apparent that emissions from the plant will be a fraction of 1% of the Environment Agency's Air Quality Benchmark. Control over emissions will be by the PPC permit to be issued by the Agency, and the Agency confirm that they have no adverse comment to make on the planning application. In view of the distance from dwellings and the screening effect of the ash mound to the north east and the main power station buildings to the north west, noise nuisance and emissions should not be an issue at any residential properties and as advised earlier in this report there will be no detectable marine discharge of ammonia.

It is concluded that this addition to the approved ash processing plant will not be a visually intrusive feature and that it will have no adverse impact on the amenity of any local residents.

CONCLUSION

The decision to recommend that planning permission be granted 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 Strategic Policy 2 of the Unitary Development Plan it is concluded that the development will meet the objectives of that Policy in respect of sustainability, energy efficiency, waste reduction and recycling, and will have no adverse effect on visual or residential amenity.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

NOTE:

1. **The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.**

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

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

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

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

2007/01396/FUL Received on 8 October 2007

Mr. and Mrs. P. Dewey, Caia Barn, St. Nicholas, Vale of Glamorgan, CF5 6SG
Asbri Planning, 32 Lambourne Crescent, Cardiff Business Park, Llanishen,
Cardiff., CF14 5GG,

Caia Barn, St. Nicholas

Extension of Residential Curtilage

SITE DESCRIPTION

The application site relates to land adjacent to a converted barn at Caia Farm, St. Nicholas. The site is within a rural setting and surrounded by agricultural land with Caia House to the south west of the site. The application site is some 140 metres north of the A48.

The site is within an area of countryside recognised as a Special Landscape Area in Policy ENV4 of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011.

DESCRIPTION OF DEVELOPMENT

The application proposes the retention of an extension to the lawful domestic curtilage of the dwelling to the rear (east) of the property. A large pond has been provided on the land to the east of the dwelling. An ornate footpath leads from the house to the pond and it is surrounded by timber decking, a gazebo and is crossed by a timber decking walkway.

PLANNING HISTORY

03/01537/FUL - Proposed two storey extension to form dining room and study/bedroom and wood store and oil tank shelter. Approved 8 October 2004.

99/00531/FUL - Change of use and conversion of redundant agricultural building to single residential unit. Approved 16 July 1999.

CONSULTATIONS

St. Nicholas Community Council were consulted on 17 October 2007. No comments have been received to date.

REPRESENTATIONS

Occupiers of Caia Farm were notified on 17 October 2007 and a site notice was displayed on 18 October 2007. To date no representations have been received.

REPORT

Planning Policies

The following policies of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 are considered relevant:

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE

ENV4 – SPECIAL LANDSCAPE AREAS

Also of relevant is the Council's approved Supplementary Planning Guidance on Amenity Standards.

Issues

It is considered that the primary issue in the consideration of this application is whether the change of use is justified, and acceptable in terms of its impact on the character of the surrounding countryside which is recognised for its special landscape value.

The Council's standards for the provision of amenity space, set out in the Supplementary planning Guidance on Amenity Standards, recommends the provision of 1m² of amenity space per 1m² of the gross floor area for each self contained housing unit. The Guidance also states that, generally 70% of the amenity space should be accommodated in the private rear garden. The dwelling at Caia Barn has a floor area of approximately 245 metres square. As parts of the property are two storey, the property has, at most, a gross floor area of 500 square metres. As such, the Council's guidance recommends that the property should have at least 500 square metres of amenity space, of which 350 square metres should be private amenity space. The dwelling, Caia Barn, is set within an established lawful curtilage of approximately 4000 square metres of garden (amenity space). Of this, approximately 1,000 square metres is considered to be 'private' amenity space, which is located to the side and rear of the barn. This provision is almost three times as much as that recommended in the Council's Amenity Standards. It is, therefore, considered that the extension of this curtilage by approximately 1,900 square metres is not necessary for amenity provision, and can be viewed as excessive, particularly, having regard to the already substantial area of lawful domestic curtilage.

With regard to the impact this change of use will have on the area, it is important to note that the landscape is recognised for its special character, features and general visual amenity. It is mainly characterised by large areas of undeveloped open rural land. It is clear that the land subject of this application has a very different appearance to that of the surrounding landscape. Its closely mown lawn, domestic style planting, ornate path and decking surrounding the pond give the land a very domestic appearance which is considered to be incongruous within the rural setting and has a harmful impact on the special landscape value of the area, particularly in view of the large area in question. Whilst it is accepted that the appellant is happy to forgo permitted development rights on the land subject of the change of use in order to restrict the erection of outbuildings, it is felt that the current domestic hard and soft landscaping already has a detrimental effect on the surrounding landscape.

Any further domestic landscaping of this land, which could not be controlled by the Council, would only further harm the special amenity value of the surrounding area.

Whilst it is accepted that the applicant owns and controls a wider area of land surrounding the lawful domestic curtilage of the dwelling, and may not intend to use this land for agricultural purposes, its use as 'other land within the applicants ownership' will preserve the character and appearance of the special landscape area.

In view of the above comments, it is considered that the change of use conflicts with the Council's countryside protections Policy ENV1 together with the Special Landscape designation and protection policy in Policy ENV4. It is also considered that the development would conflict with Policy ENV10 which seeks to ensure that the countryside and in particular areas of high landscape value will be protected from inappropriate forms of development. Given the above it is recommended that permission be refused. It is important to note that the applicant has outlined the entirety of the land in his ownership as the application site boundary, which includes the dwelling and the area of the lawful domestic curtilage. An amended plan was submitted on 7 December 2007, (Plan No. 01 Revision D) clarifying the boundary of the lawful domestic curtilage and proposing a reduced area of extended domestic curtilage. It should, therefore be noted that this recommendation for refusal does not relate to the lawful domestic curtilage outlined in a blue dotted line on the Plan No. 01 Revision D.

As the change of use of this land has already occurred, it is also recommended that authorisation is granted to serve an Enforcement Notice requiring the cessation of the use of the land subject of this application as domestic curtilage together with the removal of the gazebo, decking, garden path and any other such domestic items from the land. It is also recommended that the notice require the demarcation of the boundary between the lawful domestic curtilage and the other land in the applicant's ownership. The Notice will not require the removal of the pond as this is a feature one would ordinarily find on rural land and not just in a domestic garden.

CONCLUSION

The recommendation to refuse planning permission and seek authorisation to serve an Enforcement Notice 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.

The dwelling is already served with adequate lawful amenity space, as recommended in the Council's Supplementary Planning Guidance on Amenity Standards. The extension of the domestic curtilage is considered to be an unjustified encroachment into the surrounding rural landscape having a detrimental effect on the special character and amenity value of that landscape contrary to the Council's countryside protection policies, contained within Policies ENV1, ENV4 and ENV10 of the Unitary Development Plan 1996 -2011.

RECOMMENDATION (W.R.)

In the event of Committee agreeing to the recommendation to refuse planning permission, the Director of Legal, Public Protection and Housing Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:

- (i) The cessation of the use of the land as domestic garden curtilage.
- (ii) The removal from the land of the footpath, pond decking, gazebo and any other domestic fixtures or features; and
- (iii) The demarcation of the boundary shared between the lawful domestic curtilage and the adjoining land.

In the event of non compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

REFUSE - ENFORCEMENT

1. The retention of the change of use of land to domestic curtilage would represent an unjustified encroachment into the countryside, which would adversely affect the special landscape character and amenity value of the Ely Valley and Ridge Slopes Special Landscape Area, within which the site lies. The development is therefore contrary to the aims and objectives of Policies ENV1, ENV4 and ENV10 of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011.

2007/01478/FUL Received on 25 October 2007

Mr. T. Vaughan, Mount Pleasant, Rhiwrceiliog, Pencoed, Bridgend., CF35 6NE
Mr. Brian Griffin, P. and C. C. Limited, The Cottage, Green Bottom, Littledean,
Glos., GL14 3LH

Pant Wilkin, Aberthin

Stationing of a temporary dwelling for three years to service national hunt training yard

SITE DESCRIPTION

The application site comprises a complex of farm buildings and an existing yard located in the Nant Aberthin valley. The site can be accessed by Llanquian Road, running south-eastwards from the village of Aberthin, or via an unmade track onto the A48.

DESCRIPTION OF DEVELOPMENT

The application proposes the stationing of a temporary dwelling for three years to service a national hunt training yard. The proposed dwelling is a mobile log cabin, which will have maximum dimensions 14.4 metres by 6.0 metres with a ridge height of 3.6 metres. It will be sited on the southern part of the yard, approximately 5 metres from the south boundary of the site.

The following has been submitted in support of the application.

- Planning statement (which includes a flood risk assessment.
- An appraisal of the need for equestrian facilities and a temporary dwelling to service an equestrian business relocating to Pant Wilkin.

Furthermore, additional information has been submitted by the applicant in response to requests from the Council's Agricultural Consultant.

PLANNING HISTORY

93/00321/LAW - Agricultural contracting business. Refused 12 April 1994.

93/01214/FUL - Extension of existing yard to be used in conjunction with existing agricultural contracting business. Refused 12 April 1994.

95/00611/LAW - Storage and maintenance of agricultural machinery, use of yard area as parking for vehicles and machinery. Refused 11 April 1996.

APPC6610/C/94/507860 & 64-68 - Enforcement Notice served against breach of planning control; construction on the land of a building comprising two portakabins and a lean to structure which have been interlinked and the construction of a hard surface. Enforcement Notice quashed; existing buildings and yard area allowed to remain subject to the condition that the use shall be restricted to one connected with agricultural contracting only, in addition to its purely agricultural use 31 January 1997.

APP/Z6950/C/00/1051917 - Enforcement Notice served against breach of planning control; carrying out of operational development through the unauthorised depositing of miscellaneous hard core and limestone material on the land for the purposes of creating a track. Appeal allowed, planning permission granted for the retention of the track 24 July 2001.

02/00577/FUL - To establish a small paper (only) recycling business to handle confidential documents for delivery to Georgia Pacific, Bridgend Paper Mill - Class B2 Use for existing building. Refused proposal not considered to represent diversification of the holding or wider rural diversification and is therefore contrary to policy. Appeal dismissed 7 May 2003.

07/01481/FUL - Change of use of farm buildings to national hunt training yard with horse walker and gallops. Under consideration see report on this agenda.

CONSULTATIONS

Cowbridge with Llanblethian Town Council were consulted on 6 November 2007 and has no objection.

The Head of Visible Services (Highway Development) were consulted on 6 November 2007 and has no objection provided that the dwelling is only used in association with the national hunt training yard.

The Director of Legal, Public Protection and Housing Services (Environmental Health) were consulted on 6 November 2007 and has no comment.

Environment Agency Wales were consulted on 6 November 2007 and has no objection.

Dwr Cymru/Welsh Water were consulted on 6 November 2007 and has no comment.

Agricultural Consultant was consulted on 6 November 2007. The full report is attached at Appendix A of the report for application 07/01481/FUL. In brief, the report questions whether an equine business can be treated as an agricultural business for the purposes of assessing the functional need for a dwelling. It is concluded that this is a matter for the Local Planning authority. For the purpose of the appraisal, it is assumed that the proposed equestrian use is to be treated as if it was agricultural and the relevant tests have then been applied strictly on that basis. The conclusion of the report is that there be a functional need for a worker to be on site most times out of necessity, primarily as a result of the proposed number of horses, (although it is clear that the stables would not reach capacity for some time) and the nature of thoroughbreds with all the combined associated issues presented in the submitted evidence. There is insufficient evidence to pass the financial test but there is evidence to show that the enterprise is reasonably likely to materialise.

REPRESENTATIONS

Neighbour notification letters were sent to Pant Wilkin Farmhouse, Rose Cottage, Llanquian Fach, Cae Ffynon, Whitefields Farm and Whitefield Forge on 6 November 2007.

Three site notices were displayed at the different points of entry to the site.

An e-mail has been received from an occupant of Llanquian Road, which is attached at Appendix B. It appears that the letter is intended to relate to application 07/01481/FUL for the national hunt training yard and refers to the resultant increase in traffic along Llanquian Road.

REPORT

Planning Policies

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

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE

HOUS3 - DWELLINGS IN THE COUNTRYSIDE

HOUS5 - AGRICULTURAL OR FORESTRY DWELLINGS

ENV10 - CONSERVATION OF THE COUNTRYSIDE

Policy ENV1 permits new development in the countryside provided it is justified in the interests of agriculture or forestry, is for an appropriate recreational use, is for the re-use or adaptation of existing buildings or is for a form of development approved under other policies of the plan.

Policy HOUS3 permits new dwellings in the countryside provided that they can be justified, while Policy HOUS5 permits dwellings associated with agriculture or forestry provided (i) an essential need is demonstrated, based on functional and financial necessity; (ii) the scale, siting, design, landscaping and external appearance are compatible with the surrounding landscape; and (iii) an acceptable access to the dwelling can be provided.

Policy ENV10 seeks to ensure that the countryside and in particular areas of high quality landscape, will be protected from inappropriate forms of development, while Policy ENV27 relates to the Design of New Developments and seeks to ensure that all new forms of development have regard to the context of the environment within which they are proposed.

National planning guidance is to be found in Planning Policy Wales (2002) (PPW) and Technical Advice Note 6 (TAN 6). Planning Policy Wales advises that a proposal for such a dwelling must demonstrate that the proper functioning of the enterprise requires a worker to be readily available at most times, and that the farming enterprise is economically viable (functional and financial tests).

PPW also states that it is important to establish the stated intentions of the applicant to engage in agriculture are genuine, and reasonably likely to materialise and are capable of being sustained. PPW goes on to state that where a case is not completely proven, the dwelling should take the form of temporary accommodation for the first three years, which could easily be dismantled.

TAN 6 repeats this advice and states that an application for a temporary dwelling should satisfy the following criteria:

- (i) Clear evidence of a firm intention to develop the enterprise concerned.
- (ii) Functional need.
- (iii) Clear evidence that the enterprise has been planned on a sound financial basis.
- (iv) The functional need could not be satisfied by another dwelling within the unit, or other suitable accommodation in the area.
- (v) Other normal planning requirements, for example on siting and access, are satisfied.

Issues

The primary issues in this case are the need for residential accommodation, given it is not associated with an agricultural or forestry activity and whether the proposed temporary log cabin satisfies the functional and financial tests as well as whether its siting is appropriate. Regard should also be given to whether a permanent dwelling would be acceptable, should the case for a temporary structure be proven.

The applicants existing enterprise comprises 12 stables on land in a neighbouring authority. It has been suggested that the majority of the 12 horses currently kept would be transferred to the Pant Wiikin site. However this then requires the applicants to find a further 10 horses to occupy the remainder of the proposed stables. In this regard, an immediate difficulty in demonstrating a clear need for a permanent presence on site and the provision of a dwelling is that the proposed enterprise as envisaged by the applicant is not at present established on the site.

To satisfy the functional test it must be demonstrated that a worker must be readily available to deal with agricultural processes that require essential care at short notice, or to deal with emergencies that might otherwise cause serious loss of crops or products (TAN 6, para 42).

The Council's agricultural consultant has been consulted on the application to assess whether there is any current need for a worker to be housed on the site, also taking into account up-to-date National and Unitary Development Plan Policies.

There is a general presumption against development within the open countryside and in accordance with Policy HOUS3, the erection of new dwellings in the countryside will be restricted to those that can be justified in the interests of agriculture and forestry. The Council's agricultural consultant has raised the question of whether an equine business can be treated as an agricultural business for the purposes of assessing the functional need for a dwelling and states that this is a decision for the Council.

In policy terms, equestrian uses do not fall under agriculture and training racehorses cannot be considered to be agriculture. The Welsh Assembly Government issued a report in January 2005 (Essential Dwellings in the Open Countryside). The report asked the question 'Should the scope for new dwellings in the open countryside be widened?' The response was 'There is a solid case for widening the current guidance for essential dwellings in the open countryside to apply to agricultural, forestry and other rural enterprises'. However, at present this has not been translated into policy. Notwithstanding this, the consultant proceeded with the test in order that the necessary assessment was carried out should the Council find the principle of the dwelling acceptable.

In accordance with TAN6 'Agricultural and Rural Development', proposals for permanent agricultural dwellings need to pass functional and financial tests, which have been carried out by the Council's agricultural consultant. The consultant considered that the functional test was passed on the basis of the number of horses proposed and the nature of thoroughbred horses. However, earlier in the report (para. 2.5.2) the consultant states that it has been assumed that there will be a maximum of 15 horses in the first year and possibly less rather than 22, which is the number of stables proposed. In addition, whilst the owners of the horses currently trained by the applicant have agreed in principle that they will move to the new facilities, it remains to be seen whether this will translate into practice. This again, highlights the difficulty of a complete, realistic assessment in this case. Furthermore, it is not considered that alternative options such as shift working or alternative approaches to security arrangements have been sufficiently explored. In this regard the proposed office areas could be utilised to accommodate any necessary occasional and infrequent overnight stays as emergencies dictate. An essential dwelling or caravan even sited for a temporary period, can only be justified once all the other possibilities have been explored. In addition, while there is an apparent move at WAG level towards allowing essential dwellings for general rural enterprises (as well as agriculture), in the countryside, on balance, it is considered that the application for a dwelling is not justified at this stage given the uncertainty over the actual number of horses to be stabled and the fact that alternative methods of monitoring appear to exist, which alternative methods have not as yet been sufficiently explored.

Finally, it is noted that the applicant currently does not own the site and if planning permission were granted only then would the yard only be purchased. The surrounding 5 ha would remain subject to a proposed 5 year Farm Tenancy Agreement. Accordingly it is considered that at present there is no security of tenure or any land surrounding the application site and therefore as previously outlined, it would be more appropriate for the applicant to first establish the business and the tenure of the land before any application for a temporary residential building could be properly considered

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011.

Having regard to Policies ENV1 – Development in the Countryside, HOUS3 – Dwellings in the Countryside, HOUS5 – Agricultural or Forestry Dwellings and ENV10 – Conservation of the Countryside of the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011, and advice in Planning Policy Wales (2002) and TAN 6 (2002), it is concluded that there is no proven agricultural need for a worker to be housed on site.

RECOMMENDATION (W.R.)

REFUSE

1. The application proposes a temporary dwelling located in the open countryside associated with a proposed equestrian business. The proposed dwelling cannot be justified for agricultural or forestry purposes. Whilst it is acknowledged that there is an apparent move towards allowing essential dwellings for other rural enterprises in the open countryside, it has not been sufficiently demonstrated that the enterprise will attract the maximum number of horses it could house in the first year. Neither have the alternative options to an on-site dwelling house been sufficiently explored. As such the proposed temporary dwelling is not justified and the proposal is contrary to Policies HOUS3 - Dwellings in the Countryside and HOUS5 - Agricultural or Forestry Dwellings of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and TAN6 - Agricultural and Rural Development.

2007/01481/FUL Received on 25 October 2007

Mr. T. Vaughan, Mount Pleasant, Rhiwrceiliog, Pencoed, Bridgend., CF35 6NE
Mr. Brian Griffin, P. & C. C. Limited, The Cottage, Green Bottom, Littledean,
Glos., GL14 3LH

Pant Wilkin Farm, Aberthin

Change of use of farm buildings to national hunt training yard with horse walker and gallops

SITE DESCRIPTION

The application site comprises a complex of farm buildings and an existing yard located in the Nant Aberthin Valley. The site can be accessed by Llanquian Road, running south-eastwards from the village of Aberthin, or via an unmade track onto the A48.

DESCRIPTION OF DEVELOPMENT

The application proposes the change of use of the existing farm buildings to a National Hunt training yard with a horse walker and the construction of gallops.

There are three buildings on the site. Building 1 is the southernmost building and is to be converted to provide eight stables. Building 2 is the northernmost building. The western part is to be converted to provide 14 stables, two offices a tack room and a rest room. The eastern open-fronted part is to be converted to provide a horse walker and a feed/tack area. There are no plans to use Building 3. A muck compound is proposed to be located adjacent to the east boundary of the yard. The gallops are to be located to the north of the yard and will run adjacent to field hedgerow for approximately one kilometre.

The following has been submitted in support of the application.

- Supporting letter from occupants of Pant Wilkin House.
- Planning statement (which includes a flood risk assessment).
- An appraisal of the need for equestrian facilities and a temporary dwelling to service an equestrian business relocating to Pant Wilkin.

Furthermore, additional information has been submitted by the applicant in response to requests from the Council's Agricultural Consultant.

PLANNING HISTORY

93/00321/LAW - Agricultural contracting business. Refused 12 April 1994.

93/01214/FUL - Extension of existing yard to be used in conjunction with existing agricultural contracting business. Refused 12 April 1994.

95/00611/LAW - Storage and maintenance of agricultural machinery, use of yard area as parking for vehicles and machinery. Refused 11 April 1996.

APPC6610/C/94/507860 & 64-68 Enforcement Notice served against breach of planning control; construction on the land of a building comprising two portakabins and a lean to structure which have been interlinked and the construction of a hard surface. Enforcement Notice quashed, existing buildings and yard area allowed to remain subject to the condition that the use shall be restricted to one connected with agricultural contracting only, in addition to its purely agricultural use 31 January 1997.

APP/Z6950/C/00/1051917 - Enforcement Notice served against breach of planning control; carrying out of operational development through the unauthorised depositing of miscellaneous hard core and limestone material on the land for the purposes of creating a track. Appeal allowed, planning permission granted for the retention of the track 24 July 2001.

02/00577/FUL - To establish a small paper (only) recycling business to handle confidential documents for delivery to Georgia Pacific, Bridgend Paper Mill - Class B2 use for existing building. Refused proposal not considered to represent diversification of the holding or wider rural diversification and is therefore contrary to policy. Appeal dismissed 7 May 2003.

07/01478/FUL - Stationing of a temporary dwelling for three years to service national hunt training yard. Under consideration see report on this agenda.

CONSULTATIONS

Cowbridge with Llanblethian Town Council were consulted on 6 November 2007 and has no objection.

The Head of Visible Services (Highway Development) were consulted on 6 November 2007. Based on the existing agricultural use of the site, an objection to the development proposals could not be sustained as the existing lawful use could generate an equal volume of traffic as the proposed National Hunt training yard. Therefore, subject to the imposition of conditions, the Highway Authority is unable to sustain an objection to the development proposals.

The Director of Legal, Public Protection and Housing Services (Environmental Health) were consulted on 6 November 2007 and has no comment.

Agricultural Consultant (consulted on 6 November 2007):

Summary of report (full report attached at Appendix A) – We are satisfied that there is sufficient need for the facilities proposed and although the shortage of additional land is a concern, it is not sufficient to prevent the unit from functioning.

Ecology (consulted on 6 November 2007): No comments.

Environment Agency Wales were consulted on 6 November 2007 and has no comments.

It is noted the application is for a 'Change of Use' of farm buildings to a National Hunt training yard (less vulnerable development). The application site lies partially within zone C2 as defined by the development advice map (dam) referred to under TAN15 'Development and Flood Risk' (July 2004).

Given the scale of the proposed development, we do not consider a flood consequences assessment (FCA) is required in this instance. The developer should however be made aware of the potential flood risks, and be advised to install flood-proofing measures as part of the development.

Dwr Cymru/Welsh Water (consulted on 6 November 2007): No comments received to date.

REPRESENTATIONS

Neighbour notification letters were sent to Pant Wilkin Farmhouse, Rose Cottage, Llanquian Fach, Cae Ffynon, Whitefields Farm and Whitefield Forge on 6 November 2007.

Three site notices were displayed at the different points of entry to the site.

A letter has been received from the occupants of Pantwilkin Farm (Appendix B) raising major concerns about the proposed location of the muck heap.

REPORT

Planning Policies

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE

ENV2 - AGRICULTURAL LAND

ENV4 - SPECIAL LANDSCAPE AREAS

ENV9 - DEVELOPMENT INVOLVING HORSES

TRAN10 - PARKING

Issues

In accordance with Policy ENV1, within the countryside permission will only be granted for development for which a rural location is essential. A rural location is required for equestrian developments (and Policy ENV9 supports this). Policy ENV1 also makes reference to the re-use or adaptation of existing buildings particularly to assist the diversification of the rural economy. With the exception of the small muckheap compound, the proposed development is wholly contained within the existing buildings on the site. For example, the horse walker is sited in the part of Building 2 that already has an open front. The Rural Economic Benefit table submitted as part of the Need Appraisal (Table 2, Page 11) indicates that the majority of benefit to the rural economy will be to businesses located outside of the Vale of Glamorgan. Whilst the contribution of the proposed development to the existing economy of the rural Vale is limited, it is clear that there will be a significant increase in value to the wider rural economy. Thus it is considered that the development broadly complies with this part of Policy ENV1.

Policies ENV2 and ENV9 refer to the loss of agricultural land and viable agricultural units. Whilst it is unclear whether the land on which the gallops will be sited is Grade 3A or 3B, it is clearly not Grade 1 or 2. Furthermore, the gallops will only take up a small proportion of the agricultural fields in which they are to be sited and will not prevent the fields from being returned to agricultural use if the enterprise ceases. In addition, it is apparent from the planning history that Pant Wilkin has not been used as a viable agricultural unit for many years.

The southern part of the yard is located within the Upper Thaw Valley Special Landscape Area, whilst the northern part of the yard containing the buildings and the fields in which the gallops will be sited are not. Nevertheless, it is important to assess the proposal in light of the impact it may have on the Special Landscape Area (SLA) because the yard and gallops will be visible from locations within the SLA. The proposal does not involve any extensions or alterations to the existing buildings or yard and it is not considered that the proposed use will have any impact on the manner in which the site is viewed from the SLA. The proposed gallops will be visible from the SLA. However, they are relatively narrow at 4 metres in width and will run adjacent to existing established hedgerow boundaries. As such, provided that the details of the surfacing of the gallops are submitted to and approved by the Council, it is not considered that the proposed gallops will have an unacceptably adverse impact on the nearby SLA, or indeed the rural character of the immediate countryside.

Policy ENV9 refers to development involving horses and requires several criteria to be met. The loss of agricultural land and units has previously been considered. Furthermore, the impact of the proposal on the character and appearance of the locality has been assessed and it has been concluded that there is not an unacceptable affect. A proposal should not cause potential danger or nuisance to neighbours, pedestrians, vehicles or horse riders or result in the overuse of local bridleways or open space. According to the supporting information, pedestrians and horse-riders should not be affected by the proposal because of the nature of racehorse training.

The resident horses will be trained on the gallops and the horse-walker and not on local bridleways. Furthermore, they will graze on the adjacent field. With respect to the impact on neighbours, it is considered that the proposed use of the yard for horse race training will have less impact on the amenities of the occupants of the neighbouring property, Pant Wilkin Farmhouse, than the current lawful use of the site for agricultural contracting. The comments of the neighbouring occupants regarding the location of the proposed muckheap are noted and it is considered that a condition could overcome this objection. With respect to the gallops, it is noted that these will be adjacent to Llanquian Fach, which is a dwelling with holiday cottages. However, the proposed gallops will be located approximately 30 metres from the nearest building. Furthermore, horse riding is considered to be an acceptable countryside activity. As such there are no objections to this relationship.

With respect to the impact on vehicles, the submitted information indicates that the horses would not be trained on local roads. The Highway Engineer raises no objection to the proposal in light of the existing established use of the site as an agricultural contracting business. The Highway Engineer has requested two conditions. The first relates to access to the site and requires the access via the A48 only to be used. However, there is no such restriction on the existing agricultural contracting use, which is likely to generate a far greater volume of traffic than the proposed use. As such, it is not considered reasonable to impose such a condition. The second relates to the ceasing of the existing use. Given that one of the buildings on the site is not part of this proposal, it is considered reasonable to impose a condition that ensures the ceasing of the existing use. Furthermore, in light of the low vehicular nature of the proposed use in comparison with a DIY livery stable or even a boarding stable, it is considered necessary to restrict the use of the site to an equine training yard.

Whilst the Council does not have specific parking guidelines for equestrian uses, it is considered that there is sufficient space for the parking and manoeuvring of vehicles, including horse boxes, on the existing hardstanding of the yard. Therefore no objections are raised with respect to Policy TRAN10.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV1 - Development in the Countryside, ENV2 – Agricultural Land, ENV4 – Special Landscape Areas, ENV9 – Development Involving Horses and TRAN10 – Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the proposal is considered acceptable because it represents appropriate equestrian development within the open countryside, involves the re-use of existing buildings and diversification of the rural economy, does not result in the permanent loss of high quality agricultural land, does not result in the loss of a viable agricultural unit, would not adversely affect the character or appearance of the nearby Special Landscape Area or the immediate open countryside and would not cause potential danger or nuisance to neighbours, pedestrians, vehicles or horse-riders or result in the overuse of local bridleways or open space. In addition, there is sufficient on site provision for the parking and manoeuvring of vehicles, including horseboxes.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. Prior to commencement of development, details of the surfacing of the gallops hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The surfacing of the gallops shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason:

To ensure that the gallops do not have an unacceptable impact on the character and appearance of the immediate open countryside or the nearby Special Landscape Area and to ensure compliance with Policies ENV1 and ENV4 of the Unitary Development Plan.

3. Notwithstanding the details on the submitted Layout Plan, details of the location of the proposed muckheap shall be submitted to and approved in writing by the Local Planning Authority. The muckheap shall be implemented in accordance with the approved details and thereafter maintained as such.

Reason:

To ensure that the proposed development does not have an unacceptable impact on the existing equestrian use of the neighbouring field at Pant Wilkin Farmhouse.

4. Upon implementation of this planning permission, the existing agricultural contracting use of the site shall cease to operate in all forms.

Reason:

To prevent an unacceptable intensification of the use of the site and to ensure compliance with Policies ENV1 and ENV9 of the Unitary Development Plan.

5. The site shall be used only for the purpose(s) specified in the application and for no other purpose whatsoever, including any other equestrian use.

Reason:

To control the precise nature of the use of the site, and to ensure compliance with the terms of Policies ENV1 and ENV9 of the Unitary Development Plan.

NOTE:

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

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

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

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

Mr. and Mrs. L. Thomas, Corntown Farmhouse, Corntown Road, Corntown, Vale of Glamorgan., CF35 3BB

R. C. Hathaway, 25, Preswylfa Court, Bridgend, Vale of Glamorgan., CF31 3NR

Rear of Corntown Farmhouse, Corntown Road, Corntown

Two detached houses on land to the rear of Corntown Farmhouse including relocation of parking to serve Corntown Farmhouse and alterations to existing front boundaries and access arrangements

SITE DESCRIPTION

The application site comprises an area of land, approximately 0.24 hectares in size, which presently forms the curtilage of the dwelling known as Corntown farmhouse, a Grade II Listed Building situated in the village of Corntown.

The site lies within the residential settlement boundary, which runs to the immediate south of the site. Properties in Nant Lais lie to the east, with the four recently constructed dwellings in Little Acre to the west. The access lies immediately opposite the junction with The Meadows, with an existing traditional stone boundary wall enclosing the site frontage of the Listed building. Within the existing courtyard is a large outbuilding associated with Corntown Farmhouse.

The site has a number of mature trees, together with a large number of fruit trees.

DESCRIPTION OF DEVELOPMENT

The application has been submitted in full and proposes two detached houses on land to the rear of Corntown Farmhouse.

The dwellings would be accessed via a reordered courtyard to the immediate west of the Listed Building, with revised access arrangements including the provision of a re-sited boundary wall and formalised splayed access (an associated application for Listed Building Consent for the works to the front boundary wall (ref: 2007/01570/LBC)).

An internal private drive would run adjacent to the western boundary with dwellings in Little Acre, with the two dwellings sited to the north of their individual plots. Each dwelling would be of a simple, traditional vernacular design with rectangular plan form, incorporating a combined kitchen/ diner/ living room, hall, cloakroom and study at ground floor, and 4 bedrooms (one en-suite) and a bathroom at first floor. Each has an attached double garage to the front of a parking courtyard. The dwellings each have a footprint of 21.3m x 6.5m, plus an 8.2m x 6.6m double garage, and a height to ridge of 7.4m.

A number of existing trees within the site would need to be removed (subject of submitted tree survey/ report).

The application is accompanied by a Planning Statement, a copy of which is provided at Appendix A.

PLANNING HISTORY

The site was the subject of a previous application as follows:

2002/01748/OUT - Demolition of existing outbuildings and construction of four new houses with associated site access. Withdrawn November 2003.

In addition, there is an associated application for Listed Building Consent for the works to the front boundary wall:

2007/01570/LBC - Repositioning of front boundary wall with wall to be rebuilt with existing stone with appropriate pointing. Undetermined.

CONSULTATIONS

Ewenny Community Council OBJECTS to the development on highway grounds as the proposed access for these additional properties is too close to a very bad bend near the Baptismal pool and is also opposite another junction to The Meadows. Additionally, this section of Corntown Road from the junction with the Meadows to the junction with Nant Lais is virtually single file because of roadside parking. My Council feels that the proposed additional properties will merely exacerbate the traffic problems.

Environment Agency Wales has no objection and provided their generic information note for developers.

Dwr Cymru/Welsh Water. To date no representations have been received.

The Head of Visible Services (Highway Engineer) has advised as follows: -

“Further to the site visit undertaken in relation to the above, the Highway Authority would advise that there is no objection in principle to the development proposals.

However, the proposed footway widening to the east of the site access is required to be increased in width to an absolute minimum of 1.5m. Additionally, the proposed footway to the west of the site access is required to be increased in width to an absolute minimum of 1.5m and shall be extended up to the existing bus stop.

Furthermore, conformation is required that all farming activities at the development site will cease, and that the adjoining land under the control of the applicant will only be used in association with the residential development.

Therefore, an amended site layout plan, showing the above, is required to be submitted for consideration”.

The Council's Ecology section has commented as follows:

“UK BAP priority habitat: Traditional Orchard.

The application contains an area of orchard and associated grassland. Traditional orchards are UK BAP priority habitats due to their importance for wildlife they also have cultural and historical value. Priority habitats are included on the Local Biodiversity Action Plan (LBAP) and maintenance and expansion targets should be considered in any planning consent. Orchards provide a source of food for large numbers of songbirds, invertebrates and small mammal species. Removal of the orchard would result in loss of this food source. It is therefore recommended that, should the application be granted consent, consideration be given to the planting of local provenance Welsh variety fruit trees within the landscaping scheme of the proposed development.

Bats* and Trees

It is 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.

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.

Great Crested Newts*

The application site includes a swimming pool that may potentially support great crested newt. It also includes potential great crested newt terrestrial habitat including rough grassland and rubble piles.

It is recommended that the applicant be informed that great crested newts and their breeding sites and resting places are protected by law through UK legislation under the Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994) (as amended). This legislation makes it an absolute offence to either damage or destroy a breeding site or resting place, to obstruct access to a place used for shelter and protection or to intentionally or recklessly disturb great crested newt within a place used for shelter or protection.

It is recommended that a habitat assessment and assessment of the swimming pool be conducted for the application site, to identify areas of potential use by great crested newt.

In the event that great crested newt is found to be present on the application site it is recommended that a method statement be submitted to the Local Planning Authority by the applicant which sets out details of mitigation measures for great crested newt which would be necessary to meet the requirements of a National Assembly development licence.

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. It should be noted that birds may still be nesting outside this season, therefore care should be taken to ensure that no nesting birds are affected.

Reptiles

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

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

It is recommended that 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 Council's Tree Officer has also examined the proposal, with comments incorporated into the report on the issues below.

Glamorgan Gwent Archaeological Trust has advised that they have no objections provided an archaeological watching brief condition is attached to any consent due to potential disturbance to archaeological material.

The Director of Legal, Public Protection and Housing Services (Environmental Health Pollution) have no comments to make.

The Head of Visible Services (Highway Engineer) advises that:

"The proposed development is in an area known to suffer from flooding due to surface water flows sheeting off the adjacent fields. The removal of hedgerows may exacerbate this flooding and/or redirect surface water flows to adjacent areas. The Developer should therefore submit details indicating proposals for dealing with the flows that originate from the higher land to the south of the site.

The Developer should also consider the floor/threshold levels for the proposed development so as to reduce the potential of internal flooding from surface water flows sheeting off the adjacent fields.”

REPRESENTATIONS

Nos. 1, 2, 3, 4 Little Acre, Nos. 10, 12 & 13 Nant Lais, Fern Cottage, Dene Cottage, Three Knights, and Lynwood, were consulted, with a site notice displayed on 14 November 2007.

The application was also advertised on site and in the press as affecting the stting of a listed building on 21 November 2007

Representations have been received from five local residents, each objecting to the development as follows:

10 Nant Lais – Objects on grounds relating to flooding concerns concerning loss of land capable of absorbing heavy rainfall; vehicular access on a bend – driving hazard; modern development does not enhance the appearance or charm of the listed building.

The Sycamores, (No. 4) Little Acre – Offer concerns about detailed matters including hedgerows; covenants; screens; drainage of service road; lighting; emergency access for vehicles.

8 Nant Lais – Object on grounds relating to potential damage to Grade II Listed Building; highway hazards given the junction and parking on north side of the road.

12 Nant Lais – Objects on highway safety grounds, including concerns about volume of traffic using Corntown Road; concerns about loss of trees and lack of screening on boundary; increase in danger of flooding in an area which has suffered flooding from water runoff previously and additional loading on the drainage infrastructure.

14 Nant Lais – Objects on grounds relating to highway safety; increase in potential of flooding on main road; potential for further development (Precedent); loss of privacy and quality of life for residents of Nant Lais from construction and proximity of new dwellings.

REPORT

Planning Policies

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

HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT

HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA HOUS2 SETTLEMENTS

ENV27 - DESIGN OF NEW DEVELOPMENTS

ENV11 - PROTECTION OF LANDSCAPE FEATURES

ENV16 - PROTECTED SPECIES

ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT

TRAN10 - PARKING

The Council's approved Supplementary Planning Guidance on 'Amenity Standards' is also of relevance.

Issues

The main issues to consider in this application, in addition to the general principle of residential development, concern the impact upon:

- The residential amenities of the occupants of Corntown Farmhouse and other dwellings in Nant Lais and Little Acre.
- The visual amenities of the area, especially the setting and character of the Grade II Listed Corntown Farmhouse.
- Highway safety in the locality.
- Trees within the site.
- Ecological value of the site.
- Archaeological resource.

Principle of Residential Development

The application site lies entirely within the residential settlement boundary of Corntown. To this extent, the principle of residential development on the site is acceptable provided it is able to satisfactorily meet the objectives of, primarily, Policies HOUS8 and ENV27 of the adopted Unitary Development Plan, which effectively seek to ensure that insensitive infilling, or the cumulative effects development, do not adversely effect an area's character and amenity and, in particular, require that new development satisfactorily reflect the scale, form, design, layout, character, materials and setting of those buildings that establish the character of the area, an objective which is firmly supported by design guidance in TAN(W)12, and by the approved Supplementary Planning Guidance on 'Amenity Standards'.

The application site is, however, also constrained by its sensitive relationship with the Grade II Listed Corntown Farmhouse, and by the need for alterations to the site frontage and courtyard, such that there is a statutory requirement to consider the impact upon the special character, interest and setting of the listed building, with Policies ENV17 and ENV20 of the Unitary Development Plan relevant in this regard.

Each of these key issues is thus addressed in turn below.

Impact on Residential Amenity

Looking at the siting of the proposed two dwellings to the rear of an existing dwelling, it is notable that Planning Policy Wales (para 9.2.12) makes specific reference to 'tandem development', and states that such development "may cause difficulties of access to the house at the back and disturbance and lack of privacy to the house in front and should be avoided". Such guidance firmly supports the objectives of Policies ENV27 and HOUS8, and advice in the adopted 'Amenity Standards'.

The Housing Section of Planning Policy Wales subsequently advises, at paragraph 9.3.3 that "Insensitive infilling ... should not be allowed to damage an area's character and amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing".

The proposal thus seeks to introduce two new dwellings in a location which is undoubtedly 'backland' in character, intensifying the use of the existing informal courtyard between the Listed Farmhouse and its large outbuilding to the west. Not only would the proposal result in significant changes to the access itself, but the provision of a formalised private access drive through the courtyard, sited between three and six metres from the side wall of the existing farmhouse, which itself incorporates windows to habitable accommodation.

In addition, the private drive would run immediately adjacent to the rear boundaries of the new dwellings to the west in Little Acre, thus introducing noise and disturbance to the occupants of these properties where little presently exists.

The introduction of two additional dwellings on the site would thus fail to respect the recognised principles of good planning in ensuring that there is no unacceptable impact upon residential amenity, with the proposed dwellings amounting to unacceptable "tandem" type development. In particular, by reason of the activities associated with the need for vehicles to access the property, such development is considered unable to meet the normal standards expected of development in terms of the protection of the amenity of surrounding properties from undue noise and disturbance. For these reasons, the proposals demonstrate the inherent problems that such a tandem/ backland form of development inevitably creates in terms of an unacceptable impact upon the amenities of the adjoining residents, and which government guidance in Planning Policy Wales serves to re-emphasise.

Such harm cannot be overcome by design or condition, or by the proposed continuation of a wall between the drive and the house, and to this extent, the proposed dwellings would fail to accord with the general development principles embodied in Policies HOUS8 and ENV27 of the adopted Unitary Development Plan. Nor, therefore, can it be considered to represent a 'careful design of buildings' as required by policies within the 'amenity standards' SPG, nor comply with the objectives of Planning Policy Wales in terms of the need to protect against insensitive infilling or the cumulative effects of development.

The applicant has referred to the adjacent Little Acre development, nevertheless it is considered that there are clearly material differences between that site and this, not least the approval of the four new dwellings adjacent followed the demolition of an existing dwelling, while in this case the application site would retain the Listed Farmhouse to the front, which the proposed development would adversely affect. Other examples of buildings behind dwellings referred to are also considered to have little bearing on the determination of this application.

While representations have been made from the occupants of dwellings in Nant Lais, it is not considered that the loss of the existing garden, or the siting of the two dwellings would have a demonstrably harmful impact upon these properties to the extent that refusal would be warranted on such grounds.

Visual Amenities and Impact on Setting of Listed Building

The application site is located at the heart of the village of Corntown, with the Grade II Listed Corntown Farmhouse and its outbuildings notably prominent in the streetscene, also being viewed within a wider landscaped curtilage to the rear.

National policy advice on the Historic Environment is contained in Planning Policy Wales (March 2002), which emphasises the need to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and the setting of Listed Buildings. This is emphasised by Policy ENV17 of the Unitary Development Plan.

In addition, as referred to above, UDP Policy HOUS8 requires, amongst other things, that new development satisfactorily reflect the scale, form, design, layout, character, materials and setting of those buildings that establish the character of the area.

Within this context, the existing listed building and its large outbuilding at the frontage to the site sit comfortably within a large site, forming a prominent and attractive element in the streetscene, and contributing significantly to the village's character.

The proposal, however, would not only introduce an inappropriate formality through the creation of a new internal access route (stated as being tarmacadam) and the alterations to the front boundary enclosures (the latter discussed below) but the new dwellings would inappropriately dominate the setting of the listed building.

In particular, the closest dwelling would have a floor level some 2.58m above that of the farmhouse and, with a ridge height of 7.4m, would thus be significantly elevated above the listed building by approximately 3 metres in height. (farmhouse ridge height approximately 26.6m; dwelling ridge approximately 29.6m). While the southernmost dwelling would be sited further away from the farmhouse, nevertheless due to the levels that dwelling would be elevated by a further 1.84m, thus accentuating the physical impact and scale of development in this sensitive location.

While it is arguable that the 'Little Acre' development may, to some extent, have already affected the setting of the Listed Building, nevertheless it is concluded that the introduction of two substantial new dwellings to the rear, both by reason of their raised levels, their scale and prominence in the local streetscene, would adversely affect the character and setting of the listed building and the wider character of the local streetscene.

In addition, the proposed alterations to the front boundary enclosures (applied for as part of the currently undetermined Listed Building Consent application) are solely required in connection with these development proposal. The creation of a modern, splayed access would, however, by reason of its layout, scale and proportions, together with the creation of hard surfacing/ access and loss of the present traditional enclosure, adversely affect the character of the Listed Building without sufficient justification.

The agent has expressed concern that pre application advice from the Conservation Section previously expressed the principal concerns were not with the impact on the Listed Farmhouse, it is emphasised that consideration in detail of the proposals has led to a significant objection for the reasons expressed above.

It is recognised that efforts have been made to assimilate these buildings into the site context through the use, for example, of the retention of a few key trees within the site, and the proposals for additional hedging/ landscaping within and between the buildings. Nevertheless it is concluded that the harm identified above cannot be overcome by design or condition, such that the siting, form and scale of the new dwellings, would not only materially harm the setting of the Listed Building, but also appear overbearing and dominant in the wider village setting, such harm being accentuated by the form of the proposed access arrangements to serve the new dwellings. The development thus fails to meet the objectives of Policies HOUS8, ENV17 and ENV27 of the Unitary Development Plan.

Impact upon Highway Safety

The Highway Engineer has advised that there is no objection in principle to the development proposals. However, the proposed footway widening to the east of the site access is required to be increased in width to an absolute minimum of 1.5m. Additionally, the proposed footway to the west of the site access is required to be increased in width to an absolute minimum of 1.5m and shall be extended up to the existing bus stop.

Furthermore, they require conformation that all farming activities at the development site will cease, and that the adjoining land under the control of the applicant will only be used in association with the residential development.

In light of the objections detailed above, however, amended plans have not been requested to cover these issues, not least since the increase in width of the footways would itself have an adverse impact on the listed building due to the additional changes required to the boundary enclosure.

Impact on Trees within the Site

The site is covered by a number of trees of a variety of species, yet the Tree Officer advises that most have received only the barest management or none at all, such that the trees overall, and ultimately the garden, has a neglected look.

In addition the submitted report by Treescene is considered to be relatively negative, nevertheless only three trees (two Ash T679, T683 and the Beech T680) are considered worthy of formal preservation, these being the most visible from the main road. These are, however, to be retained as part of the proposals, such that there are no objections on the loss of trees.

Impact on Ecology

The Council's Ecology Section has provided advice in respect of the potential impact on the ecology of the site, including concern about the loss of a traditional orchard, and the need for consideration to the planting of local provenance Welsh variety fruit trees within the landscaping scheme of the proposed development. This could be conditioned.

With respect to the potential impact on bats in trees, she has 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, and that 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.

The applicant has been advised of the above, and of the need for a survey of the trees on the site, and his response is awaited. Given that the trees on the site are not statutorily protected, however, it is considered that there are no reasons to preclude determination of the application until such time as such a survey is commissioned.

With respect to the potential presence of Great Crested Newts on the site, it is considered that a condition could be imposed to require a habitat assessment and assessment of the swimming pool to be conducted to identify areas of potential use by great crested newt. This would include a requirement for a method statement to be submitted to the local planning authority with details of mitigation measures necessary to meet the requirements of a National Assembly development licence.

A condition would also be required in respect of works being carried out outside the bird nesting season, as well as the need for a reptile mitigation strategy OR clearance methodology to be submitted to the local authority for approval prior to the commencement of works.

Archaeology

Glamorgan Gwent Archaeological Trust has no objections subject to a watching brief condition, and therefore such matters could have adequately been controlled had permission been granted.

CONCLUSION

The decision to recommend refusal of 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.

By reason of the siting, form and scale of the new dwellings, the new dwellings would represent an inappropriate and insensitive form of tandem development, which would also not only materially harm the setting of the Listed Building, but also appear overbearing and dominant in the wider village setting, such harm being accentuated by the form of the proposed access arrangements to serve the new dwellings. The development thus fails to meet the objectives of Policies HOUS8, ENV17 and ENV27 of the Unitary Development Plan, or the general development principles embodied in the Council's adopted Amenity Standards Supplementary Planning Guidance.

RECOMMENDATION (W.R.)

REFUSE

1. The proposed development would represent an insensitive and inappropriate form of tandem development, which would fail to preserve the amenities and privacy of neighbouring occupiers. The proposal is therefore contrary to Policies HOUS8 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011, advice contained within Planning Policy Wales (March 2002), and the Council's approved Supplementary Planning Guidance note on 'Amenity Standards' (1999).
2. By reason of the siting, form and scale of the new dwellings, together with the creation of formalised entrance arrangements and loss of the traditional enclosure to the site frontage, the proposals would materially harm the setting of the Grade II Listed 'Corntown Farmhouse', and appear overbearing and dominant in the wider village setting. The development thus amounts to an insensitive form of new development which fails to meet the objectives of Policies HOUS8, ENV17 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011, or the general development principles embodied in the Council's approved Supplementary Planning Guidance note on 'Amenity Standards' (1999).

Welsh Assembly Government, C/O Agent
White Young Green, 21, Park Place, Cardiff, CF10 3DQ

Land south of the runway, Batslays, MOD St. Athan

Erection of new small hangar, construction of new ground slab, external alterations to existing offices, provision of car parking spaces

SITE DESCRIPTION

The application site is 'land south of the runway, Batslays, MOD, St. Athan'. The site is located southerly within the MOD site, in the area known as Batslays, approximately 350m north of the B4265. The site lies approximately 200m north of Batslays Farm.

The site has a total area of approximately 0.255 ha, and is 'L' shaped in form. The site contains an existing two-storey office building, and the ground slab that formerly accommodated a 'dog handler's compound'. This building has now been demolished.

DESCRIPTION OF DEVELOPMENT

The application is to accommodate the relocated MOD St. Athan Bond Helicopters, a private company that is contracted to provide aerial surveillance services for South Wales Police. The service is currently provided from Cardiff, but proposes relocating to this site in Spring 2008. The proposed operational development is comprised of the following elements:

- A new hangar.
- A new ground slab.
- External alterations to the existing offices.
- A hardstanding to accommodate additional parking spaces.

The hangar measures 16m in length x 14.5m in width x 4.8m in height to the eaves and 6.1m in height to the ridge. The hangar is proposed to the rear of the existing office building and would sit within the existing concrete slab, which is 20m x 18m in size.

The new ground slab is to be used as a take off and landing pad for the helicopters. It is proposed adjoining the north edge of the existing slab and measures 16m wide x 20m in length (maximum).

The external alterations to the existing office building are limited to a new external fire escape, located tightly against the right hand side elevation. The fire escape has a maximum height of 3.2m (to the top of the hand rail) and measures 1m in width.

The new hard standing measures 11.1m in width x 5.4m in depth and is to accommodate 4 No. car parking spaces. It is proposed directly in front of the existing office building.

The internally refurbished offices will provide accommodation in the form of various offices, a training room and various ancillary amenities such as showers and a kitchen area.

PLANNING HISTORY

None relating specifically to this area of land.

CONSULTATIONS

Llantwit Major Town Council has no objection.

St. Athan Community Council - No representations have been received to date.

Environment Agency Wales has no objection subject to a condition requiring a surface water run off study to be carried out and an informative relating to the possible presence of contamination.

Health and Safety Executive has no objection.

Civil Aviation Authority has no objection.

The Head of Visible Services (Highway Development) - No representations have been received to date.

The Head of Economic Development and Leisure (Economic Development) has no objection.

The Director of Legal, Public Protection and Housing Services (Environmental Health) has no objection.

Countryside Council for Wales (CCW) - No representations have been received to date, however a copy of the applicant's Great Crested Newt survey has been forwarded to CCW.

Dwr Cymru/Welsh Water - No representations have been received to date.

The Glamorgan Gwent Archaeological trust have raised no objection to the application, following a preliminary dig at the application site, which revealed no evidence of archaeological remains

The Council's Ecology Officer has advised that the application site lies within 500m of two great crested newt breeding ponds. It is recommended that should, during the course of works, a greater crested newt be found to be present, a method statement be submitted to the Local Planning Authority which sets out mitigation measures for their protection or relocation.

Andrew Davies AM has expressed concern that insufficient publicity may have taken place in respect of the application. Following this concern, additional neighbouring properties were consulted directly and a press notice placed.

Councillor John Thomas has also expressed concern over the extent of public consultation and the possible noise impact of the proposed development.

Councillor Gwyn John has contacted the Planning and Transportation Division with a request for information as to what the proposal entails, following concerns being expressed to him from an adjacent land owner.

REPRESENTATIONS

Batslays Farm, Briarbank, West View, West Orchard Cottage and 1 and 2 west View were consulted, a site notice was posted at the entrance to the site and a press notice placed.

To date, one objection has been received from the occupiers of Batslays Farm, on the following grounds:

- Noise nuisance.
- There is no information provided of the helicopters flight paths.
- There is no logical reason for the relocation of the use to this site.
- Existing noise levels from the wider MOD site are not problematic.
- It is an unsustainable location requiring users to travel longer distances.
- The use would not provide any employment opportunities for local people.

The letter of objection and correspondence from Andrew Davies AM and Councillors Gwyn John and John Thomas are attached to this report as Appendix A.

REPORT

Planning Policies

The following Policies of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP) are considered relevant to the assessment of the application:

ENV16 - PROTECTED SPECIES

ENV27 - DESIGN OF NEW DEVELOPMENTS

ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY

EMP10 - RAF St. Athan.

Policy ENV16 states that permission will only be given for development that will affect a protected species if it can be demonstrated that there are exceptional circumstances that justify it, there is no satisfactory alternative and effective mitigation measures can be provided by the developer.

Policy ENV27 requires new forms of development to have full regard to the context of the local built environment and complement the character of existing buildings. The policy also requires proposals to minimise their detrimental impact on adjacent areas.

Policy ENV29 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 by releasing pollutants or from smoke, fumes, gases, dust, smell, noise, vibration or light.

Policy EMP10 states that further appropriate developments in respect of RAF activity within the RAF St. Athan base will be favoured provided there is no unacceptable impact on local amenity.

The St. Athan Development Brief was adopted in July 2006 and provides an outline of the proposals behind the Defence Training Review bid for new military training facilities, confirms the relationship of the Training Academy and Aerospace Wales proposals on the St. Athan site; and provides a basis for the consideration of any future planning application(s) for the St. Athan site.

Within the supporting land-use plan, the application site lies within an area allocated for WDA aerospace development incorporating non DTR MOD airside requirements.

Issues

It is considered that the primary issues in the assessment of the application are the principle of the use, the visual impact of the new buildings, the level of impact on nearby residential properties by virtue of potential noise, and ecology issues related to the nearby presence of greater crested newts.

Principle of the Use

The application is to accommodate the relocated MoD St. Athan Bond Helicopters, a private company that is contracted to provide aerial surveillance services for South Wales Police, currently based in Cardiff.

The applicant has stated that the Welsh Assembly Government is assisting the business development and relocation of an existing company, which provides employment within the aerospace sector and performs a valuable community service.

Whilst not falling within the type of use permitted by Policy EMP10 of the Unitary Development Plan, (RAF related), it is considered that the proposed use is wholly compatible in nature with the wider site and constitutes a logical and appropriate use for the location. The business itself requires a site context such as this, and given the current vacancy of this part of the site, the proposal is considered to be a mutually beneficial use of the land.

At present, the offices are vacant and make no contribution to the St. Athan site. The former building adjacent to the offices has recently been demolished and this part of the site now lies as a vacant concrete slab. It is therefore considered that the proposal would result in the existing buildings and slab being put to a desirable beneficial use, which would assist the local economy- as stated within the supporting text to Policy EMP10.

Visual Impact

The application site is located approximately 350m north of the B4265 and 700m away from the nearest public viewpoint to the east. The new hangar is of a relatively modest scale, only 6.1m in height and accordingly it is considered that the structure would have no material impact on the wider landscape. The extremely limited views of it from the B4265 (to the south) would be set against the wider built form of the St. Athan site. The hangar would be sited 150m from the edge of the farm complex at Batslays Farm and would subsequently have no impact by virtue of its siting and scale.

The external alterations to the existing office building comprise only of the external fire escape which is proposed tightly against the east elevation. It is, therefore, considered that this will have negligible impact on the external appearance of the building. Similarly, it is considered that the new car parking hardstanding will have no noticeable impact on the wider landscape.

Noise Issues

The new hangar would be located approximately 200m from the farm house at Batslays Farm, which is the closest dwelling to the application site. There are also two existing, larger aircraft hangars located in closer proximity to the farm, approximately 40m and 140m away respectively, as well as the primary runway just north of the application site.

Whilst an application for a use such as this in a stand alone location may require the submission of a noise impact assessment, given the location of this proposal within the wider St. Athan site, it is not considered that the nature or intensity of the use necessitates the submission of a noise survey. Notwithstanding the activities associated with the proposed development, at present, levels of aircraft movements in general are uncontrolled, and it is considered that the operation would not necessarily exceed the intensity or impact of existing operations within this part of the wider site.

Therefore, given the distance of the site to the nearest dwelling and the wider site context that the proposal sits within, it is not considered that the degree of noise or nuisance generated by the proposal would be of a level that would unacceptably impact upon the residential amenities of the nearest properties. In addition the Council's Environmental Health Officer has, having considered the nature of use and proximity of residential properties, raised no objection to the application.

Ecology Issues

The application site lies within the fringe of the potential foraging zone of great crested newts from the freshwater pond which was approved at the the south of the site (ref: 06/00829/FUL). However, given that nature of existing and former development at the site and the distance from the potential source of newts, it is considered unlikely that evidence would be discovered during the course of development. The applicant has also carried out a Great Crested Newt survey, which has indicated that due to the condition of the land, the application site and buildings have negligible/no potential for supporting Great Crested Newts.

Notwithstanding the above, it is considered that it would be prudent to advise potential developers of the relevant legislation that protects this species and the potential terrestrial habitats within which they may be found. Furthermore, a condition requiring the submission of a method statement for their relocation should they be discovered during the course of works, would ensure that mitigation measures are in place to meet the requirements of a National Assembly development licence.

Subject to the above, it is considered that the development would not cause harm to or threaten the continued viability of this protected species, in accordance with Policy ENV16 of the Unitary Development Plan.

Access

Access to the site would be via the existing on-site access routes. Accordingly, no new access route or alterations to the public highway are proposed. Therefore, whilst the Highways Engineer has not commented on the application to date, it is not considered that the development would have any impact on the public highway network.

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 ENV16 - Protected Species; ENV27 - Design of New Developments; ENV29 - Protection of Environmental Quality; and EMP10 - RAF St. Athan, it is considered that the proposed hangar and associated development constitute an acceptable form of development within the St. Athan site, and are of a scale and siting which would have no detrimental impact on the wider landscape, would not unacceptably impact upon the amenities of nearby residential properties and would be appropriately regulated by legal provisions under the Wildlife and Countryside Act (1981) to ensure that no protected species are harmed.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. Prior to their use in the construction of the hangar hereby approved, details of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory standard of development and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

3. The use of the hangar and ground slab hereby approved shall be limited to that of helicopter landing place and terminal, and for no other purpose. The adjacent office buildings shall only be used for purposes ancillary to the helicopter terminal operations.

Reason:

In order to control the nature of the use being carried out from the site, and to ensure compliance with Policies EMP10 and ENV27 of the Unitary Development Plan.

4. Should, during the course of development, evidence be discovered of the presence of a great crested newt or any other protected species, work shall cease and the developer shall submit a method statement and mitigation strategy for the re-location or protection of the protected species. Work shall only continue in accordance with the strategy, once agreed in writing with the Local Planning Authority.

Reason:

In order to ensure the protection of any protected species that may be discovered during the course of development, and in order to ensure compliance with Policy ENV16 of the Unitary Development Plan.

5. Prior to the first beneficial use of the development, a surface water run of study shall be undertaken, submitted to and agreed by the Local Planning Authority, which ascertains whether the development will result in the capacity of nearby watercourses being exceeded. Should the study indicate that the capacity will be exceeded, a surface water regulation scheme shall be submitted to and agreed in writing, and implemented within 2 months of the first beneficial use of the development.

Reason:

To prevent the increased risk of flooding and ensure that the existing characteristics of the watercourses both adjacent to the development and downstream of the catchment are not compromised, and to ensure compliance with Policy ENV7 of the Unitary Development Plan.

NOTE:

1. **The applicant and any future developer should be advised of the following legislation.**

Great crested newts and their breeding sites and resting places are protected by law through UK legislation under the Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994) (as amended). This legislation makes it an absolute offence to either damage or destroy a breeding site or resting place, to obstruct access to a place used for shelter and protection or to intentionally or recklessly disturb great crested newt within a place used for shelter or protection.

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

2. **If, during the course of development, contamination not previously identified is found to be present at the site, then the developer should cease all works and contact the Environment Agency in respect of containment and mitigation and any consents/licences that may be required.**

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

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

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

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

2007/01611/OUT Received on 20 November 2007

Mr. and Mrs. J. Edwards, Ty Chwarel, Castleton Road, St. Athan, Vale of Glamorgan., CF62 4LD
Russell Lee Young, B.A.R.C.H., R.I.B.A. Chartered Architect, 6, Caebach Close, Culverhouse Cross, Cardiff., CF5 4TU

Ty Chwarel, Castleton Road, St. Athan

Single log cabin (Holiday chalet) and associated works

SITE DESCRIPTION

The application site is described as Ty Chwarel, Castleton Road, St. Athan. It is located just south of Castleton Road, adjacent to the western boundary of Castleton Caravan Park and 75m east of the dwelling and curtilage of Ty Chwarel.

The site is 0.08 Ha in size and is accessed directly off Castleton Road via an existing farm gate. It is mainly in grass but also contains the concrete slab of a demolished war time shelter and part of the yard area to a block of stables.

DESCRIPTION OF DEVELOPMENT

The application is in outline and is for a holiday chalet log cabin with the only matters for consideration being siting and access.

It is proposed to use the existing concrete slab, which lies in the south west corner of the site, as the base for the chalet. The base measures 15m wide x 6.5m in depth and would also be used to create 2 No. parking spaces.

The access to the proposed chalet would be via an existing farm gate, which lies directly north of the proposed siting of the chalet. The access is presently also used to serve the existing stable block. Either side of the farm gate are native hedgerows.

PLANNING HISTORY

02/01065/FUL - Horse field shelter. Refused 3 October 2002.

02/01066/FUL - Horse field shelter. Approved 3 October 2002.

CONSULTATIONS

St. Athan Community Council have raised no objection, while commenting that it considers the application to be contrary to Unitary Development Plan Policy.

Environment Agency Wales have raised no objection and forwarded their standard guidance note for developers.

Ministry of Defence have raised no objection.

The Head of Visible Services (Highway Development) have made the following comments:

“Further to the site visit undertaken in relation to the above, the Highway Authority would advise that in order to overcome an objection, the issues detailed below are required to be addressed and an amended site layout plan submitted for consideration.

Visibility from the access to the development site is required to be provided at 2.4m x 33.0m in both directions along the adjacent highway. Within the visibility envelopes, no obstructions e.g. boundary walls, fencing etc. shall be greater than 900 mm in height above the carriageway channel edge and any planting including hedge rows shall be located at the rear of the visibility envelop and shall not be greater than 600 mm in height.

The access to the development site is required to be provided at 4.5m for the first 6.0m from the boundary of the adopted highway to enable two vehicles to pass side by side. The proposed gates are required to be set back by a distance of 6.0m from the boundary of the adopted highway to allow vehicles to pull off the highway when entering the site.

An area is required to be provided within the boundary of the site to enable vehicles to manoeuvre and enter/exit the site in forward gear.”

The Director of Legal, Public Protection and Housing Services. No representations have been received to date.

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

REPRESENTATIONS

The neighbouring properties of Nos. 1 and 2 Chapel Cottages, The Old Chapel and Castleton Caravan Park were consulted directly and a site notice was posted at the entrance to the site. No representations have been received to date.

REPORT

Planning Policies

The site is located outside of the defined settlement boundary of St. Athan and as such falls in the countryside. Therefore Policy ENV1 of the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011 is relevant to the application. This policy relates to development within the countryside and states that within the delineated countryside permission will only be granted for:

- (i) Development which is essential for agriculture, horticulture, forestry or other development including mineral extraction, waste management, utilities or infrastructure for which a rural location is essential.
- (ii) Appropriate recreational use.

- (iii) The re-use or adaptation of existing buildings particularly to assist the diversification of the rural economy; and
- (iv) Development which is approved under other policies of the plan.

More specifically, Policy TOUR4 - Caravan, Chalet and Tent Sites, is relevant to the assessment of the proposal and states that further development or expansion of static and touring caravan sites, chalet and tent sites in the coastal zone will not be permitted. However it states that proposals for additional sites outside the boundary of the Glamorgan Heritage Coast and other parts of the coastal zone will be permitted if:

- (i) The scale of the proposal or any proposed extension is in keeping with surrounding uses.
- (ii) The proposal does not unacceptably affect the interests of agriculture, conservation, areas of ecological, wildlife, landscape or archaeological importance.
- (iii) The proposal does not have an unacceptable effect upon the amenity and character of the existing or neighbouring environments by virtue of noise, traffic congestion, exacerbation of parking problems, or visual intrusion.
- (iv) The proposal meets high standards of layout, landscaping and design and has safe vehicular access.
- (v) Adequate utility and infrastructure services exist, are reasonably accessible, or can be readily and economically provided.
- (vi) Suitable access is provided for disabled persons and those with impaired movement.
- (vii) Parking is provided in accordance with the council's approved guidelines; and
- (viii) The site is not in an area where there is a risk of flooding.

The site also lies within the "Lower Thaw Valley" Special Landscape Area (SLA) where Policy ENV4 states that new development within or closely related to the special landscape area will only be permitted where it can be demonstrated that it would not adversely affect the landscape character, landscape features or visual amenities of the special landscape area.

Policy ENV27 of the Unitary Development Plan requires new forms of development to have full regard to the context of the local built environment and complement the character of existing buildings. The policy also requires proposals to minimise their detrimental impact on adjacent areas.

Issues

It is considered that the primary issues relevant to the assessment of the application are the principle of the development, visual impact and highways matters.

The Principle of the Development

As stated above, Policy TOUR4 of the Unitary Development Plan restricts the further development or expansion of static and touring caravan sites, chalet and tent sites within the coastal zone, but permits new sites outside of the Glamorgan Heritage Coast, subject the criteria set out in the policy. Given that the site does not lie within the Heritage Coast, it is considered that the principle of the use of the land satisfies this policy.

Given the above assessment in relation to the principle of the use, the acceptability of the proposal falls to be considered against the criteria of Policies ENV4 - Special landscape Areas, ENV27 - Design of New Developments and TOUR4 - Caravan, Chalet and Tent Sites, of the Unitary Development Plan.

Impact on the Appearance and Character of the Area

The application site lies within the "Lower Thaw Valley" Special Landscape Area, which has been designated due to the special landscape qualities of the rural environment. Whilst there are a number of concrete slabs within the vicinity of the application site, the majority of these are not visible from public viewpoints and the application site and surrounding land forms part of the unspoilt rural landscape of the wider area.

The application involves the erection of a single holiday chalet and the creation of an associated curtilage and parking area. Whilst the application has only been made in outline with siting and access for consideration, elevation plans of the proposed chalet have been included. The structure shown measures 4.3m in height, 9.5m in length and 6m in width.

Policy ENV4 of the UDP states that development will only be permitted if it will not adversely affect the landscape character and visual amenities of the SLA and of similar relevance, criterion (iii) of Policy TOUR4 states that proposals for new holiday chalet developments will not be permitted if they have an unacceptable effect on the character of the existing environment by virtue of visual intrusion.

Both the chalet and the associated curtilage would be clearly visible from public viewpoints outside the site and it is considered that the development would result in the site taking on a markedly domestic appearance, which would fundamentally and adversely affect the existing rural character of the land and the wider rural landscape. Furthermore, it is considered that the chalet and surrounding curtilage would appear as an incongruous and visually intrusive form of development, which would unacceptably affect the landscape character and visual amenities of the SLA.

The chalet would be located approximately 40m away from the existing caravan park to the east and it is considered that the building would not appear as a logical or natural extension of the caravan park, but rather an isolated and insensitively sited form of development, which would serve to increase the visible and physical mass of buildings within this part of the SLA, to the detriment of its amenity value.

Accordingly, it is considered that the proposal is contrary to Policy ENV4 and criterion (iii) of Policy TOUR4 of the UDP.

Highways Issues

The access to the chalet is proposed via an existing farm gate off Castleton Road. The access point is adjoined on both sides by hedgerows, which continue along the edge of the adopted highway along the road.

The Council's Highways Engineer has stated that in order to provide a safe and adequate access to the site, the applicant would be required to provide vision splays of 2.4m x 33m in both directions along the highway. In order to achieve the required visibility, the applicant would need to remove substantial lengths of hedgerow either side of the entrance, works which are themselves considered unacceptable in terms of their visual impact. Notwithstanding the above, the hedgerow to the east of the site is not in the control of the applicant.

It is, therefore, considered that a safe and adequate access can not be satisfactorily provided, which would enable users of the development to egress safely from the site.

Accordingly, it is considered that serving the development off the proposed access point would be detrimental to the safety and free flow of traffic, contrary to Policies TOUR4 and ENV27 of the Unitary Development Plan.

CONCLUSION

The decision to recommend refusal of planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011.

Having regard to Policies ENV1 - Development in the Countryside, ENV4 - Special Landscape Areas, ENV27 - Design of New Developments and TOUR4 - Caravan, Chalet and Tent Sites, of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011, it is considered that the proposed development is unacceptable in that it would adversely affect the visual amenities of the Special Landscape Area and is not served by an appropriate vehicular access.

RECOMMENDATION (W.R.)

REFUSE

1. By virtue of its scale, form, siting and prominence within the wider rural context, it is considered that the proposed chalet and associated curtilage would amount to a visually intrusive form of development, which adversely affects the rural character and visual amenities of the Lower Thaw Valley Special Landscape Area. Accordingly, it is considered that the proposal is contrary to Policies ENV4 - Special Landscape Areas, ENV27 - Design of New Developments and TOUR4 - Caravan, Chalet and Tent Sites, of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011.
2. The proposed vehicular access would make provision for insufficient vision splays to serve the development, without the unacceptable removal of substantial lengths of hedgerow. Accordingly, the proposed access would be detrimental to the safety and free flow of traffic, contrary to the aims of Policies ENV27 - Design of New Developments and TOUR4 - Caravan, Chalet and Tent Sites, of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011.

2007/01614/FUL Received on 21 November 2007

Lafarge Cement UK, Portland House, Bickenhill Lane, Solihull, Birmingham., B37 7BQ

John Hernon, National Planning Manager, Lafarge Cement UK, Blue Circle House, The Shore, Northfleet, Kent., DA11 9AN

Lafarge Cement UK, Aberthaw Cement Works, East Aberthaw

New silo and associated plant for storage and processing of pulverised fuel ash

SITE DESCRIPTION

The application relates to a site within Aberthaw Cement Works. The site is located in the centre of the works in an area of large buildings and items of plant and machinery.

DESCRIPTION OF DEVELOPMENT

A full application for the construction of a new silo and associated plant for the storage and processing of pulverised fuel ash (PFA). The freestanding cylindrical silo is to be 33 metres in height and 7.8 metres in diameter, with associated pipework and a 15 cubic metre capacity calibration bin to be mounted on the outside of an existing manufacturing building. The new silo and bin are to be coloured goosewing grey to match the existing buildings, with supporting steelwork having a galvanised finish.

PLANNING HISTORY

There is an extensive planning history for buildings, plant and machinery on the cement works site, none of which is directly relevant to the current application.

CONSULTATIONS

There is no Community Council for this area.

Environment Agency Wales have no objection to the planning application and confirm that any concerns they may have will be dealt with under the separate PPC permit application process.

Civil Aviation Authority has no safeguarding objection to the proposal.

The Director of Legal, Public Protection and Housing Services (Pollution Control) has no comment to make on the application.

Councillor J. James was consulted as local Member on 28 November 2007 but has made no comment.

REPRESENTATIONS

The application was advertised by two site notices (located at the works entrance and at the northern end of Burton Terrace) on 28 November 2007.

Barry/Vale Friends of the Earth object on the grounds that road transport should not be used to transfer PFA from Aberthaw Power Station to the cement works as the public highway, and in particular the narrow Gileston railway bridge, is unsuitable for further heavy lorry traffic. Transport should instead be by conveyor. If the development goes ahead a pavement and one-way system should be installed under the bridge. A letter from Barry/Vale Friends of the Earth is attached as Appendix A.

No other comments have been received.

REPORT

In support of the application, the applicants state that most but not necessarily all the pfa will be sourced from Aberthaw Power Station. PFA has naturally cementitious properties that mean it can be added to the finished cement product as customers require. This has the benefit of using a by-product of coal-fired power stations that would otherwise have to be disposed of to landfill whilst decreasing the volume of virgin raw materials (limestone and shale) required.

Depending on demand it is anticipated that PFA requirements could be 400–750 tonnes per week equating to 16–30 deliveries per week by 25 tonne lorry.

The PFA will be discharged from the silo via the calibration bin into the existing cement milling process by a sealed pneumatic system.

Planning Policies

No policies of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 refer directly to the cement works or power station, but Policies WAST1 (Provision of Waste Management Facilities) and WAST2 (Criteria for Assessing Waste Management Facilities) favour proposals for the handling and treatment of waste on existing employment sites provided the proposal complies with a list of criteria. In this case, the minimisation of waste requiring landfill, the beneficial use of a waste material and the consequent reduction in requirement for primary aggregates all meet the objectives of those policies. However, the potential effect of the development on residential amenity and public health, adequacy of highways and standard of design require consideration.

The proposal also complies with the recommendations of the recently-published draft Regional Technical Statement on Aggregates, published by the South Wales Regional Aggregates Working Party, which amongst other things identifies the Aberthaw PFA as an under-used secondary resource and recommends that further investigation be undertaken of the use of the material.

Issues

The silo is to be located in the centre of the works, in an area of very high buildings and plant and some 240 metres from the closest dwelling (Burton House, to the north east). The silo will be similar in height to the existing large items of plant in the cement works, and although the works is a very prominent industrial installation in an otherwise predominantly rural environment, in any public views (limited to westbound on the Rhoose bypass, eastbound on the B4265 from St Athan and from a few viewpoints on Burton Hill) the silo will be seen only as a relatively minor extension to the main mass of the cement works and will not be an unacceptably intrusive feature.

The silo and associated pipework are to be entirely enclosed, and with ash transfer to the cement mill being by a pneumatic process there will not be any emissions to atmosphere. In any event, potential emissions are controlled by the PPC permit for the works issued by the Environment Agency, who have more effective powers of enforcement than are available under planning legislation. In view of the distance of the site from any residential properties (over 240 metres) it is considered that there will not be any adverse impact caused to residential amenity.

The comments of Friends of the Earth have been considered carefully. At present, there is no restriction on the number of vehicles that may enter or leave the power station, and a scheme of visibility improvements and a 40 mph speed limit have been introduced at the junction of the power station entrance road with the B4265 as part of the ongoing flue gas desulphurisation (FGD) works at the station. On completion of the FGD works, traffic to the station is likely to reduce substantially, and as there is currently no restriction on the export of PFA by road, it would appear unreasonable to require further works at this stage for the relatively small number of vehicles associated with this project.

Whilst the use of a conveyor to transport ash from the power station to Aberthaw Quarry is under active consideration by the power company as required by the 2007 planning permission for disposal of PFA in the quarry, the quantities involved in that scheme are far greater than in the present proposal. Therefore it appears that the small quantities involved (up to 750 tonnes per week) would not justify construction of an additional conveyor.

CONCLUSION

The decision to recommend that planning permission be granted 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 WAST1 (Provision of Waste Management Facilities) and WAST2 (Criteria for Assessing Waste Management Facilities) of the Unitary Development Plan it is concluded that the proposal will meet the objectives of those policies as it will comprise a beneficial use of a waste material that would otherwise be sent to landfill and will reduce the need for primary aggregates without any unreasonable impact on residential or general amenity.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

NOTE:

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

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

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

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

2007/01521/RG3 Received on 31 October 2007

Chris Fray, Vale of Glamorgan Council, Docks Offices, Barry Docks, Barry, CF63 4RT

Rob Lucas, Vale of Glamorgan, Dock Office, Barry Docks, CF63 4RT

Barry Railway Station footbridge and pedestrian access route between Plymouth Road, and Station Approach Road, Barry Island

Demolish existing footbridge and replace with a new footbridge and enhance the access route

SITE DESCRIPTION

The site relates to a footbridge at Barry Island Railway Station along with the pedestrian access from Plymouth Road and Station Approach Road. The site is adjacent to the railway station giving access across the track to housing areas in the north of Barry Island.

The existing bridge is in a poor state of repair and provides no means of access for a disabled person and makes it difficult for people to use bicycles. There are currently steps giving access to an unadopted road that leads to Plymouth Road. Adjoining the site there is a football pitch, children's play area and large amount of tree cover.

DESCRIPTION OF DEVELOPMENT

The proposal relates to the demolition of the existing footbridge to be replaced with a new footbridge that incorporates design to allow ramped access. Also included in the proposal are measures to improve the access to the bridge.

Bridge, Stairs and Ramp

The bridge itself measures 32.12m in its length across the railway and has a height from floor level to 1.55m, sections indicate that the bridge will measure 3.2m in width. The total height of the bridge is 1.8m. The bridge is to be sited 4.45m above the level of the railway line. Steps and ramps are proposed linking into the bridge.

The stairs to the proposal measure 3.2m in width and have a height of 1.2m and are sited in the same approximate position as the existing. Along with the stairs, access is to be provided by a ramp. On the structure four 5m ramps at 1 in 15 are included with three 2m landings between at 1 in 50 on the first downward decent. On the second level change there are seven 5m ramps at 1 in 15 with six 2m landings at 1 in 50 between. To provide sufficient support along the ramp the handrails at the side measure to 1.4m.

Pedestrian/Cycle Route

With regard to the access track at the site the proposals include creating a footway/cycle track with rough asphalt across the entirety of the track from Plymouth Road to the footbridge. Seven lighting columns are proposed along the verge of the track, full details of which have not yet been provided. Plans indicate that the lighting column locations to serve the footbridge are to be decided when the bridge is constructed.

PLANNING HISTORY

None.

CONSULTATIONS

The following were consulted on 12 November 2007 with comments noted.

Barry Town Council - Comments received 12 December 2007 outline that the proposals are welcome as a means of upgrading the existing important pedestrian/cycle route. No objections are raised subject to the Local Planning Authority being fully satisfied with:- The type and colouring of the finishing materials and the proposals for lighting particularly in respect of increased safety and security.

The Head of Visible Services (Highway Development) – No comments have been received to date.

The Head of Economic Development and Leisure (Public Rights of Way Officer) – No comments have been received to date.

The Head of Economic Development and Leisure (Leisure and Tourism) – No comments have been received to date.

Network Rail - In their response received 3 December 2007 have no objection in principle, however set out comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

“Drainage – Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, it is recommended that soakaways should not be constructed within 10 metres of Network Rail's boundary.

Legal – The applicant shall comply with the terms of whatever covenants exist in the title which are for the benefit of Network Rail.

Safety – No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. In particular, the demolition of buildings or other structures must be carried out in accordance with an agreed method statement. Care must be taken to ensure that no debris or other materials can fall onto Network Rail land. In view of the close proximity of these proposed works to the railway boundary the developer should contact Keith Buckland at Network Rail on opewestern@networkrail.co.uk before works begin.

Lighting – Should the development include proposals for external lighting, I must point out that this may conflict with Network Rail's signalling system. The developers should be required to obtain Network Rail's approval of their detailed proposals."

A late comment received from the Operational manager of the Engineering Design Department dated 18 December 2007 notes the following – "The submitted details indicate that proposals for the surface water run-off are to be subject to a condition. The applicant should be requested to provide full details including the discharge point of the existing drains, to enable me to comment further".

REPRESENTATIONS

Barry Island Station and neighbours close to the site (Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 St. Baruchs Court and Nos. 34, 35, 36, 38, 39 Plymouth Road) were consulted on 12 November 2007. Two site notices were erected on 19 November 2007. To date no letters of representation have been received.

REPORT

Planning Policies

The relevant policies contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 are as follows:

PART 1 STRATEGIC POLICIES:

POLICY 2

POLICY 7

POLICY 8.

PART 2 POLICIES;

ENV27 – DESIGN OF NEW DEVELOPMENTS

ENV28 – ACCESS FOR DISABLED PEOPLE

TRAN9 – CYCLING DEVELOPMENT

Also of relevance to the application is Planning Policy Wales (2002) and TAN18: Transport.

Issues

The main issues to consider in this application relate to the physical appearance of the proposed new structure and its relationship with the existing railway station and railway line and the wider surrounding area. Also of importance is the detailing of the pedestrian/cycling route provided as part of the scheme.

The existing footbridge providing access between Station Approach Road and Plymouth Road is in a state of disrepair. The bridge is not aesthetically pleasing and excludes access to those with mobility impairment.

The new proposal provides a bridge and ramp that attempts to promote inclusive design, promoting access to a wide variety of people. The applicant has provided supporting information in the form of an Access Statement which depicts the reason behind the scheme and how it complies with the requirements of the Disability and Discrimination Act 1995 and 2005;

- Easily used by as many people as possible without undue effort, special treatment or separation.
- Able to offer people the freedom to choose how they access and use the footbridge and access route and allow them to participate equally in its use.
- Able to embrace diversity and difference.
- Safe, legible and predictable; and
- Of consistently high quality.

Support is given within the statement that the scheme will enable the retention and improvement of the pedestrian and cycling route in Barry Island that links Plymouth Road to Station Approach Road. The scheme will add to the wider strategic sustainable transport improvement and will help link up Barry Waterfront with Barry Island. The cycle/pedestrian route specified links with the Sustrans Draft report on the Vale of Glamorgan National Cycling Network Route 88 which includes Barry Island Railway Station.

Planning Policy

With regard to Policy contained within the Unitary Development Plan 1996 - 2011 it is considered that Policies ENV27, ENV28 and TRAN9 apply in this instance. The new bridge and adjoining route will create a more accessible route for people with impaired mobility whilst it will create a more aesthetically pleasing environment than that of present. Policy ENV27 requires that new developments should have full regard to the context of the local natural and built environment. Criterion (vii) states that new development will be permitted where it *“provides a high level of accessibility, particularly for public transport, cyclists, pedestrians and people with impaired mobility*

.” Policy ENV28 states that: *“All new development open to the public and buildings used for employment and education purposes will be required to provide suitable access for customers, visitors or employees with mobility difficulties.”*

Whilst this policy seeks to promote the good design of buildings and the spaces around them it is considered important in this case to provide good access to Barry Island Railway Station other than simply on foot. Policy TRAN9 promotes cycling development within the Vale of Glamorgan with supporting text outlining that *“The National Cycling Strategy encourages local authorities, the private sector and voluntary groups to work towards a change in attitudes to cycling, and develop cycle infrastructure”*.

In reference to strategic policies contained within Part 1 of the Unitary Development Plan it is considered that Policy 2, Policy 7 and Policy 8 are most relevant. In regard to the environment, Policy 2 seeks to ensure that proposals are located to minimise the need to travel, especially by car and help reduce vehicle movements or encourage cycling, walking and the use of public transport will be favoured. Policies 7 and 8 relate to transportation and improvements to include schemes to encourage travel by cyclists and pedestrians.

Planning Policy Wales (2002) also promotes walking and cycling (8.1.3) and defines that *“Local authorities should encourage the implementation of specific measures to develop safe cycling, including new or improved routes”* and *“where appropriate, planning authorities should also seek to assist the completion of the national cycle network and key links to and from the network”*. Planning Policy Technical Advice Note 18 (TAN18: Transport) also underlines the importance of the need to consider the needs of walkers and cyclists in all development planning decisions. Section 6.4 indicates that Local Authorities should develop an effective network of cycle routes whether new or upgrading existing routes.

It is considered that the proposal will result in a more visually pleasing and accessible route that is more inclusive and complies with policies contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 and further advice within Planning Policy Wales (2002) and TAN18.

Physical Amenity/Safety

Given the existing bridge is not particularly attractive it is considered that the new bridge will improve the overall aesthetics to the location. Whilst the associated ramp does appear large, it is also considered an important feature providing a successful link for those who have bicycles, wheelchairs, pushchairs, amongst any other non foot modes of transport.

There are no properties in close proximity to the bridge/ramp that would likely be detrimentally affected by the proposals. The nearest neighbours to the site are situated along Plymouth Road. No letters have been received by neighbours. Barry Town Council have no objection to the proposal, outlining that it is welcomed as the means of upgrading the existing important pedestrian/cycle route. They outline that the Local Planning Authority should be satisfied with the type and colouring of the finishing materials along with the proposals for lighting in respect of increased safety and security. Network Rail offer comments on the proposals as outlined above, with no objection in principle subject to safety being maintained.

With regard to the lighting at the site, seven lighting columns with street lighting chambers are included. Full details of these have not been received. However, given their location on the path they are unlikely to affect the nearest neighbours to the site. With regard to lighting the footbridge, an email received 13 December 2007 indicates that it is unlikely that the bridge will contain lighting columns at both ends to be illuminated to the full Disability and Discrimination Act standards, however, further information will need to be supplied.

Overall, it is considered that the proposal is acceptable. The bridge and improvements to the track are much welcomed in this location and will improve the quality of the existing environment. Planning policies indicate that favour should be given to proposals that seek to promote cycling and alternative means of access and to this effect the proposal does not conflict. Approval is recommended subject to conditions to include the need to provide further detailing of the bridge, associated lighting and landscaping.

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 Part 1 Strategic Policies 2, 7, 8 and Part 2 Policies ENV27 – ‘Design of New Developments’, ‘ENV28 – ‘Access for Disabled People’, and TRAN9 – ‘Cycling Development’ along with guidance contained within Planning Policy Wales (2002) and TAN18: Transport, it is considered that the proposal is acceptable. The proposal will result in an overall improvement to the area including a new bridge and higher of level of access. There will be no harm to the existing railway or neighbours adjoining the site. Therefore, the development complies with the above Planning Policies from the Unitary Development Plan and the Councils ‘Amenity Standards’ Supplementary Planning Guidance.

RECOMMENDATION

Deemed planning consent be GRANTED subject to the following condition(s):

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

Reason:

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

2. Prior to their installation on site, full elevational and section details of the proposed lighting columns to the footpath shall be submitted to and approved in writing by the Local Planning Authority. Such approved lighting shall be provided on site in full accordance with the approved details prior to the first beneficial use of the footpath.

Reason:

In the interests of the visual amenities and public safety of the area, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

3. Notwithstanding the submitted plans, full engineering details of the bridge, external lighting and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing on site. The development shall be carried out in accordance with the approved details and maintained thereafter.

Reason:

In the interests of the visual amenities and public safety of the area, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

4. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to development taking place on site which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason:

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

5. 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 completion of the development, 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.

NOTE:

1. Network Rail comments:

Drainage : Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, it is recommended that soakaways should not be constructed within 10 metres of Network Rail's boundary.

Legal : The applicant shall comply with the terms of whatever covenants exist in the title which are for the benefit of Network Rail.

Safety : No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. In particular, the demolition of buildings or other structures must be carried out in accordance with an agreed method statement. Care must be taken to ensure that no debris or other materials can fall onto Network Rail land. In view of the close proximity of these proposed works to the railway boundary the developer should contact Keith Buckland at Network Rail on opewestern@networkrail.co.uk before works begin.

Lighting : Should the development include proposals for external lighting, I must point out that this may conflict with Network Rail's signalling system. The developers should be required to obtain Network Rail's approval of their detailed proposals.

2. This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.

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

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

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

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

04/01079/OUT

My ref THC01079098

APPENDIX A

9th August 2004

19 Heol Fioled

Pencoedtre Village

Barry

CF63 1HB

Tel 01446 742277

Dear Sir

Planning Application No 04/01079/OUT
Land at North Pencoedtre Barry

1. Whilst not wishing to formally object to the above proposed development, I would nevertheless like to make a few comments/observations/questions thereon. I've had a quick look at the submission but admit I've not studied it in detail. I've assumed Fig 6 (Harmers Drg No 0750/c ref 3585) shows the proposed development in outline.

2. When my wife and I purchased our Pencoedtre Village property in 2001 we were advised that there would probably be a business park to the north of the current developed area and that there wouldn't be any vehicular connection between the two developments. Fortunately this still appears to be the situation. I do not recall however being advised that there would be further housing development. Additionally it is not clear from Fig 6 whether or not there is to be any development within the area to the south of the development's proposed new access road and north of Pencoedtre Lane? Should these two roads not be combined in some way to form a single access off the A4050?

3. I am however quite amazed at the apparent amount of "our mature woodland" (how much is it?) which the Forestry Commission now appears willing to remove. At first sight this removal appears to be contrary to current thinking regarding global warming, and HM Government's policy on CO₂ reduction. I believe fewer trees means more CO₂. One must hope that at the very least the Forestry Commission will replant at least the same area of woodland as they remove in the same area. Furthermore I understood it was HM Government policy to promote new development on brown field sites, and there must surely be many hectares of such land available in the Barry area? Are footpaths/cycleways a good idea in heavily wooded areas? I would certainly not like to use one of these after dark with the possibility of being mugged either by somebody on foot or on a motor bike. I will also write directly to the Forestry Commission on these matters shortly.

4. If some 150 or more additional dwellings are to be built in the area then I would suggest that additional facilities should also be provided for Pencoedtre Village and the surrounding development area eg improved bus service, newsagent, and a public house.

Yours faithfully



T H Carter

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

creu lle gwell
creating a better place

Appendix A



05/00860/OUT
Asiantaeth yr
Amgylchedd Cymru
Environment
Agency Wales

Mr Rob Thomas - Head of Planning and
Transportation
The Vale Of Glamorgan Council
Docks Office Subway Road
Barry
South Glamorgan
CF63 4RT

Ein cyf/Our ref: SE/2006/012931/03-L01
Eich cyf/Your ref:
P/DC/JMC/05/00860/OUT

Dyddiad/Date: 08 February 2007

Annwyl Mr Thomas / Dear Mr Thomas

**PROPOSED 10,000FT² ASSEMBLY/MANUFACTURING UNIT AND 12, 3
BEDROOMED RESIDENTIAL UNITS. SITE NORTH WEST OF BENDRICK
ROAD CURRENTLY ACCESSED OFF WIMBORNE ROAD, BARRY DOCKS,
VALE OF GLAMORGAN.**

Thank you for referring the flood consequences assessment submitted in support of the above application, which was received on 22 December 2006. I apologise for the delay in reply, but hope that our comments will still be taken into consideration.

We have considered the assessment of flooding consequences produced by Blackburn Griffiths Reference 2375 dated November 2006, submitted in support of the above planning application. Based upon the information submitted, the assessment shows that the risks and consequences of flooding could be acceptably managed in accordance with criteria set out in TAN15. We therefore have no objection to the development from a flood risk perspective.

With regards to potential land contamination, the site is situated on a major aquifer as defined by the 'Policy and Practice for the Protection of Groundwater' (Environment Agency, 1998), which potentially highly productive and able to support large abstractions for public supply or other purposes. The Environment Agency therefore considers this to be a sensitive location with respect to the protection of controlled waters.

We are aware that this area has been subject to historical tipping of waste. The majority of these operations occurred before 1976 and as such the Environment Agency does not have specific details.

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

End



05/00860/OUT

A

This site may be affected by contamination. If the Local planning authority is minded to request conditions to investigate the effects on human health from any contamination found in, on or under the site, we request that a similar investigation is carried out to identify the effects on controlled waters. This is to allow the developer to satisfy themselves of their potential liability under Part IIa Environmental Protection Act 1990.

As you are aware the site is situated on a Local Authority recorded landfill site. Section 13.7.2 of Planning Policy Wales (2002) states:

"Where significant contamination issues arise, the authority will require the production of detailed investigation and risk assessment prior to the determination of the application to enable beneficial use of land. Where acceptable remedial measures could overcome such contamination, then planning permission may be granted subject to conditions specifying the necessary measures."

Due to the inadequate information provided with the application it has not been possible to determine whether the redevelopment of the site will adequately protect controlled waters from potential contamination of soil or groundwater. Therefore, in accordance with the above we request that the following conditions be incorporated into any permission granted at this site.

It should be noted that the scale and scope of the investigative works should be agreed with ourselves prior to undertaking. As such we strongly recommend that the applicant contacts us to discuss the works:

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.
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 ensure that the proposed site investigations and remediation will not cause pollution of Controlled Waters.

End

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 Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing 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 infiltration of surface water drainage into the ground is 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 controlled waters.

REASON: To prevent pollution of controlled waters.

CONDITION: Provision must be made to ensure that no polluting discharge from haul roads and disturbed areas enter any watercourse.

REASON: Protection of the environment.

CONDITION: Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

REASON: To prevent pollution of the water environment.

The following comments are for the attention of the developer:

The watercourse known as the River Cadoxton is scheduled pursuant to the Water Resources Act 1991 and the Environment Agency's Land Drainage Byelaws, as a statutory main river. The developer must obtain the prior formal Flood Defence Consent (formerly land drainage consent) of the Environment Agency for any works in, under or over the watercourse, or within 7 metres of the base of any floodbank or wall, or where there is no bank or wall within 7 metres of the top of the riverbank.

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

The Environment Agency advises that the developer notifies potential purchasers (where affected by watercourses) that the responsibility for the maintenance of any watercourse, and structures thereon lies solely with the riparian owner, and that damages caused by the failure to maintain or inappropriate maintenance may leave the riparian owner liable to summary action to recover those damages.

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.

05/00860/OUT A

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.

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

Yn ddifffuant / Yours sincerely

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 Blackburn Griffiths Ltd

**ENVIRONMENTAL
AND ECONOMIC
REGENERATION**
13 FEB 2007

RECEIVED

ACK:
NO: 1402
ACTION BY: mc/jmc
RECEIVED
D.E.E.R

End

P45

Appendix B 05/00860/OUT.

Vale of Glamorgan Highway Authority Observation Sheet

Planning Application Reference	05/00860/OUT
Observations By	Paul D Harrison
Date	12 November 2007
Location	Site Northwest of Bendrick Road, Barry
Proposal	Proposed 10,000ft ² Assembly/Manufacturing Unit and 12 Three Bedroom Residential Units.
Case Officer	Jane Crofts

Further to receiving amended plans in relation to the above, I would comment that the development proposals are acceptable in principle provided that the following details are made conditional to the planning consent.

- 1 No works what so ever shall commence on site until full engineering details of the proposed access onto Wimborne Road, serving the existing and proposed commercial uses at development site has been submitted and agreed in writing by the Local Planning Authority.
- 2 The proposed access road serving the residential use at the development site shall be constructed in accordance with the council's standard details for adoption. No works what so ever shall commence on site until full engineering details of the proposed residential access has been submitted and agreed in writing by the Local Planning Authority.
- 3 Parking provision in relation to the residential use at the development site shall be provided within the boundary of each dwelling in accordance with the councils parking standards and thereafter maintained and retained at all times for the purpose associated with the development proposals.
- 4 The proposed parking provision in relation to the existing and proposed commercial uses at the development site as shown on the submitted site layout plan (Drawing No. 05-20/02C), site shall be provided before beneficial occupation of the proposed commercial unit and thereafter maintained and retained at all timers for the purpose associated with the development proposals.

Appendix ~~B~~ 05/00860/OUT.

NOTE:

The Highway Authority would advise that it is in the interests of the developer to offer the residential access road for adoption in order to relinquish responsibility and liability of maintenance.

Consultation response: Ecology

Application reference: 05/00860/OUT

Application site: Site north west of Bendrick Road currently accessed off Wimbourne Road, Barry Docks

Comments made in respect to the ecological report:**Reptiles**

The survey report submitted in respect to this application identified the presence of slowworm on site and potential habitat for other species of reptile.

- 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 similar to that appearing in appendix 4 and following the guidelines listed in appendix 5 of the report be submitted to the local authority for approval prior to the commencement of works.

***Bats**

The survey report submitted in respect to this application indicated that the mature trees on site had low potential for roosting bats, no emerging bats were detected. However several bats were recorded during the survey foraging over the area, therefore the following recommendations are made.

- Contractors should be made aware that there is a possibility of encountering bat roosts unexpectedly during the development work.
- In the unlikely event of bats being found to be present on site, work should stop immediately and advice sought from the Countryside Council for Wales, (CCW) (tel. 02920 772400).
- Work should ideally be carried out in the winter months when bats are least likely to be present.
- The Bat Conservation Trust best practice guidelines for felling listed in appendix 3 should be adopted and used on site.
- It is noted in the ecology reports recommendations (Section 6) that consideration should be given to the erection of 'woodcrete' bird nesting and bat roosting boxes in suitable locations on site. The provision of such boxes would be welcomed as part of the development.

Nesting birds

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

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

Badgers

The ecology report states there were no signs of badger recorded during the field survey and that their presence as a residential species is considered extremely unlikely. Therefore no further mitigation is required for badger.

Scrub

The ecology report states that the application site consists mainly of a mixture of scrub and young saplings that provide a source of food for large numbers of songbirds, invertebrates and small mammal species. Removal of the scrub would result in loss of this food source.

It is therefore recommended that, should the application be granted consent, consideration be given to the planting of local provenance sourced, indigenous, mixed species hedges or other indigenous trees/shrubs within the landscaping scheme of the proposed development.

River corridor

It is noted on page 15 of the ecology report that there may be potential impacts on the adjacent Cadoxton river during construction. The Cadoxton river, which runs along the north-western edge of the application site, is assessed as being of district value as a habitat resource and of high local value within the isolated section adjacent to the application site. Due to the importance of this resource and the potential for it to contain and support species including otter, bullhead and brown trout the following recommendations are made:

- It is recommended that a 10 metre wide corridor (7m wide in accordance with standard Environment Agency requirements) of undeveloped habitat be retained and managed as semi natural habitat

along the north-western boundary of the site. This corridor should be excluded from the development site through condition.

- Appropriate pollution control measures should be employed in accordance with Environment Agency standards to ensure that detrimental impacts on the River Cadoxton are avoided during construction.
- In channel works should be avoided as far as possible to prevent contamination and sediment release into the river, which could affect sites downstream. Any necessary works should be kept to as short duration as possible and carried out over the months of November – February.

***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) 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.

OS/00860/OUT
43 Bendroek Road
Barry
S Glam
CF63 3RE
21-6-2005

Vale of Glamorgan
Planning Office
Barry Docks

Ref Application OS/00860/OUT
Bendroek Road Barry.

Dear Sir / Madam.

With reference to the above
application - Proposed 10000 ft²
Assembly / Manufacturing unit
accessed off Wimbourne Road.

This site is so the rear
of my back garden. The plans
show that Bed, Head boards etc
are to be made there. This will
include a lot of Electric Sawing,
Cutting etc of Timber. I believe
the noise from this type of work
will disturb my pleasure and
lifestyle. I enjoy sitting in my

D · OS/00865/BUT

back garden and the noise and dust that will be generated is not acceptable.

This site will be far too close to my home and that of my neighbours, for this type of industry.

There are sufficient other units available in the nearby Atlantic Trading Estate, which is some distance away from houses.

I respectfully request that you refuse the application for the reasons disclosed.

Yours faithfully

G. L. G.
H. N. Tyler

OS /00860/OUT

D

MR AND MRS EVANS
47BENDRICK ROAD
BARRY
S GLAM
CF63 3RE

Application No 05/00860/OUT

Dear Sir/Madam

We have been residents at this address for nearly 20 years. when we chose this property to buy it was because of the setting it was in .we had a children's play area next door ,we looked out on to trees from the front and back windows and a small amount of neighbors it was as close to country living that we could afford at the time.

We are very upset and concerned with the plans to build a factory unit and 12 houses behind us. There are plenty of unused units on the trading estate that are not being used why build another one? I have deep concerns about what this will to our community.

1.) The children's play area will have another busy road around it. They already have two and the area is not fenced off properly.

2) I am worried about the noise of sawing and banging all day and may be into the evening

3) the lane is in daily use by ourselves and other residents obviously if the plans are approved there will be a considerable amount of heavy plant and machinery up and down the lane leaving it churned up and uneven so we wont be able to get our cars out of the garage every day.

4) Our back gardens will then go straight out onto a busy road where as our children and pets as a whole have used this lane as an extension of our gardens and park.

Also we feel adding 12 houses down the other end of the street will cause more problems.

1) More traffic up and down the street.

2) Again more heavy plant and machinery up and down a small street.

3) We believe that our street cannot take the amount of traffic that would come with this amount of development.

4) One of our major concerns is what if there is an emergency and we need to evacuate the area the more people you cram into this small area the harder it will be for any of us to get out safely

We hope you think on your decision very carefully and take our views, feelings and safety as a community into consideration.

Thank you for taking time to read this.

Mr. and Mrs. Evans

05/00860/OUT

Your ref: P/DC05/00860/OUT

45 Bendrick Road
BARRY
CF63 3RE

Vale of Glamorgan
Dock Office
Barry Docks
Barry
CF63 4RT

15th July 2005

Dear Sir,

Re: Town and Country Planning Act 1990 (as amended)
Application No. 05/00860/OUT
Site north west of Bendrick Road currently assessed off Wimborne Road Barry Docks
Proposed 10,000 ft² assembly/manufacturing unit and 12 three bedroom residential units.

I refer to your letter dated 10th June regarding the above and apologise for the delay in responding, due to myself being incapacitated due to an accident the beginning of June.

Set out below are my objections to the assembly/manufacturing unit and 12 three bedroom residential units.

When I first moved to this area nearly 20 years ago, it was chosen because it was thought to be a nice quiet little area. Amongst other things, there was no Genesis Plant, Tank Farm, Units on Atlantic Trading Estate, new Unit behind my property (i.e. T J Williams) Gates closed over the dock and Sully Hospital was still open.

Throughout the years, myself and other residents have objected to all of these, albeit to no avail. I understand the gates regarding the docks, due to new legislation laws and have understood the reasons. Obviously all the rest is due to financial reasons i.e. selling off land.

I cannot see why units should be built on this land behind Bendrick Road when there is a perfectly good Atlantic Trading Estate which can be used. Obviously monetary reasons again.

When news became known that the Atlantic Trading Estate was being upgraded, an application was refused, by the Council, to build residential houses etc., on the land. This, I have been led to believe, was refused because of its closeness to the chemical

OS/00860/857

-2-

plant. If this is correct, how come permission may be granted for further residential homes near the chemical plant?

I was once informed by a Councillor that the houses in Bendrick Road were an abomination as far as the Council were concerned and that they should never have been sold off to the public because of the problems the Council were having with objections to anything that was proposed regarding the area. With more residential homes wanting to be built, I would have thought this would cause more problems for the Council.

Regarding new resident homes, this will ~~increase~~ traffic through Bendrick Road, as I understand the entry is going to be at the bottom of Bendrick Road away from the roundabout and this will cause a ~~potential~~ danger as there are a lot of children in the area and at present the only traffic is residents/family as it is a dead end.

The assembly/manufacturing unit, I understand is manufacturing wooden goods. This will increase noise and air pollution. I certainly would not want my grandchildren playing in my back yard, only to inhale sawdust particles, no matter what precautions are put in place.

I could go on and on in this letter informing you of my views but no doubt you would think it would become boring.

I would like to believe that just for once, the Council would listen to residents and reject this application, but going by past experience, I will not be holding my breath.

By the way, the reason I wrote this letter is for you to put in on record and if the application does go through I will be appealing to the Planning Inspectorate.

Yours faithfully,


S. Roberts (Mrs)

SMC
Appendix

M J

43 Bendroct Road
Barry 05/00860/
S Glam. OUT
CF63 3RE
19th October 2007

Planning Committee
vale of Glamorgan.
Dock Offices
Barry.

Ref. P/DC/SMC/2005/00860.

Dear Committee Members.

I have been informed
that the above mentioned application
is due shortly before the Planning
Committee for a decision to be
made.

I made a formal
written objection to the application
in May 2005. I would like to
reiterate my objections to
this application.

As stated previously

D

05/00860/05

a Bed manufacturing factory planned to be built very close to my rear garden would cause a severe interruption of my peace and tranquility, because of electric saws and nail guns being heard throughout the day. I enjoy my garden but I am sure that the noise and dust pollution would be also heard from inside my house and would cause my wife and I and our elderly neighbours some distress.

As a retired Police Officer I would like to live my remaining years quietly and without noise and dust. I

RECEIVED
I am sure it would affect the health of the residents in more ways than one.

77 OCT 2003
ENVIRONMENTAL
AND ECONOMIC
REGENERATION

Thank you for

D

05/00860/
OUT

your attention and respectfully
ask you to consider whether
a factory so close to the
rear gardens of residents is
really a good idea.

I would have no objections
to a small non-manufacturing
unit, i.e. an office block, similar
to the one presently occupying
land close to the houses
being built. The present
office unit does not cause
the residents any disturbance.

Thank you.

Ish Tyler. (HR)

Appendix ~~F~~ E

7th July 2005

Head of Planning and Transport
The Vale of Glamorgan Council
Dock Road, Barry Docks,
Barry,
CF63 4RT

Dear Sir

Outline planning submission 05/00860/OUT

We note that outline planning permission is being sought for the development of a 929m² assembly/manufacturing unit and 12 houses on Bendricks Road.

We believe that the manufacturing unit and two of the houses are within the Consultation Distance (CD) for the Barry Site Chemical Complex and are concerned that a new development is being considered this close to the complex.

It is our understanding that the national policy on major accident hazards (Advisory Committee on Major Hazards) is to stabilise and not increase the numbers at risk around top tier COMAH sites. We would therefore question the need to locate this development this close to the complex, which includes the adjacent ship unloading area in the docks.

We have discussed the matter with EVC and they are also opposed to this development going ahead.

Yours sincerely



Peter Cartwright
Director, Dow Corning Ltd.



Frank Rourke
Site Manager, Ineos Vinyls Ltd.

Dow Corning Limited,
Cardiff Road, Barry,
Vale of Glamorgan,
CF63 2YL,
Wales, U.K.

Tel: (Switchboard) (01446) 732350 Fax: (01446) 747944

Registered Office: Barry Plant, Cardiff Road, Barry, Vale of Glamorgan CF63 2YL, Registered in England and Wales Number 486170
www.dowcorning.com



BSI Registered
Certificate Number: EMS 38600



BSI Registered
Certificate Number: Q05810

06/00939/FUL A!

Russell Evans
Marlborough Lodge Farm
Crossways
Cowbridge
Vale of Glamorgan
CF71 7LJ

7th August 2006

Director of Planning & Transportation
Vale of Glamorgan Council
Dock Office
Barry
CF63 4RT

Dear Sir,

**Conversion of Barn to Residential Unit : Marlborough Grange Farm,
Crossways, Cowbridge : Planning Application Ref: 0600939/FUL**

I write with reference to the above application recently submitted and wish to register my objection to the proposals.

My family has resided at Marlborough Lodge for some 46 years and farmed the land at Marlborough Farm alongside the applicant's farm, Marlborough Grange Farm. Both farms share a sole single track (approximately 100 metres long) vehicular access to the highway (B4270), which enters the site adjacent to my property, Marlborough Lodge.

The B4270 is a very busy stretch of road with many large articulated vehicles and cars travelling to and from both Llandow trading estate and the main route to Llantwit Major.

The access is situated at a danger point in the highway and given the level of traffic currently using the access to serve both farms and an additional four residential dwellings which have a minimum of 8 vehicles in total (not taking into account any associated visits from family or friends) together with the fact that this road is a single track road for any vehicle arriving and leaving the locations, gives rise to a number of dangerous access conditions to both the access and general highway users. There have been a number of reported accidents around this junction and generally on this stretch of highway, which will be recorded

06/00939/FUL¹₂

with the Police and your Highways Department. This is in addition to many unreported incidents.

You will be aware that with this issue in mind, a planning application was submitted on my behalf (ref: 06/00120/FUL), to open up a new access to Marlborough Lodge in an easterly direction along the B4270 in order to remove my own domestic traffic from the existing junction and to generally improve the highway visibility and safety to the existing and proposed junctions. This application was refused by your Council.

Any additional traffic using the existing access would only serve to exacerbate the existing dangerous nature of the access, putting road users and visitors to both farms at further danger. Approval of the current barn conversion proposals would introduce additional traffic journeys to the new dwelling unit in addition to those currently being made.

In summary, for your information, I detail below the current *but not exhaustive usage of the access to both farms:

The Applicant's Farm, Marlborough Grange Farm (Working Farm)

- The farm has some 100 dairy cows and followers, which requires a milk tanker to visit the farm daily to collect milk as well as the normal day-to-day movements associated with a dairy herd such as slurry removal and moving young stock around.
- The young stock is transported to and from the applicants other holdings at Llysworney and St. Georges super Ely.
- The applicant carries out a contracting business from Marlborough Grange Farm, which is used as a base for that operation.
- The applicant has recently sold Marlborough Grange Farmhouse which was his main home and lives at another location.
- The application also has a son living in a converted barn at the site.

06/00939/mu 'A'₃

My Own farm, Marlborough Lodge Farm (Working Farm)

- My own farm is a dry stock farm and whilst the traffic movements associated with such a farm are not as intensive as a dairy farm, there are still farm related traffic movements as well as traffic for other purposes.
- I have 9 horse stables let to people residing off site and as such they visit the stables regularly throughout the day.
- I also let out on a long term rental basis a storage facility which entails the storage of wood working tools and large forestry plant and equipment. There is also storage of large amounts of logs. This entails regular visits by the tenants throughout the day.

Marlborough Grange Farmhouse

- The Farmhouse has recently been sold and is now owned by a private individual who has no legal interest at all with the farm. The farmhouse has three individual vehicles which frequent the access track on a daily basis. In addition, a full-time nanny also works and resides at the dwelling to care for the four children age approx. 3 – 10 years old. There is no doubt that in time, once the children are driving there will be further additional traffic frequenting the track.

Marlborough Farmhouse

- This has recently been sold and is now owned by a private individual who has no legal interest in Marlborough Farm. A young family reside at the farmhouse with their parents staying at the farmhouse regularly on weekends. Again this adds to the already exasperated traffic flow.

06/00939 /ru 'A'₄

Barn Conversion at Marlborough Grange Farm

- Mr & Mrs. M. Robbins reside at this property. Mr. M. Robbins works on the farm. His wife works away from the holding. There is regular use of the access track to and from her place of work. In addition in ferrying their two young children to different places.

Marlborough Lodge Farmhouse

- This property is presently empty as a refurbishment is being undertaken. As soon as this has been completed then the property will be let which will again increase the traffic flow on the access track.

The above noted movements are specific to both farms but will also include domestic visitors, domestic deliveries, farm related deliveries such as grain, feed, fertiliser, etc, vets and movement of tractors, trailers and lorries between holdings and off site.

I would therefore urge your Council to refuse this application on highway safety grounds as well as any others that your Council may feel appropriate for the proposals.

I would be grateful to receive notification of the Council's decision in due course.

Yours faithfully,

Russell A Evans

Russell Evans

06/00939/FUL A₅

Russell Evans
Marlborough Lodge Farm
Crossways
Cowbridge
CF71 7LJ

Your ref: P/DC/YP/2006/00939/FUL

Date: 6th September 2006

Mr. R. Thomas
Head of Planning & Transportation
Vale of Glamorgan Council,
Docks Office
Barry
CF63 4RT

For the attention of Mrs. Y.J. Pritchard

Dear Sir,

Town & Country Planning Act 1990 (As Amended) : Application No. 2006/00939/FUL
Location : Old Milking Parlour, Marlborough Grange Farm, Nr Cowbridge
Proposal : Conversion of the Old Milking Parlour & Adjoining Barns to Dwelling

Thank you for your letter dated 23rd August 2006 in connection with the above.

You should be aware that I forwarded to you a letter dated 7th August 2006 concerning the access to the subject property (copy letter enclosed).

The proposed development sits alongside my working farm and I can confirm that the range of agricultural buildings are between 5.75 metres to 16.5 metres from the proposed development. These buildings include:

1. Large portal framed cubicle shed to house 56 cattle.
2. Open feeding yard to feed cattle
3. Large portal framed hay barn
4. Brick built stables to house three horses
5. Large stone barn used as storage
6. Lean-to off stone barn for storage
7. Brick buildings used as storage
8. Brick buildings used to accommodate six stables
9. Two large portal framed buildings to accommodate 25 - 30 cattle

06/00939/RM A₆

There is a concern that a development so close to a working farm will create ongoing problems for the future. Whilst the applicant, Mr. Robbins, may have been farming, his son developed one of the stone barns on the holding and has complained on a number of occasions with regard to the noise within the farmyard at certain times of the day.

If Mr. Robbins (applicant) were to sell the property at any time in the future and a third party was to purchase the property that had little, if any, knowledge of the rural way of life, this could cause serious problems for both the purchasers of Mr Robbins' barn and myself.

I am presently 50 years of age and farming 75 acres of land in and around the buildings. We (the family) have been actively farming Marlborough Lodge Farm for 46 years. My son is 25 years of age and we have no intention of giving up farming at any time in the future.

If a development is allowed which would be so close to my existing farm buildings I can only see problems in the future.

I can also advise you that Mr. Robbins owned a building plot opposite the entrance to Marlborough Lodge with an Agricultural Tie and sold it.

I trust you will take on board the representations I have made in this letter and those which I made to you on 7th August 2006.

If you require any further or more detailed information, please do not hesitate to contact me on 07930 677636.

Yours sincerely,

RUSSELL EVANS

Russell T Evans

06/00939/FUL A

Marlborough Farmhouse,
Crossways,
Vale of Glamorgan,
CF71 7LJ

29 August, 2006

Highways planning office
Dock office
Barry docks
Barry
CF63 4RT

Dear Sir,

Re: Application No. 2006/00939/FUL (conversion of old milking parlour, Marlborough Grange Farm)

I understand that the planning permission for the conversion of the old milking parlour includes widening the access onto the main llantwit major road in recognition of the fact that there will be more residents using this driveway. This in no way attempts to solve the problem that turning right out of this access across the traffic on a 60mph limit stretch of straight road is done totally blind i.e. without being able to see if there is oncoming traffic or not.

I have no objection to the conversion of the milking parlour, however, in view of the fact that this access will be in more regular use, the planning office could make it safe for those users rather than just wider. Please see my letter dated 22/8/06.

Yours faithfully,



Dr Rebecca Rogers

MBBS B.Med.Sci MRCP

06/00939 /RM B1

Wild Rose Cottage
Duffryn Lane
St Nicholas
The Vale of Glamorgan
CF5 6TA
01446 760 947

4th September 2006

The Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT
01446 705 600

For the attention of Mrs .Y. J. Pritchard

Re Application No. 2006/00939/FUL
Old Milking Parlour, Marlborough Grange Farm, Near Cowbridge

Dear Madame,

Please excuse the delay in replying to your letter
P/DC/YP/2006/00939/FUL dated the 8th of September 2006.

1. Please find attached a structural survey report on the barns produced by Quorum Associates.
2. Please also find attached a bat survey of the barns produced by Mr Steve Pickering.
3. Mr Robins my client has, because of his age and the fact that his son does not wish to continue with the dairy side of the farm has decided to cease all milking operations and there for it will not be necessary to relocate the milking parlour.
4. My client wishes to reside on the farm and there for wishes to use the converted milking parlour for his own residential use.
5. Please let us no if you wish for any additional information that may be requested by the Environmental Health Officer.
6. My client is happy for the Glamorgan and Gwent Archaeological Trust to have a watching brief.
7. With regards to your letter on the 7th November we are happy to extend the determination period.

Your Faithfully

P Verity

PA.27

CC Mr Robins.

06/00939/rm B₂

Po Box 378
Cardiff
CF5 6YU
01446760947
31st January 2007

For the attention of Mrs Y Pritchard

Reference planning application No 06/00939/FUL

Old Milking Parlour, Morlborough Grange Farm, Cowbridge

Dear Madam,

I thank you for your letter of the 9th of January and after consultation with my client I would answer your queries, regarding the movement of domestic and agricultural traffic, as follows.

The land to the North of the site (see plan purple line) is indeed in separate ownership and the farming operations such as they are do not encroach or effect the buildings which we are proposing, the access road to this farm yard is off the main drive.

The main entrance drive (see plan yellow and orange) has multiple rights of way. The access to the proposed dwelling branches from the main driveway. The agricultural access continues south from the driveway and reaches the barns to the south of the proposed dwelling without there being any conflict with the domestic traffic.

My client would also like to point out that the building A (see the plan) is to be demolished B is to be garaging and C is already demolished.

It can be therefore be clearly seen that the proposed access to the new dwelling will not result in any conflict between the residential and agricultural movements.

I hope this explanation clears up any problems that might prejudice are planning application and look forward to its speedy resolution.

Your Sincerely

P Verity

cc Mr Robins

06/00939/PLU B₃

Po Box 378
Cardiff
CF5 6YU
01446 760 947

18th February

The Vale Of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT
01446 705 600

For the attention of Mrs. Y.J.Pritchard

Re Application No. 2006/00939/FUL
Old Milking Parlour, Marlborough Grange Farm, Near Cowbridge

Dear Madam,

I write to you again about the above project asking when the Planning Committee will determine this application. The application was registered on the 4th of July 2006. I wrote to you on the 4th of September 2006 asking if you required any additional information. Your request for further information of the 8th of September was replied to at the end of November – a long delay. However this should not have delayed the consultation responses from other parties.

The application was reregistered on the 27th of November the reasons for this I am still unsure.

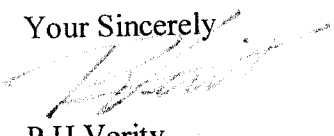
I wrote to you again on 29th of December asking whether there was any additional information was required – our reply to your letter was on the 18th of January.

I fail to understand why the whole process of consultation is taking so long; we are now in month seven. Surely in this time all the required information should have been assembled.

The adjacent barn has planning, that was granted on appeal, and the inspector stated that in this instance he did not understand why the whole planning process took such an inordinately long period of time.

I would be grateful if this application could be determined in the very near future.

Your Sincerely


P.H. Verity

CC Mr R Thomas Head of Planning and Transportation

06/00939/FUL'B₄

PO Box 378
Cardiff
CF5 6YU
01446760947

10th April 2007

Dear Mrs Pritchard,

RE Barn Conversion at Marlborough Grange Farm, Nr Cowbridge
Planning Application No. 06/00939/FUL

I thank you for your letter regarding the above project dated 5th March 2007. The tone of your letter would seem to indicate that you will not recommending this application for approval. If this is the case my client Mr Robins asks that the application should not at this time be put before the planning committee; and that for the moment it be held in abeyance. He would also be grateful if it is to be recommended for refusal that he be informed in detail of the reasons for this recommendation.

If one of the reasons is because of the Council's Environmental Health section regarding the farming operation that is adjacent; my client believes his neighbour no longer uses the connecting farmyard for agricultural purposes, and would be pleased to provide information regarding this.

Many thanks for your help in this matter.

Yours Sincerely



P.H. Verity

CC Mr Robins

06/00939/mu B₅

Po Box 378
Cardiff
CF5 6YU
01446760947
15th August 2007

For the attention of Mrs Y Pritchard

Reference planning application No 06/00939/FUL

Old Milking Parlour, Morlborough Grange Farm, Cowbridge

Dear Madam,

I thank you for your letter of the 23rd of July and apologize for the delay in replying, but it is harvest time and my client has been exceedingly busy.

The situation at the present time is that my client is trying to reach an understanding with his neighbour who owns the adjoining farmyard. The buildings are no longer used for agricultural purposes and this would mitigate one of your concerns.

We will submit the additional information regarding the car parking and the amenity space by the end of September. I am waiting the conclusions of the discussions between my client and his neighbour regarding the use of his farm but I have been unable to establish any time frame.

I would be grateful if this application could continue to be held in abeyance.

Yours Sincerely


P.H. Verity

06/01260/FUL 'A'

'The Chimneys'
Penylan Road
St Brides Major
CF32 0TN
9th October 2006

Attention of Mrs Yvonne Pritchard
The Vale of Glamorgan Council
Dock Office
Barry Docks
Barry CF63 4RT

Ref: 2006 / 01260 / FUL

Dear Mrs Pritchard

I wish to make the following objections/comments to the above planning application.

The developer's plan is incorrect as it does not show adjoining boundaries between my property, 'The Chimneys' and the proposed development. As a result I did not receive formal notification of the planning application and only became aware of the development through word of mouth.

Penylan Road – The recent construction of two new dwellings has brought to my attention a number of concerns in relation to accessibility to the proposed development, as the road, in reality, is no more than a narrow, single track lane. I have noticed that large HGV's, needed to deliver heavy plant machinery, are unable to negotiate the winding lane. As a result, heavy plant machinery cannot be delivered to the development, which I believe increases the risk of said machinery using the highway for access. This has the potential to cause severe damage and result in increased maintenance and repair costs to the council. Also increased traffic, (heavy loads delivering building materials etc), will inevitably cause deterioration in the road's surface and also increases the risk of damage to adjacent properties.

Vehicular access to properties along Penylan Road is often delayed and increasingly obstructed, due to the existing levels of traffic. It is not uncommon for drivers to use residents' driveways as passing spaces in order to negotiate the congestion. This relies totally on the goodwill of residents, without which traffic would grind to a halt and Penylan Road would be impassable. It is reasonable to assume that construction traffic will also need the goodwill of residents to negotiate access to and from the site. This will inevitably result in increased wear and tear on residents' private driveways and directly increase maintenance costs.

06/01260/PVL'A₂

I would draw planners' attention to the substantial incline on site and the devastating effect the new builds will have on adjoining properties. In particular, 'Plot One', due to its elevated position and close proximity to boundaries, will completely dominate outlook and severely affect privacy. I would ask planners to consider the impact this specific design has on my property and ask developers to amend the single storey rear kitchen/dining area, as it appears to raise significant privacy issues.

I would like reassurances from planners that in future, the new builds and barn conversion will not be extended further and hope that restrictions will be enforced to prevent development, such as, attic conversions, ground and first floor extensions.

The 'existing privacy screen' (aka a wooden fence) is shown to extend the full length of existing properties. This is incorrect as the wooden fence ends at the boundary between Tree Tops and my neighbour's property, Branksome Cottage. I would urge planners to insist that the privacy screen is extended in accordance with the developer's own plan.

Planners will of course be aware that the wooden fence provides only minimum privacy, as the proposed development is significantly elevated in relation to surrounding properties. In order to minimise privacy issues, lessen the impact of noise disturbance and filter increased levels of pollution I feel the addition of an 'environmental screen' would help reduce the impact and also show the developers good faith in relation to the local community.

The planting of an environmental screen would also provide a replacement for habitats that were destroyed during previous work on site. For example, the erection of the above mentioned 'privacy screen', destroyed established hedgerows that formed the farms original boundaries with neighbouring properties. This has obviously had a detrimental affect on local flora and fauna.

Wildlife surveys, carried out in 2005, state that bats and owls are known to be in the vicinity. I fully support the recommendations of the surveys and feel it is of paramount importance that further surveys are carried out as a matter of urgency. I respectfully suggest that developers have a morale duty to minimise the impact of urban sprawl on existing wildlife habitats. Therefore, if developers are keen to show their support for local ecology they would have no objections in erecting nest boxes etc to replace lost roosts/shelters.

Electricity is supplied to surrounding properties via a transformer, sited within the boundaries of Plot One. I would ask planners to clarify access arrangements with regard to the maintenance and repair of the power supply should this be required by the supplier.

06/01260/KLA₃

The close proximity of the development will have a detrimental affect on my family's quality of life and enjoyment of the rural environment that originally attracted us to the area and I believe, have an adverse affect on the resale value of my property. It is also a very real concern that as a direct result of the development, my family's health would be severely affected, due to increased levels of dust, pollution, and noise disturbance both during and after construction.

Yours sincerely



Karin Lewis

06/01260/FUL'A' 4

Branksome Cottage
Penylan Road
St Brides Major
CF32 0SB
15th Oct 2006

Dear Mr R Thomas

Re: Planning application No 2006/01260/FUL.

We wish to make the following objections/comments to the latest planning application for this site.

Branksome Cottage would appear to be the nearest dwelling to plot 1 on the application and as such the effect on our privacy and outlook will be adversely affected due to the dominance of the large dwellings at a higher level. We invite the Planners to assess the site situation from Branksome Cottage with a view that Plot 1 be re-located if at all possible. We are sure that if the Planners were in our situation they would probably agree. Apart from the barn conversion, we feel that the other three dwellings are not in sympathy with surrounding buildings and do not meet the strict criteria which were imposed during the planning of existing dwellings adjacent to the proposed new development.

We also wish to draw your attention to the fact that there is a large power cable running close to the partial fence that is shown on the site plan and therefore there is a requirement for the electricity supplier to have reasonable access for maintenance. The fence itself does not extend to the full boundaries and the Planners will be aware that the fence only provides a very minimum of privacy and certainly would not lessen the levels of noise and general pollution. Therefore we would request the planners review the levels of screening required.

Overall we have to say that in our particular situation we believe the proposed development will have a dramatic effect on our quality of life and enjoyment considering the rural environment to which we arrived in 2001. We also believe there will be a reduction in value for our property on re-sale

Within our main objections there are several other reasons why we feel the development should not proceed.

Recently there has been a re-build on a cottage and a new build is under progress at the present and this has caused us to totally re-assess our feeling towards any further development. Penylan Road is full of character and as such does not lend itself to ANY further traffic increases. After all, it is only a narrow single track lane. During the latest phase there have been numerous problems of movement and damage to the road surface and hedgerow by vehicles that cannot easily make their way through Penylan Road in either direction. We believe the issue of traffic could be of real concern if an emergency situation arose. At the moment, negotiating the road relies on the goodwill of the residents in allowing passing traffic to use their driveways. However with at least a further dozen vehicles and even more during construction, the situation could become very difficult with excessive wear and tear on private driveways leading to increased maintenance costs both for the residents and the Council.

06/01260/ru'A₅

We also believe that there is to be no upgrading of water and drainage services and are concerned of the possible affects on the existing properties which are, of course, on a lower level.

We would be grateful if you could advise us on the Council's decision in respect of this application.

Yours sincerely,



Michael and Patricia Arnold.

06/01807/OUT
Appendix A

January 30, 2007

YOUR REF: P/DC/SDB/2006/01807/OUT

MR. S D BUTLER
THE PLANNING AND TRANSPORTATION DEPARTMENT
THE VALE OF GLAMORGAN COUNCIL
DOCK OFFICE
BARRY DOCKS
BARRY
CF63 4RT

Dear MR. BUTLER,

APPLICATION NO: 2006/01807/OUT
LAND TO THE SOUTH SIDE OF RHOOSE POINT - RESIDENTIAL DEVELOPMENT.

I AM WRITING IN RESPONSE TO THE RECENT PLANNING APPLICATION FOR THE SITE LISTED ABOVE.

AS PER THE GUIDELINES DETAILED IN YOUR RECENT LETTER MY HUSBAND AND I ARE AGAINST THE CONTINUED DEVELOPMENT OF THIS SITE AND WE WOULD LIKE THIS PLACED ON RECORD.

RHOOSE POINT IS ALREADY A RAT RUN FOR CARS SPEEDING AT ALL HOURS OF THE DAY AND NIGHT. THE SCHOOL BUSES AT THE ROUNDABOUT EACH MORNING ARE HAZARDOUS FOR PEDESTRIANS AND TRAFFIC.

THE QUALITY OF WATER, DRAINAGE ARE ALSO AN ISSUE NOT TO MENTION THE STRAIN OF FURTHER NUMBERS TO JOIN THE SCHOOL, FOR WHICH AT ONE STAGE COULD NOT ACCOMMODATE OUR SECOND CHILD EVEN THOUGH WE HAD BEEN ESTABLISHED HERE FOR JUST UNDER 10 YEARS.

FOR THESE REASONS FURTHER DEVELOPMENT WOULD BE EVEN MORE DETRIMENTAL IRREGARDLESS OF OTHER POINTS HIGHLIGHTED AT THE LOCAL MEETING.

YOURS SINCERELY,



MR. AND MRS. M GATE

I MAES Y GWENYN
RHOOSE POINT
RHOOSE
VALE OF GLAMORGAN
CF62 3LA

RECEIVED DELIVERY

06/01807/OUT
Appendix B

Email: pk@gallimore42.freeserve.co.uk

18th October 2007

Dear Sir/Madam

Re: Planning Application 2006/01807/OUT

Both accompanying attachments should be held in the consultee file associated with the above Application and be readily accessible by Councillors, Officers and the general public. However, I am aware of the reliance Members and Officers outside of the Planning Department place on the Planning Officers' Reports to Committee so have emailed copies to ensure that you do have knowledge of these representations.

When determining the Reserved Matters applications in February 2001 important information was omitted from an Officer's Report. Information from the Environment Agency alerted the Council in January 2001 of the potential threat to the health and safety of future residents due to the manner in which the Waste Management Area had been capped. I would challenge any Member of the Planning Committee in February 2001 (some of whom may be current Members) to have so readily approved the Reserved Matters Applications had he/she been aware of this information at the time. On the basis of the Planning Committee approval development commenced and properties were already occupied at the time the Waste Management License was eventually surrendered over a year later May 2002. How the site was 'signed off' should be further investigated because the fears expressed in 2001 still exist today. Indeed matters may have worsened due to flooding/drainage issues in the area.

The Applicant, Cofton wrote to Alan Bosley of the Council on 18th March 2004 categorically stating that:

'the entire civil engineering works carried out on Rhooose Point site have been undertaken with the full knowledge and approval of the Vale of Glamorgan Council'.

The Council has refuted this statement via an Ombudsman Inquiry and through a memo from its own Legal Department. We expect Cofton to be put to proof on the issue of Local Authority approval by our legal team. Should Cofton be vindicated on this matter then the resultant implications on the integrity of the Council would be most damning. One should question the manner in which Applications for the Employment Site have been handled by the LPA (Officer Delegation!) and establish the possibility of a 'hidden agenda' to obtain swift approval for this site and other Cofton associated sites (Retail) prior to the LA being placed in an adversarial position with Cofton. Common sense dictates that it would be difficult for the LPA to exercise impartiality towards an Applicant who has brought the Council into a major legal dispute that affects the very land on which planning approval is being sought.

Whatever the progress/outcome of our case I cannot emphasise more the importance of obtaining copies of 'as laid' drainage plans for the comprehensive land drainage strategy on Rhooose Point along with 'as built' plans of surface water systems and locations of oil interceptors, before any further development on and around Rhooose Point is approved.

On 13th September 2007 Officers of the Council met with Welsh Water to discuss drainage and adoption of Rhooose Point. I would urge you to obtain the minutes or an official written summary of this meeting to confirm for yourself exactly what the current adoption position is and what progress (if any) has been made. If there is even just one outstanding matter, then it would not be in the public interest to approve any planning applications until all is resolved. I initiated an Ombudsman Inquiry into issues of adoption in May 2005 and was told that my concerns were 'premature'. Far from 'premature' my concerns were actually an apt and accurate 'prediction'.

Just as importantly copies of Land Plans should be obtained from the Railway Authorities to establish as fact whether or not sections of land drainage systems and/or associated connections plus surface water systems are within the curtilage of Railway property. Evidence suggests that the boundary fences in the vicinity of Rhooose Station and the proposed Retail Development are not correctly sited. Furthermore, legal

06/01/807/OUT B

title to land directly abutting the north and south of the level crossing (the second access point favoured by the Council) has never been established. Indeed the developers took out an indemnity policy on the basis of this 'defect'. In the spirit of assisting the Council, a copy of this policy was provided by residents to the Director of Planning some considerable time ago.

In so far as the change of use application on the Employment site is concerned there is some doubt as to whether or not a boundary fence erected in August 2005 (evidenced by video coverage) along the north of the application site follows the line of the original boundary fence that was removed during so called 'ground clearing' activities. This would bring into question as to whose land the carrier drain is situated. Is it on Cofon owned land or land in the jurisdiction of the Rail Authority? As it is the plan accompanying the Application does not even depict 'as laid' land drainage systems - never mind whose ownership they are in!

I hope that the enclosed will assist you and give you an insight into the sensitive position the Council is placed. The Council must ensure that all due care and diligence is conducted on any planning and legal matters relating to Rhoose Point and that those making the decisions will ultimately be responsible for their actions.

Please email an acknowledgement of this communication.

Yours sincerely



Karen Gallimore - Stakeholder Rhoose Point

Encs: Copy Representations - Hugh James Solicitors
Copy Representations - Karen Gallimore Stakeholder

cc. The leader

Director of Environmental and Economic Regeneration
Director of Legal and Regulatory Services
Mr H Jw James - Ward Member for Rhoose
Mr A Debbusia - Chairman for Planning
Mr N Hodges - Chairman Scrutiny
(Economy & Environment)

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

A

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

A

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



Fonnon 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

A circular stone-walled village pond, with an island in the middle, is the focal point of Fonnon, 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.



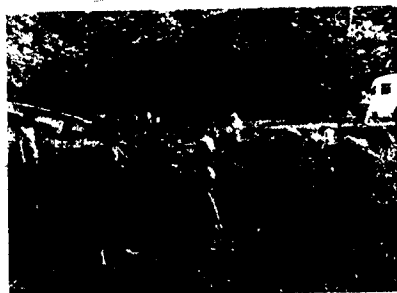
Trinity Street Pedestrianisation,
Cardiff

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

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
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.

2007/00217/FUL
Appendix B.



South Wales Police

Heddlu De Cymru

Working with the Community

Cydweithio Gyda'r Gymuned

CHIEF CONSTABLE

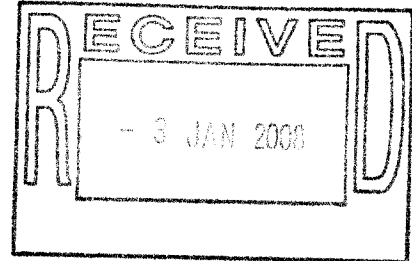
BARBARA WILDING, CBE, QPM, CCMi

PRIF GWNSTABL

Ref/Cyf:

Direct Line / Llinell Uniongyrchol:

Extension No. / Rhif Estyniad:



Dear Kate Jones

I am writing to you in relation to Wesley Court the old church building on Station Road, Dinas Powys. I am the Community Police Officer for the area and I have been approached by Simon Berni who is planning a development on the site, to compile a report in relation to the ongoing youth annoyance in the area.

Since the selling of the building by the church I have been made aware by residents in the area that youths congregate in the unused and derelict building and consume alcohol there. There have been several calls made to me regarding anti social behaviour at Wesley Court and on attending it is clear that youths have been in the building drinking alcohol and causing damage to the building. The damage includes broken windows, damage to water pipes, graffiti etc.

I have been into the building and in its unused and derelict state I believe there is a health and safety issue for any persons entering the building.

I have spoken to Mr Berni several times in the recent months regarding my concerns that youths who do enter the building may injure themselves or worse. We discussed ways of preventing trespass into the building and as a result Mr Berni erected a temporary but solid wall around the building, which for a time had the desired effect, but recently it has been brought to my attention that the youths are now gaining access to the building via the gardens close by on Station Road. This is an alarming development as some of the residents are elderly and the behaviour of the youths can cause alarm and distress.

Police conduct regular patrols in the area to combat the anti social behaviour but of course are not able to continuously monitor the area. Police officers have also raised their own concerns when entering the building due to the derelict state it is also a hazard for their personal safety.

I believe the area would benefit from the destruction of the building and improve the quality of life for residents in the area.

South Wales Police . 'E' Division . Vale of Glamorgan . Barry Police Station . Gladstone Road . Barry . CF63 1TD.
Heddlu De Cymru . Rhanbarth 'E' . Bro Morgannwg . Gorsaf Heddlu Y Barri . Gladstone Road . Y Barri . CF63 1TD.
Telephone/Teliffon 01446 734451 . Facsimile/Ffacsimili 01446 731616



All correspondence should be addressed to 'The Superintendent'
Dylid cyferio pob gohebiaeth at 'Yr Uwcharylygydd'



Date/Dyddiad:

Ask for/Gofynwch am:

Telephone/Rhin Ffôn:

Fax/Ffacs:

Your Ref/Eich Cyl:

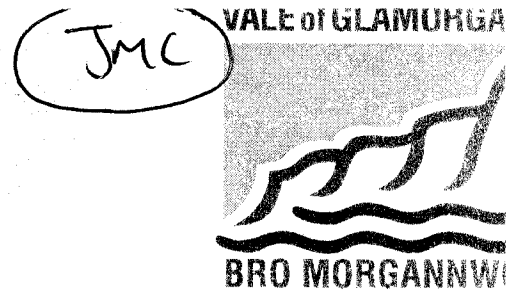
My Ref/Cyl:

e-mail/e-bost:

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) 741219
www.valeofglamorgan.gov.uk

Cyngor Bro Morgannwg
Swyddfa Aelodau'r Cyngor,
Swyddfeydd Dinesig, Heol Holton, Y Barri CF63 4RU
Ffôn: (01446) 700111



Appendix A 07/00751/FUL

Rob Thomas Esq
Head of Planning
Dock Office
Barry CF63 4RT

Dear Mrs Crofts,

67/79 Dochdwy Road, Llandough - 18 residential units over three storeys to replace demolished mixed use building - Appln.No 2007/00751/FUL

I have been notified of several objections from neighbouring occupants of properties adjacent to the above proposed development, and for that reason I write to propose that the Planning Committee members should avail themselves of a site **visit** prior to their consideration of this application.

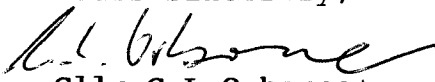
Should you agree, I have to point out that this is a timber boarded locked off site and to secure access, arrangements will need to be made with the applicants or their architects beforehand.

There is also some contention concerning the existence or not of a public right of way through part of this site, and I would suggest that the Vale's rights of way officer attend at the site visit, so that this aspect of the application can be clarified and resolved.

My own view as the local Council member is that this application be refused on the ground of over-development and its adverse effect on the privacy, security and amenity of neighbouring residents.

I reside close to a three-storey apartment development in Penarth - 1/18 Albany Court - which is similar in numerical density to this proposed development, but is located on a 0.4 hectare site approximately, whereas this proposed development in Llandough is intended for a 0.2 hectare site. In my view, it is accordingly not possible to ensure appropriate and suitable amenity space and landscaping commodious to this part of Llandough and the current amenity standards there.

Yours sincerely,


Cllr C L Osborne
21 Windsor Terrace
Penarth CF64 1AA

Please reply to home address:

Anfonwch 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, Tŷc 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. Gwelir Cofreithio yn y Gymraeg neu yn Saesneg

Date/Dyddiad:
Ask for/Golywch am:
Telephone/Ffôn Ffôn:

Fax/Ffôn:
Your Ref/Eich Cyf:
My Ref/Cyf:
e-mail/e-bost:

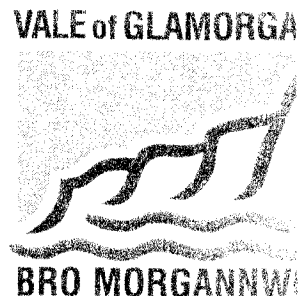
7th December 2007

P/DC/JMC/2007/00751/FUL

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) 741219
www.valeofglamorgan.gov.uk

Cyngor Bro Morgannwg
Swyddfa Aelodau'r Cyngor,
Swyddfeydd Dinesig, Heol Holton, Y Barri CF63 4RU
Ffôn: (01446) 700111



Appendix A2

07/00751/FUL

Mrs J M Crofts
Planning & Transportation
Dock Office BARRY CF63 4RT

Dear Mrs Crofts,

Town & Country Planning Act 1990 (as amended) - No.2007/00751/FUL

I have this week examined the further amended plan relating to the above application entitled "Tracking Plan" lodged by Shear Design of Cardiff Gate Business Park on 26th November - their drawing number is 05075 - SK104.

This drawing relates solely to the proposed amended arrangements for vehicular and pedestrian access to the development from Dochdwy Road together with exit back onto Dochdwy Road, and the effect of such a proposal will further reduce the amenity space around the 18 residential units.

I am accordingly instructed by the School to reiterate the objections to this development contained in paragraphs two and three of my letter dated 22nd June last (copy enclosed).

Yours sincerely,

Cllr C L Osborne
LEA Governor/Llandough Primary School
21 Windsor Terrace
Penarth CF64 1AA.

cc Mrs Sue Evans
Headteacher

Please reply to home address:
Atonwch 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/Gwasawir Gofnetaeth yn y Gymraeg neu yn Saesneg

Date/Dyddiad: 22nd June 2007

Ask for/Gofynwch am:

Telephone/Rhif ffôn:

Fax/Ffacs:

Your Ref/Eich Cyf: P/DC/JMC/2007/00751/FUL

My Ref/Cyf:

e-mail/e-bost:

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) 741219
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Cyngor Bro Morgannwg
Swyddfa Aelodau'r Cyngor,
Swyddfeydd Dinesig, Heol Holton, Y Barri CF63 4RU
Ffôn: (01446) 700111

VALE of GLAMORGAN



Appendix B3

07/00751/FUL

Mrs J M Crofts
Planning & Transportation
Dock Office BARRY CF63 4RT

Dear Mrs Crofts,

Town & Country Planning Act 1990 (as amended) - No. 2007/00751/FUL

Your letter dated 12th June addressed to the Head-teacher, Llandough County Primary School, concerning the above planning application was considered by the Premises, Health & Safety Sub-Committee of the School's Governing Body at its meeting on 18th June last, and I have been instructed to submit the following comments following the invitation in your letter to do so.

It was felt that, as the applicant is not locally based, having its office in Weybridge with no designated office/caretaking facility on site, one of the proposed residential units should be allocated to and occupied by a site manager/caretaker who would have the responsibility of overseeing the proper management of the complex and to whom matters of concern could be addressed on behalf of the School, its staff and pupils for speedy resolution, should the occasion arise.

It was also felt that, from a general amenity view-point, the proposed construction of 18 self-contained residential units on a site of such dimension as this could be considered as unacceptably too intensive. As your Advisory Note points out, there exists in all probability local and national planning guidance and policy on such matters as this, and the Sub-Committee is content to leave this issue to yourself as the case officer to consult such guidance and policy in finalising your recommendations.

I was also asked, as a separate matter, to request a set of planning permission application forms for the erection of a storage container which the Governing Body propose to locate within the School's precincts, and I would be most grateful if you would kindly arrange to despatch a set to me for completion and return with the appropriate fee and specification to your Development Control section.

Yours sincerely,

Cllr C L Osborne
LEA Governor/Llandough Primary School
21 Windsor Terrace
Penarth CF64 1AA

cc Mrs Sue Evans
Headteacher

Please reply to home address:
Anfonwch 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

57 Doehdwy Road
Llandough
CF64 2QD

Appendix B 07/00751/FUL

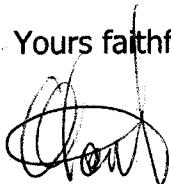
Dear Mrs Crofts

Ref: Planning Application No 2007/00751/FUL

We wish to lodge an objection to the above planning application to build 18 units in a gated area at the parade Doehdwy Road for the following reasons

1. Noise from the 21 planned parking spaces will be obtrusive especially at night with the cars parking up very close to our bedroom, with this number of vehicles the disturbance both in the way of noise and the headlights cutting through the darkness.
2. The electronic gates will cause a noise nuisance opening and closing at all hours of the day and night, again very close to our sleeping area. This is an area where very little crime is committed and therefore making this a gated area is un-necessary.
3. The sitting of large rubbish bins will cause unpleasant smells and attract vermin which since the building of the barrage has been a constant problem in this area.
4. The proposed balconies on the backs of these properties will directly overlook our back windows and our garden robbing us of our privacy.
5. The traffic is a huge problem in this area and this complex will only add to the existing problems. Parking is a problem in this area due to the high number of visitors and staff of the hospital using Doehdwy Road as a car park.
6. The proposed height of the building will dominate the landscape and is not in keeping with the overall height of buildings in this area which are kept to two stories.

Yours faithfully



Alan and Gloria Gill

Appendix B

07/00751/FUL

90 Dochdwy Road
Llandough
Penarth
Vale of Glamorgan
CF64 2PE

25th June 2007

Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

Dear Mrs Croft

Re: Application No 2007/00751/FUL
Location: 67-79 Dochdwy Road (shopping Parade) Llandough

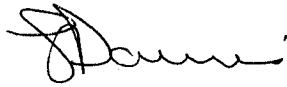
Having seen the proposed plans we would like to convey our following concerns and objections:-

1. The height of the property has been changed into a three storey property extending up by approximately a height of an extra 4m (from what we can make out from the plans), taking it out of line and above the height of the surrounding buildings, this would take away the lovely view that we have, (which was one of the reasons for buying this house) and giving the benefit to those moving into the top flats of the development. Whilst I know there is the argument that you don't have a right to a view, why is it that the government have broached the subject of charging extra to those that do?
2. A serious problem is the proposed parking, 23 parking spaces by no means justifies the amount of residents that will occupy the 18 flats (on average two cars per flat) thus causing an even more environmental impact on Dochdwy Road. Unlike stated on the plans no: 2.0.3, the existing road network indeed **cannot** cope with any extra traffic, we have been fighting against this problem for some time and it just resurrects the problem that we have had, as well as having the increase of noise at all hours of the night, doors slamming and engines running and the increase in pollution within the area.
3. Due to the increased height of the building there is also the large increase in the number of windows overlooking my house both upstairs and downstairs this without doubt, is an infringement on our privacy.
4. The plans show that the building is to have wood cladding, if it is the same that has been used in Cardiff bay and Barry waterfront, the wood used on these is already in a terrible state after less than two years and would make this building look just as dilapidated as it was before the shops were knocked down.
5. The bins have been placed to the front/side of the building and full overflowing smelly bins are something that we don't wish to look at from our lounge and bedroom, surly these should be placed to the rear.

6. The coded electric gate/barrier is also a concern as to the level of noise that the mechanisms may make on opening and shutting at all times of night and day are these necessary.

Whilst I agree that something has to be done with this area I do not believe that the developers have given enough consideration to the long standing surrounding residents who live in two storey properties, and believe that a building on this large a scale is too large a development for a site of this size, on a road that is already struggling to cope with a high volume of traffic and that is next to a school.

Yours sincerely



Mr and Mrs R.C. Davies

Appendix B 07/00751/KJ

88 Dochdwy Road
Llandough
Penarth
CF64 2PE

11th July 2007

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

Dear Mrs Crofts,

Application No. 2007/00751/FUL

I have recently seen the plans giving the exact height of the proposed new development of flats on Dochdwy Road and have become increasingly concerned at the height of this development .

I have lived in my home since it was built 40 years ago just before the shopping parade was completed And I was aware that I would be living opposite a two story building which did not bother me as it did not invade on my privacy but now I would be having a three story building opposite my home with windows looking directly into the windows of my home.

As I have said in a previous letter this proposed building is completely out of character with the area as it is certainly too high at three stories .

Another thing to consider is the fact that we the residents in this area have campaigned for a single yellow line outside our homes because of the heavy parking of cars parked here of people working in the hospital and visitors to the hospital , now we are told we will not be having the lines for a least another year as the council have run out of money which means that the amount of cars which will be parking on the road day and night will be considerably more as there are only twenty three care parking spaces allocated for the proposed flats .

I do realise the developers want to make as much money out of this development as possible but at the cost of the everyday living of the residents who already live here .

Yours Sincerely



Mrs. P. Ledbrook. And on behalf of Mr. W. Ledbrook

Appendix B

07/00751/FUL

3 Summerland Cres.
Llandough
Penarth CF64 2PJ

Your Ref. 2007/00751/FUL

Head of Planning and Transportation,
Dock Offices,
Barry
Vale of Glamorgan,
CF63 4RT

12th July, 2007

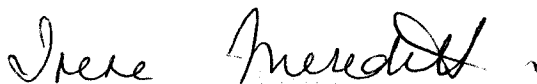
Dear Sir or Madam,

Further to your notice in Llandough I feel it is absolutely essential to have one retail unit in the building you are erecting. Llandough does not have one shop and the population has grown over the past 30 years in fact has even grown since the shops have been demolished and a lot of the residents are old age pensioners, quite a few not having transport, I know there is a community bus once a week to Tesco but what if you need a newspaper or bottle of milk, it's a long way to walk to Tesco and Llandough is very up hill. I would ask you please to look into this matter and see if something can be done for the people of Llandough.

We have less in Llandough now than we had when I first came 30 years ago at least then we had a corner shop at the end of Lewis Road and a Post Office on Penlan Road.

Kind regards,

Yours faithfully



Irene Meredith (Mrs)

Appendix B 07/00751/FUL

90 Dochdwy Road
Llandough
Penarth
Vale of Glamorgan
CF64 2PE

8th July 2007

Dear Mrs Crofts

Re: Planning application No. 2007/00751/FUL Dochdwy Road, Llandough

Thank you very much for sending us the plans of the original building with the overlay of the proposed new building.

These plans have now been shown to several neighbours and we are all in agreement that a new three storey building of some 3.7m above the original building is something that we strongly disagree with for obvious reasons.

1. Privacy. Our houses would be totally overlooked with the increase in windows and balconies
2. It takes away light.
3. At present we have views of woodland trees etc which would all be taken away, leaving us with a view of a plain building with many windows.
4. The height of the building would take it totally out of line with the other buildings around it.

I think the Council should seriously consider the feelings of the local residents many of whom have lived here since the estate was built and should not allow a three storey building to be built but should insist that it be kept at a two storey height.

This letter has been sent to back up our original letter after receiving, from you, the demolished buildings measurements.

Yours sincerely



Mr and Mrs R. C Davies

Appendix B 07/00751/FUL

86 Dochdwy Road
Llandough
Penarth
Vale of Glamorgan
CF64 2PE

29th November 2007

Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

Dear Mrs Croft

Re: Application No 2007/00751/FUL
Location: 67-79 Dochdwy Road (shopping Parade) Llandough

Having now seen the updated version of the the proposed plans, we all feel that it does not really matter which end of the building you enter or leave as at the end of the day if 30 cars go in, 30 cars come out of the development which is far to many extra cars for this area and does not take it away from the school's entrance and coming out onto a residential road, also queuing will still occur when going into the development. We also think that the number of parking spaces will be lessened even more by doing this especially as there is not enough anyway.

The concerns of the local residents do not seem to have been to been taken into account and we must say that we were all very disappointed that no alterations to the actual building had been made and everything else in all our objection letters still stand and still say that this development is far to overdeveloped and too big for this small residential family area.

Yours Sincerely

Tom Stevens

Appendix B

07/00751/FUL

96 Dochdwy Rd,
Llandough,
Penarth,
Vale of Glamorgan,
CF64 2PE.
Tel: 02920 308786 (h)
07776 165093 (m)
7th December 2007.

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

Dear Sir / Madam,

Re : Planning application P/DC/JMC/2007/00751/FUL.

I have reviewed the amended plans concerning this planning application, and have to confess I am at a loss to understand what has changed from the original plans which I viewed back in June of this year..

In particular, a three storey dwelling is still being proposed, which I feel is wholly inappropriate at this location.

All of the points raised in my earlier communication dated 27th June are still relevant, and I have included a copy for your attention.

I respectfully urge the planning committee to respect the wishes of all interested parties here, not just the developer.

I believe a two storey development could enhance the area, and would be far more in keeping with the surrounding dwellings and overall appearance of the area.

Further, the building of twelve, rather than eighteen flats would ease the parking situation, which has already reached saturation point.

Yours Sincerely,

Colin Brown.

Appendix B.

07/00751/FUL

96 Dochdwy Rd,
Llandough,
Penarth,
Vale of Glamorgan,
CF64 2PE.
Tel: 02920 308786 (h)
07776 165093 (m)
27th June 2007.

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

Dear Sir / Madam,

Re : Planning application 2007/00751/FUL.

Having viewed the above planning application at your offices, I respectfully submit the following for your consideration.

Whilst I wholeheartedly welcome the demolition of the derelict shopping parade opposite my house, having endured for several years the "view" we have of boarded up, decaying shops and flats directly in the foreground view from all front facing windows and front door, I am very disappointed to learn that the previous two storey structure is planned to be replaced with a three storey design.

Having previously enjoyed a view of the Cardiff Bay and beyond from my front bedroom windows, the increase in overall height required to accommodate a three storey design would totally destroy this view.

Additionally, we already experience traffic problems as the area is currently used as an overflow car park for Llandough Hospital, and is also very heavily used as a drop off and collection point for the local school. As all available space has already been taken by the time the school run starts, there are scenes of traffic chaos most mornings and afternoons on this section of Dochdwy Rd.

I am aware that twenty three parking spaces are planned for the new development, however, I would argue that this is some way short of the amount that is required to support eighteen flats, many of which are two bedroomed, and are therefore likely to require more than one parking space.

I understand that a no parking zone is planned to prevent the current hospital parking situation, but I contest that this will only serve to exacerbate the parking situation caused by the proposed development.

In the light of the above points, I cannot condone the progress of this development in it's current form. As I have mentioned, I would fully support a regeneration project which enhances, rather than detracts from the area, and am therefore eager to see a new development underway. However, I urge you to consider that the proposed three storey venture serves to

maximize potential profit for the developer at the expense of existing local residents, and the prosperity of the village as a whole.

May I commend that a two storey development, containing twelve rather than eighteen flats is a much more attractive option which balances the aspirations of the existing community together with the desire of the developer to deliver a financially attractive project.

Further, the proposed parking allocation is much better suited to satisfy the requirement of twelve, rather than eighteen flats.

Yours Sincerely,

Colin Brown.

07/01129/FUL

Appendix A

MO

Mr and Mrs H Johnson
Flat 6 Washington House
Stanwell Road
Penarth
CF64 2AD

10th December 2007.

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

Ref: P/DC/VLA/2007/01129/FUL

Town & Country Planning Act 1990 (as amended)

Application no. 2007/01129/FUL

Location : The Old Cinema, Herbert Terrace, Penarth.

Proposal : Change of use from A1 to A3 at ground floor, addition of 34 studio flats on three upper floors with ancillary (refuse, plant, Lobby) at ground floor. Addition of Washington Gallery extension at first and second floor.

Dear Sir,

Following an extremely valuable and comprehensive telephone conversation with your colleague Mrs V. Abraham this morning, I am writing in response to the amendments of the above proposed development.

Firstly I was delighted to hear that there is no longer any intention to add the proposed bars/cafes at street level; as I outlined in my letter dated 8th October this would have caused intolerable disruption to local residents.

However, my relief ended there as I was further informed that there are almost no other amendments to the proposals. Your colleague did mention the intended construction of a "designated waste area" to accommodate the ridiculous number of new studio flat's refuse. Laughably due to the fundamental lack of space it is to be situated where two huge commercial plastic bins already exist catering for the residents of both Washington Buildings and Washington Lofts. These bins already impact on an over-subscribed car park's limited space and are situated directly opposite my front door. They are already an eyesore in a supposed conservation area.

Furthermore the noise made by the daily collection of the waste is already an unwanted wake up call between approx. 5.45 and 6.30 am.

As the other concerns listed in my previous correspondence remain totally ignored I have listed them once again in the desperate hope that this time they will be given some consideration.

07/01/29/FUL A

1. Loss of Privacy

Flat 6 is situated on the ground floor of Washington House, facing west onto the trees and houses of Hickman road, there are two windows with this aspect, the spare bedroom and a huge original sash window to the main living area. The plans and computer generated image of the development clearly show four large bay windows with "Juliet" balconies to the rear and currently window less aspect of the old cinema, as well as windows above these on the proposed top floor of the development. Add to this the relative angles of the two buildings and we, and our neighbours upstairs, would be entirely overlooked.

Natural light is of massive benefit to any property and for us to live with our blinds partially closed the entire time I'm sure you would agree is totally unacceptable.

2. Conservation

The Old Cinema sits within the Penarth conservation area and I am concerned that the granting of the above application will do little to improve the quality of the neighbourhood considering that only the small façade at the front of the Old Cinema will remain intact.

3. Traffic and Parking

There are already too many cars in Penarth. It is a town burdened by having in it's lack of infrastructure only one main access route, i.e. Windsor road. Every morning I cycle passed a huge queue of cars which begins around 7.30 and doesn't fully abate for a good two hours.

Parking around the Old Cinema and Washington House is already a total nightmare, this is evident in the restrictions of a one hour limit between 8am and 6 pm, not to mention the exorbitant cost of our highly coveted parking space in the car park immediately outside the flat. Parking spaces which are incidentally monopolised by the business' on Stanwell road, and not residents of Washington House.

Most households possess two cars and I absolutely refuse to accept that the prospective occupants of the 34! 'studios' will be any different. There is nowhere to park now, so add at least another 60 cars to that equation and you've created total chaos and a morning commute that some parts of London would be proud of. I would add that the close proximity of Westbourne School adds a further swell of cars at the busiest time of day.

In conclusion I am disgusted by the pure greed of a private individual who is allowed to even propose such a ridiculously mercenary development. This scenario is made even more appalling by the fact that it's occurring in Penarth where the level of rates we are all currently paying should surely entitle some kind of protection from this and any such propositions in the future.

Yours sincerely

07/011141/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

07/ 01366/FUL APPENDIX A

Yn gywir / Yours faithfully
Yn eidd / In office



Asiantaeth yr
Amgylchedd Cymru
Environment Agency
Wales

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

Ein cyf/Our ref: SE/2007/104054/01-L01

Eich cyf/Your ref:

P/DC/ML/2007/01366/FUL

Dyddiad/Date: 01 November 2007

Annwyl Syr/Madam / Dear Sir/Madam

**RELATED TO PLANNING APPLICATION 05/01498/FUL ASH PROCESSING
PLANT. APPLICATION TO INSTALL A LOCAL STACK AND SCRUBBER TO
REMOVE AMMONIA FROM PFA DRIER OUTPUT ABERTHAW PWER
STATION, THE LEYS, ABERTHAW, BARRY, SOUTH GLAMORGAN, CF62 4ZW**

Thank you for referring the above application, which was received on 12 October 2007.

The requirement for the stack and scrubber have been agreed with the Environment Agency during determination of the impending PPC permit for the station and as such we would have no adverse comment to this planning application.

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

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

End

PA.61

file 07/01366/f A

Lucas, Martin

From: Tregay, Kayna [kayna.tregay@environment-agency.wales.gov.uk]
Sent: 20 December 2007 12:37
To: Lucas, Martin
Cc: Wilkes, Sara; Walters, Jackie
Subject: RE: Planning application 07/01366/FUL: Aberthaw Power Station

Martin,

Thanks for your email.

All necessary information was provided by RWE during the IPPC application process. This has been assessed by EAW and we are satisfied that the PPC permit will contain appropriate controls to minimise the impact of environmental emissions.

Kind regards,

Kayna

Kayna Tregay
Planning Liaison Officer

Tel: 02920 245046
Fax: 02920 362920
email: kayna.tregay@environment-agency.gov.uk

Environment Agency Wales, Rivers House, St Mellons Business Park,
Cardiff, CF3 0EY

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

From: Lucas, Martin [mailto:MRLucas@valeofglamorgan.gov.uk]
Sent: 17 December 2007 10:46
To: Tregay, Kayna
Subject: Planning application 07/01366/FUL: Aberthaw Power Station
Importance: High

Kayna

The above application for a local stack and scrubber for the pfa treatment plant was deferred by the Planning Committee on 13th December. Questions were asked whether, despite your letter of 1st November (SE/2007/104054/01-L01), the EA is now satisfied regarding the applicants proposals for discharge of List 1 and List 2 substances into the sea from this development as set out in Mr Leakey's Notice to Mr Robinson of RWE on 26th July 2006 (that notice was submitted as part of an objection by Friends of the Earth, which Members have seen).

RWE have confirmed that this is dealt with as part of the PPC regime but nevertheless Members have asked the question and I need to be able to answer it.

Your urgent reply would be appreciated as I have to draft a further report this week for the next committee.

Martin Lucas

07/01366/FUL APPENDIX B

Lucas, Martin

From: Gill Barter [G.Barter@ccw.gov.uk]
Sent: 11 December 2007 20:49
To: Martin Lucas
Subject: Application 2007/01366/FUL (Aberthaw)

Dear Mr Lucas,

Thank you for consulting CCW on this application, and for the copy of the explanatory letter from the applicants that you subsequently sent. I apologise for the delay in replying and that this response is by e-mail rather than formal letter.

We are aware that permission has previously been granted for the ash re-processing plant, and that this application is for a local stack and scrubber. We note that the additional pipework is considered to be permitted development. We have no observations to make on the physical installation of these items.

We note that emissions to air and sea are the responsibility of the Environment Agency through the PPC process. We understand that emissions from the process which relates to this planning application were included in a PPC application to the EA which has recently been the subject of public consultation, and which also covers other aspects of the operation of the power station.

In conclusion, we welcome the fact that beneficial re-use of the ash is possible, but would ask that all opportunities be taken to minimise emissions to air and sea.

Yours sincerely,

Miss G M Barter
Arweinydd Tim - Y Fro a'r Cymoedd/Team Leader Vale and Valleys
Cyngor Cefn Gwlad Cymru/Countryside Council for Wales
Rhanbarth De a Dwyrain/South & East Region
7 Cwrt Castleton/7 Castleton Court
Ffordd Fortran/Fortran Road
Llaneirwg/St Mellons
Caerdydd/Cardiff
CF3 0LT

Ffon/Tel: 029 2077 2400
E-bost/E-mail: g.barter@ccw.gov.uk
Ar y we/Web site: <http://www.ccw.gov.uk>

Lucas, Martin

07/01366/FUL

C

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

APPENDIX D

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 Leakey). 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

APPENDIX D

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 Leahey
PPC Compliance Team

07/01366/FUL



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



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

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

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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

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:

- # 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

>

>

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07/01366/FUL

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> *****

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 ~~E~~ D

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

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

5 December 2007

Cyfeillion y Ddaear

Fax 01446 704847

**Representations on RWE Aberthaw Ash Recycling Plant
and Lafarge Cement UK application for a silo etc for PFA 2007/01614/FUL**

To add to our objection of 22 Nov to the ash recycling plant for consideration at the 13 Dec. Planning Committee, we would add an objection that transportation of the ash from RWE to Lafarge should not use public roads, with conveyor between the two sites being the obvious solution.

1. The conveyor system and route already studied for transporting PFA into Aberthaw quarry would appear to be eminently suitable, with slight changes at the source and destination ends.

2. The public road is unsuitable for further heavy lorry traffic because of the narrow Gilston rail bridge with its limited visibility.

- The bridge was hit recently by a lorry trying to avoid an oncoming vehicle
- A lorry was jammed under the bridge recently, blocking the road out from West Aberthaw for over an hour.
- There is no pavement under the bridge and this is the only access route to the bus etc. for residents of West Aberthaw
- The dip under the bridge is frequently floods from heavy rain.

Until problems with lorry passage under the Bridge are resolved, the Council can veto any developments which would intensify lorry use of this route.

3. Lorry transport should be discouraged both because they are a hazard to other traffic on the main road and because as a transport mode they are inefficient in use of fuel with CO2 emissions compared with the conveyor.

If RWE nevertheless persists with road transport to Lafarge, there should be a condition that they fund provision of a pavement and a system of one-way passage under the bridge.

We wish this objection to be mirrored as an objection also to the Lafarge application, with the condition being that

if Lafarge persist with road transport from RWE, there should be a condition that they fund provision of a pavement and a system of one-way passage under Gilston bridge.

Max Wallis
Barry & Vale Friends of the Earth

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

9 December 2007

Cyfeillion y Ddaear

Fax 01446 704847

Further objection to RWE Aberthaw Ash Recycling Plant

There are three areas that the application (and the previous planning approval), in our view, failed to address:

- The relevance of pollution issues to the decision by the waste planning authority, and the role of the Waste Framework Directive in this decision-making process
- The relevance of the Integrated Pollution Prevention and Control Directive and PPC Regulations to the planning-decision process, and
- Waste policy considerations.

The present application is for a stack to discharge emissions from a waste processing facility
a) that is defined by the EA as an integral part of the power station and comes under its PPC license, and
b) that takes in and processes waste PFA into one fraction that is sold (or donated) for cement or cement products manufacture, and a second fraction that is recovered as "char" for blending with power station fuel.

The EA in its licensing function has failed to consider the dust, CO₂ and NO_x pollutants emitted and to set limits on them. No report is made in the draft Decision Document of 31 Oct.07. The EA informed us on 27th November <Tony.leakey@environment-agency.wales.gov.uk>

The Applicant has not made the Agency aware of any significant risk of dust or of any mercury emissions from the process. The process uses low temperature electrostatic separation and I would not, therefore, expect there to be scope for releases of mercury vapour.

This shows that the EA has not considered the flash drying process (following the ammonia wash) which would use a gas burner with temperature up to 400°C.

The EA's draft Decision Document on the license fails to consider

- a) the NO_x produced by such a propane gas burner and the mercury mobilised from coatings condensed onto PFA cenospheres, and
- b) how much fine and ultrafine PFA dust would be emitted in the exhaust gas plume, though the license condition agrees that some would be present and sets a scarcely enforceable visibility condition (RP3133LD, p.21, PFA recycling plant "no visible release").

From the case officer (Senior Minerals Planning) it would appear that the planning authority are under the misapprehension that pollution issues are not relevant to planning decisions. Whilst the government has attempted, and failed, to enforce such a policy during the late 1980s, this has clearly not been the case since May 1994 (ANNEX).

Planning Policy Wales says (13.12.2) in granting planning permission, LPAs should be satisfied that any remaining pollution concerns are capable of being dealt with under the pollution control regime. That might be so if the EA was fully competent, but the evidence from the current license deficiencies shows otherwise. We submitted objections but these are still under consideration. In the circumstances, the LPA should defer decision under PPW 13.12.2 (recommends working closely with pollution control authorities). The Welsh TAN on planning pollution control and waste management is still in preparation, so we have to refer to some parallel documents for England (ANNEX).

Insofar as the planning authority are the competent authority under the *Waste Framework Directive and implementing Regulations*, they must be able to demonstrate the application of the relevant objectives. In terms of role, planning authorities assess 'damage' to interests of acknowledged importance. This of course gives them a more holistic view than the Environment Agency who can only consider what is before them in a license application. But beyond that, a planning authority has a much greater freedom to identify and definite 'harm' to interests of acknowledged importance.

The developer must show compliance with the requirements imposed by the *Integrated Pollution Prevention and Control (IPPC) Directive and PPC Regulations* as well as the 'relevant objectives'. We argue that has not been done in this case, nor has it been requested by the planning office (see ANNEX).

Waste Policy Considerations

For an 'ancillary' waste treatment operation, the planning authority must have regard to the principle of the 'best practicable environmental option' (BPEO) and the relevant parts of the Wales Waste Strategy. This requires consideration to the comparative performance of other viable options, in particular the use of waste heat from the power station instead of gas-fuel for drying the ash. In our view the applicant has not provided sufficient information to demonstrate that this proposal meets the requirements of national waste planning objectives.

In conclusion

It is not enough for the planning authority merely to appraise this development in terms of waste policy within Planning Policy Wales and other guidance documents. There are overarching legal requirements, through Schedule 4 of the *Waste Management Licensing Regulations 1994* that must be satisfied in the first instance. Likewise, there is also an argument that the terms of the IPPC Directive have direct effect with regards to the proposed development. Whilst the applicant may argue pollution issues are not relevant, it is possible for the planning authority to consider the principle of the risk this development poses to the environment whilst remaining within the principles established in the *Gateshead* case. In any case, the law has developed since the *Gateshead* case to require the consideration of these issues by planning authorities (ANNEX).

In our view the applicant has not proven:

- The suitability of the plant to deal with the risk posed by the pollutants emitted from the stack or in rainwater run-off, nor
- The minimisation of risks to the environment and human health, required by the Framework Directive, through design and operational processes that seek to protect vulnerable environmental media; nor;
- That the risks of environmental harm have minimised through the application of 'best practical techniques', as required by the IPPC Directive; nor
- That the overall development of this facility meets the wider waste policy criteria specified within the Welsh 'Waste' TAN and the Wales Waste Strategy.

Max Wallis

Barry & Vale Friends of the Earth

ANNEX

1. The Waste Framework Directive.

There is no one cut off point between the two camps of planning and pollution control. There is in fact significant overlap...

'The point where pollution concerns can be left to the pollution control regime is a matter of planning judgement for the decision maker. His decision to leave a pollution control matter to be dealt with by the pollution control legislation is not susceptible to challenge unless it is unreasonable in the Wednesbury sense'. [1]

In terms of a planning authority determining an application, emphasis is often on the separation of planning and pollution control to the point where they are mutually exclusive. This is often justified by reference to the *Gateshead* case [2]. This is a misrepresentation of the issues that were the subject of that appeal. It was not the division of planning and pollution control which were at the core of that appeal, it was the Secretary of State's powers to intervene and reach a different conclusion.

Another issue with regard to planning and pollution control is the extent to which planning authorities might pre-judge the role of the pollution control authority. In general, the assumption is that planning should always assume pollution control authorities will studiously discharge their responsibilities [3]. In practice, the experience of those involved with the system is somewhat different. In relation to the certainty with which issues will be given consideration by regulators, Robert Carwarth QC4 stated:

"Legally an authority may conscientiously have 'regard to' something, and conscientiously put it into the waste paper basket."

We must therefore question the extent to which the planning system has the responsibility to ensure 'full coverage' of pollution issues. This will of course lead to situations where planning authorities may have to consider taking it upon themselves to refuse permission for development after appraising the position of the pollution control authority. This is again not excluded from the *Gateshead* decision, and was actually foreseen (paraphrasing Glidewell LJ.) in the decision of that case:

"If it had become clear at the inquiry that some of the discharges were bound to be unacceptable... the only proper course... should have [been to] refuse planning permission".

A further issue arises with the consideration of waste issues. It is the one area of environmental law and planning where there is a legal requirement for the local planning authority to consider pollution issues. Part 1, Schedule 4 of *The Waste Management Licensing Regulations* [5], makes planning authorities the 'competent body' for the taking of any 'specified function' – in this case the determination of a planning application [6]. There is the note in paragraph 2(2) of Schedule 4...

that 'nothing... above requires a planning authority to deal with any matter which the relevant pollution control authority has the power to deal with'.

This seemingly absolute position was not reiterated in the DoE Circular [7] that accompanied the regulations, and which clarified the duties of planning and pollution control authorities [8].

With regards to the position of planning authorities, the key requirement is the implementation of the 'relevant objectives' of the *EC Framework Directive on Waste* – defined in paragraph 4 of Schedule 4 of the Regulations. These can be summarised as:

- "Ensure that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment and in particular without –*
- risk to water, air, soil, plants or animals; or*
- causing nuisance through odours; or*
- adversely affecting the countryside or places of special interest."*

In our view, there is a positive requirement for competent authorities to evaluate every proposal in terms of the relevant objectives. This is reinforced in paragraph 1.47 of Circular 11/94 that states:

"The general duty in paragraph 2(1) [of Schedule 4 to the 1994 Regulations] means that in exercising the specified functions authorities must always consider the objectives of the Directive and aim to determine decisions ... in line with them" [emphasis added]

This is the language of materiality (to consider), but the duty imposed by the relevant objectives is far more onerous than this implies. Paragraph 2(1) of Schedule 4 to the 1994 Regulations actually requires that:

"2(1) ...the competent authority shall discharge their specified functions, insofar as they relate to the recovery or disposal of waste, with the relevant objectives" [our emphasis]

Insofar as the planning authority are the competent authority under the Directive/the Regulations, they must be able to demonstrate the application of the relevant objectives. In terms of role, planning authorities assess 'damage' to interests of acknowledged importance. This of course gives them a more holistic view than the Environment Agency who can only consider what is before them in a license application. But beyond that, a planning authority has a much greater freedom to identify and definite 'harm' to interests of acknowledged importance [9].

2. The Integrated Pollution Prevention and Control (IPPC) Directive and PPC Regulations

The general provisions were enacted in the *Pollution Prevention and Control Act 1999*, but there are questions about the Welsh regulations implementing the directive; in terms of applied law, the Directive may be assumed to have 'direct effect' [11].

Waste recovery operations constitute 'prescribed processes' under the new IPPC regime. The regulations [...] set the limit over which a site must be regulated under IPPC as [12]:

'.... receiving more than 10 tonnes of waste in any day or

The IPPC Directive reinforces the 'relevant objectives' of the Framework Directive on Waste by specifying new objectives on limiting environmental pollution from those waste sites covered by IPPC. The term 'environmental pollution' is defined as [13]:

- '(a) harm to the health of human beings or other living organisms;*
- (b) harm to the quality of the environment, including-*
 - (i) harm to the quality of the environment taken as a whole,*
 - (ii) harm to the quality of the air, water or land, and*
 - (iii) other impairment of, or interference with, the ecological systems of which any living organisms form part;*

- (c) offence to the senses of human beings;
 (d) damage to property; or
 (e) impairment of, or interference with, amenities or other legitimate uses of the environment (expressions used in this paragraph having the same meaning as in Council Directive 96/61/EC).'

In order to address the environmental pollution, the developer of a site subject to IPPC must demonstrate that they are using the 'best available techniques' (BAT). 'BAT' does not contain an economic argument as with the previous principle of 'BATNEEC' ('BAT Not Entailing Excessive Costs'). But rather:

'...best available techniques' means the most effective and advanced stage in the development of activities and their methods of operation which indicates the practical suitability of particular techniques for providing in principle the basis for emission limit values designed to prevent and, where that is not practicable, generally reduce emissions and impact on the environment as a whole...' [14]

Therefore, in terms of the planning authority's responsibilities under the IPPC directive, the planning authority must be satisfied when passing permission for this site that, over and above the requirements of the 'relevant objectives' under the Framework Directive on Waste, that the measures proposed represent the 'best available' to deal with the pollution risk from the stack emissions. In particular, in terms of the effects on amenity, the risk of pollution of the environment, and affects on surrounding land uses, they must be satisfied that the measures proposed will prevent the escape of pollutants will not cause 'harm' (as defined above). In this case, there are particular concerns regarding the emission of fine dust that may affect nearby properties, of trace pollutants especially mercury and NO₂ that are potentially harmful to health, and the risk of run-off from the plant (treated or untreated) that would harm groundwater and local ecology.

The EA has decided that the sea-wash is BAT for removing ammonia, but **not** that gas-fuelled flash drying is BAT for drying the ash. In view of the high gas consumption (and over 100 000 tonnes/yr CO₂ emitted) and disregard of the close-by power station waste heat source, this part of the ash-processing is unlikely to be BAT.

In practice, the developer must show compliance with the requirements imposed by IPPC as well as the 'relevant objectives'. In our view that has not been done in this case, nor has it been requested by the planning office.

1 *A Burning Issue? Planning Controls, Pollution Controls and Waste Incineration*, Tony Kitson and Russell Harris [1994] JPL 3-7

2 *Gateshead MBC v Secretary of State for the Environment and Northumbria Water Group plc*, [1994] JPL 255-266

3 Paragraph 1.34, *Planning Policy Guidance 23* (July 1994).

4 *The Planning Lawyer and the Environment*, Robert Carnwarth QC, *Journal of Environmental Law* Vol.3 No.1 1991

5 Schedule 4, *Waste Management Licensing Regulations 1994*, SI. 1994/1056

6 See 'specified action', paragraph 1, Schedule 4.

7 DoE Circular 11/94, 'The Framework Directive on Waste', April 1994.

8 Paragraphs 1.46 to 1.56, DoE Circular 11/94.

9 Paragraph 1.35, PPG23.

10 Council Directive 96/61/EC.

11 The 'direct effects doctrine', in terms of the role of local authorities, stems from two decisions of the European Court of Justice: In the case *Marshall v Southampton and South West Hampshire Health Authority* (case 152/84 [1984]

QB401) established the principal of implementation of directives when their time limit expires if they have not been effected in law. The case *Foster v British Gas plc* (case C-188/90 [1991] 1 QB405) established that other 'emanations of government', apart from central government, are also responsible for implementing directives where the direct effects doctrine established in the *Marshall* case applies

12 [[Chapter 5, Section 5.2, part A(1), draft version of *The Pollution Prevention and Control Regulations 1999*].

15 Regulation 15 of the *Waste Management Licensing Regulations 1994*. Regulation 15 prohibits the issue of a license until the required assessments have been undertaken to characterise the risk to groundwater – something not done in relation to this site at the time of the PPC draft license.

16 See paragraph A1. Annex 1, PPG10 (September 1999).

07/01478/FUL

APPENDIX A

PLANNING APPRAISAL

for

VALE OF GLAMORGAN COUNCIL

of

Planning Application No 07/01478/FUL and 07/01481/FUL

Erection of temporary dwelling and The change of use of existing agricultural buildings to equestrian yard and the construction of horse-walker and gallop (respectively).

at

Pant Wilkin, Aberthin

Applicant: Mr T Vaughan

Agent: Brian Griffin

Richard Anstis MRICS
Pryor House East Hanney
Wantage OX12 0HU
07908 67 33 67
richard@nstis.com

Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

FAO: Miss K Jones

DATE: December 2007

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		2.2	Tenure
		2.3	Buildings
		2.4	Land
		2.5	Enterprises

3.0 APPRAISAL

4.0 CONCLUSION

07/01478/FUL

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1.0 INTRODUCTION

- 1.1 Mr Vaughan has applied to the Vale of Glamorgan Council for consent to erect a temporary dwelling (as essential workers' accommodation) and to convert existing buildings to stables and ancillary facilities and construct a horse-walker and gallop, at Pant Wilkin, Aberthin. Both applications have been considered together in this appraisal, for reasons provided below.
- 1.2 This appraisal is requested by the Vale of Glamorgan Council to examine the proposal in accordance with planning guidance and policy and specifically to assess the agricultural need for the temporary accommodation in accordance with the functional and financial tests.
- 1.3 Further information was requested and provided between November and December 2007 and this report takes that further information into account.

2.0 DETAILS OF THE HOLDING

2.1 Location

- 2.1.1 The holding is in an area of open countryside to the east and south east of Aberthin, with a presumption against development.

2.2 Tenure

- 2.2.1 The applicant does not own the land. Instead, a conditional contract has been completed, which would be triggered by a successful consent for either of the submitted applications. Once triggered, the applicant would be obliged to complete on the purchase of just the yard (shown on the site plan) and short access drive. The contract also provides that access rights would be reserved along the longer access onto the A48 and it requires the completion of a 5 year Farm Business Tenancy around 5 hectares adjacent to the yard, but no security of tenure is secured over the remaining 17 of the 22 hectares.
- 2.2.2 We have not seen this contract and the authority may need a copy to verify these important terms. On this assumption though, in our opinion there is sufficient security of tenure over the yard and five hectares of land to meet that aspect of the test, when referring to the wider application. There is however no security of tenure whatsoever over the remaining seventeen hectares of land and the impact of this is reflected in the appraisal.

2.3 Buildings

- 2.3.1 There is a range of existing buildings at the yard, all of which would be converted to equine use under the proposal.

2.4 Land

- 2.4.1 The land surrounding the buildings has 3ha of grazing pasture, 4.5ha of cabbages and most of the remainder as seed hay pasture, with scrub and copse making up the balance. The 17 hectares is largely ignored in this appraisal.

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2.5 **Enterprises**

2.5.1 The existing enterprises on the site are wholly unrelated to the application. The applicant runs an equine business on a wholly unrelated site. We have examined whether it is reasonably likely that the applicant's existing enterprise could successfully transfer to the proposed site, to be considered as an existing enterprise, as opposed to a new one.

2.5.2 The applicant's existing enterprise comprises 12 stables at Mount Pleasant. Further evidence has been submitted which allows an assumption that most of those 12 horses would transfer to the proposed site. That does inevitably leave a substantial shortfall to fill the proposed 22 stables. In our assessment, we have made a reasonable assumption that 10 of the existing horses would transfer and that within a year a further 5 horses would be added to the enterprise. Our assessment therefore assumes 15 horses in year one.

2.6 **Dwellings**

2.6.1 Pant Wilkin house, which adjoins the proposed yard to the north, is owned and occupied by Mr & Mrs J Pugh, who are wholly unrelated to both the existing and the proposed enterprises and who have made a representation in support of the application. No other dwellings are on the site and we are not aware of any others within sight and sound of the proposed yard.

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3.0 APPRAISAL

- 3.1 This assessment will firstly examine whether there is a need for the equestrian buildings and works and secondly whether there is a need for the temporary dwelling.
- 3.2 The proposed stables, horse-walker and gallop are adequate for the stated purpose. The transferral of the existing horses creates the need, but there is a concern over having only 5 hectares of what will be pasture on which to turn out all the horses.
- 3.3 There are certainly management methods that preclude the need for much land for grazing, but the shortage of secure land is nonetheless an issue. There is some reassurance that the adjoining 17 hectares may be available to let, but there is no security over this additional land.
- 3.4 Since both applications are to be heard separately, there is also the concern over management. Can the equine enterprise that would be created by the proposal be managed remotely, without the need for a dwelling on the site?
- 3.5 Since a second application has also been submitted for such a temporary dwelling, we have not addressed this issue in the assessment of the application for the equine facilities.
- 3.6 In our opinion, we are satisfied that there is sufficient need for the facilities proposed and although the shortage of additional land is a concern, it is not sufficient to prevent the unit from functioning.
- 3.7 The assessment moves then to the need for the temporary dwelling. There are a number of questions to be answered before applying the tests:
 1. Can an equine business be treated as an agricultural business, for the purposes of assessing functional need?
- 3.8 This is a matter for the local authority, but for the purposes of this appraisal we have assumed that the proposed equestrian use is to be treated as if it were agricultural and the tests have been applied strictly on that basis.
 2. Is this a new enterprise, or an existing one?
- 3.9 In our opinion, although the existing enterprise is based on a wholly separate site, sufficient evidence has been submitted to show that a significant proportion of the existing business will be directly transportable to the proposed site. Because of that, we have assumed that this is an existing business and have applied the tests on that basis.

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3. Since the stables and gallops do not yet exist and do not yet have permission, can it be assumed that they exist, in assessing the need for the temporary dwelling?
- 3.10 Without the equine facilities proposed, the 'existing' enterprise could not continue on this site and therefore there could be no need for a temporary dwelling adjacent to it. The two applications are not linked to each other and are presented at the same time. This presents a logistical problem. In assessing the need for the dwelling then, we must assume that the stabling and gallops have already been approved and the assessment is made strictly on that basis. The authority will need to bear this in mind in the scheduling of the two application decisions. No inference should be made however that there is therefore a need for the dwelling without the prior approval of the equine facilities.
- 3.11 The application is for a temporary dwelling and on the above assumptions, the issues to be assessed are therefore:
1. Is there a functional need?
- 3.12 The evidence presented in Section 8 and Appendix 7 of the report by Rebecca Wilson in October 2007 and in the (anonymous) further information submitted in December 2007 has been examined:
- 3.13 The evidence describes:
- Animal Welfare:
Detection of acute disorders, such as colic or a cast, as well as open wounds.
Calming of highly-strung thoroughbred horses frightened by storms or loud noises.
Dealing with injuries in horses in the field.
Checking horses' legs for 'heat' four times per day.
Dealing with pregnancy and birthing emergencies in mares.
Security, fire risk and deliberate drugging are also listed.
- 3.14 There is an important distinction between necessity and desirability. Scheduled operations, such as regular checking of horses' legs, can be dealt with by staff brought in for that operation. The frequency of such operations does not necessarily show a need for a worker to live on site.
- 3.15 This is not proposed to be a breeding establishment and the frequency of pregnancy and birthing problems is not expected to be sufficient to justify year-round 24 hour attendance.
- 3.16 Security personnel and equipment can be deployed to assist in the prevention of theft and wilful injury/drugging of the horses.

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3.17 However, given the expectation of a minimum of 15 (and the likelihood that this would be rapidly increased to over 20) thoroughbred horses on site and all the combined associated issues presented in the evidence, we are satisfied that there is sufficient animal welfare risk to create a need that requires a worker (albeit not an agricultural worker) to be in site most times out of necessity.

3.18 Certainly there is insufficient evidence to pass the financial test, but there is sufficient evidence to show that the enterprise is reasonably likely to materialise.

4.0 CONCLUSION

4.1 In our opinion there is a need for the proposal.

Signed

Dated

Lewis, Joanne C (EER)

From: Ian Hopkin [i.hopkin@virgin.net]
Sent: 09 December 2007 09:34
To: planning&transport@valeofglamorgan.gov.uk
Cc: i.hopkin@virgin.net; gacox@valeofglamorgan.gov.uk; cvlclay@valeofglamorgan.gov.uk
Subject: 2007/01478/FUL

Dear Sir,

I wish to object to the planning application number: 2007/01478/FUL, detailed as below.

Date Received: 25 October 2007 Application No. 2007/01478/FUL

Applicant: Mr. T. Vaughan,
Mount Pleasant,
Rhiwrceiliog,
Pencoed,
Bridgend.
CF35 6NE

Agent: Mr. Brian Griffin,
P. and C. C. Limited,
The Cottage,
Green Bottom,
Littledean,
Glos.

GL14 3LH

Location: Pant Wilkin, Aberthin

Proposal: Stationing of a temporary dwelling for three years to service national hunt training yard

Decision: Date:

Appeal Decision: Date:

I live at Fern Lodge Llanquian Road Aberthin. Llanquian Road, a no through road, is the only access road to the site of this planning application. If granted it would result in increased traffic along a narrow country lane containing a number of roadside properties. Furthermore the traffic would predominantly be four by four vehicles with horseboxes, increasing pollution and causing damage to the local ecology and environment.

These vehicles pose a significant safety threat to the residents of this lane, several of whom are elderly or families with small children. Only last year my son was involved in an incident with a non resident's vehicle. In this case the driver was responsible and driving very slowly, so no serious injury occurred. Sadly this is not true of the majority of drivers who travel down this lane. There are no passing places along the majority of the lane so increasing the traffic volumes will result in people having to drive over the grass verges or pull into residents drives, which is already a problem.

We are already suffering from people travelling to this area with trailers containing trials bikes and even quad bikes to ride on the common, destroying one of the few remaining habitats for sky larks in the Vale of Glamorgan.

Llanquian road is probably the most popular lane in Aberthin for the residents of the village to walk. It provides one of the few remaining safe havens for family walks and children to ride bicycles. Granting of this application would deprive the village and its visitors of this facility in favour of people travelling to the area in vehicles to access a development which is of no benefit or interest to the local people.

Road safety is becoming a real issue in this village. Parents of Pen-y-Lan are afraid to let their children walk to school because the lane is used as a "rat-run" for people accessing the A48. On school mornings children take their life into their hands having to cross the main road in Aberthin, which is not provided with a crossing facility, unbelievable for the 21st century. Please do not worsen the situation by allowing a facility which can only result in increased traffic.

Yours sincerely

Dr I D Hopkin
Fern Lodge
Llanquian Road
Aberthin
CF71 7HE

07/01478/FUL

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07/01481/FUL

Appendix A

PLANNING APPRAISAL

for

VALE OF GLAMORGAN COUNCIL

of

Planning Application No 07/01478/FUL and 07/01481/FUL

Erection of temporary dwelling and The change of use of existing agricultural buildings to equestrian yard and the construction of horse-walker and gallop (respectively).

at

Pant Wilkin, Aberthin

Applicant: Mr T Vaughan

Agent: Brian Griffin

Richard Anstis MRICS
Pryor House East Hanney
Wantage OX12 0HU
07908 67 33 67
richard@nstis.com

Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

FAO: Miss K Jones

DATE: December 2007

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	2.2	Tenure
	2.3	Buildings
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3.0 APPRAISAL

4.0 CONCLUSION

1.0 INTRODUCTION

- 1.1 Mr Vaughan has applied to the Vale of Glamorgan Council for consent to erect a temporary dwelling (as essential workers' accommodation) and to convert existing buildings to stables and ancillary facilities and construct a horse-walker and gallop, at Pant Wilkin, Aberthin. Both applications have been considered together in this appraisal, for reasons provided below.
- 1.2 This appraisal is requested by the Vale of Glamorgan Council to examine the proposal in accordance with planning guidance and policy and specifically to assess the agricultural need for the temporary accommodation in accordance with the functional and financial tests.
- 1.3 Further information was requested and provided between November and December 2007 and this report takes that further information into account.

2.0 DETAILS OF THE HOLDING

2.1 Location

- 2.1.1 The holding is in an area of open countryside to the east and south east of Aberthin, with a presumption against development.

2.2 Tenure

- 2.2.1 The applicant does not own the land. Instead, a conditional contract has been completed, which would be triggered by a successful consent for either of the submitted applications. Once triggered, the applicant would be obliged to complete on the purchase of just the yard (shown on the site plan) and short access drive. The contract also provides that access rights would be reserved along the longer access onto the A48 and it requires the completion of a 5 year Farm Business Tenancy around 5 hectares adjacent to the yard, but no security of tenure is secured over the remaining 17 of the 22 hectares.
- 2.2.2 We have not seen this contract and the authority may need a copy to verify these important terms. On this assumption though, in our opinion there is sufficient security of tenure over the yard and five hectares of land to meet that aspect of the test, when referring to the wider application. There is however no security of tenure whatsoever over the remaining seventeen hectares of land and the impact of this is reflected in the appraisal.

2.3 Buildings

- 2.3.1 There is a range of existing buildings at the yard, all of which would be converted to equine use under the proposal.

2.4 Land

- 2.4.1 The land surrounding the buildings has 3ha of grazing pasture, 4.5ha of cabbages and most of the remainder as seed hay pasture, with scrub and copse making up the balance. The 17 hectares is largely ignored in this appraisal.

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2.5 Enterprises

2.5.1 The existing enterprises on the site are wholly unrelated to the application. The applicant runs an equine business on a wholly unrelated site. We have examined whether it is reasonably likely that the applicant's existing enterprise could successfully transfer to the proposed site, to be considered as an existing enterprise, as opposed to a new one.

2.5.2 The applicant's existing enterprise comprises 12 stables at Mount Pleasant. Further evidence has been submitted which allows an assumption that most of those 12 horses would transfer to the proposed site. That does inevitably leave a substantial shortfall to fill the proposed 22 stables. In our assessment, we have made a reasonable assumption that 10 of the existing horses would transfer and that within a year a further 5 horses would be added to the enterprise. Our assessment therefore assumes 15 horses in year one.

2.6 Dwellings

2.6.1 Pant Wilkin house, which adjoins the proposed yard to the north, is owned and occupied by Mr & Mrs J Pugh, who are wholly unrelated to both the existing and the proposed enterprises and who have made a representation in support of the application. No other dwellings are on the site and we are not aware of any others within sight and sound of the proposed yard.

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3.0 APPRAISAL

- 3.1 This assessment will firstly examine whether there is a need for the equestrian buildings and works and secondly whether there is a need for the temporary dwelling.
- 3.2 The proposed stables, horse-walker and gallop are adequate for the stated purpose. The transferral of the existing horses creates the need, but there is a concern over having only 5 hectares of what will be pasture on which to turn out all the horses.
- 3.3 There are certainly management methods that preclude the need for much land for grazing, but the shortage of secure land is nonetheless an issue. There is some reassurance that the adjoining 17 hectares may be available to let, but there is no security over this additional land.
- 3.4 Since both applications are to be heard separately, there is also the concern over management. Can the equine enterprise that would be created by the proposal be managed remotely, without the need for a dwelling on the site?
- 3.5 Since a second application has also been submitted for such a temporary dwelling, we have not addressed this issue in the assessment of the application for the equine facilities.
- 3.6 In our opinion, we are satisfied that there is sufficient need for the facilities proposed and although the shortage of additional land is a concern, it is not sufficient to prevent the unit from functioning.
- 3.7 The assessment moves then to the need for the temporary dwelling. There are a number of questions to be answered before applying the tests:
1. Can an equine business be treated as an agricultural business, for the purposes of assessing functional need?
- 3.8 This is a matter for the local authority, but for the purposes of this appraisal we have assumed that the proposed equestrian use is to be treated as if it were agricultural and the tests have been applied strictly on that basis.
2. Is this a new enterprise, or an existing one?
- 3.9 In our opinion, although the existing enterprise is based on a wholly separate site, sufficient evidence has been submitted to show that a significant proportion of the existing business will be directly transportable to the proposed site. Because of that, we have assumed that this is an existing business and have applied the tests on that basis.

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3. Since the stables and gallops do not yet exist and do not yet have permission, can it be assumed that they exist, in assessing the need for the temporary dwelling?
- 3.10 Without the equine facilities proposed, the 'existing' enterprise could not continue on this site and therefore there could be no need for a temporary dwelling adjacent to it. The two applications are not linked to each other and are presented at the same time. This presents a logistical problem. In assessing the need for the dwelling then, we must assume that the stabling and gallops have already been approved and the assessment is made strictly on that basis. The authority will need to bear this in mind in the scheduling of the two application decisions. No inference should be made however that there is therefore a need for the dwelling without the prior approval of the equine facilities.
- 3.11 The application is for a temporary dwelling and on the above assumptions, the issues to be assessed are therefore:
1. Is there a functional need?
- 3.12 The evidence presented in Section 8 and Appendix 7 of the report by Rebecca Wilson in October 2007 and in the (anonymous) further information submitted in December 2007 has been examined:
- 3.13 The evidence describes:
- Animal Welfare:
- Detection of acute disorders, such as colic or a cast, as well as open wounds.
Calming of highly-strung thoroughbred horses frightened by storms or loud noises.
Dealing with injuries in horses in the field.
Checking horses' legs for 'heat' four times per day.
Dealing with pregnancy and birthing emergencies in mares.
Security, fire risk and deliberate drugging are also listed.
- 3.14 There is an important distinction between necessity and desirability. Scheduled operations, such as regular checking of horses' legs, can be dealt with by staff brought in for that operation. The frequency of such operations does not necessarily show a need for a worker to live on site.
- 3.15 This is not proposed to be a breeding establishment and the frequency of pregnancy and birthing problems is not expected to be sufficient to justify year-round 24 hour attendance.
- 3.16 Security personnel and equipment can be deployed to assist in the prevention of theft and wilful injury/drugging of the horses.

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- 3.17 However, given the expectation of a minimum of 15 (and the likelihood that this would be rapidly increased to over 20) thoroughbred horses on site and all the combined associated issues presented in the evidence, we are satisfied that there is sufficient animal welfare risk to create a need that requires a worker (albeit not an agricultural worker) to be in site most times out of necessity.
- 3.18 Certainly there is insufficient evidence to pass the financial test, but there is sufficient evidence to show that the enterprise is reasonably likely to materialise.

4.0 CONCLUSION

- 4.1 In our opinion there is a need for the proposal.

Signed

Dated

07/01481/FUL

APPENDIX B

Pantwilkin Farm
Llanquian Road
Aberthin
Vale of Glamorgan
CF71 7HE

01446 772830
pugh@cardiff.ac.uk

18 November 2007

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

Town and Country Planning Act 1990 (as amended)

Application: 2007/01481/FUL

Location: Pantwilkin Farm, Aberthin

Proposal: Change of use of farm buildings to National Hunt training yard with horse walker and gallops

Dear Sir

With reference to the above planning applications we have examined the plans and the only, but major, cause of concern to us is the proposed location of the muck heap.

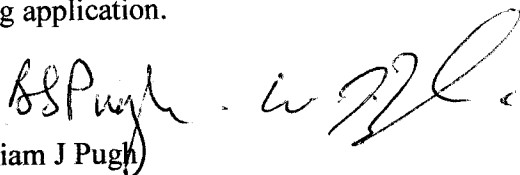
The proximity of it to the boundary fence of our property means that it is only 35 metres from our dining room window. A muck heap for 22 horses, however well-maintained, is bound to generate smell, flies and other flying insects which will be brought towards our house by the prevailing South-Westerly winds, together with litter from the bedding.

We own a horse which suffers from "sweet itch" – an allergic condition caused by midges, which can be very severe. She also has allergic reactions to fly bites, which have required veterinary intervention and prolonged medication to resolve. We endeavour to protect her from exposure to midges and flies by protective rugs, fly repellents etc. but the main haven for her from flies in the summer is the field shelter which is immediately behind the proposed muck heap.

We have spoken with Mr. Vaughan about our concerns and he is prepared to relocate the muck heap. We hope this can be resolved without any impediment to us or to Mr. Vaughan's planning application.

Yours faithfully

Barbara J and William J Pugh



**DRAFT PLANNING STATEMENT – PROPOSAL FOR TWO HOUSES ON LAND
ADJACENT CORNTOWN FARMHOUSE, CORNTOWN.**

1. Summary

The sensitive proposal accords with the objectives and policies contained within the Vale of Glamorgan UDP. It provides housing in a sustainable and accessible location in accord with HOUS 2 and conforms to ENV 17, ENV27 and HOUS 8.

It ensures the efficient use of land in accordance with TAN 12 while importantly safeguarding the quality of life. In line with PPG Wales and the Council's supplementary planning guidance on amenity the scheme protects existing character and minimises any effects on neighbouring property.

2. The Site and Village Context

The site comprises a large listed farmhouse of medieval origins fronting Corntown Rd with a large curtilage comprising outhouse (formers tables), outdoor swimming pool and extensive grounds extending to the west and rear. The construction of the farmhouse, outbuildings and boundary walls is stone. The farmhouse and outbuildings are generally in sound and good repair commensurate with their use and age.

The site is located in the centre of Corntown. The village's historical form was linear but developments since the 1960's have punctuated this form. In particular the construction of 16 houses at Nantlais to the east and the erection of four houses on the site of Little Acre to the west have changed pattern and form of development.

The site is not designated as conservation area, special landscape area and there is no known important ecological interest in the site.

The Council has approved many developments that gain their access alongside existing buildings. These operate with no adverse affects. This is a material consideration that the Council needs to bear in mind in its determination of the application.

The site area covers 3,600 sq m.

3. Planning History

An outline application to erect three dwellings to the rear of the farmhouse was refused by Ogwr in May 1984. Reasons for refusal included highways(visibility splays and lack of pedestrian footway) and unjustified development outside the village boundary.

An outline application for the demolition of the outbuilding and the construction of four new houses with associated access (LPA ref 02/01748/OUT) was withdrawn in 2003 following objections from highways on lack of suitable visible splays and conservation objections based on the demolition of listed outbuildings.

The council recently granted consent for the demolition of Little Acre and erection of four large detached tandem houses at right angles to the main road. These houses are nearing completion.

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4. PPG Wales and TAN 12

The proposal supports the aims and objectives of national planning policy. The design team have carefully considered the site's character and opportunities and has developed a sensitive design proposal that ensures that the new development respects and protects the character and amenity of existing and proposed development. We have achieved appropriate sensitive new development that promotes creativity and imaginative design. Importantly the design team has ensured that sensitive design and landscaping ensures that the new buildings can be fitted successfully in this established residential area.

Potential problems with access to the new houses have been tackled with appropriate solutions advanced to minimise any loss of amenity to the residents of Corntown Farmhouse. These are clearly articulated in the enclosed drawings and include;

- Creation of clearly defined areas of public, semi public and private space ;
- Quantitative private amenity space to the rear of the farmhouse;
- Creation of visual and acoustic separation to rear garden space enabling occupiers to continue to enjoy qualitative amenity space
- Removal of cars from semi public space to private improve visual amenity

The scale and relationships of buildings has been a key component of the design. Access to the existing property and proposed properties is improved in way that enhances accessibility but also ensures that the character of the area is protected.

5. Planning application design statements

In line with good practice the design team has developed a planning application design statement to indicate how the scheme was shaped and how it finds in expression at this pre application stage.

5. The design principles and design concept:

The proposal is built upon a detailed understanding of the site and surrounding area. It has been generated as a direct response to the existing buildings and site features that make up that context and is intended to:

- minimise impact on the existing farmhouse and retain the high level of amenity afforded to it*
- minimise impact on existing site features and adjacent development*
- enhance the amenity of the existing courtyard*
- provide 2 contemporary dwellings which respect and are informed by the design of the existing farmhouse*

5. How these are reflected in the developments location, layout, density, scale, detailed design and landscape:

- minimise impact on the existing farmhouse and retain the high level of amenity afforded to it*

- the low density of the proposal allows the Farmhouse to retain a large curtilage providing ample quantitative space (rear garden of 284 sqm, side/front garden of 351 sqm with farmhouse footprint of 206 sqm).
- the privacy of the rear garden is maintained by retaining the existing boundary wall and planting and by rebuilding the existing outbuilding. To the rear, a hedge forms the new boundary and the proposed houses face south, away from the farmhouse.

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- the reordered site access is located away from the western flank of the farmhouse in order to minimise the affect on amenity through noise and visual interference. Any affect is further minimised by the thickness of the farmhouse walls and the location of the openings within the wall.

b minimise impact on existing site features and adjacent development

- mature trees and hedgerows are generally retained and form the basis of proposed boundaries to dwellings.
- the rebuilding of the front boundary wall will be carried out in strict accordance with a method statement to be submitted as part of a LBC application.
- the orientation of the proposed dwellings ensures no overlooking of adjacent development at Nant Lais and Little Acre.
- the siting of the proposed dwellings relates to existing levels negating the need for major regarding works

c enhance the amenity of the existing courtyard

- the main outbuilding is to be used as a garage and ancillary store to the farmhouse. This negates the less desirable possibility of converting the outbuilding for residential use and ensures a sustainable future for the building in its present form. Relocating the farmhouse car parking will also enhance the visual amenity of the existing courtyard.
- the existing outbuilding to the rear of the farmhouse is to be rebuilt, visually reinstating the southern limit of the courtyard.
- the proposed pavement and access arrangement greatly improves pedestrian and vehicular access to and from the site.

d provide 2 contemporary dwellings which respect and are informed by the design of the existing farmhouse

- each dwelling is designed to have an 'open' south elevation which faces the rear garden and a 'closed' north elevation which faces the adjacent dwelling or farmhouse.
- the scale and form of the dwellings is similar to the existing farmhouse but reflects the living patterns of today (open plan areas, large glazed openings relating inside to outside etc).
- the proposed materials relate to the existing farmhouse but make use of modern technology.

5.3 How design relates to its site and the wider context:

The proposal is generated by a clear hierarchy of decisions based on responses to the site and surrounding area. These decisions relate the proposal to its immediate and wider context and are generally set out below:

- the site's east and west boundaries are defined by existing trees and hedges which are to be retained.
- the site's southern boundary is defined by the settlement boundary. The existing trees adjacent to this boundary are retained and the boundary is reinforced with new hedge planting.
- the boundary between the proposed plots is defined by a row of existing trees and reinforced with new hedge planting.
- the proposed dwellings relate to the form and scale of the existing farmhouse and are planned along an east/west axis in order to maximise south facing gardens and avoid facing the adjacent development at Little Acre.

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5.4 How development meets UDP design policies and SPG.

UDP Policies

The proposal has been developed with full regard to the Council's UDP policies and its supplementary planning guidance.

EV17 Protection of Built and Historic Environment

The proposal will be accompanied by a detailed LBC dealing with the alterations to the front boundary walls, courtyard and alternations to boundary stone walls. These details indicate the acceptable nature of the proposal.

Policy ENV 27 Design of New Developments.

The proposal has regard to the context of the local natural and built environment and its special features. The scheme;

- compliments and enhances the local character of buildings and spaces;
- meets council's standards of amenity and open space, access (**see detailed note below**), car parking and servicing
- allows for adequate utility and waste services;
- minimises detrimental impact on adjacent areas;
- ensures majority of soft and hard landscaping features are protected and complimented by new planting, surface or boundary features
- ensures clear distinction between public and private spaces;
- provides high level of accessibility,
- has regard to energy efficiency

HOUS 2 Development of Housing in the Vale

Housing infill and small scale development which meets the criteria in HOUS 8 will be permitted in Corntown. Given the inspector's views at the UDP inquiry concerning the very limiting nature of the Council's promotion of housing outside main settlement such as Barry, and bearing in mind national policy concerning the need to increase house building levels, these are important considerations.

HOUS 8 Criteria supporting HOUS 2 where development will be permitted

the scale form and character of the proposed development is sympathetic to the environs of the site. Interestingly the development is much more sympathetic and appropriate than that approved by the Council on the adjacent Little Acre site;

the proposal has no unacceptable effect on the amenity and character of existing or neighbouring environments. The scheme minimise any impact to a very acceptable level;

the proposal does not have an acceptable affect on high quality agricultural land, attractive landscape, high quality townscape, or areas of historical, archaeological or ecological importance; and

car parking and amenity space meets council guidelines;

adequate utility services are available.

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Supplementary Planning Guidance VOG

In line with PPG Wales 2002 the area's character and amenity is protected. This includes minimisation of any adverse affects on neighbouring property.

The proposal supports the Increases in density help to preserve land resources and good design can overcome any adverse affects.

In line with SPG on amenity standards, privacy and amenity is protected by careful design of buildings and relationship between these and access, trees, and boundary features. Usable adequate and appropriate private amenity space is provided for recreational and functional use.

A sense of privacy is maintained to Corntown Farmhouse and new development and access designed to minimise impact. The rear garden to the farmhouse at its mid point is over 16m in length.

6. PPG Wales supported by Tan 12 Design

The scheme has been assessed against the framework for consideration for promoting good design as outlined in Tan 12. The following factors have been taken into account in the proposal;

- landscape setting – the way the scheme works with the site and its landscape context;
- layout of development – the way in which the layout improves existing access and promotes better public access to foot outside the site to public transport.
- the proposal promotes efficient use of land while safeguarding the quality of life;
- the scale of development is appropriate to its surroundings –including height and bulk, hierarchy of development to reinforce character; and.
- The design of the new houses supports the appearance and materials.

Note from above regarding access

A letter dated 25th 2006 from Mr P Harrison on behalf of the Operational Manger Engineering Design (YR ED/HD/PDH) indicates that drawing No 1033/01 Rev1 would be acceptable to serve a small residential development of up to 5 dwellings on the site (correspondence and plan enclosed).

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SUPPORTING CLIENT STATEMENT.

What we are aiming to achieve

We are aiming to build within the settlement boundary 2 properties which will be a modern version of Corntown Farmhouse and which will sensitively reflect and blend in with the character of the existing property.

How we are aiming to achieve this

1. By minimising the impact on Corntown Farmhouse.

The farmhouse will still have large rear, side and front gardens. Its privacy will be preserved as existing and new stone walls, trees and hedges will screen it from the new properties.

The walls of the farmhouse are very thick, thus minimising any noise element.

The new proposed access will be constructed away from the farmhouse and will be located to the side of the property, again minimising any noise or visual interference.

2. By minimising the impact on existing site features and adjacent development.

Mature trees, hedgerows and stone walls will be retained. The new buildings will be facing south and will not be overlooking any of the adjacent buildings in Nantlais or Little Acre.

3. By enhancing the amenity of the existing courtyard.

The existing barns and outbuildings will be repaired and overhauled as necessary. The area in front of the outbuildings will be cobbled/block paved and car parking will be relocated to the rear of the buildings, thus enhancing the visual appearance of the courtyard.

The new access will greatly improve vehicular access to and from the site.

4. By building 2 contemporary dwellings which respect the existing farmhouse

The new houses will face south and will not overlook the farmhouse. They will be similar in size and form of the farmhouse but built for modern living.

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Reasons for granting permission

1. The 2 properties would be built within the settlement boundaries.
2. The development is infill as there are properties built on each side of the site.
3. A precedent has been set by the Vale of Glamorgan BC as there are many similar developments in the Borough and in particular in Ewenny. We have photographic evidence to substantiate this assertion.
4. There would only be 3 properties using the private driveway and up to 5 are allowed. The adjacent development, Little Acre, was recently granted planning permission whereby there are 4 properties off the private driveway.
5. The adjacent Little Acre is tandem development, as are many other properties in Ewenny. The properties next to Ty Gwyn in Ewenny all share a private driveway and have been built behind an existing old property. Planning consent has also been granted for a dwelling in the grounds of Yr Ydfa and this dwelling would be built behind the existing old property.
6. Corntown Farmhouse, its outbuildings and courtyard would be improved by us, thus making the property more attractive visually to the village.
7. We would provide a pavement outside the property which would benefit the village and ensure the safety of pedestrians.
8. The limited traffic would pass the side of the farmhouse which would not impair on the current enjoyment of the property, as the front of the property already abuts onto a main road.
9. In the past, traffic has regularly used the existing access and driveway to reach our field which adjoins the farmhouse (but is outside the settlement boundary) in order to tend the horses which were kept there.
10. By building 2 properties in the grounds we would not want to convert the barns into a dwelling, but would merely enhance their appearance and bring them into beneficial use for the farmhouse's benefit, eg for storage purposes.
11. We have, on the planning officers' advice, employed the services of a planning consultant and conservation architects with whom we have worked closely to ensure that the development meets planning criteria and that it is sympathetic and

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complimentary to the existing farmhouse and its environs as we shall be continuing to live at the farmhouse.

12. The highways and conservation departments of the Council have no objections to the development.

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Mr & Mrs P.W. Lougher
Batsleys Farm
Higher End
St. Athan
Vale of Glamorgan
CF62 4LW

Mr. I. Robinson,
Planning & Transport,
Vale of Glamorgan Council,
Dock Office,
Barry Docks,
Barry.
CF63 4RT

Ref: P/DC/IR/2007/01565/FUL

4th December 2007

Town and Country Planning Act, 1990
Application No. 2007/01565/FUL

Dear Mr. Robinson,

Upon receipt of the latest planning application proposal submitted by WAG has given us cause for grave concern! The proposal being; the relocation of the Police Helicopters from Cardiff [where they are situated amid an industrial area] to MOD St. Athan. We feel that we must strongly object to the proposal for the following reasons.

1. The very nature of the proposal means that the helicopter{s} will be flying all times of the day and night. Probably more at night creating extra noise pollution which in turn will be detrimental to our business? We fear for the health and welfare of our stock due to the close proximity of the helipad. The ensuing noise generated by the helicopter will cause undue stress on our animals especially at lambing and calving times which could cause them to abort!
2. There appears to be no information on what flight path the helicopter[s] will be using and we are certainly are apposed to anything flying or hovering over our property day or night which could give way to animals taking fright and may result in a serious accident i.e. railway / road due to there close proximity.
3. We see no logic in the relocation of the Police Helicopters to the country side of the Vale of Glamorgan where crime is far lower than the inner city's. Surely the helicopter would serve the people of South East Wales far more efficiently from its present location where incidentally it is surrounded by industrial premises causing little or no disturbance to man or beast.
4. As we are all aware we live and work in a very close proximity to the MOD base

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Which of course can be very noisy at times, but this noise has been restricted to 8am – 4 pm Mondays to Fridays except in times of conflict and they do have their designated flight path.

5. Government legislation is encouraging the people of this country to cut down on fuel consumption, and the re-location of the helicopter can only contribute to more pollution and costs traveling back and forth to the city with the ensuing extra fuel costs
6. Having viewed the plans we note that consideration is given to flora fauna and wild life yet no consideration seems to have been extended to the people of St. Athan and surrounding area as noise will be carried by the prevailing wind day and night.
7. The creation of the academy is supposed to be for the benefit for the local economy i.e. Employment. There will be no new jobs with this proposal merely the transfer of existing personnel.

Yours sincerely

Phillip & Jacqueline Lougher

J.D. Lougher.
P Lougher

Robinson, Ian

07/01565/FUL 'A'

From: Thomas, Rob
Sent: 26 November 2007 08:27
To: Robinson, Ian
Subject: FW: Application for New Hangar Batsleys, St.Athan

I see that you are the case officer for this. Can you get me a set of plans and copies of the application form and any supporting info-is it for a helicopter business??

Rob Thomas
Head of Planning and Transportation

From: Thomas, Rob
Sent: 26 November 2007 08:25
To: John, Gwyn (Cllr)
Cc: Bagstaff, Sally (Cllr); Hacker, Eric (Cllr)
Subject: RE: Application for New Hangar Batsleys, St.Athan

Cllr John,

I will get a copy of the plans and any supporting info for you by wednesday. If I am not here when you call, they will be with Lisa.

All the best Rob

Rob Thomas
Head of Planning and Transportation

From: John, Gwyn (Cllr)
Sent: 25 November 2007 20:37
To: Thomas, Rob
Cc: Bagstaff, Sally (Cllr); Hacker, Eric (Cllr)
Subject: Application for New Hangar Batsleys, St.Athan

Rob

I have met today with Mr Loughor of Batsleys Farm whose home is near the new development, is it confirmed that this hangar will be the home of a new helicopter base at St.Athan ? If that is the case our concerns are the noise from these helicopters both day and night and the affect it will have on all the farm animals that graze nearby. I should be grateful for information that you may have, I will call in on Wednesday to view the plans.

Regards
Gwyn

O'Keefe, Kevin T

07/01565/FUL 'A'

From: Curtis, Gerald (AMSS Andrew RT Davies) [Gerald.Curtis@wales.gov.uk]

Sent: 12 December 2007 15:27

To: 'planning&transport@valeofgiamorgan.gov.uk'

Subject: For attention of Mr. Rob Thomas

Dear Mr. Thomas,

I understand that at the Planning Committee meeting scheduled for Thursday evening (13th December) the matter of the new Police Helicopter base at RAF St.Athan will be considered.

I also understand that it is likely that the application will be viewed favourably and that the committee has been led to believe that the local community has been consulted and informed about the proposal. A poster / sign to this affect has reportedly been placed at the site. However, a local resident has informed me that the poster could not be accessed by the general public due to its siting on MOD property.

I have received several communications from concerned locals who inform me that there has been no consultation on this proposal.

I am asking you therefore to postpone any decisions concerning this proposal until a suitable period for consultation has passed.

Yours sincerely,

Andrew R.T. Davies, Regional Assembly Member for South Wales Central and Shadow Minister for Transport.

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07/01565/ful A

Thomas, Rob

From: Thomas, John W (Cllr)
Sent: 13 December 2007 13:09
To: Thomas, Rob; Goldsworthy, Marcus J; Dobbinson, Andrew D (Cllr); Williams, Anthony J (Cllr); Kemp, Gordon C (Cllr)
Cc: Bertin, Richard J (Cllr); Birch, Janice (Cllr); Birch, Rhiannon M (Cllr); Cox, Geoff (Cllr); Ernest, Anthony M (Cllr); Hacker, Eric (Cllr); Hampton, Anthony D (Cllr); Hartrey, Val M (Cllr); Harvey, Michael R (Cllr); Johnson, Fred T (Cllr); Powell, Anthony G (Cllr); Preston, Audrey J (Cllr); Randall, Margaret (Cllr); Vaughan, Colin (Cllr); Wiliam, Steffan T (Cllr); Wilson, Mark R (Cllr)
Subject: Planning Meeting 13 Dec 2007
Importance: High

Dear all,
have been approached by residents in my ward regarding the planning application 2007/01565/ful which your committee is considering this evening. I would appreciate it if the letter attached to this email could be tabled at the meeting this evening.

Regards,

John.
Councillor John Thomas, St Athan Ward

13/12/2007

PA.107

07/01565/FUL

Councillor John Thomas

St Athan Ward

A

13th November 07

Mr Andrew Dobbinson,
Chairman Planning Committee,
Vale of Glamorgan Council.

Re. application 2007/01565/FUL
Land South of the runway, Batslays, MOD St Athan

Dear Councillor Dobbinson,

I have been approached by the occupiers of Batsleys Farm regarding the above application and I have a number of points which I would like to make to your committee prior to them determining the application.

1. The report says that Batsleys Farm was consulted, I am aware that a meeting was arranged between the occupiers of this property and the applicants but this was cancelled by the applicants and has been rearranged for this afternoon, **the day of the planning meeting.**
2. The occupiers of Batsleys Farm are not aware of any notice of this application being erected where it would be in view of the general public, as you may be aware this site is part of the secure MOD St Athan site so it may be possible that a notice has been displayed where the general public who would be affected by this proposal are unable to view it.
3. The initial notification of the application was for a small hanger, construction of new ground slab, extension and alteration to existing offices and provision of new car parking spaces. No mention is made of the use to which this will be put which is the issue of concern.
4. The report states that "it is not considered that the nature and intensity of use necessitates the submission of a noise survey" I would suggest that the new use for these facilities will probably mean that there will be flying from the site at all times of the day and night. There is currently no night flying from the base and in all residents meetings regarding the new development it has been stated that there was not an intention to introduce night flying. The flying of helicopters in and out of this site at night could lead to serious issues of noise and light pollution.
5. In consultation list in the report it is stated that Llantwit Major Town Council was consulted, although this development is in the Llantwit Major Ward it would have a far greater effect on the residents of St Athan..

Councillor John Thomas
St Athan Ward

07/01565/FUL

A

I would ask the Planning Committee to defer this item until full consultation has taken place, including St Athan Community Council and that a noise (and light) survey has been received by the authority.

The Welsh Assembly Government (formally WDA) has stated from the beginning of the proposals for St Athan that full consultation will take place with the local residents, if this application is approved tonight without this consultation the original fears of the residents of not only my ward but also most others in the Vale of Glamorgan will be confirmed and this would only bring problems for the whole Metrix bid when that application is received.

I hope you are able to consider my comments.

Yours sincerely,

Councillor John Thomas

St Athan Ward

cc. Mr and Mrs P. Lougher Batsleys Farm
St Athan Community Council

07/01614/FUL

APPENDIX A

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

5 December 2007

Cyfeillion y Ddaear

Fax 01446 704847

**Representations on RWE Aberthaw Ash Recycling Plant
and Lafarge Cement UK application for a silo etc for PFA 2007/01614/FUL**

To add to our objection of 22 Nov to the ash recycling plant for consideration at the 13 Dec. Planning Committee, we would add an objection that transportation of the ash from RWE to Lafarge should not use public roads, with conveyor between the two sites being the obvious solution.

1. The conveyor system and route already studied for transporting PFA into Aberthaw quarry would appear to be eminently suitable, with slight changes at the source and destination ends.
2. The public road is unsuitable for further heavy lorry traffic because of the narrow Gilston rail bridge with its limited visibility.

- The bridge was hit recently by a lorry trying to avoid an oncoming vehicle
- A lorry was jammed under the bridge recently, blocking the road out from West Aberthaw for over an hour.
- There is no pavement under the bridge and this is the only access route to the bus etc. for residents of West Aberthaw
- The dip under the bridge is frequently floods from heavy rain.

Until problems with lorry passage under the Bridge are resolved, the Council can veto any developments which would intensify lorry use of this route.

3. Lorry transport should be discouraged both because they are a hazard to other traffic on the main road and because as a transport mode they are inefficient in use of fuel with CO2 emissions compared with the conveyor.

If RWE nevertheless persists with road transport to Lafarge, there should be a condition that they fund provision of a pavement and a system of one-way passage under the bridge.

We wish this objection to be mirrored as an objection also to the Lafarge application, with the condition being that

if Lafarge persist with road transport from RWE, there should be a condition that they fund provision of a pavement and a system of one-way passage under Gilston bridge.

Max Wallis
Barry & Vale Friends of the Earth

LATE ITEMS FOR COMMITTEE		Application No. 2004/01079/OUT	
Committee Date: 17 January 2008		Page No.:85	
To be added to report: YES / NO (Delete where necessary)			
From: Cllr N. Moore Summary of Comments: Objects to the Development			
APPROVED BY:			
Officer: Mr. S. D. Butler		Officer:	
Appendix No.:		O.M. or H.P.T.	

Thomas, Rob

From: Moore, Neil (Cllr)
Sent: 16 January 2008 16:52
To: Thomas, Rob
Cc: Dobbinson, Andrew D (Cllr)
Subject: FW: Pencoedtre Woods-Planning application 2004/0179/OUT
Importance: High

I note that this application is before Committee on 17th January.

Can I once again tender my objections to this application. As you are aware I have been opposed to any development on this site for as long as I can remember. As you also know I successfully lobbied council for the Woodland element to be added to the UDP recommendations because I was opposed to either business or residential development on this green field site. I had hoped that the status given to it as a SSSI would have put this application to bed once and for all, but obviously not as far as the applicant is concerned.

Under the circumstances and for the record, I formally support the Officers recommendation of 'Refusal of this application', hopefully for the final time.

Regards

Neil

*Cllr Neil Moore
 Labour Councillor for Cadoc Ward
 Telephone 01446 709472 (Office) 01446 721525 (Home)
 Mobile 078 123 57 876
 nmoore@valeofglamorgan.gov.uk*



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This message is confidential and the information must not be used, disclosed or copied to any other person who is not entitled to receive it. If you receive this message in error please notify the sender and then delete it.

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

From: Thomas, Rob
Sent: 03 January 2008 09:19
To: Thomas, Rob; Butler, Stephen; Goldsworthy, Marcus J
Cc: Dobbinson, Andrew D (Cllr); Johnson, Fred T(Cllr); Moore, Anne J (Cllr); Moore, Neil (Cllr); Williams, Chris J (Cllr)
Subject: RE: Pencoedtre Woods-Planning application

Apologies for the confusion-but I have just heard this a.m. that the application is NOT being withdrawn. The matter will therefore be reported to Planning Ctee in January as an application and not for general information.

Regards

Rob Thomas
 Head of Planning and Transportation

From: Thomas, Rob
Sent: 02 January 2008 09:15
To: Butler, Stephen; Goldsworthy, Marcus J
Cc: Dobbinson, Andrew D (Cllr); Johnson, Fred T(Cllr); Moore, Anne J (Cllr); Moore, Neil (Cllr); Williams, Chris J (Cllr)

17/01/2008

LATE ITEMS FOR COMMITTEE		Application No. 2004/01809/FUL	
Committee Date: 17 January 2008		Page No.: 127	
To be added to report: YES / NO (Delete where necessary)			
From: Eluned Parrott, 3 Glyn y Gog, Rhoose Point Letter received concerning development			
APPROVED BY:			
Officer: Mr. S. D. Butler		Officer:	
Appendix No.:		O.M. or H.P.T.	

LATE REPRESENTATIONS
PLANNING COMMITTEE
17/1/2008

3 Glyn y Gog
Rhoose Point
Rhoose
Vale of Glamorgan
CF62 3LJ

Mr Rob Thomas
Head of Planning
Vale of Glamorgan Council
Civic Offices
Holton Road
Barry
CF63 4RU

Tuesday 15 January 2008

Dear Mr Thomas

Re: Objection to planning applications 2004/01809/FUL and 2006/01807/OUT

I understand that the Vale of Glamorgan Planning Committee is due to consider the two applications, above, at its meeting on Thursday 17 January 2008, and would like to take this opportunity to register my objections to the plans as outlined.

As I am sure you must be aware, there are a number of outstanding issues relating to existing developments on the Rhoose Point estate that are deemed to be so serious they prevent the Council and Welsh Water from fully adopting the site's infrastructure at present.

If the Council and Welsh Water are not entirely convinced that the roads, groundwater drainage and sewers for the site are robust enough for the current level of development, I am astonished that you could possibly consider an application for additional dwellings in the area before the matter is fully investigated and the results of those enquiries are published. It would, surely, be impossible for the Committee to make a responsible and wise decision without all of the facts at their disposal.

Furthermore, I am aware that a legal action concerning the flooding of dwellings immediately adjacent to one of the two sites is currently being actively pursued. The action concerns the failure of culverts to the north of the affected dwellings and the proposed development site.

If the Committee were to authorise these two developments at this time, when it knows that serious doubts as to the safety of the sites are under investigation, I believe that its members could be proved to have been negligent in their duty of care to the future occupants of these dwellings should problems arise.

I urge the Committee to decline planning consent to these two applications, or at the very least, defer a decision until a point of time when the outcome of these investigations and legal proceedings are known.

Yours truly,



Eluned Parrott

LATE ITEMS FOR COMMITTEE		Application No. 2004/01809/FUL	
Committee Date: 17 January 2008		Page No.: 127	
To be added to report: YES / NO (Delete where necessary)			
From: Karen Gallimore C/o 9 Nyth-yr-Eos, Rhose Point and C Stockham of 9 Nyth-Yr-Eos Letter received concerning development including 44 documents (81 pages) Available on application file			
APPROVED BY:			
Officer: Mr. S. D. Butler		Officer:	
Appendix No.:		O.M. or H.P.T.	

17th January 2008

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

Sir,

**Re: Application Number 04/01809/FUL
(3 Storey Commercial and Residential mixed use Development Retail at Ground
Floor Level - land adjacent to Rhoose Station)**

Having thoroughly scrutinised both the Application and Consultee Files we object to the above application on the following grounds:

1. APPLICANT

The Applicant shown on the Application for Planning Permission submitted in 2004 is Fourgreen Development Ltd. However, a document was discovered in another file stating that the LPA was informed in April 2007 that Fourgreen no longer had an interest in the site. Since the Applicant has clearly opted out of the proposed development one must question who is progressing this application. The Officer's Report clearly recommends approval subject to *'the applicant first entering into a Section 106 Legal Agreement.....'* Clearly the Applicant cannot possibly be Fourgreen so who is it; why have they not submitted a new Application for Planning Permission in their own name; and who will be the signatory to the Section 106? Any interested party visiting the LPA to view the Application File would naturally assume that Fourgreen was the Applicant. The LPA is presenting misleading information to the public. It would be prudent for the Members of the Planning Committee to seek a formal written legal ruling on this issue as it would appear that Members have been asked to determine an application in the absence of an Applicant.

2. CONSULTEES

Notwithstanding the above it would have been some years ago that Statutory Consultees and others were first consulted. Any representations made would therefore not reflect any new issues; concerns; policy; and guidance that have since materialised. It must be remembered that the interchange works were completed **after** the submission of this application and this would now impact on any responses. For example as a result of ongoing Yob behaviour being experienced at Rhoose Station, Ward Councillor Jeff James instigated a task and finish group to address these serious issues. (See press coverage) This would mean that any current Crime Analysis Report undertaken by the South Wales Police would read somewhat differently to that presented in the Report to Committee. The consultation process should be repeated and we would recommend that the Chair of the PACT, who has been addressing all Rhoose Issues, be included as a consultee.

This application represents a 'change of use' from the original Rhoose Point Design Guidance Document. This has not been made clear in the Report. Consultees would need to be fully aware due to the impact a 'change of use' application could have, for example, on their assets. One must question if the application was clearly advertised to the public as a 'change of use'.

This application also represents a departure from the UDP. As such WAG should have been informed and been given the opportunity to 'Call In' the application for its own determination. There is no indication in the report or the Consultee File that the LPA contacted WAG.

3. SITE INFRASTRUCTURE

The 2006/07 Scrutiny Committee was to investigate Rhoose Point issues that would include infrastructure matters. However, despite being minuted and placed in the press, this never transpired.

The Director of Environmental and Economic Regeneration reported to Cabinet on 6th June 2007 – **Land at Rhoose Point: Planning, Highways and Drainage Issues – Current Position**. A further detailed report was to be submitted as soon as possible and most certainly by the end of the calendar year. This has not occurred and we question why applications for further development are being determined in the absence of an updated position. As stated above consultations in respect of this application took place some years ago. The infrastructure situation on Rhoose Point has changed significantly since then and indeed since Mr Quick's June 2007 Report.

- **Sewer Adoption**

The LPA did not consult with Welsh Water in regard to this application according to the officer's report. However, for any development site drainage is of high importance. When the interchange and station were built comprehensive drainage systems were installed – including land drains, cut off drains and soak aways etc. This proposed mixed use development could impact on existing drainage. There are currently no infrastructure agreements for the adoption of sewers (section 104) or pump station on Rhoose Point. *Circa* August 2006 Welsh Water made the decision **not** to enter into sewer adoption agreements with Cofton due to the serious unresolved drainage issues existing on Rhoose Point.

In September 2007 Welsh Water had a **critical meeting** with Cofton and the Council. Welsh Water made clear that the responsibility of resolving matters rested with Cofton and the Local Authority. The Ward Members were to be informed by the LA of the outcome of this meeting and disseminate the information to their constituents. (See WW letter dated 25/09/07 attached) There is no evidence that the agreed action points have been complied with by the council. Many ongoing incidents of pollution including untreated sewerage entering the watercourse adjacent to this application site have been reported to the Council/Environment Agency, supported by press coverage. It was after the interchange works undertaken by Scots Subcontractor on behalf of the Council were carried out relating to the extension of the culvert that the problems manifested themselves. Pollution in the area of the vicinity of the crossing is just one reason that is preventing adoption of sewers. Residents have not been informed of this up to date information so they would have been prevented from giving informed representations in regard to this application.

It should be noted that prior to the development of 40 units on the Bryant Homes site (01/01568/FUL) in 2002 Hyder objected to further development, raising concerns that the existing public sewerage system would be overloaded. Despite the objections by Hyder the Bryant Homes site went ahead. (Hyder letter dated 20/02/02). We are aware that WW was consulted in respect of application 06/01807/OUT that is also on the January 17th 2008 Planning Agenda. WW make it clear that the existing sewerage capacity will not cope with further surface and foul water connections. There is no doubt that had WW been consulted in respect of this application then the similar comment would have been made to prevent hydraulic overloading to the public sewerage system. (WW letter dated 16th February 2007)

The existing problems relating to pollution - sewage seepage and noxious odours – referred to above are ongoing. As well as holding up the adoption process there are serious **health and safety** implications on the environment. Until resolved the building of shops and homes in this area would be reckless development. The Planning Committee need to take into full account reports and information provided by the Environment Agency and Welsh Water. Information is attached.

- **Highway Adoption**

Members need to be aware that there is no legal certainty that highways – including the main access road – will ever be adopted.

The Council alleges that a section 38 agreement was signed on 1st April 1998 for the adoption of the section of access road (Pentir y De) up to the first mini roundabout on Rhoose Point is in place. But, nearly 10 years later, this agreement is yet to be completed. A freedom of information request for sight of this agreement is currently being progressed. Notwithstanding this we have firm evidence that condition 12 of the original outline application (93/01186/OUT), which related to the main access road was discharged by an Officer of the Council in the absence of plans approved by the LA. The Council has acknowledged this breach of the planning condition. That the LPA was party to this breach needs to be investigated as the breach has had implications on current and future development.

No section 38 agreements are being progressed for any of the other roads serving Rhoose Point. Instead Advance Payment Code Notices were issued to builders amounting to £1.5 million. This payment should have been made to the Highway Authority to cover future maintenance liabilities in the absence of a section 38 agreement. The LPA failed to ensure that the security was collected. The Ombudsman Inquiry into these issues cleared the LA of maladministration. However, the fact remains that the Director of Environmental and Economic Regeneration acknowledged in his Report to Cabinet in June 2007 that under Common Law responsibility for highway maintenance rests with residents on Rhoose Point. The Ombudsman was recently advised of information and evidence in our possession relating to Highway issues on Rhoose Point but has refused to undertake a further inquiry.

4. ACCESS

The Report to the Planning Committee refers to Counsel Advice having been sought in respect of access. However, a copy of the advice has not been placed on the consultee file. This information should be readily available to interested parties.

Nevertheless, the fact remains that there is currently no legal public vehicular access over the level crossing. Vehicles do drive over the level crossing on a daily basis – as does the airport bus. However, this is being ‘allowed’ in the absence of any legal consent being in place. Should an accident occur on the level crossing involving vehicles the legal repercussions would be immense.

The Report indicates that the HMRI has referred a draft order to the DfT to decide the legal issues but that no clear answer has been received. Members need to be aware that one of the reasons for this is that the DfT requested that the LPA provide the planning history relating to Rhoose Point and once received and disseminated a site visit would be undertaken by the DfT. The LPA wrote to the DfT on 8th January 08 advising that this application was to go before Committee on 17th January 08. The LPA acknowledged in its letter that a site visit had not yet been undertaken. One must question that the letter dated 8th January 08 gives the DfT enough time to respond.

The Report says that the Health and Safety Executive (Railway Inspectorate) has stated that it does not object. However, the report also states that when consulted the HSE (Railway Inspectorate) made no comment. This is confusing. Members should also understand that the HSE (Railway Inspectorate) the HMRI and the Office of Rail Regulation (ORR) are inter-related. The HMRI used to be a division of the Health and Safety Executive. As a result of a Government review the HMRI was transferred away from the HSE to the ORR in April 2007. The ORR was consulted in February 2007 in respect of application 2006/01807/OUT (employment site) and stated:

‘This development must not interfere with the level crossing or cause traffic queues to form in the vicinity of the level crossing’.

Taking into account that the retail site is adjacent to the level crossing then such comment would also apply. Indeed the LA consulted the ORR in October 2007 but this has not been reported to Committee. It would appear that the ORR sees the use of the level crossing as a rights of way issue. That being the case it is most surprising that there is no comment on the application from the PROW department within the Council.

The Head of Visible Services is quite correct that the sole access is via the south off Porthkerry Road. TAN 18 Guidance was introduced in March 2007 and it is clear that Highways was consulted some time prior to that date. Nevertheless the reference to TAN 18 in the Report is misleading because Design Bulletin 32 was superseded by the Department for Transport Manual for Streets (MfT) published in March 2007 and **not** TAN 18. It was interesting to note within the MfT publication the guidance on adoption. Here, it is suggested that in the absence of any legal certainty of adoption taking place affecting a proposed development, then the developer should be required to enter into a section 106 agreement to construct new streets to the authority’s standards and maintain them properly. The Report does not include this obligation within the section 106 recommendations. This vindicates our view that re-consultation should take place so that consultees have an opportunity to comment with reference to current guidance, policy and new information relating to Rhoose Point. Clearly, the Report to Committee is totally flawed in that the actual ‘Report’ section refers to current guidance and policy and then unfairly dismisses objections on the basis that obsolete policy and guidance was used.

5. WATERCOURSES

The Local Authority is already fully aware that **watercourses/groundwater/land drains** cross Rhose Point. Cofton is yet to provide overall drainage plans. There is a requirement by the Local Authority's Engineering and Design Dept that the developer identifies these and maintains the flows within the watercourse pipes and should submit details, indicating their routes and the proposals to maintain flows. However, there is no drainage condition mentioned in the Report and no evidence that the Land Drainage Authority was consulted. Residents have stated that underground springs exist in the Torbay Terrace area that link to a new drainage system within the new train station adjacent to this proposed development. Residents have noted that groundwater egresses from an area of newly built up land just below the recently constructed roundabout. Of even greater importance is that the water then ponds at the base of the land - land that is on the very edge of the Waste Management Licensing Area hence the potential of the waste being disturbed by the water.

6. CONTAMINATION

The site is located in close proximity to what was a Waste Management Licensing Area. This area was known to be contaminated by asbestos and associated general wastes. In January 2001 the Environment Agency wrote to the LPA expressing very serious concerns at the adequacy of the 'capping' of the Waste Management Area (EA letter dated 16/01/2001). The LPA failed to inform the Planning Committee of this information in the Reserved Matters Applications were subsequently approved just a few days later. The fears expressed by the Waste Licensing Officer have never been addressed or dismissed. It was not until May 2002 that the licence was eventually surrendered and it must be challenged on what basis the EA issued a Completion Certificate when the capping was sub-standard.

There is no evidence to show that the Pollution Control section of the Council's Environmental Health Department has carried out any risk assessment under the Council's own Contaminated Land Inspection Strategy. Therefore the Council may have failed to implement its duties under the Part 11A of the Environmental Protection Act 1990. The Planning Committee should consider these matters prior whilst determining an application that is in such close proximity to the Waste Management Area.

7. EIA DEVELOPMENT:

The LPA did not screen the site for EIA development because it was less than .5 hectares. The LPA has also stated that EIA is not required because it was undertaken as part of the original outline application passed in 1996. It is made clear in the EIA Regulations and guidance (Welsh Office Circular 11/99) that the size of a development is only an indicative threshold and that in 'sensitive areas' the size threshold does not apply. That the area is at high risk cannot be disputed and an EIA should be undertaken prior to any development taking place. Furthermore, the EIA regulations did not come into force until **March 1999** – so how could an EIA have been undertaken on an application approved in **March 1996**?

The application approved on 23rd October 2003 – which is referred to in the Report – had conditions for engineering works; groundwater; surface water; and discharges to watercourses. There are no such conditions in this application. We would question why.

The Planning Committee has the unenviable task of addressing this application. This submission is by way of assisting you to make a fair and valid decision in the interests of the public to whom you are there to represent. Our investigations have been carried out over 5 years so it is impossible to include all our findings in this one representation. However, we do attach documents that we ask you read as they are reflective of the very serious health and safety concerns that affect existing and future residents of Rhose Point.

Name. KEGALLMORE Signature. Kegallmore

Dated. 17/8/2008

Address. c/o 9 Nyth yr Eos, Rhose Point, CF62 3LG

Name. C STOCKHAM Signature. C Stockham

Dated. 17/1/2008

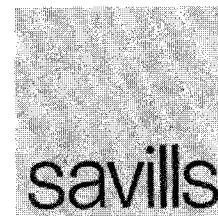
17/1/2008

Address. 9 Nyth - yr - Eos Rhose Point CF62 3LG

Enclosed 44 Documents
81 pages - numbered
key

LATE ITEMS FOR COMMITTEE	Application No. 2004/01809/FUL	
Committee Date: 17 January 2008 Page No.: 127		
To be added to report: YES / NO (Delete where necessary)		
From: Savills (agent) Summary of Comments: Concerns have been raised in respect of Condition 9 which states : <i>The consent hereby granted shall only relate to the ground floor use as a retail unit falling within Use Class A1 as defined in the Town and Country Planning Use Classes Order 1987.</i> <i>Reason:</i> <i>In order to control the use of the ground floor of the development hereby approved in order to protect the residential amenities of adjoining properties and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.</i> In summary the agent is of the opinion that 'retail' development would ordinarily include A1, A2 and A3 Use Classes and that such a limitation to only allow A1 uses would be restrictive. They consider that it would be appropriate to allow A2 uses, albeit with some restrictions. They have however not requested a change to the condition but wish to have their position recorded in light of any future applications for A2 use. Verbal discussions took place on 16th January in respect of this matter with the case officer, who advised that it was always considered that the ground floor retail uses would comprise of shops and therefore the restriction to A1 use was considered appropriate and necessary. Moreover the original brief for the site highlighted the site as a retail centre and as such it is considered necessary to restrict the use of the retail units to A1 in order to maintain local retail facilities. Whilst some A2 uses may be considered appropriate (banks building, societies), any future applications would be dependant on appropriate marketing of A1 uses and evidence to demonstrate that the units cannot be occupied for A1 uses. S.Butler		
APPROVED BY:		
Officer: Mr. S. D. Butler	Officer:	
Appendix No.:	O.M. or H.P.T.	

16 January 2008
GJ/C5084L



Stephen Butler
Senior Planning Officer
Development Control Group
Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

Geraint John
E: gjohn@savills.com
DL: +44 (0) 2920 368 914
F: +44 (0) 2920 368 999

12 Windsor Place
Cardiff CF10 3BY
T: +44 (0) 2920 368 920
savills.com

Dear Stephen

Planning Application Reference 2004/01809/FUL
Land adjacent to proposed Rhoose Station, Rhoose
Proposed 2 storey commercial and residential mixed use development, with retail at ground floor with flats at first floor

Further to our discussions in connection with the above I write to document the position discussed with referenced to condition 9 in particular.

The application is, as discussed, for retail development which would ordinarily include uses within categories A1, A2, and A3. We note that the condition however seeks to limit the use of the ground floor to A1 (shops) only. Sight of the committee report and the condition was the first time we were aware that such a restriction was deemed appropriate.

We have discussed the matter and you expressed the view that, in the main, A2 uses (with some possible exceptions for e.g. a betting shop) were appropriate for the site provided that shops remained the predominate use of the ground floor.

Clearly, as you pointed out, it is likely that some A2 uses might actually be less disruptive in residential amenity terms (the reason for imposition of the condition) than shops – for the reason that some (for example Banks, Building Societies and Estate Agents) would not involve the same level of deliveries etc as shops would.

Clearly we would have liked the opportunity to have made our case in this respect in full and in advance so as to obviate the need for the condition as presently drafted. Our only option at this stage is to submit a late representation to request a change but consider on balance, and in light of the discussions we had as set out above, not to do so but rather simply (as this letter does) record the position discussed.

We are hopeful that, having established the above position, that any subsequent applications to introduce A2 uses will be looked at favourably – provided of course they adhere to the above.



We do not want under any circumstance to delay or frustrate and jeopardise the application going forward and being favourably determined at committee, but wish to record the position discussed at this stage.

I hope and trust that this is self explanatory and is of use as an interim measure ahead of any potential future submission to request possible changes to the type of retail accommodated.

Yours sincerely

A handwritten signature in black ink, appearing to read "Geraint John", written in a cursive style.

Geraint John
Director

LATE ITEMS FOR COMMITTEE		Application No. 2006/00939/FUL	
Committee Date: 17 January 2008		Page No.: 157	
To be added to report: YES			
From: Applicant Summary of Comments: Withdrawing Application			
APPROVED BY:			
Officer: Mrs. Y. J. Prichard		Officer:	
Appendix No.:		O.M. or H.P.T.	

B7HAN.1)

Po Box 378
Cardiff
CF5 6YU
01446760947
15th January 2008

For the attention of Mrs Y Pritchard

Reference planning application No 06/00939/FUL

Old Milking Parlour, Morlborough Grange Farm, Cowbridge

Dear Madam,

With reference to planning application 06/00939/FUL, my client has decided not to proceed with application and as a consequence wishes it to be withdrawn from the committee meeting on the 17th January.

My thanks for your help in this matter,

Yours Sincerely



P.H. Verity

Cc Mr and Mrs Robins

LATE ITEMS FOR COMMITTEE		Application No. 2006/01260/FUL	
Committee Date: 17 January 2008		Page No.: 164	
To be added to report: YES / NO (Delete where necessary)			
From: Neighbouring property Summary of Comments: Raises objections based largely around the increase in traffic			
APPROVED BY:			
Officer: Mrs. Y. J. Prichard		Officer:	
Appendix No.:		O.M. or H.P.T.	

Simon & Roz Dalton
Pen-Y-Bryn
Pen-Y-Lan Road
St. Brides Major
Vale of Glamorgan
CF32 0SB

7th January 2008

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

Dear Sir or Madam:

RE: Conversion of three redundant barns into one dwelling and erection of three new dwellings including new landscaping.

I am in receipt of your letter of 21st December 2007 with regards to a planning application on the site of Penylan Farm, Penylan Road, St Brides Major.

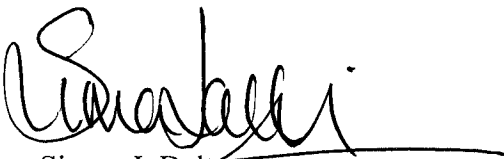
I strenuously object to the proposal. I live adjacent to this site and have recently been refused (subsequently approved after numerous amendments) permission to extend my property and one of the main points of refusal came from the Highways department. The argument given was that the lane could not take a further increase in traffic. I was merely increasing the size of my property and was not building new properties and or increasing the number of vehicles on the lane. How can such a proposal now be even considered?

Further, I know for a fact that the property directly beside me was also refused planning permission and again one of the reasons given was overcrowding on the lane and the lane being unable to sustain an increase in traffic.

Penylan Road is an already overcrowded lane and in view of previous rejections given to other adjacent properties on the basis of too much traffic, it seems ridiculous that this application has got so far already. If the Vale of Glamorgan Council had simply looked at previously rejected planning applications then a decision could have quickly been made and more importantly saved the Council Tax payers a lot of unnecessary expense.

I look forward to hearing from you in due course.

Yours sincerely



Simon J. Dalton

LATE ITEMS FOR COMMITTEE		Application No. 2006/01807/OUT	
Committee Date: 17 January 2008		Page No.: 177	
To be added to report: YES / NO (Delete where necessary)			
From: Eluned Parrott, 3 Glyn y Gog, Rhoose Point Letter received concerning development			
APPROVED BY:			
Officer: Mr. S. D. Butler		Officer:	
Appendix No.:		O.M. or H.P.T.	

LATE REPRESENTATIONS
PLANNING COMMITTEE
17/1/2008

3 Glyn y Gog
Rhoose Point
Rhoose
Vale of Glamorgan
CF62 3LJ

Mr Rob Thomas
Head of Planning
Vale of Glamorgan Council
Civic Offices
Holton Road
Barry
CF63 4RU

Tuesday 15 January 2008

Dear Mr Thomas

Re: Objection to planning applications 2004/01809/FUL and 2006/01807/OUT

I understand that the Vale of Glamorgan Planning Committee is due to consider the two applications, above, at its meeting on Thursday 17 January 2008, and would like to take this opportunity to register my objections to the plans as outlined.

As I am sure you must be aware, there are a number of outstanding issues relating to existing developments on the Rhoose Point estate that are deemed to be so serious they prevent the Council and Welsh Water from fully adopting the site's infrastructure at present.

If the Council and Welsh Water are not entirely convinced that the roads, groundwater drainage and sewers for the site are robust enough for the current level of development, I am astonished that you could possibly consider an application for additional dwellings in the area before the matter is fully investigated and the results of those enquiries are published. It would, surely, be impossible for the Committee to make a responsible and wise decision without all of the facts at their disposal.

Furthermore, I am aware that a legal action concerning the flooding of dwellings immediately adjacent to one of the two sites is currently being actively pursued. The action concerns the failure of culverts to the north of the affected dwellings and the proposed development site.

If the Committee were to authorise these two developments at this time, when it knows that serious doubts as to the safety of the sites are under investigation, I believe that its members could be proved to have been negligent in their duty of care to the future occupants of these dwellings should problems arise.

I urge the Committee to decline planning consent to these two applications, or at the very least, defer a decision until a point of time when the outcome of these investigations and legal proceedings are known.

Yours truly,



Eluned Parrott

LATE ITEMS FOR COMMITTEE		Application No. 2006/01807/OUT	
Committee Date: 17 January 2008		Page No.: 177	
To be added to report: YES / NO (Delete where necessary)			
From: Karen Gallimore C/o 9 Nyth-yr-Eos, Rhoose Point Letter received concerning development including 41 documents (83 pages) Available on application file			
APPROVED BY:			
Officer: Mr. S. D. Butler		Officer:	
Appendix No.:		O.M. or H.P.T.	

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

17th January 2008

Sir

Application 2006/01807/OUT
Land to the South side of the railway line Rhooose Point

I note from the Agenda for the Planning Committee meeting that a letter I sent to Councillors and Senior Officials within the LA has been attached as Appendix A. This letter does **not** constitute my representations to the proposed development. I therefore attach the **correct** letter of representation made to the Head of Planning dated 19th September 2007 as an appendix to this submission. I also attach a letter sent by our acting solicitors in relation to the proposal.

Matters have moved on since I made my representations in September of last year. I therefore wish to make further representations as follows:

- This application represents a 'change of use' from the original Rhooose Point Design Guidance Document. This has not been made clear in the Report. Consultees would need to be fully aware due to the impact a 'change of use' application could have, for example, on their assets, structures etc. It must also be questioned if the application was clearly advertised to the public as a 'change of use'.
- A 'change of use' application requires a **full** planning application. ~~This~~ application is in outline. The LPA needs to be questioned as to why it accepted an application in outline
- This application also represents a departure from the UDP. As such WAG should have been informed and been given the opportunity to 'Call In' the application for its own determination. There is no indication on the Consultee File that the LPA contacted WAG.
- A plan depicting the carrier drain crossing the northern boundary of the site was received by the LPA on 16th October 2007. This revision plan was not placed on the Application File to be readily accessible for the general public to access. Therefore the public have been prevented from giving fully informed representations

- The revised plan was not forwarded to statutory and non- statutory consultees. This has prevented them from giving fully informed responses
- The Supporting Planning Statement promised a strategic level employment study and a report detailing the marketing initiatives would be produced **as part of the Application**. Richard J Hutchings produced such a document but this was not placed in the Application File for public viewing.
- Hutchings and Thomas, agents for the applicant, were informed in writing on the 10th November 2005 of a legal dispute in connection with the 'Employment Site' and acknowledged this letter in writing. Clearly had anyone shown interest in purchasing the site for employment use then this ongoing legal issue would have had to have been declared. This information and documentation is not included in the marketing study. The legal issues would no doubt impact on the desirability of the site.
- The EA officer who responded to the application as a statutory consultee was clearly unaware that an artificial culverting system already crossed the site and responded accordingly
- The HSE advised the LPA to obtain a response via its PADH+ system. There is no evidence that, despite being given training to access this facility, that the LPA did so. Due to the acknowledged contamination on the site the LPA need to be challenged as to why it did not pursue the response in the proper manner.
- The Operational Manager for Engineering and Design (drainage) referred to land drainage ditches crossing the site. These ditches were filled in by the developer in November 2004. The Enforcement Section attended in response to a complaint and deemed the works as 'site clearance'

The Operational Manager failed to recommend that the LPA seek the views of the EA. The EA has a strict policy on culverting. The carrier drain system discharges into the eastern quarry via a cascade and then the waters go to sea. Discharge Consent would be required. It should be noted that in other Rhoose Point applications a recommendation is given that the EA be specifically consulted. Questions must be asked of the Operational Manager as to why this advice is missing – especially when a culverting scheme already exists on the site.

According to the Consultee File it is proposed that the current land drainage system be redirected – albeit no precise details of this are shown on the Files. Such works undertaken by the developer would require Land Drainage Consent under section 23 of the Land Drainage Act 1991 and approval of the Local Authority under the Public Health Act 1936. Again, these advisements are missing from the Operational Managers response. The Operational Manager also needs to be challenged on this point.

Amongst other types of water flows the carrier drain also takes highway drainage from north of the site. The burden of responsibility of the maintenance and control has been deemed by the LA to rest on residents. Members need to challenge that existing and future residents should be expected to be responsible for highway drainage?

- I support the comments from Highways and refer Members to the document dated 14/12/2004 from Colin Prosser to Lucy Turner of the LPA.

The LPA has dismissed the objection by Highways on the basis that its report refers to obsolete guidance ie Design Bulletin 32. **However, I have examined the Highways report and NO SUCH REFERENCE IS MADE.** The objection was raised by referencing the Traffic Impact Assessments undertaken by the developer and a previous application (03/01380/OUT that was refused on the basis there was no secondary access point to Rhoose Point. The report was written in September 2007 when the new guidance that superseded DB 32 was in place i.e. The Department for Transport Manual for Streets (MfS) which was published in March 2007. It was interesting to note within the MfS publication the guidance on adoption. Here, it is suggested that in the absence of any legal certainty of adoption taking place affecting a proposed development, then the developer should be required to enter into a section 106 agreement to construct new streets to the authority's standards and maintain them properly. The Report does not include this obligation within the section 106 recommendations. Clearly, the Report to Committee is totally flawed in that the actual 'Report' section refers to current guidance and policy and then unfairly dismisses objections on the basis that obsolete policy and guidance was used. Members should request that a further response be requested from Highways that would take into account current policy and guidance and would also encompass the up to date information in respect of highways and sewers.

- A PROW exists on the eastern boundary of the site. The site location plan does not depict the PROW but nevertheless the lack of response from the PROW department is unacceptable. The failure to depict the PROW would also prevent the public from making fully informed representations.
- WW waters response dated the 16th February clearly states that existing sewerage system would not cope with any additional surface and foul water. WW proposed a condition accordingly. The Application for Planning Permission states that the surface and foul water will go to the 'existing mains'. As this can clearly not be the case then an appropriate planning condition or obligation relating to surface and foul water infrastructure should be included for any development on this site. There are currently no infrastructure agreements for the adoption of sewers (section 104) or pump stations on Rhoose Point. *Circa* August 2006 Welsh Water made the decision not to enter into sewer adoption agreements with Cofton due to the serious drainage issues existing on Rhoose Point.

In September 2007 Welsh Water had a critical meeting with Cofton and the Council. Welsh Water made clear that the responsibility of resolving matters rested with Cofton and the Local Authority. The Ward Members were to be informed of the outcome of this meeting and disseminate the information to their constituents. (see WW letter dated 25/09/07 attached) There is no evidence that any of the agreed action points have been complied with.

- It is clear that the person who responded on behalf of NR was unaware of the existence of the carrier drain that lies within inches of NR property and structures. NR has acknowledged interference to its structures adjacent to the proposed development (see letter dated 21/10.2005 attached). An all party meeting was held at the Alps on 24th March 2006 (see copy minutes attached). NR agreed to certain action. The outcome is not known but should be pursued as this proposed development is directly affected by two railway culverts and flows of water coming from 3 as yet unknown sources. A follow up letter was sent by the LPA to NR on 7th January 2008. This does not sufficient time for a response
- A follow up letter was sent to the ORR on 7th January 2008. There is not enough time for the ORR to respond.
- The Country Side Council for Wales was **not** consulted. The CCW stated in June 1994

'The small eastern quarry, in particular, is a valuable area which we would wish to see maintained in its present condition and treated as a remote zone'.

The carrier drain discharges into the eastern quarry via comprise a huge concrete cascade built without planning permission and in the absence of a Discharge Consent. The quarry has then been dug up to accommodate a drainage channel to the sea.

- The 2006/07 Scrutiny Committee was to investigate the unresolved Rhoose Point issues. However, despite being minuted and placed in the press, this never transpired.
- The Director of Environmental and Economic Regeneration reported to Cabinet on 6th June 2007 – **Land at Rhoose Point: Planning, Highways and Drainage Issues – Current Position**. A further detailed report was to be submitted as soon as possible and most certainly by the end of the calendar year. This has not occurred and we question why applications for further development are being determined in the absence of an updated position.
- Under the terms of the section 106 agreement it is proposed that the MUGA is located on the Waste Management Area. Information is attached proving that this area is **unsafe**. To quote:

'The existence of a certificate of completion (for the Waste Management Area) does not guarantee that the land is suitable for any particular uses. Subsequent redevelopment on or near to the waste may result in the waste being disturbed and the likelihood of pollution or harm increasing'.

This information must be addressed with **great care** because there are **very serious** implications on the **health, safety and welfare** of existing and future residents. I would go as far as to say that the very **worst** type of development on this area would be playing fields etc where children and youths would play games in the course of which the top surface of the site would most definitely be disturbed. The LPA **must** be challenged on information it has had in connection with the Waste Management Area since early 2001.

- The LPA did not screen the site for EIA development even though the size of the site would mean that it falls well within the applicable and indicative thresholds and criteria. The LPA has stated that EIA is not required because it was undertaken as part of the original outline application passed in 1996. However the EIA regulations did not come into force until March 1999 – so how could an EIA have been undertaken on an application approved in March 1996?

That the area is at high risk from flooding and contamination cannot be disputed and an EIA should be undertaken prior to any development taking place on the 'Employment Site'.

Also, as stated above, it is proposed that the existing carrier/land drain system (built without planning permission and relevant consents) be diverted. Land Drainage projects fall within Annex 11.1 (c) of the EIA regulations so this project would require screening for an EIA in its own right. Members need to be aware that since the system has been deemed private by the LA then the permission of all landowners with an 'interest' in the system would need to be obtained prior to any works being undertaken by the developer. If just one landowner objects then the developer would have to seek an Order from WAG to undertake the works. The Officers Report makes no reference to this legal aspect.

- Residents have a shared interest in the artificial land drainage system that crosses the northern boundary of the site in that they are reliant on the proper maintenance and control of it to protect them from flooding. Also, the land interests are directly affected for those homeowners who have a section of carrier drain in or under their property. The EA gave a very comprehensive response to the former residential use application for this site that went to appeal (03/01380/OUT) and was then withdrawn by Cofton when WAG declared that a Public Inquiry would be held. The EA stated:

'It is the responsibility of the applicant to ensure that the development will not affect any existing legal water interests in the area'.

The Applicant, Cofton, is a defendant party in an ongoing civil case. Cofton is obliged by the terms of a Court Order to comply with a Court Direction by 5pm on Friday 18th January 2008 ie tomorrow. I am unable to go into specific detail but suffice it to say that should Cofton comply as ordered there will be implications that affect this proposed development on the 'Employment Site'. The LA has been aware for some years that an ongoing legal dispute and our solicitor made representations on our behalf specific to this application. There is no reference to this in the Officer's Report although I would deem an ongoing legal dispute in connection with the site as a material consideration. The LPA needs to be challenged as to why the considering of this information was not part of its determination.

Documents are attached in full support of these representations.



Karen Gallimore - Stake Holder - Rhoose Point

c/o 9 Nyth-yr - Eos.
Rhoose Point -
CF62 3 LG

Enclosed 41 Documents
83 Pages - numbered

LATE ITEMS FOR COMMITTEE		Application No. 2006/01807/OUT	
Committee Date: 17 January 2008		Page No.: 177	
To be added to report: YES / NO (Delete where necessary)			
From: Telephone call from Geraint John of Savills (Agent)			
Summary of Comments:			
Following discussions between LPA, the agent and Visible Service (drainage) condition 10 shall be amended as follows:			
<i>Any subsequent reserved matters application with specific regard to the siting of any buildings, shall have full regard to the location of the carrier drain and its depth.</i>			
<i>Reason :</i>			
<i>In order to facilitate future maintenance of the carrier drain to ensure accordance with Policy ENV 27 – Design of New Developments of the Unitary Development Plan.</i>			
S. Butler			
APPROVED BY:			
Officer: Mr. S. D. Butler		Officer:	
Appendix No.:		O.M. or H.P.T.	

LATE ITEMS FOR COMMITTEE		Application No. 2006/01807/OUT	
Committee Date: 17 January 2008		Page No.: AA	
To be added to report: YES / NO (Delete where necessary)			
From: Mr Andrew Bailey – Rhoose Community Group Summary of Comments: Letter received on 13th January objecting to planning application in relation to Section 106 issues. Response to Mr Bailey sent by email and posted on 17th January			
APPROVED BY:			
Officer: Mr. S. D. Butler		Officer:	
Appendix No.:		O.M. or H.P.T.	

17th January 2008

Mr. Rob Thomas

(01446) 704630

(01446) 704847

File OUT (drafting)
(01446)

P/DC/SDB/2006/01807/OUT

Planning&Transport@valeofglamorgan.gov.uk

Mr Andrew Bailey
Rhoose Community Group
24a Porthkerry Road
Rhoose
CF62 3HD

By Email and Post (Email : andrew@rhoose-community.org.uk)

Dear Sir,

Town and Country Planning Act, 1990 (as amended)

Planning Application No. 2006/01807/OUT

Proposal: Residential Development and community uses with associated infrastructure

Location: Land to the south side of the railway line Rhoose Point, Rhoose

I write in response to your correspondence received on 13th January 2008 regarding the above, and seek to address some of the concerns you raise therein.

Firstly, I would like to correct your assumption that the latest Section 106 agreement to be drafted to accompany the above application replaces the original section 106 agreement which accompanied the original Rhoose Point application signed in March 1996. This is not the case, the latest agreement relates directly to the proposal for the remaining site at Rhoose Point and does not remove the original obligations contained in the 1996 agreement. However, it does strengthen the Council's position in respect of the recreational facilities as follows.

As you state in your correspondence, the original agreement contained clauses for a sports field and changing rooms. It has subsequently become clear that the £55,000 (index linked) would not be sufficient to provide such facilities. Therefore, the Local Planning Authority has successfully negotiated with the developer to provide these facilities instead of paying an inadequate financial contribution – this will supersede the original agreement.

The obligation in respect of the Nature Reserve Centre still stands and the Council has recently established a working group to take this forward alongside the other remaining Section 106 issues at Rhoose Point. The latest agreement to include a clause of £25,000 for community facilities is in addition to rather than instead of this obligation.

Continued./...

The £3000 bus subsidy contribution was never sought, largely due to complications with the adoption of the Highways serving the site which you are no doubt aware of. This obligation is now time expired. However, you will note that the latest agreement in respect of the above application seeks to secure £50,000 for public transport services.

The Council will nevertheless pursue the possibility of reclaiming the £3,000 referred to above.

The Local Planning Authority has carried out all the relevant statutory consultations for this planning application and has taken on board the representations received. Your comments on previous consultations undertaken on the Vale of Glamorgan Unitary Development Plan are separate to the formal consultation undertaken on the application in question.

Likewise I do not think it appropriate to speculate on potential future development proposals that the applicant may choose to put forward in Rhooose. Such matters are not under formal consideration by the Local Planning Authority at present and are not relevant to the determination of the above application.

The issue of the level crossing and public safety has been fully considered and is addressed in the planning committee report, which can be viewed at the Vale Council's Web Site.

The necessary procedures will be in place to ensure that any necessary works will be implemented by the developer to bring the recreational facilities forward on the land to the south of the transport interchange, and the suggested S106 Agreement includes clauses to appropriately phase the development of the playing areas, changing facilities and non residential elements of the scheme.

I must contradict your statement that the application was dropped into the system late in December 2007, when in fact the application was received complete on 19th December 2006 and has this far been the subject of almost 13 months of consideration and negotiation. I am satisfied that the community of Rhooose will benefit substantially from the package of measures to be included in the latest Section 106 to accompany the above application.

I trust the above clarifies the Council's position.

Yours faithfully,

Rob Thomas
Head of Planning and Transportation

O'Keefe, Kevin T

From: Andrew Bailey [andrew@rhoose-community.org.uk]
Sent: 13 January 2008 15:42
To: planning&transport@valeofglamorgan.gov.uk
Cc: HJWJames@valeofglamorgan.gov.uk; GCKemp@valeofglamorgan.gov.uk;
addobbinson@valeofglamorgan.gov.uk
Subject: Objection to Planning Application 2006/01807/OUT



objection to
!006-01807-out.do..

From: Andrew Bailey Rhoose Community Group 24a Porthkerry Road Rhoose CF62 3HD	To: The Vale of Glamorgan Council Development Control Dock Offices Barry Docks Barry CF63 4RT

Objection to Planning Application 2006/01807/OUT

Never have I read such a humiliating document as the Planning Committee Report for the 17th January 2008 recommending that the employment land in Rhoose Point be used for housing. The developer, Cofton Ltd, has run rings around your feeble attempts to enforce your existing agreement. They will get everything they initially wanted, and more. You (and as ratepayer, me) considerably less than the first deal struck, with just the ratepayers getting to pay for the privilege.

What did you think you were buying, back in 1996 when you signed the Rhoose Point Section 106 agreement? Since your officers drafted the agreement, we know it contains things you wanted. The golf course and clubhouse were not actually paid for (and so never were going to happen) but there are contributions from the developer (Cofton) for:

- Sports Field Changing Rooms (£55000 in 1996, **£76120** in 2007)
- Nature Reserve Centre (£20,000 in 1996, **£27680** in 2007)
- Bus Service Subsidy (£3000 per year)

So the residents of Rhoose could reasonably expect a sports field in the near future. Did we get it? No. Did you ever collect this money? No. Will you get your hands on the next lot? On previous form, unlikely, as you are going for that least enforced method of collection, the section 106 agreement.

The first two items on the list are index-linked contributions. They now stand at **£103800**, which may be small change to Peter Hain MP but is a little large to be overlooked by the officers who drafted the latest deal. If you had bothered to ask the community if they had any ideas for the money you would know that **we** had asked for these funds be combined with money unlocked from the sale of the land to the North of the railway line in Rhoose to produce some outstanding community facilities. Your planning professionals decided that this was "not relevant"¹.

¹ Land to the North of the Railway Line, Rhoose, Vale of Glamorgan: Representations, Council Responses and Proposed Changes to the Draft Development Brief (July 2006).

Now the Council has no enthusiasm to build the Nature Reserve Information Centre that once was a significant part of the legal agreement between them and Cofton. We know this because they are not seeking any more money from the development of this land, and they cannot collect the money owed unless it is used for the purpose specified. So if the Council are not taking the money they wanted back in 1996 and are legally entitled to:

a) When did the Council decide to give Cofton £27680?

b) More importantly, who made the decision?

Rather takes the shine off the Community Facilities Contribution, doesn't it? I make Cofton £2680 up on the deal.

I know it is Council policy to seek contributions of 1% of capital costs from developments over £250000, but since by recommending this plan your own officers have pretty much torn up Council policy, could not that hunk of change be better spent in Rhose, rather than creamed off for the Public Art Fund and the wider Vale? Which public consultation identified this overriding need for some ghastly sub-Moore piece of concrete? If it was bronze we could at least look forward to scrap merchants stealing it and save us the continued shame of gazing at the results of planning failure.

Come to that, what public consultation? The Vale of Glamorgan Council decided what was best for Rhose the first time around and then failed to get that. Now when it comes to the last chance to screw the developers for the money to fix Rhose Point ... silence. The section of the report on representations misses out the more vigorous expressions of feelings that planning developments at Rhose create. How many representations did you have over the Unitary Development Plan in relation to the land North of the railway line? Over a thousand. People do not go door-to-door distributing forms and pack public meetings just because it is another in-fill housing estate. The community was aggrieved because Rhose Point failed to deliver on the promises made. There was no pub, no employment, no nature reserve centre, no golf course and no sports field. The Council has failed to enforce the legally binding agreement it drew up and now it parades this shabby fix as a success.

If a deal is to be done, here is the minimum I would expect you to negotiate, since you have all the cards.

Protect **all** the amenity land from development, not just the asbestos contaminated bit Cofton is eager to pass on. That means everything from the West of Rhose Point to Fontygary Caravan Park is secured for public sporting and recreational benefit. Who owns this chunk of prime coastal real estate? Step forward Cofton, who have already put this land forward for housing development under application 2002/00962/OUT. For this is the real reason that Cofton is keen to resolve Rhose Point. Once you have compromised your own policies and conceded that vehicle access over the level crossing is not a barrier to development, the reason for the oversized roundabout built at the station becomes clear.

Improve the safety of the station level crossing. No development on this site until there is a significant contribution towards a pedestrian subway or bridge at the existing level crossing. Just because pedestrians and vehicles have been using the crossing without incident does not mean it is safe to encourage more people to cross the tracks. Should the frequency of trains increase, or a fatality occur, who will pay for the safety improvements that will be required? You will no longer be able to turn to Cofton. From my own experience of using the station for the daily commute, stop all but emergency vehicles crossing using those fancy pop-up bollards, because people do not seem to have grasped the fact they are stepping out into the road from the station. The current layout encourages pedestrians and vehicles to mix in a dangerously informal fashion.

Enforce all the provisions from the existing section 106 agreement, combining the sports field changing rooms and nature reserve centre into one quality building for the benefit of the entire community. Our self-funded community group came up with a practical, economically sustainable scheme for this site based on this idea (please see appendix A).

No housing development until:

a) There has been an independent report paid for by Cofton on the standard of capping of the asbestos contaminated land to the South of the station. If remedial work is required before it can be used as a sports field, the entire cost is to be borne by the developer.

And

b) The sports field is built and in use to the required standard.

Conclusion.

This whole application reeks of a done deal. From the timing, dropped into the system late in December 2007 to be decided on in January 2008, to a report that recommends acceptance on conditions so disadvantageous to the Council and the community of Rhoose. If you as a Council decide not to enforce your own planning system and then invite the developer responsible to walk all over you, there is nothing I can do.

Just please, do not dress it up as anything other than a craven abdication of your responsibilities.

19th December 2006

Appendix A:

The Rhoose Community Group Project is designed to turn a recovered industrial site in Rhoose into a:

- Nature reserve
- Sports field
- Adventure playground
- Multipurpose Community Centre.
- Permanent Beach Sports Venue.

The project is designed to use the £100,000 in unclaimed funding from the Rhoose Point housing development section 106 agreement. This money must be used for changing rooms for the sports field and a nature reserve information centre. Our proposal is to combine these functions within one building as the centre of a sustainable project. In short to provide a sporting, recreational and cultural venue for Rhoose.

We would use the existing unclaimed funding to apply for match funding from other sources, such as the Aggregates Levy Sustainability Fund for Wales which funds environmental and amenity benefits to communities affected by aggregates extraction.

We would seek to attract commercial funding and sponsorship by providing a unique venue in South Wales. The centre of the project would be a revenue generating permanent beach sports venue. This is the same format as the successful Nivea Sun Yellowwave Venue in Brighton (see www.yellowwave.co.uk).

The community centre would also be the hub for conservation volunteers working in the nature reserve and those participating in the planned green gym (see <http://www.btcv.org.uk>).

The project is designed to be environmentally, socially and economically sustainable. It would secure permanent employment within Rhoose, preserve the amenity value of the coast and encourage public participation in both sport and nature conservation.

LATE ITEMS FOR COMMITTEE		Application No. 2006/01807/OUT	
Committee Date: 17 January 2008		Page No.: 177	
To be added to report: NO (Delete where necessary)			
From: Network Rail Summary of Comments: On re-consultation, they advised that their earlier comments still stand and re-emphases that there should be no additional discharge into the existing railway culverts. They make reference to a meeting held some time ago with the developers who were asked to demonstrate that the site can be adequately drained without overloading the existing drainage system and that this information has still not been received. LPA Response The comments are noted and Members should be advised that that it is a condition of the outline consent (Conditions 10 and 11), that details of all existing site drainage including the carrier drain and land drains shall be submitted as part of any subsequent reserved matters planning application in addition to a scheme to cater for foul and surface water drainage of the proposed development.			
APPROVED BY:			
Officer: Mr. S. D. Butler		Officer:	
Appendix No.:		O.M. or H.P.T.	

O'Keefe, Kevin T

From: Judge Nigel [Nigel.JUDGE@networkrail.co.uk]
Sent: 14 January 2008 17:32
To: planning&transport@valeofglamorgan.gov.uk
Subject: Residential Development on Land at Rhoose Point, Rhoose - P/DC/SDB/2006/0187/OUT



Network Rail
Bristol & Exeter House
Lower Approach Road
Temple Meads
Bristol BS1 6QF

Mr S D Butler
Planning & Transportation
The Vale of Glamorgan Council
Dock Office
Barry Docks, Barry CF63 4RT

Ask for : Nigel Judge
Tel No : 011 7 9348752
Fax No : 0117 9348777

My Ref : CP/TP07/0026/NBJ
Your Ref : P/DC/SDB/2006/01807/OUT

Date : 14 January 2008

Dear Mr Butler

**TOWN AND COUNTRY PLANNING ACT 1990
RESIDENTIAL DEVELOPMENT ON LAND AT RHOOSE POINT, RHOOSE**

Further to my letter of 23rd January last commenting on this proposal, I understand that it is being considered by the Planning Committee on 18th January.

My earlier comments still stand and I would re-emphasise that there should be no additional discharge into the existing railway culverts. At a meeting held some time ago the developers were asked to demonstrate that the site can be adequately drained without overloading the existing drainage system. That information has still not been received.

Please let me know the decision reached at the meeting on January 18th.

Yours sincerely

Nigel Judge

Nigel Judge
Senior Town Planner

The content of this email (and any attachment) is confidential. It may also be le

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Network Rail



LATE ITEMS FOR COMMITTEE		Application No. 2007/00217/FUL	
Committee Date: 17 January 2008		Page No.: 195	
To be added to report: YES			
From: Mr. John Smith MP on behalf of the applicant Summary of Comments: Applicant has raised concerns about the role of the local Council Member in the consideration of the application. The Item also includes the response from the Cabinet Member directing Mr. Smith to the Member.			
APPROVED BY:			
Officer: Miss K. Jones		Officer:	
Appendix No.:		O.M. or H.P.T.	

16th January 2008
Councillor Christopher J Williams
(029) 2051 4166

DRT - file copy.
MG interests.

B/2404
CJW/lje10
cjwilliams@valeofglamorgan.gov.uk

John Smith, MP
House of Commons
London
SW1A 0AA

Dear Mr Smith, MP

Wesley Hall, Station Road, Dinas Powys

Thank you for your letter, which details concerns of your constituent Mr Simon Berni, with a specific Councillor.

Given the content of the letter, I would suggest that you seek a response directly from Councillor Hartrey as Mr Berni's Email relates directly to Councillor Hartrey's role as a Local Councillor for Dinas Powys.

Yours sincerely

Councillor Christopher J Williams
Cabinet Member for Planning and Transportation



HOUSE OF COMMONS

LONDON SW1A 0AA

John Smith MP

Mr Rob Thomas
Head of Planning & Transportation
Vale of Glamorgan Civic Offices,
Holton Rd
Barry
CF63 4RU

07 January 2008

Our Ref B/2404

Dear Rob

Please find enclosed a copy of a letter I recently received from my constituent Mr Simon Berni of 33 Station Road, Dinas Powys raising concerns about planning for the disused Wesley Court field.

I would be most grateful if you could look into the matter(s), as it relates to your department's role and responsibilities, and get back to me.

Many thanks.

Yours sincerely,

John Smith MP

Please quote ref. number with future correspondence

Encl:

Dec 17/12
Vale planning

612404

- 3 JAN 2008

Message :
Dear Mr Smith

I am exceedingly upset and incredibly disappointed that, in this day and age of democracy, I have to write this letter.

I have lived in the Vale of Glamorgan (Dinas Powys) the majority of my 36 years. As a British citizen born in Cardiff, however of Italian parents, I have grown up as a Welshman and supported and even represented Wales at various sports (schoolboy and University level).

A planning application, on a brown field site immediately next to my house (the disused Youth Hall Wesley Court, Dinas Powys) has dragged on for over a year now, which is well outside the government targets. However, I understand that these things happen. I am in favour of the development as are others neighbouring the site. I also understand that there are objections.

The issue that has really upset me more than anything is the way I have been treated by my local councillor Val Hartrey (Plaid Cymru). (VH)

VH is opposed to the planning scheme proposed, which I have only recently discovered for certain. I understand that she is allowed her opinion. However, I have tried approaching VH and her colleagues with no success, they just keep making excuses to see me.

I feel this is discrimination as I am also a tax payer and feel that I should be allowed to have my voice heard by my local (Dinas Powys) councillor(s).

I also understand that as we live in a democracy it is my fundamental right to have my voice heard. This however is not the case. Councillors are to be there for the whole community not just one section of the community.

Please would you advise me as to my rights and options in this matter as it is causing me great distress and sleepless nights.

Yours sincerely

Simon Berni

Your MP : John Smith

Message ID : WW1197628383W47625bdf58c55

Name: Simon Berni

Postal code : CF64 4DF

Postal address : 33 Station Road

Dinas Powys

Email address : berni11@tiscali.co.uk

Constituency Searched for: Vale of Glamorgan

Constituency From Postcode entered : Vale of Glamorgan

This person is in your constituency

LATE ITEMS FOR COMMITTEE		Application No. 2007/00751/FUL	
Committee Date: 17 January 2008		Page No.: 211	
To be added to report: YES/NO (Delete where necessary)			
From: Vincent Kenneally, Commercial Property Specialists Summary of Comments: Former agent of the shopping centre at The Parade for 30 years and witnessed its demise with lack of trade and vandalism. Notes that the spar and the Post Office could not survive and that a survey of locals indicated that they preferred to take a local bus into Cardiff Bay.			
APPROVED BY:			
Officer: Mrs. J. M. Crofts		Officer:	
Appendix No.:		O.M. or H.P.T.	

Vincent Kenneally

• Valuers • Commercial Property Specialists • Auctioneers •

Littlebank House, 8 Porthycarne Street, Usk, Monmouthshire NP15 1RY. Tel: (01291) 672815 ~ Fax: (01291) 673855

Ms. Jane Crofts,
Planning Dept.,
Vale of Glamorgan Council,
Dock Office
Barry Docks, Barry CF63 4RT

10th January 2008.

Dear Ms. Crofts,

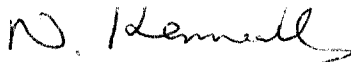
Re: Llandough – Dochdwy Road

I have acted as agent for the former shopping centre for over thirty years and witnessed its demise due to lack of trade. This situation was the cause of concern with the local MP and AM who I met to discuss the many problems including vandalism and lack of trade.

Even the Spar shop and Post Office could not survive!! We tried to attract a grocery outlet but failed over a long period. A survey of locals showed that people preferred to take a local bus into Cardiff Bay.

I am certain that Alun Michael MP would support the proposed redevelopment of the site as he has been aware of the problem here for years.

Yours sincerely,


VINCENT A. KENNEALLY



LATE ITEMS FOR COMMITTEE		Application No. 2007/01129/FUL	
Committee Date: 17 January 2008		Page No.: 227	
To be added to report: YES / NO (Delete where necessary)			
From: Case officer Summary of Comments: Typing error – The Developer shall pay a Public Open Space Contribution of eighty thousand pounds (£80,000) to the Council to provide or enhance sustainable transport facilities serving the site. Should read: The Developer shall pay a Public Open Space Contribution of eighty thousand pounds (£80,000) to the Council to provide or enhance public open space or recreational facilities serving the site.			
APPROVED BY:			
Officer: Mrs. V. L. Abraham		Officer:	
Appendix No.:		O.M. or H.P.T.	

LATE ITEMS FOR COMMITTEE		Application No. 2007/01129/FUL	
Committee Date: 17 January 2008		Page No.: 227	
To be added to report: YES / NO			
From: Neighbouring properties 5 Herbert Terrace, 14 Hickman Road, Flats 1a and 5 Washington Buildings. Summary of Comments: Repetition of concerns raised in previous correspondence detailed in report.			
APPROVED BY:			
Officer: Mrs. V. L. Abraham		Officer:	
Appendix No.:		O.M. or H.P.T.	

**Renee Godfrey
1A Washington Buildings
Stanwell Road
Penarth
CF64 2AE**

7th January 2008

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

Ref: P/DC/VLA/2007/01129/FUL
Town & Country Planning Act 1990 (as amended)
Application no. 2007/01129/FUL
Location : The Old Cinema, Herbert Terrace, Penarth.
Proposal : Change of use from A1 to A3 at ground floor, addition of 34 studio flats on three upper floors with ancillary (refuse, plant, Lobby) at ground floor. Addition of Washington Gallery extension at first and second floor.

Dear Sir,

I am writing in response to the amendments of the above proposed development.

I was delighted to hear that there is no longer any intention to add the proposed bars/cafes at street level. However, my relief ended there as there are almost no other amendments to the proposals.

As the other concerns listed in my previous correspondence last year remain totally ignored I have listed them once again in the desperate hope that this time they will be given some consideration.

1. Loss of Privacy

The plans and computer generated image of the development clearly show four large bay windows with "Juliet" balconies to the rear and currently window less aspect of the old cinema, as well as windows above these on the proposed top floor of the development. Add to this the relative angles of the two buildings and many of the residents of the Washington Buildings would be entirely overlooked.

Natural light is of massive benefit to any property and for us to live with our blinds partially closed the entire time I'm sure you would agree is totally unacceptable.

2. Conservation

The Old Cinema sits within the Penarth conservation area and I am concerned that the granting of the above application will do little to improve the quality of the neighbourhood considering that only the small façade at the front of the Old Cinema will remain intact.

3. Traffic and Parking

There are already too many cars in Penarth. It is a town burdened by having in it's lack of infrastructure only one main access route, i.e. Windsor road. Every morning I cycle passed a huge queue of cars which begins around 7.30 and doesn't fully abate for a good two hours.

Parking around the Old Cinema and Washington House is already a total nightmare, this is evident in the restrictions of a one hour limit between 8am and 6 pm, not to mention the exorbitant cost of our highly coveted parking space in the car park immediately outside the flat. Parking spaces which are incidentally monopolised by the business' on Stanwell road, and not residents of Washington House.

Most households possess two cars and I absolutely refuse to accept that the prospective occupants of the 34 'studios' will be any different. There is nowhere to park now, so add at least another 60 cars to that equation and you've created total chaos and a morning commute that some parts of London would be proud of. I would add that the close proximity of Westbourne School adds a further swell of cars at the busiest time of day.

In conclusion I am disgusted by the pure greed of a private individual who is allowed to even propose such a ridiculously mercenary development. This scenario is made even more appalling by the fact that it's occurring in Penarth where the level of rates we are all currently paying should surely entitle some kind of protection from this and any such propositions in the future.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Renee Godfrey', written in a cursive style.

Renee Godfrey

Mr & Mrs Edmunds
Flat 5, Washington Buildings
Stanwell Rd
Penarth
CF64 2AE

1st January 2008

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

Ref: P/DC/VLA/2007/01129/FUL

Town & Country Planning Act 1990

Application no. 2007/01129/FUL

Location : The Old Cinema, Herbert Terrace, Penarth.

Proposal : Change of use from A1 to A3 at ground floor, addition of 34 studio flats on three upper floors with ancillary (refuse, plant, Lobby) at ground floor. Addition of Washington Gallery extension at first and second floor.

Dear Sir,

I am writing to you on behalf of myself and my wife regarding some serious concerns that I know are shared by many of the residents in the locality, regarding the above planning application. I must begin by explaining that we have been out of the country since the beginning of September 2007 and this is the reason for my delayed response. However the main reason for my delay is the lack of any information that we have received regarding this proposal. Even though we have been away our post has been checked on a regular basis and we have not received a single notification through our door about this project. This is disgraceful as this development will have a profound effect on our living environment. We are homeowners and leaseholders of our property and for us not to have been notified or consulted by the landowner is nothing short of scandalous. This is another example in a long list of 'at all costs' money making schemes that we have been subjected to by the local landowner, as local residents.

I would add again that at no point have I received any written notification of this intended development and was only informed yesterday by my neighbours.

*Letter sent
14/8 + 28/11*

I am writing to convey my very grave concerns for this development as highlighted below.

1. Loss of Privacy

Flat 5 is situated on the first floor of Washington House with on aspect facing west onto the trees and houses of Hickman road. There is one main window in this aspect and this is the large, original sash bedroom window. The plans and computer generated image of the development clearly show four large bay windows with "Juliet" balconies to the rear and currently window less aspect of the old cinema, as well as windows above these on the

proposed top floor of the development. Add to this the relative angles of the two buildings and we, and our neighbours downstairs and to our right, would be entirely overlooked. Natural light is of massive benefit to any property and for us to live with our blinds partially closed the entire time I'm sure you would agree is totally unacceptable.

2. Conservation

The Old Cinema sits within the Penarth conservation area and I am concerned that the granting of the above application will do little to improve the quality of the neighbourhood considering that only the small façade at the front of the Old Cinema will remain intact. We as leaseholders are required to conform to the restrictions of the conservation area and we do our best to enhance the natural character of the area. This development is one of the most ill-conceived proposals I have come across within a conservation area. Through my experience of achieving a degree in Town and Environmental Planning and working within the planning environment I cannot see how this proposal can be granted permission on this basis alone.

3. Traffic and Parking

This is such a massive issue in Penarth already. There is absolutely minimum car parking provision for residents of Hickman Rd and surrounding areas. Parking around the Old Cinema and Washington House is already a total nightmare; this is evident in the restrictions of a one hour limit between 8am and 6 pm that is very well policed by traffic wardens. There are minimal private parking spaces available for current residents that are charged at an exorbitant cost because they are highly coveted (another example of the mercenary nature of the landowner). Outside of this there is simply nowhere else to park as the rest of the parking space is monopolised by the business' on Stanwell road, and not residents of Washington House.

As the national average for most households in the UK to possess two cars I find absolutely insulting to mine and everybody else's intelligence that to accept that the prospective occupants of the 34! 'studios' will be any different. There is nowhere to park now, and there is absolutely no provision for any more space so add at least another 60 cars to that equation and you've created total chaos and a morning commute that some parts of London would be proud of. I would add that the close proximity of Westbourne School and the daily pick up and drop off adds a further swell of cars at the busiest time of day.

4. General

Daily refuse collection and food deliveries for the café that has its access at the side of our building at around 6 am constitute an already vibrant dawn chorus! Regarding refuse I am also extremely concerned that the waste from 34 households will be huge, no one living in a cramped studio flat will want to sit watching a weeks worth of rubbish (two for recycling) building up around them. What will be the solution to this problem? We already have an over populated refuse area that regularly overflows and attracts hundreds of seagulls and other vermin. Where can they possibly store the waste for another 34 households?

It is absolutely clear that this proposal is nothing short of mercenary and will massively add to the misery of many local residents. I understand the need for development but it is my understanding that this was why the Planning system was set up to protect communities and individuals from this kind of development. To sum up we are both concerned that these plans focus on optimum financial gain for the developers and are lacking in any awareness of the day to day concerns of this part of Penarth and both its past heritage and its current residents.

As an aspirational place to reside within Cardiff and it's periphery (reflected in the rates we all pay). it is important that the Vale's Council acknowledge this and so regulate the money driven developers and balance new investment with tradition and an eye to more practical/environmental considerations and infrastructure.

I would be extremely grateful for any advice and information you could help me with regarding monitoring the application and/or the need to take things further. The concerns we share with just about all of my neighbours are very serious and sadly very real.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A Edmunds', followed by a large, stylized flourish or loop.

Mr A Edmunds

Mrs K Edmunds

Lewis, Joanne C (EER)

From: Barry Sayers [barry.sayers@ntlworld.com]
Sent: 09 January 2008 22:55
To: planning&transport@valeofglamorgan.gov.uk
Subject: Planning application No 2007/01129/Ful
Attachments: Washington Cinema.docx

Please find attached letter in respect of above planning application

Regards
Barry Sayers

10/01/2008

14 Hickman Road
Penarth
CF64 2AJ

Tel: 029 2033 2320

9th January 2008

By post & email

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

Dear Sir or Madam,

Application No. 2007/01129/FUL – Old Cinema/Washington Buildings Penarth

Myself and many of the residents in Hickman Road have only recently become aware of the above planning application in respect of the Old Washington Cinema building. We now understand that the Planning Committee will meet later this month to review a decision already taken by Penarth Town Council on 3rd December 2007 to approve this development when local residents have not been granted the courtesy of being informed of the proposals in any direct way. On behalf of all concerned, I write to request that the following comments are taken into account before a final decision is made:

There is already considerable concern about the traffic congestion at peak times of the day and lack of parking spaces for residents without driveways, a reason given for the failure of other planning applications in the area. The prospect of **34** new residences suggests a possible additional **34+** vehicles (not necessarily cycles for the ranks to be provided!) which is likely to have a detrimental effect on the whole area, particularly neighbouring properties in Washington House.

Whilst it is recognised that a 'diversity' of affordable accommodation should be considered for the town, the prospect of **34** residences, in reality no larger than bedsits, would seem excessive and would likely benefit the developer moreso than the occupants themselves, their neighbours or Penarth town residents. The potential additional refuse produced from so many extra residences also has horrendous implications and the whole development may well become another eyesore for Penarth town (think Billybanks) which is desperately in need of some sensible and sensitive planning. The building is within a conservation area and it is hoped that some consideration will be given to this aspect and to preserving the town's Victorian heritage.

Yours faithfully,



Barry Sayers

Abraham, Victoria L

From: Mark Stephenson [markstephenson@ntlworld.com]
Sent: 15 January 2008 16:04
To: Abraham, Victoria L
Subject: Re: Washington Cinema planning application (ref 07/01129/FUL)
Attachments: Letter to Vale Council Planning re The Old Cinema 15 Jan 2008.doc

Dear Mrs Abraham

Following our telephone conversation this morning, please find attached document to be submitted as a late representation for the Planning Committee meeting later this week.

Best wishes
Mark Stephenson

Second Floor Flat
5 Herbert Terrace
Penarth
Vale of Glamorgan
CF64 2AH
Tel 029 20 254650
Mob 07952 863318
markstephenson@ntlworld.com

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

15 January 2008

Dear Mrs Abraham

**Planning Application No 2007/01129/FUL
The Old Cinema, Herbert Terrace, Penarth**

Having viewed the Planning Committee Report in respect of the above, I write again to re-emphasise the case for opposing the above application as per my letters dated 17 August 2007 and 10 December 2007.

In addition, I would like to draw attention to the other extensive representations summarised in your report as follows:

- *The change of use would destroy levels of privacy and low levels of noise currently enjoyed by residents of Herbert Terrace.*
- *The windows / balconies proposed are only 18m from windows of habitable rooms opposite.*
- *The outside seating areas would cause noise and disturbance and possibly anti-social behaviour.*
- *The absence of any car parking provision will add to existing deficiencies in the immediate and wider vicinity.*
- *The residential development will create an additional 60 cars in the area.*

15/01/2008

- *The proximity to the school causes additional traffic problems.*
- *No objection to the extension to the Washington Gallery.*
- *The building is in a Conservation Area and the majority will be destroyed.*
- *There will be additional refuse and waste, which has already been a problem with the existing A1 use.*
- *The outside areas will be used by smokers and potentially damage health.*
- *The servicing delivery to the A3 uses will cause noise and disturbance.*
- *There will be light pollution from lit windows in the new development.*
- *General noise, pollution and disruption during the construction.*
- *The area is town centre for small businesses not dwellings.*
- *The existing business is thriving and should not be pushed out.*
- *The residents will take up parking needed by public using the nearby businesses in the town centre.*
- *The number of flats is excessive.*
- *During construction, parking for the existing Washington Flats and Lofts will be affected.*
- *There will be loss of privacy from overlooking windows to the flats in Washington House, resulting in loss of light from blinds having to be drawn.*
- *There will be a huge amount of waste generated by 34 studio apartments.*
- *Impact upon the Victorian drainage system.*
- *Welcome the deletion of the proposal for café / bars at ground floor which would have caused disruption to local residents.*
- *Note concern about splitting the A1 unit into three units thereby tripling the noise and disturbance created by delivery vehicles, service vehicles and customer vehicles.*
- *The proposal to share the existing waste area used by Washington Buildings and Washington Lofts is not acceptable as these are currently over capacity and an eyesore.*
- *Other objections still stand: namely loss of privacy, impact on Conservation Area, increased traffic and lack of parking.*

I think there are enough concerns to seriously question the nature and extent of this development and I recommend that it be turned down.

Yours sincerely

Mark Stephenson

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

From: Abraham, Victoria L

Sent: Monday, January 14, 2008 9:11 AM

15/01/2008

Subject: Washington Cinema planning application (ref 07/01129/FUL)

Please find attached the Planning Committee Report in respect of the above. If you would like to make any further comments in light of this report, please do so in writing by 5pm on Wednesday so that they may accompany the report as late representations.

Regards,

Vicky Abraham
Principal Planner - Development Control

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

Tel. 01446 704662
Fax. 01446 704847

Fe all fod gwybodaeth freiniol a/neu gyfrinachol a/neu ddeunydd dan amodau hawlfraint y neges e-bost yma. Os nad y chi sydd i fod gael y neges, neu'r un sy'n gyfrifol am ei throsglwyddo, rhaid i chi beidio a'i chopio na'i throsglwyddo i neb un arall na'i defnyddio mewn unrhyw fodd o gwbl. Mae gwaharddiad ar i chi wneud hynny ac efallai y byddech chi'n torri'r gyfraith trwy wneud hynny. Dinistriwch y neges yma acanfonwch neges e-bost at y sawl a'i hanfonodd i roi gwybod iddo fe. Dydy Cyngor Bwrdeistref Sirol Bro Morgannwg ddim yn cymeradwyo unrhyw farn, casgliad na gwybodaeth sy heb fod yn ymwneud a'n materion swyddogol ni.

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LATE ITEMS FOR COMMITTEE		Application No. 2007/01366/FUL	
Committee Date: 17 January 2008		Page No.: 252	
To be added to report: YES			
From: Mr. M. Wallis Summary of Comments: Requests clarification that the Planning Department is happy with the content of the report and asks questions about the need for an Environmental Impact Assessment.			
APPROVED BY:			
Officer: Mr. M. Lucas		Officer:	
Appendix No.:		O.M. or H.P.T.	

Goldsworthy, Marcus J

From: Goldsworthy, Marcus J
Sent: 14 January 2008 14:24
To: 'Max Wallis'
Cc: Thomas, Rob; Lucas, Martin
Subject: RE: 2007/01366/FUL Planning Cttee 17 January.

Mr. Wallis

I would re-iterate that Both Rob Thomas and myself are happy with the content of the report and your E mail will be reported to the relevant planning committee.

Marcus Goldsworthy
Operational Manager
Development Control
Vale of Glamorgan Council
Docks Office
Barry
CF63 4RT

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

From: Max Wallis [<mailto:wallismk@Cardiff.ac.uk>]
Sent: 14 January 2008 13:21
To: Goldsworthy, Marcus J
Cc: Barry&ValeFoE; Dobbinson, Andrew D (Cllr)
Subject: Re: 2007/01366/FUL Planning Cttee 17 January.

Marcus Goldsworthy
Operational Manager, Development Control, Vale Council

The application and/or the report on it appear incomplete - please check on the points and let us know your decision.

Regards, Max Wallis

2007/01366/FUL Received on 27 September 2007
Miss Anna Bendall-RWE Npower PLC, Windmill Hill Business Park,
Whitehill Way, Swindon., SN5 6PB
Aberthaw Power Station, The Leys, Aberthaw
To install a local stack and scrubber to remove ammonia from PFA Drier output (in relation to 05/01498/FUL)

The status of this application "in relation to 05/01498/FUL" is unclear. The 2005 application proposed to use the stack of the main power station and was a facility integrated with it.

The officers say they now treat the plant as separate, not a directly associated activity of the main combustion activity, which implies a substantial change from 05/01498/FUL

the report says "it has been confirmed that an Environmental Impact Assessment is not required"; yet a site plan is needed to assess this and none has been supplied with the application. Please refer us to a relevant plan and/or give the area of the site used for the process, including delivery of the ash and transport of the products, for comparison with the 0.5ha threshold. Please supply a record of the "not required" decision.

The process takes waste PFA (200 000 tonnes per yr) separates a fraction and cleans it for "recycling". The Council therefore has duties under the Waste Planning legislation, but the officers' report fails to make this clear and address its consequent responsibilities.

Max Wallis 029 20 21 0708 / 87 6436
Barry & Vale Friends of the Earth
14 Robert St, Barry, Vale of Glamorgan

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

15 January 2008

Cyfeillion y Ddaear

Fax 01446 704847

RWE Aberthaw Ash Recycling Plant – planning application 2007/01366/FUL

Thank you for your reply of 13 December to our e-mail of 27 November.

Irrespective of the Environment Agency decision that the ash plant is directly associated with the power station, the ash processing plant can be seen as a modification of the plant consented by the DTI under the Electricity Act. Please say if you have had any contacts with the DTI over this and disclose any records of discussions of the point.

We note that application 05/01498/FUL did not cover the range of associated plant and works, which were detailed later in 2006.

Please say which of the following works specified by RWE were covered by the planning consent 05/01498/FUL and which lie outside it, and, by implication, outside 2007/01366/FUL:

1. new electrical Sub Station at the North West end of the site
2. Compressor House adjacent to the electrical sub station
3. new pipe-bridge between the existing RWE concrete bunkers and the new ash recycling plant.
4. Ash Feed Pipeline - 50tonnes/hour dense phase conveying system
5. Recovered Carbon conveyor - a 25tonnes/hr dense phase conveyor to the bulk store plus transport pipeline system to a 150tonnes capacity day silo.
6. Bulk Store of 5 product storage cells, foundations of conventional piled system around the ring beam and load bearing areas. The pre fabricated concrete walls will be manufactured and erected to ensure a dust tight seal at all joints. A 7,000tonnes capacity EN450 AN and a 1,000tonnes capacity recovered carbon bulk materials store to be constructed adjacent to the existing RWE ash storage bunkers.
7. Ash-out Loading Systems situated on the East & West side wings of the bulk stores.
8. Facility for conditioning unsuitable ash with sea water and transferring to landfill or dry load out to tanker.
9. Lorry Wash on the access roadway, with a water recycling system.
10. Permanent site offices and amenities

Finally we ask if RWE have supplied a plan showing

- a) the site area RWE say "will be piled with an impermeable concrete base",
- b) site drainage and
- c) the rainwater recovery system.

We look forward to your clarification of these matters.

Max Wallis

Barry & Vale Friends of the Earth

LATE ITEMS FOR COMMITTEE		Application No. 2007/01396/FUL	
Committee Date: 17 January 2008		Page No.: 257	
To be added to report: YES			
From: Applicants Agent Summary of Comments: Request the application is withdrawn.			
APPROVED BY:			
Officer: Miss Justina Walsh		Officer:	
Appendix No.:		O.M. or H.P.T.	

Goldsworthy, Marcus J

From: Barrie [barrie@asbriplanning.co.uk]
Sent: 16 January 2008 10:15
To: Goldsworthy, Marcus J
Cc: jwalsh@valeofglamorgan.gov.uk; Peter Dewey
Subject: RE: App. 2007/01396/FUL Ext of Residential Curtilage, Caia Barn, St Nicholas
Importance: High

Marcus/Justina

I refer to your email below in respect of the above planning application. I have discussed the matter further with my client and they wish to withdraw the application from the agenda for tomorrow's Planning Committee. I accept that the enforcement element of the report will remain for consideration by Planning Committee.

I trust that this is acceptable and I would be grateful if you would confirm this by return of email.

Regards

Barrie

Barrie Davies

Principal Planner

Asbri Planning

32 Lambourne Crescent
 Cardiff Business Park
 Llanishen
 Cardiff
 CF14 5GG

T: 02920 750 154
 F: 02929 765 071
 M: 07825 597 782
 E: barrie@asbriplanning.co.uk

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From: Goldsworthy, Marcus J [mailto:MJGoldsworthy@valeofglamorgan.gov.uk]
Sent: 14 January 2008 16:55
To: Barrie
Cc: Walsh, Justina
Subject: RE: App. 2007/01396/FUL Ext of Residential Curtilage, Caia Barn, St Nicholas

Dear Mr Davies,

I note the contents of your letter and the request for a meeting prior to the planning committee on 17th January. Unfortunately as you will appreciate I am extremely busy in the run up to the Committee meeting and would not be able to entertain a site meeting. I have looked at your client's proposals with specific regard to the request for a deferral and I will be reporting your letter to the relevant meeting.

However you will appreciate that the barn conversion itself is a fairly recent consent (1999) and when this permission was allowed a substantial curtilage formed part of the approval. Therefore any application to extend the garden area could not be supported when having specific regard to the sites countryside

16/01/2008

LATE ITEMS FOR COMMITTEE		Application No. 2007/01478/FUL	
Committee Date: 17 January 2008		Page No.: 260	
To be added to report: YES / NO (Delete where necessary)			
From: Rebecca Wilson, MRICS, PG Dip Equine Business Management Summary of Comments: The additional information provided seeks to demonstrate that the application does comply with the financial requirements of TAN6. The Council's Agricultural Consultant appears to have based his assessment on the number of horses at the applicant's existing yard, with the numbers gradually building up to 22. The applicant currently has 16 horses in training, not the 12 stated in the justification submitted with the application, with an additional six waiting in the field to be trained as soon as is possible. Thus the submitted budgets based on maximum capacity of 22 horses are correct. The applicant has 24 horses booked in for the 2008 season. It is requested that the stable yard application is considered before the dwelling application. The comments refer to TAN6 in relation to new dwellings for new farming activities, and that where a case for the requirement of a dwelling is not completely proven, a temporary dwelling should be provided. The Council's Agricultural Consultant has applied the tests for a permanent dwelling and that the tests for a temporary dwelling had been passed. It is appropriate for consent to be granted, as the enterprise is likely to materialise. With respect to alternative options to a dwelling, the nature of a racing yard is that the essential care required by the horses occurs on a frequent and ad hoc basis rather than on a predictable and occasional basis. The option of sleeping over in the office is not a realistic or satisfactory way of meeting the identified need. There are three attachments to the comments: 1. A letter signed by the owners of 24 horses in support of the application and confirming that they will move to the new establishment. 2. Two letters in support of the application confirming that the existing establishment is oversubscribed, that on-site accommodation is essential and that such enterprises to do not exist without on-site accommodation.			
APPROVED BY:			
Officer: Miss K. Jones		Officer:	
Appendix No.:		O.M. or H.P.T.	

Jones, Kate

From: Rebecca Wilson [rebecca.wilson3@virgin.net]
Sent: 16 January 2008 13:46
To: kajones@valeofglamorgan.gov.uk
Cc: brian griffin; Tim Vaughan
Subject: Pant Wilkin Farm

Dear Miss Jones

07/01478/FUL & 07/01481/FUL Proposed Stable Yard & supervisory temporary dwelling (3 years)

Further to our discussion, Brian Griffin is out of the office for the day and as such he has asked me to forward additional evidence which we have collated since the publication of your report to Committee, and this seeks to demonstrate that the application does in fact comply with TAN6 requirement in terms of the financial side. As I explained, it seems to us that your consultant has assessed the application on the basis of the number of horses that the applicant had at the time at his existing yard, and building up the numbers gradually.

We used 22 horses in our budgets knowing that the demand was there to fill the new boxes quickly. In actual fact, the applicant now has **16 horses in training** at his current yard with another **six waiting in the field** to come into training as soon as he is able to move them to Pant Wilkin. This means that our budgets using 22 horses are correct, and in my view the application should have been assessed by your consultant on the basis of our submitted evidence.

I have attached a letter from a colleague of yours who keeps a horse with the applicant to verify the numbers on the ground, and another document which has been signed by all the race horse owners, to verify that they will be moving a collective total of 24 horses (two will have to wait for a stable to become available) to Pant Wilkin, subject to planning consent.

Finally, there is a letter from Jonathan Phillips (to follow) that states that he wishes to send two horses to the applicant to go into training, but as he will already be at capacity (subject to pp) Mr Phillips will have to wait for places to become available.

Brian Griffin has there requested that we ask that the Committee first consider the stable yard, then the mobile home as the mobile home is required to service the stable yard.

He goes on to say that the stable yard is recommended for consent and it is the proposed refusal of the mobile home that his statement addresses:

The application for the mobile home was submitted on the basis of supporting a new enterprise (i.e. a stable yard for National Hunt race horses) on the application site. TAN6 Wales provides the tests for temporary dwellings. TAN6 Wales says:

IF IT IS CONSIDERED THAT A NEW DWELLING WILL BE ESSENTIAL TO SUPPORT A NEW FARMING ACTIVITY WHETHER ON A NEWLY CREATED UNIT OR AN ESTABLISHED ONE, BUT THE CASE IS NOT COMPLETELY PROVEN IT SHOULD FOR THE FIRST THREE YEARS BE PROVIDED BY A CARAVAN OR A WOODEN STRUCTURE THAT CAN BE EASILY DISMANTLED.

The Council's agricultural consultant has applied the tests for a permanent dwelling (his paragraph 3.9) which requires the enterprise to be WELL ESTABLISHED before consent is granted for a permanent dwelling. The application before you is however for a temporary dwelling. The consultant finds that the functional test is passed and also concluded that THE ENTERPRISE IS REASONABLY LIKELY TO MATERIALISE although at the present time as the enterprise is not established it is not currently a viable enterprise.

In other words the consultant is saying that the enterprise does not pass the test for a permanent dwelling, but passes the test for a temporary dwelling, as TAN6 says that for the first three years for a newly re-located / expanded enterprise should FOR THE FIRST THREE YEARS BE PROVIDED BY A CARAVAN / WOODEN STRUCTURE.

16/01/2008

Therefore it is appropriate for consent to be granted for the temporary dwelling at this stage as there is a functional need and the enterprise is considered likely to materialise. The siting and occupation of the temporary dwelling can be conditioned so that it occurs for example after the stable yard conversion has been undertaken and horses are stabled, i.e. within 2 months of the stable yard consent being issued. A suitably worded condition can be used to achieve this.

Criterion (iii) of the TAN 6 requirement for a temporary dwelling requires CLEAR EVIDENCE THAT THE ENTERPRISE HAS BEEN PLANNED ON A SOUND FINANCIAL BASIS. The budgets submitted using standard data, show very clearly that this criterion has been met, and furthermore this is based on 22 horses, Tim Vaughn Racing Ltd now having 24 horses booked in for the 2008 season.

The proposed refusal notice says that alternative options to on site accommodation has not been sufficiently explored. The nature of a racing yard is that the essential care required by the horses occurs on a frequent and ad hoc basis rather than on a predictable occasional basis. That is why the Council's agricultural consultant concluded that there was an essential functional need for a person to be ON SITE MOST TIMES OUT OF NECESSITY. The applicant currently has 16 horses in training with a further 8 to arrive shortly, which will move to Pant Wilkin.

Therefore from day one the alternative option of sleeping over in the office, is not a realistic or satisfactory way of meeting the identified need.

Finally, as advised above, in order to confirm that this is the case the attached additional evidence is submitted for Members consideration, and as such we would be grateful if you would be able to present all this evidence to Members on the late pages for the meeting tomorrow.

Many thanks

Brian Griffin FRICS FAAV

Rebecca Wilson MRICS PG Dip Equine Business Management

pp Tim Vaughan Racing.

To whom it may concern,

Re: Pant Wilkin Farm Buildings – Planning Submission

I currently have a horse(s) in training with Tim Vaughan of Tim Vaughan Racing Limited at his establishment in Pencoed. During various discussions with Tim, I am aware of his planning submission at Pant Wilkin and am fully supportive of his application.

I confirm that if he is successful in obtaining consent I will move my horse(s) to his new establishment. I am actually eager to see Tim move as I feel that my horse(s) will have improved facilities and it is within close proximity to his existing stables so it will not have an impact on me.

Name of Owner	Owners Signature	Horse
Gill Owens	G. Owens	Brinkmanship (1)
Kevin Glastonbury	K. Glastonbury	Wychwoods Legend (2)
Terry Reffell	T. Reffell	Changing Lanes (3)
Linda Williams	L. Williams	Moorlands Terri (4)
Dominic Wallace	D. Wallace	Sungates (5)
John Lovell	J. Lovell	Sam's Lad (6)
Dave Lovell	D. Lovell	Tank Buster (7)
Norman Jones	N. Jones	Kings Euro (8)
Chris Howells	C. Howells	Young Will (9)
Mark Glastonbury	M. Glastonbury	Oat Hill (10)
Pat Barry	P. Barry	Mad Professor (11)
Tony Brown	T. Brown	Up The Boreen (12)
Debbie Reynolds	D. Reynolds	Pauls Plain (13)
Jonathan Phillips	SEE ATTACHED LETTER	Role Model (14)
Andrew Lowrie	A. Lowrie	City Affair (15)
Alan Swales	A. Swales	President Park (16)
Caroline Wilson	C. Wilson	Pure Palatial (17)
Rebecca Athay	SEE ATTACHED LETTER	Vanilla Man (18)
John Pritchard	J. Pritchard	Monsieur Delage (19)
Sue Cook	S. Cook	City Affair (20)
Liz Kilbicki	L. Kilbicki	Apocalozzo (21)
Keith James	K. James	Nolton Town (22)
Mike Brown	M. Brown	Rathlin Island (23)
Ian Williams	I. Williams	Withington (24)

Moorlands Cottage
Moor Common
Treoos
Bridgend
CF35 5DB

14 January 2008

Planning Committee Members
Planning Department
Vale of Glamorgan Council
Holton Road
Barry
CF63 4RU

Dear Sirs

Planning Application Reference - 07/01478/FUL

In relation to the above planning application I would like to comment further in advance of the planning committee meeting later this month.

For your information, during 2006/2007 I had two horses in training with Mr Tim Vaughan at his training yard close to Pencoed in Bridgend. In the latter part of 2007 I had another young horse in early training at the yard, but due to the pressure on numbers in November 2007 and lack of available stables, we agreed to take the horse home for a few months. The hope is that when Mr Vaughan moves to his new premises in Aberthin he will have sufficient stables to accommodate at least one of our horses for full training to run under national hunt rules.

As a result I am naturally supportive of his application to create a professional racing yard in Aberthin and with the hard work of Mr Vaughan and his staff I am sure it will be a success, going on to provide additional employment opportunities in the Vale of Glamorgan.

I know I am not the only owner attached to the yard who has horses ready to go into full training, so I can confirm the planning application is a genuine application to expand an already successful business. In addition, the availability of on-site accommodation is a fundamental essential to such a labour intensive business. This is especially relevant given how valuable some racehorses can be and as both a Chartered Surveyor and racehorse owner, I do not know of any professional training stables where accommodation is not attached to the yard.

I hope the committee will take the above into account when the planning application is considered, although should any further clarification be required please let me know.

Yours faithfully

Jonathan Phillips BSc (Hons) MRICS

15th January 2008
Miss Rebecca Athay
01633 867546

beckyathay@hotmail.com

Planning Committee Members
Vale of Glamorgan Council
Barry

Dear Members

Re: Planning Application 07/01478/FUL

With reference to the above planning application I would like to confirm the following in full support of the proposal:

Mr. Timothy Vaughan has been running a successful and expanding horseracing establishment at Mount Pleasant, Bridgend for the past two years. At present there are currently 16 horses in training at the yard, including one of my own.

For Mr. Vaughan to continue to progress and expand his business, further stabling and land is essential. As I ride out for Mr Vaughan, I am fully aware of the current situation. I can confirm that along with the 16 horses already in training at Mount Pleasant, there are a further six horses waiting in the field to start training. As land is of an essence, there is no further room for expansion at the current premises.

The training of racehorses requires an enormous amount of time, energy and effort. It is essential in the keeping of racehorses, that there is always someone on-site. This is why it is critical that the above planning application be approved.

I feel that having Mr. Timothy Vaughan training racehorses at Pant Wilkin Farm Buildings, will be an asset to the Vale of Glamorgan.

Should you wish to discuss or confirm any of the above, please do not hesitate to contact me.

Yours sincerely



Rebecca Athay

LATE ITEMS FOR COMMITTEE		Application No. 2007/01502/FUL	
Committee Date: 17 January 2008		Page No.: 273	
To be added to report: YES / NO (Delete where necessary)			
From: Applicant Mrs Thomas Summary of Comments: That the application be WITHDRAWN given decision not to defer the application according to previous late representation.			
APPROVED BY:			
Officer: Mr. S. J. Ball		Officer:	
Appendix No.:		O.M. or H.P.T.	

Ball, Steve J

From: Sian Thomas [law@stsolicitors.co.uk]

Sent: 17 January 2008 14:32

To: Ball, Steve J

Subject: RE: Corntown Farmhouse

Dear Mr Ball,

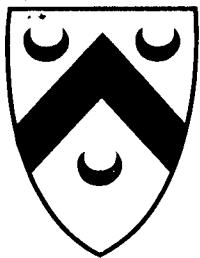
Further to your e-mail, as you are not prepared to defer our planning application we are now withdrawing it from this evening's planning committee meeting as we do not consider that your report in its present form correctly presents our case. We are now re-considering our position.

Please acknowledge safe receipt of this e-mail and confirm that the application is withdrawn.

Sian Thomas

17/01/2008

LATE ITEMS FOR COMMITTEE		Application No. 2007/01565/FUL	
Committee Date: 17 January 2008		Page No.: 284	
To be added to report: YES / NO (Delete where necessary)			
From: St. Athan Community Council Summary of Comments: An objection is raised in respect of the noise and air pollution that would result from the proposed development.			
APPROVED BY:			
Officer: Mr. I. Robinson		Officer:	
Appendix No.:		O.M. or H.P.T.	



St. Athan Community Council
CYNGOR CYMUNED SAINT TATHAN

12.

Your Reference:

Our Reference:

Please reply to:

8 Tathan Crescent
St Athan
Vale of Glamorgan
CF62 4PE

09 January 2008

Tele No 01446 – 750050

Planning Department
Vale of Glamorgan Council
Dock Offices
Barry Dock
Barry
CF63 4RT

Dear Sir/Madam,

Re : Planning Application No 2007/01565/FUL - Land South of the Runway, Batslays, MOD St Athan, - Erection of New Small Hanger, Construction of New Ground Slab, External Alterations to Existing Offices, Provision of Car Parking Spaces.

My Council strongly oppose this application on the grounds of it's Operational Intent. This Council has been inundated with representations from residents regarding, and opposing the locating of the Police Helicopter at MOD St Athan.

The community of St Athan have for many years suffered the inconveniences, the noise hazards, and pollution from two major industrial sites located in it's area, it has suffered the excessive noise and air pollution of both military and civil aircraft over flying the village, from the nearby Civil airport and Military airfield, to now have a 24hr operational police helicopter unit operating in close proximity to the village is the last straw.

My Council strongly Oppose the re-locating of the Police Helicopter unit to MOD St Athan.

Yours faithfully,

John Haswell
Clerk to the Council

LATE ITEMS FOR COMMITTEE		Application No. 2007/01614/FUL	
Committee Date: 17 January 2008		Page No.: 297	
To be added to report: YES / NO (Delete where necessary)			
From: Copy of an Email from RWE Power to Cllr Jeff James and Cllr James Response to concerns from Friends of the Earth/Max Wallis Summary of Comments: Concerns were raised by Mr Wallis to Cllr James regarding items, including the lack of conveyor proposals and the access arrangements. Cllr James responds stating he has no concerns and see no reason to object to the application.			
APPROVED BY:			
Officer: Mr. M. Lucas		Officer:	
Appendix No.:		O.M. or H.P.T.	

Clive

Thomas, Rob

From: Smith, Clive [CLIVE.SMITH@RWEnpower.com]
Sent: 14 January 2008 14:50
To: 'HJWJames@valeofglamorgan.gov.uk'; 'DRThomas@valeofglamorgan.gov.uk'
Subject: Re: Bridge at Four Crosses

Jeff

Thanks for the e mail.

It would appear that Mr Wallis is confusing the application quoted with the power station. In fact the number quoted refers to an application made by the cement works.

Regards

Clive

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

From: James, Jeffery (Cllr) <HJWJames@valeofglamorgan.gov.uk>
To: Thomas, Rob <DRThomas@valeofglamorgan.gov.uk>
Cc: Smith, Clive
Sent: Mon Jan 14 11:57:36 2008
Subject: FW: Bridge at Four Crosses

Dear Rob,

I have received an e-mail from Max Wallis inviting me to object to 2007/01614/FUL (Silo for PFA at Lafarge).

I have responded as set out below and his e-mail is also shown below mine.

This is for your information.

Councillor Jeffrey James

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

From: James, Jeffery (Cllr)
Sent: 14 January 2008 11:55
To: 'Max Wallis'; James, Jeffery (Cllr)
Cc: k.stockdale@homecall.co.uk; Paul Stephens; Keith+Glynis; S.R.Hyde@cardiff.gov.uk
Subject: RE: Bridge at Four Crosses

Max,

I have read the report and I can find no reason to object to a silo of this nature being granted planning permission.

I have read your comments précised in the report and note the request for a conveyor system and for a pavement to be built under the bridge.

The conveyor for the West Quarry will take at least two years to resolve and if it is constructed then there will be a possibility that it could be utilised to deliver PFA to the silo area, however I do not see the lack of conveyor at present to be a reason to refuse the silo.

The report also points out that the current HGV traffic to the Power Station is set to reduce once the work of installing the Flue Gas De-sulphurisation unit and other construction works have ceased. This should ease the vehicle movements at Four Cross.

I have my doubts whether a pavement under the bridge will improve matters as it would in all likelihood restrict the width of operation This would cause further inconvenience to residents and employees of the power station alike.

I note there has been no objection from the Highway Section on the application and this further undermines any reason to refuse this application.

Regards,

Jeff

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

From: Max Wallis [mailto:wallismk@Cardiff.ac.uk]

Sent: 13 January 2008 22:15

To: HJWJames@valeofglamorgan.gov.uk

Cc: k.stockdale@homecall.co.uk; Paul Stephens; Keith+Glynis; S.R.Hyde@cardiff.gov.uk

Subject: Bridge at Four Crosses

Cllr Jerrey James.

2007/01614/FUL Lafarge - New silo and associated plant for storage and processing of pulverised fuel ash.

Jeff: I see you've put in no comment on this application. The officers' report simply ignores the issue of lorries under the railway bridge at Four Crosses that you did say you'd take up. Did you ever get the Highways officers' view on it? It's also insulting how the report dismisses the conveyor option without bothering to put it to the companies.

Regards / Max

Max Wallis 029 20 21 0708 / 87 6436
Barry & Vale Friends of the Earth
14 Robert St, Barry, Vale of Glamorgan

Fe all fod gwybodaeth freiniol a/neu gyfrinachol a/neu ddeunydd dan amodau hawlfraint y neges e-bost yma. Os nad y chi sydd i fod gael y neges, neu'r un sy'n gyfrifol am ei throsglwyddo, rhaid i chi beidio a'i chopio na'i throsglwyddo i neb un arall na'i defnyddio mewn unrhyw fodd o gwbl. Mae gwaharddiad ar i chi wneud hynny ac efallai y byddech chi'n torri'r gyfraith trwy wneud hynny. Dinistriwch y neges yma acanfonwch neges e-bost at y sawl a'i hanfonodd i roi gwybod iddo fe. Dydy Cyngor Bwrdeistref Sirol Bro Morgannwg ddim yn cymeradwyo unrhyw farn, casgliad na gwybodaeth sy heb fod yn ymwneud a'n materion swyddogol ni.

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LATE ITEMS FOR COMMITTEE		Application No. 2007/01521/RG3	
Committee Date: 17 January 2008		Page No.: 301	
To be added to report: YES			
From: Highway Development Summary of Comments: Requests a condition to deal with a turning area for Network rail vehicles when using the proposed maintenance link. Condition 6: Details of a hardened verge to enable rail maintenance vehicles to turn and exit in a forward gear shall be provided prior to the commencement of landscaping and the verge shall be provided before the first beneficial use of the bridge hereby approved. Reason: In the interests of highway safety, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.			
APPROVED BY:			
Officer: Mr. Liam Jones		Officer:	
Appendix No.:		O.M. or H.P.T.	

MEMORANDUM / COFNOD

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



To / I:	Liam Jones
Dept / Adran:	Planning – Development Control
Date / Dyddiad:	15 th January 2008
Your Ref / Eich Cyf:	P/DC/LJ/07/01521/REG3

From / Oddi Wrth:	Chris Dowdall
	Principal Engineer - Highway Development
My Ref / Fy Cyf:	ED/HD/CJD/HOBS/07/01521
Tel / Ffôn:	(029) 20673083
Fax / Ffacs:	(029) 20673198

Subject / Testyn: **Replacement Footbridge at Barry Island Station and enhanced access route ref 2007/01521/REG3**

I refer to the planning application submitted for the replacement of the existing footbridge at Barry Island Station. The proposal is for the demolition of the existing footbridge and its replacement on site by a new 3m wide footway/cycleway bridge together with an enhanced pedestrian access between Plymouth Road and Station Approach Road, Barry Island. The details are shown on plans 1488/PA2, PA3 & PA4.

The provision of a new ramp is a welcome addition for the cyclist and wheelchair user, enabling access to a broader section of the community. The steepness overall of the ramp is a little higher than desirable at 5.5%. This may lead to conflicts between cyclists and pedestrian users especially at the landing return to the two ramps as visibility is impaired due to the 180° turn at this point. Consideration also needs to be given to the arrangement at the top of the steps in accordance with national guidance for cycle routes.

The details provided show the demolition of two flights of steps but the replacement of only one flight thereby removing access to the middle platform which I am advised is no longer required.

The proposed access arrangement from Plymouth Road to the new footway/cycleway bridge is for pedestrian and cyclist use. However the pedestrian barrier alongside Plymouth Road will require signs indicating that cyclists must dismount at the end of the cycleway. There is an existing Zebra Crossing with a build-out on Plymouth Road within 15m of the centre of the route which has high friction surfacing on the approaches.

This route is also intended to provide a vehicular maintenance link for Network Rail as required under an existing covenant; a section of pedestrian barrier being removable for this purpose. However no turning area is provided and vehicles will have to reverse into the adopted highway to exit which is unsafe in the vicinity of the playground access and Zebra Crossing. Therefore a hardened verge, such as 'grasscrete', needs to be incorporated to form a suitable area to enable maintenance vehicles to turn and exit in forward gear.

The slot drainage plan does not clearly show which drainage system it is intended to outfall into.

CJ Dowdall