

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **8 SEPTEMBER, 2016**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

1. BUILDING REGULATION APPLICATIONS AND OTHER BUILDING CONTROL MATTERS DETERMINED BY THE HEAD OF REGENERATION AND PLANNING UNDER DELEGATED POWERS

(a) Building Regulation Applications - Pass

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

2016/0009/PV	AC	1, Lidmore Road, Barry	Two storey extension
2016/0588/BR	AC	3, Meadow Lane, Penarth	To extend the habitable roof space by building a Dutch gable above the existing garage, to extend the existing garage, and convert the garage to residential use, and other internal alterations
2016/0614/BR	AC	10, Westgate, Cowbridge	Single storey extension to rear and annexe for office and additional bedroom and garage
2016/0641/BR	AC	22, Church Hill Close, Llanblethian	Alterations to roof / and first floor
2016/0642/BR	AC	30, Millfield Drive, Cowbridge	2 storey extension.
2016/0647/BN	A	123, Court Road, Barry	Fire door and frame to kitchen (FD30)
2016/0649/BN	A	14, Longmeadow Drive, Dinas Powys	Single storey kitchen and utility room extension
2016/0650/BR	AC	21, Britten Road, Penarth. CF64 3QJ	Erection of single storey garden room to rear of dwelling.

2016/0651/BN	A	Primrose Cottage, 54, Hillside Drive, Cowbridge, Vale of Glamorgan CF71 7EA	1) Removal of poly-carbonate roof on existing conservatory & replace with thermally efficient flat warm roof with roof lantern. 2) Replace old, ill fitting French doors with modern thermally efficient French doors. 3) Create new opening in kitchen & fit new external door.
2016/0652/BN	A	51, Plymouth Road, Penarth	Two rooms into one
2016/0653/BN	A	Windmill Cottage, Llantwit Road, Wick	Single storey extension to enlarge lounge with single storey extension to enlarge kitchen, including demolition of conservatory
2016/0654/BN	A	1, Walnut Grove, Eglwys Brewis, St. Athan	Re-roof, insulate & render external walls
2016/0656/BR	AC	Greenfield, Beach Road, Southerndown	Structural steel beam inserted in internal wall to allow partial removal of wall between two ground floor rooms
2016/0657/BN	A	Hunters Gate, Trerhyngyll, Cowbridge	Knocking through two rooms into one, installing a new Universal I beam, as calculated by structural surveyor.
2016/0659/BN	A	38, Wordsworth Avenue, Penarth	3m2 extension/kitchen refurbishment
2016/0660/BR	AC	35, High Street, Barry	Partial demolition and refurbishment of existing mixed use property to reinstate a 2 bedroom dwelling house
2016/0661/BN	A	14, Victoria Square, Penarth	Re-build rear annex
2016/0662/BN	A	14, Teasel Avenue, Penarth	Installation of W.C. and drains

2016/0663/BN	A	8, Ffordd y Dderwen, Ystradowen	Change glass roof to solid
2016/0664/BN	A	11, Grimson Close, Sully	Garage conversion
2016/0665/BN	A	41, Grove Terrace, Penarth	2 storey rear extension plus associated works
2016/0666/BN	A	21, Churchill Terrace, Barry	New roof
2016/0667/BN	A	11, Downfield Close, Llandough	Single storey extensions
2016/0668/BN	A	104, Broad Street, Barry	Single storey bathroom & W C extension.
2016/0669/BN	A	4, Castle Avenue, Penarth	Removal of beams and re- install to accommodate bi- folding doors
2016/0670/BN	A	18, Wyndham Street, Barry	Re-Roof
2016/0671/BN	A	45, Plassey Street, Penarth	Re-Roof
2016/0672/BN	A	37, Cornerswell Road, Penarth	Two rooms into one
2016/0674/BR	AC	Mardy Cottage, Bridge Road, Llanblethian	Two storey extension to side and rear with internal alterations.
2016/0675/BN	A	9, Clare Drive, Cowbridge,	Garage conversion & porch extension.
2016/0676/BR	AC	Garden Cottage, Colwinston, Cowbridge,	Extension
2016/0677/BR	AC	13, Murch Crescent, Dinas Powys	Singe storey rear kitchen extension & porch
2016/0679/BN	A	Cliff Farm, Llancarfan	New garage (stables exempt)
2016/0680/BN	A	10, Vale Court, Cowbridge	Two rooms into one.
2016/0681/BN	A	114, Pontypridd Road, Barry	Re-Roof
2016/0682/BN	A	116, Pontypridd Road, Barry	Re-Roof

2016/0683/BR	AC	91, Cardiff Road, Dinas Powys	Single storey rear extension
2016/0684/BR	AC	19, Merthyr Dyfan Road, Barry	Door widening, installation of through floor lift and alterations to accommodate specialist bath.
2016/0685/BN	A	18, Coleridge Avenue, Penarth	Single storey rear and side extension to provide enlarged kitchen and living area with utility room and downstairs WC. Also, the development includes a hip to gable loft conversion with dormer to provide a new habitable room with en-suite.
2016/0686/BR	AC	142, Fontygary Road, Rhoose	Conversion of a semi detached barn into a two bedroom dwelling.
2016/0687/BN	A	101, College Road, Barry	FD30 to kitchen
2016/0688/BN	A	14, Millbrook Heights, Dinas Powys	Conversion of basement
2016/0689/BN	A	66, Ham Lane South, LLantwit Major	Single story side extension to accommodate shower and utility rooms. Flat garage roof to be converted to a hipped roof forming canopy leading to front door.
2016/0690/BN	A	8, Mountjoy Place. Penarth	Proposed first floor extension over existing side extension.
2016/0691/BN	A	Glenree, Robins Lane, Barry	Two storey side extension to existing house.
2016/0692/BR	AC	Secret Garden, Ty Mawr, Llanbethery	Erection of a detached single dwelling

2016/0694/BR	AC	Dunloe, 37, Llanmaes Road, Llantwit Major. CF61 2XE	Proposed demolition of existing conservatory and construction of new single storey rear extension and internal alterations. Extension of existing garden store.
2016/0697/BN	A	68, Cog Road, Sully, Penarth,	Proposed single storey garage.
2016/0698/BR	AC	2, Kingswood Close, Ewenny	Demolition of Conservatory and erection of a single storey extension
2016/0699/BN	A	53, Cardiff Road, Dinas Powys	Removal of chimney breast between kitchen/dining room. Fit steels to structural design.
2016/0700/BN	A	Trehill, St. Nicholas, Vale of Glamorgan	Re-roof
2016/0701/BN	A	Plas Hen, Heol y March, Bonvilston	Detached garage with office storage space above
2016/0703/BN	A	1, Dudley Place, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0704/BN	A	3, Dudley Place, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0705/BN	A	5, Dudley Place, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0706/BN	A	7, Dudley Place, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0707/BN	A	9, Dudley Place, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0709/BN	A	13, Dudley Place, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.

2016/0710/BN	A	15, Dudley Place, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0711/BN	A	17, Dudley Place, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0712/BN	A	19, Dudley Place, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0713/BN	A	21, Dudley Place, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0714/BN	A	23, Dudley Place, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0715/BN	A	24, Dudley Place, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0716/BN	A	27, Dudley Place, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0717/BN	A	31, Dudley Place, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0718/BN	A	51, Dudley Place, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0719/BN	A	65, Dudley Place, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0720/BN	A	69, Dudley Place, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0722/BN	A	111, Phyllis Street, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0723/BN	A	117, Phyllis Street, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.

2016/0724/BN	A	158, Phyllis Street, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0725/BN	A	160, Phyllis Street, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0726/BN	A	172, Phyllis Street, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0727/BN	A	13, Tydfil Street, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0728/BN	A	55, Tydfil Street, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0729/BN	A	5, Crywys Lane, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0730/BN	A	125, Cardiff Road, Dinas Powys	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0731/BN	A	8, Crossways Street, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0733/BN	A	1, Elfed Way, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0734/BN	A	2, Elfed Way, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0735/BN	A	3, Elfed Way, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0736/BN	A	4, Elfed Way, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0737/BN	A	5, Elfed Way, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.

2016/0738/BN	A	6, Elfed Way, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0739/BN	A	7, Elfed Way, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0740/BN	A	8, Elfed Way, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0741/BN	A	9, Southey Street, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0742/BN	A	13, Southey Street, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0745/BN	A	26, Southey Street, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0746/BN	A	27, Southey Street, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0747/BN	A	51, Southey Street, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0748/BN	A	1, Eifion Close, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0749/BN	A	2, Eifion Close, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0750/BN	A	3, Eifion Close, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0752/BN	A	2, Dyfnallt Road, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0754/BN	A	8, Dyfnallt Road, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.

2016/0755/BN	A	12, Dyfnallt Road, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0756/BN	A	13, Dyfnallt Road, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0757/BN	A	14, Dyfnallt Road, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0759/BN	A	16, Dyfnallt Road, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0761/BN	A	19, Dyfnallt Road, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0762/BN	A	21, Dyfnallt Road, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0763/BN	A	24, Dyfnallt Road, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0766/BN	A	12, Treharne Road, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0767/BN	A	26, Treharne Road, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0768/BN	A	38, Treharne Road, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0769/BN	A	40, Treharne Road, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0770/BN	A	46, Treharne Road, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0772/BN	A	57, Treharne Road, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.

2016/0773/BN	A	61, Treharne Road, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0774/BN	A	63, Treharne Road, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0775/BN	A	67, Treharne Road, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0776/BN	A	69, Treharne Road, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0777/BN	A	71, Treharne Road, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0778/BN	A	73, Treharne Road, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0779/BN	A	85, Treharne Road, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0780/BN	A	88, Treharne Road, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0781/BN	A	2 - 12, Meirion Close, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0782/BN	A	16, Meirion Close, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0783/BN	A	26 - 36, Meirion Close, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0784/BN	A	1, Cynan Close, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.
2016/0785/BN	A	2, Cynan Close, Barry	Renewal of roof covering, upgrade of roof insulation, extensions of eaves detail.

2016/0831/BN	A	Llanvithyn House, Llancarfan	Conservatory
2016/0833/BR	AC	92, Millfield Drive, COWBRIDGE CF71 7BR	Side two storey extension, rear single storey extension & attic conversion
2016/0834/BN	A	253, Barry Road, Barry	Orangery / rear extension
2016/0835/BR	AC	14, Tewdrig Close, Llantwit Major	Part conversion of side garage to ground floor W.C.
2016/0836/BN	A	23, Hywel Crescent, Barry	Removal of chimney and re-roof to dwelling.
2016/0837/BR	AC	108, Fontygary Road, Rhoose	To remove existing tiled roof to entrance porch, cloakroom and form new veranda.
2016/0838/BN	A	44, Drylla, Southra Park , Dinas Powys	Two rooms into one
2016/0840/BN	A	49, Glamorgan Street, Barry	Re-roof
2016/0841/BR	AC	6, Park Road, Penarth	Single storey extension and roof alterations
2016/0842/BN	A	Hunters Lodge, 8, New Barn, Flemingston	First floor rear dormer to existing dwelling and two store side extension including garage.
2016/0843/BR	AC	126, White Farm, Barry	Construction of new dining room extension to rear of dwelling,
2016/0844/BR	AC	2, Glascoed Cottages, Penarth	To form new dormer to front first floor bedroom.
2016/0846/BR	AC	5, Main Avenue , Peterston Super Ely	Single storey extension to side of house.
2016/0850/BN	A	39, Jenner Road, Barry	Replace old kitchen door & frame with a new FD30 door & frame
2016/0853/BN	A	10, Elworthy Close, Sully	Installation of steel beams.

2016/0854/BN	A	20, Queens Road, Penarth	Removal and replacement of whole annexe roof. Structure to include new trusses, insulation and ventilation.
2016/0855/BN	A	21, Queens Road, Penarth	Removal and replacement of whole annexe roof structure. to include new trusses, insulation and ventilation.
2016/0856/BN	A	24, Queens Road, Penarth	Removal and replacement of whole annexe roof structure. To include new trusses, insulation and ventilation.
2016/0857/BN	A	27, Queens Road, Penarth	Removal and replacement of whole annexe roof structure. To include new trusses, insulation and ventilation.
2016/0859/BN	A	8, Meirion Close, Barry	Fit FD30 door to kitchen.
2016/0860/BN	A	23 - 24, Barons Close, Llantwit Major	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.
2016/0862/BN	A	3, Twyn y Eglwys, Bonvilston	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.
2016/0863/BN	A	1, St. Brides Place, Peterston Super Ely	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.
2016/0864/BN	A	7, Church Terrace, St. Marys Church	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.

2016/0865/BN	A	14-20, The Grange Avenue, Wenvoe	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.
2016/0866/BN	A	10, Rectory Place, Wenvoe	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.
2016/0867/BN	A	26, Rectory Place, Wenvoe	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.
2016/0868/BN	A	30, Rectory Place, Wenvoe	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.
2016/0869/BN	A	7, Heol St Cattwg, Pendoylan	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.
2016/0870/BN	A	Trepit Cottage, Trepit Road, Wick	Single storey extension comprising kitchen and study
2016/0871/BN	A	14 - 20, Rectory Road, Barry	Re-roof
2016/0872/BN	A	3, Jenkinsville, Penarth	Single storey extension to accommodate toilet and shower.
2016/0873/BN	A	2, Waun Gron, Llantwit Major	Removal of dividing wall between kitchen and dining room and placing of support beam. Opening up of end wall to dining room to fit patio doors.

2016/0876/BN	A	10, Walston Road, Wenvoe	Renew roof covering. Internal alterations to form 1st floor bathroom and bedroom plus internal renewal of ground floor ceilings and wall coverings. Install 1 No. Velux roof light and replace kitchen door
2016/0877/BN	A	8, Heol St Cattwg, Pendoylan	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.
2016/0878/BN	A	10, Heol St Cattwg, Pendoylan	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.
2016/0879/BN	A	11, Heol St Cattwg, Pendoylan	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.
2016/0880/BN	A	13, Heol St Cattwg, Pendoylan	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.
2016/0881/BN	A	15, Heol St Cattwg, Pendoylan	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.
2016/0882/BN	A	17, Heol St Cattwg, Pendoylan	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.
2016/0883/BN	A	20, Heol St Cattwg, Pendoylan	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.

2016/0885/BN	A	14, Heol St Cattwg, Pendoylan	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.
2016/0886/BN	A	20, Ceri Road, Rhoose	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.
2016/0887/BN	A	2-3, Stewart Road, Rhoose	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.
2016/0888/BN	A	21-29, Porthkerry Road, Rhoose	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.
2016/0889/BN	A	4, Carne Court, Boverton	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.
2016/0890/BN	A	22-28, The Grange Avenue, Wenvoe	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.
2016/0891/BN	A	1-7, Rectory Close, Wenvoe	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works
2016/0893/BN	A	3, Lougher Place, St. Athan	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.
2016/0894/BN	A	5, Lougher Place, St. Athan	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.

2016/0895/BN	A	8, Lougher Place, St. Athan	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.
2016/0896/BN	A	11, Lougher Place, St. Athan	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.
2016/0897/BN	A	12, Lougher Place, St. Athan	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.
2016/0898/BN	A	25, Lougher Place, St. Athan	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.
2016/0899/BN	A	30, Lougher Place, St. Athan	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.
2016/0900/BN	A	48, Lougher Place, St. Athan	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.
2016/0901/BN	A	29-35, Lougher Place, St. Athan	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.
2016/0902/BN	A	37-43, Lougher Place, St. Athan	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.
2016/0903/BN	A	45-51, Lougher Place, St. Athan	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.

2016/0904/BN	A	53-59, Lougher Place, St. Athan	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.
2016/0905/BN	A	46, Glebeland Place, St. Athan	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.
2016/0906/BN	A	12, Duffryn Close, St. Nicholas	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.
2016/0907/BN	A	13, Duffryn Close, St. Nicholas	Re – roof including roof line replacement work and extension of gable overhang to facilitate future works.
2016/0908/BN	A	7b, Broadway, Cowbridge	Conversion of single garage to living space
2016/0909/BN	A	2, Waun Gron, Llantwit Major	Double garage conversion into office and store room.
2016/0910/BR	AC	17, Morningside Walk, Barry	Door widening, ramp & shower room adaptation
2016/0911/BN	A	30, Rhodfa Sweldon, Barry	Garage conversion & extension on back of garage. Change of roof structure
2016/0912/BN	A	The Pound, Duffryn Lane, St. Nicholas	Removal of some internal walls and install steel RSJ beams as engineers calcs.
2016/0914/BN	A	35, Daniel Street, Barry	Re-roof
2016/0915/BN	A	31, Lakin Drive, Highlight Park, Barry	Conversion of existing office (former detached garage) into an Osteopathy Clinic
2016/0917/BN	A	7, Grove Road, Llandough	Knock through supporting wall, insertion of steels and install bi-folding doors.

2016/0918/BN	A	Barry Comprehensive School, Port Road West, Barry	To take down a partition wall between two classrooms to create one large classroom
2016/0919/BN	A	Downs Filling Station, Cowbridge Bypass, Cowbridge	Proposed car wash, car valeting and tyre sales facility.
2016/0920/BN	A	6, Sunnycroft Rise, Dinas Powys	Single storey extension to a detached property to be finished in materials that match the existing and neighbouring building. Construction of a front porch that does not exceed the principle elevation of the property.
2016/0932/BN	A	22, Colcot Road, Barry	Re-Roof
2016/0936/BN	A	40, South Road, Sully, Vale of Glamorgan CF64 5TG	Renovation of 1950`s semi detached house. To include: Rewire, re plumbing, connection to private drain, removal of chimney, knock through from kitchen to garage, create en suite in bedroom 1, addition of dormer window to bathroom, partition of bedroom, use of single storey rear extension as balcony.

(b) Building Regulation Applications - Reject

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

2016/0655/BN	R	Green Meadow, 10, Ger Y LLan, St. Nicholas	Proposed alterations
2016/0695/BN	R	22, Gelyn y Cler, Barry	Single storey extension.

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

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

2016/0093/AI	A	14, Spencer Drive, Llandough	Construction of a front bay window with extension of roof over and associated works
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2016/0094/AI	A	118, Colcot Road, Barry	Proposed construction of a 2 storey side and rear extension, works to include material alterations to structure, controlled services, fitting and thermal elements
2016/0095/AI	A	37, Ludlow Street, Penarth	Proposed single storey rear extension, works to include material alterations to structure, controlled services, fittings and thermal elements
2016/0097/AI	A	7, Southey Street, Barry	Single storey side and rear extension, works to include material alterations to structure, controlled services, fittings and thermal elements
2016/0098/AI	A	Avalon, Ewenny Road, St. Brides Major	Single storey extension to rear, double storey extension to side and loft extension with dormer
2016/0099/AI	A	The Mount, Ogmore By Sea	Internal alterations
2016/0100/AI	A	Greenland Farm, Bonvilston	Construction of a new dwelling with a detached garage
2016/0101/AI	A	1, Breaksea Close, Sully	Loft conversion to include rear dormer and associated works
2016/0102/AI	A	6, Wood Street, Penarth	Loft conversion
2016/0103/AI	A	14, Lakeside, Barry	Structural alterations
2016/0104/AI	A	87, Cornerswell Road, Penarth	Loft conversion to include rear dormer and associated works
2016/0105/AI	A	Plot 1, 90, Fontygary Road, Rhooose	New detached dwelling
2016/0106/AI	C	Trepit Cottage, Trepit Road, Wick	Single storey side extension and associated works

2016/0107/AI	A	Channel View Farm, Marcross	Replacement of existing conservatory roof and frames
2016/0108/AI	A	15, St. Johns Place, Rhoose	Single storey side and rear extensions and associated works
2016/0109/AI	A	9, Conybeare Road, Sully	Replacement conservatory roof with a Guardian Warm roof
2016/0110/AI	A	6, High Street, Cowbridge	Structural alterations to form a new opening and associated works
2016/0111/AI	A	80, St. Davids Crescent, Penarth	Proposed dormer loft conversion at second floor level to create one habitable room with en-suite facility and associated works
2016/0112/AI	A	Ael Y Castell, Porth Y Green Close, Llanblethian	Renovation of existing dwelling, works to include material alterations to structure, controlled services, fittings and thermal elements
2016/0113/AI	R	10, Summerland Crescent, Llandough	Proposed rear and two storey extension and associated works
2016/0114/AI	A	1, Cornerswell Road, Penarth	Single storey extension, new front porch, loft room extension, internal alterations and associated works
2016/0115/AI	R	71, Conybeare Road, Sully	Single storey side extension and associated works
2016/0116/AI	A	130, Redlands Road, Penarth	Single storey rear extension and associated works
2016/0117/AI	A	8, Church Avenue, Penarth	Reconstruction of roof structure to dwelling, new roof covering and associated works

2016/0118/AI	R	88, Colcot Road, Barry	Loft conversion and associated works
2016/0119/AI	A	135, Redlands Road, Penarth	Proposed construction of a two storey side and rear extension and detached single storey garage and associated works
2016/0120/AI	A	Enzion, Colwinston	Replacement of defective flat roof with pitched roof over existing attached garage and utility room
2016/0121/AI	A	Tresaith, Highmeadow, Llantwit Major	Single storey rear extension and internal alterations including alterations to existing dormer loft room and associated works
2016/0122/AI	A	28, Marine Drive, Ogmore By Sea	Structural alterations to form new openings and associated works

(d) Section 32 Building Act, 1984

It is proposed to implement the above section of the Building Act with a view to remove from the filing system, building regulation plans relating to work which has not commenced. This section of the Building Act makes provision for the Local Authority to serve notice in respect of plans which are three or more years old. Where such notices have been served (when the proposal has not commenced), it means that the plans are of no further effect and can be destroyed.

It is proposed to serve notices in respect of the following Building Regulations applications.

2013/0498/BN

2013/0536/BR

2013/0541/BR

2013/0592/BR

2013/0603/BR

2013/0628/BN

2013/0640/BR

2013/0658/BN

2013/0663/BR

2013/0698/BN

2013/0718/BR

2013/0725/BN

2013/0727/BN

2013/0740/BR

2013/0749/BR

2013/0893/BR

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 8 SEPTEMBER, 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. PLANNING APPLICATIONS DETERMINED BY THE HEAD OF REGENERATION AND PLANNING UNDER DELEGATED POWERS

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

Decision Codes

A - Approved	O - Outstanding (approved subject to the approval of Cadw OR to a prior agreement)
C - Unclear if permitted (PN)	B - No observations (OBS)
EB EIA (Scoping) Further information required	E Split Decision
EN EIA (Screening) Not Required	G - Approved the further information following "F" above (PN)
F - Prior approval required (PN)	N - Non Permittal (OBS - objections)
H - Allowed : Agricultural Condition Imposed : Appeals	NMA – Non Material Amendments
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	RE - Refused (Enforcement Unit Attention)
	V - Variation of condition(s) approved

2014/00869/1/ NMA	A	Barns at West Aberthaw Farm, Aberthaw	Conversion of redundant barns to provide four residential units
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2014/00956/1/ NMA	A	Site to rear of Tesco Store, (now Mariners Court), Mariners Way, Rhoose	Non-Material Amendment- To retain planting and landscaping scheme and boundary treatments as built and in lieu of planting and landscaping scheme and boundary treatments required under planning conditions 8 and 11, and retention of as-built landscaping scheme to ensure compliance with condition 12. - Proposed development of six flats and two houses, with associated parking and amenity space
2014/01000/1/ NMA	R	Agricultural land to the west of the Llwynhelig Farm and to the North of Cowbridge By-pass, Cowbridge	Non Material Amendment change of track alignment at one location - planning permission 2014/1000/FUL - construction of a new highway junction and track (ingress only)
2014/01424/1/ NMA	A	Land off Heol Fain, Wick	Non-material amendment- change of wording on conditions 4, 5, 7, 15, 17, 20 and 24. - Change of use of agricultural land to residential development (C3) including the development of 124 residential dwellings, public open space, landscaping, highway improvements and associated engineering works
2014/01493/FUL	A	Plot 1 and Plot 2, River Walk, Cowbridge	Erection of two detached dwellings
2015/00016/2/ NMA	A	Land to the South of Craig yr Eos, Ogmore by Sea	Non-material Amendment- Revised footpath location. Residential development for 20 dwellings

2015/00690/1/ NMA	A	16, Cae Rex, Llanblethian	Non Material Amendment - Change from dormer at front to 4 velux windows. Proposed single storey extension, proposed dormer together with various internal alterations to the existing property, also a proposed attached garage to the side
2015/00828/FUL	A	Garden Cottage, The Rookery, Court Drive, Llansannor	Proposed detached double garage
2015/00829/FUL	A	Building at 52, Glebe Street, Penarth	Conversion of existing workshop to the rear yard of 52, Glebe Street into one dwelling unit, four person, three bedroom unit
2015/00973/1/ NMA	A	The Grange, Trepit Road, Wick	Non-material Amendment - Item 8 - foul surface water, Item 9 - licence attached, Item 11 - stone elevation to left of building and Item 12 - as original application: 1800mm feather edged boarding to perimeter. Conversion of barn and outbuildings into granny annex
2015/00977/FUL	R	Spring Cottage, Pen y Turnpike Road, Dinas Powys	New dwelling unit in grounds to side of existing property
2015/01014/1/ NMA	A	Bethel Baptist Church, Burton Terrace, East Aberthaw	Non Material Amendment - disclosure of condition 7. Proposed conversion of a redundant Baptist chapel into a single residential dwelling

2015/01077/1/ NMA	A	ATC 372 (Barry) Squadron, Gladstone Road, Barry	Non-Material Amendment - Amendments to Conditions requiring submission of materials or information prior to start of development to allow submission post-start of works. Planning permission ref. 2015/01077/FUL: Proposed demolition of second existing prefabricated huts and construction of new single storey joint cadets centre accommodation. Erection of secure perimeter fencing. Erection of new flagpole. Removal of trees and installation of amenity lighting
2015/01224/RES	A	Site known as South Quay (Parkside), Barry Waterfront, Barry	Development of site known as South Quay (Parkside) for residential development and associated infrastructure works, parking, servicing and landscape (76 dwellings)
2015/01481/RES	A	Site known as AF2, Barry Waterfront, Barry	Development of site known as AF2 for residential development and associated infrastructure works, parking, servicing and landscape
2016/00084/1/ NMA	A	Huckleberry, Sutton Lane, Ogmore By Sea	Non Material Amendment - Insert round windows to gables above doorways at first floor level on west and south elevations.

2016/00165/OBS	B	Goitre Fach Farm, Llantrisant Road, St Fagans	Outline planning application (all matters reserved apart from strategic vehicular, cycle and pedestrian access into the site) for the demolition of existing buildings and residential development of up to 300 dwellings on site.
2016/00233/FUL	A	138, Westbourne Road, Penarth	Create dormer loft conversion to include 2 bedrooms and Jack and Jill bathroom. Create a single storey extension to the rear of the property to create a new kitchen/dining room
2016/00245/1/ NMA	A	Pennant Farm, Lane - Moulton Village to Pennant Farm, Llancarfan	Non-Material Amendment- Alteration to the siting and size of the manege and variation of Condition 3. Planning Permission ref. 2015/00245/FUL: Construction of manege for the purposes of exercising horses
2016/00255/FUL	A	Waterfront Retail Park, Heol Ceiniog, Barry	Erection of 2 no. drive thru restaurants (Use Class A3), landscaping and associated works
2016/00261/FUL	A	Slon Lane, Ogmore by Sea	Community Village Hall / Cafe / multi purpose space / Creche
2016/00266/FUL	A	Hunters Lodge, 8, Newbarn Holdings, St. Athan Road, Flemingston	Alterations and extension to existing dwellings including removal of existing unsightly outbuildings and garage
2016/00304/LBC	A	United World College of the Atlantic, East Drive, St. Donats	Investigatory works

2016/00327/FUL	A	Ty Wyth Newydd, Lane – Junction Ty With Newydd Stables to Cross House, Tredodridge	The proposal is for a manege with post and rail fencing (proposed floodlighting removed in amended application)
2016/00343/FUL	A	Ty Twyn, Mill Road, Dinas Powys	Erection of a side dormer, replacement of front dormer and replacement of front boundary supporting wall after partial collapse
2016/00349/FUL	A	25, St. Peter's Road, Penarth	Two storey rear extension, new entrance porch and associated works
2016/00359/FUL	A	Pant Quarry, St Brides Major	Removal or variation of condition 8 - working hours of the quarry. Application 2009/00935/ENV
2016/00405/FUL	A	Land to the east of Trerhyngyll, Trehyngyll	Turnout Paddock and manege on existing equestrian land
2016/00410/FUL	A	232, Holton Road, Barry	Variation of condition 4 of Planning Application 2015/00984/FUL. New aluminium shop front, fascia and shop sign
2016/00412/FUL	A	10, Westgate, Cowbridge	Single storey extension to rear and annexe for office and additional bedroom and garage
2016/00421/FUL	A	23, Channel View, Ogmere By Sea	Addition of stainless steel chimney to outside of property to exhaust fumes from wood burning stove. Chimney height not to exceed 600mm from ridge height of roof. Chimney will be sited on the right hand side of the house when viewed from the road
2016/00427/FUL	A	Avalon, Ewenny Road, St Bride's Major	Proposed alteration and extensions

2016/00445/FUL	A	26, Primrose Close, Cowbridge	Extension to rear to provide lounge, dining area, bedroom and store
2016/00448/FUL	A	3, Byron Place, Penarth	Proposed two storey extension to form new kitchen/dining area to ground floor and master bedroom with en suite facilities to first floor
2016/00454/OUT	R	Wenvoe Manor, Port Road East, Wenvoe	Outline permission for 2 detached dwellings in front garden of Wenvoe Manor
2016/00480/FUL	A	Pantwilkin Stables, Unnamed Private Road From A48 to Pantwilkin Stables, Aberthin	Reorganisation of stabling through erection of stable for 53 horses and associated works
2016/00493/FUL	A	2, Little West Bungalows, Southerndown	Installation of new septic tank
2016/00502/FUL	A	Barry Waterfront Car Park Service Road, Barry	Retention of Service Road to Barry Island Public Car Park
2016/00504/LBC	A	Yr Hen Felin Wynt, Windmill Close, Wick	Removal of external and internal concrete render on windmill tower. Re-pointing of stone work with buff coloured lime render, internally and externally
2016/00515/FUL	A	Pengarreg, The Fields, Southerndown	Erect a balcony to the first floor on the side elevation
2016/00517/FUL	R	Land adjacent to Pond Villa, Llanmaes	Development of one dwelling house

2016/00527/LBC	A	16, Cory Crescent, Peterston Super Ely	<p>The following works are required due to the ingress of (non-rising) damp in several rooms of the property. 1) Remove existing, partially dis-bonded render from front elevation, taking care to retain existing swag. Reapply new render, restore swag and pebble dash to match existing. 2) Dismantle existing chimney on front elevation and rebuild, where possible using existing bricks or similar, with the addition of a new lead tray. 3) New Rosemary tiles in 'brindle mix' to match, as close as possible, existing roof on adjacent #18 and extension (completed in 2001). Fit new battens on felt. Replace rotten timbers, as required. 4) Replace any damaged cast iron rainwater goods with similar. 5) Replace existing garage roof with the addition of counter-battens and sarking board, where necessary on shallow angled section</p>
2016/00531/FUL	R	Olive Lodge Guest House, 2, Port Road East, Barry	<p>Demolition of the existing guest house and the erection of 1 no. detached dwelling and 2no. semi-detached town houses with associated parking, landscaping and waste facilities.</p>
2016/00535/FUL	A	42, Westbourne Road, Penarth	<p>Single storey rear extension, rear roof extension and alteration works</p>

2016/00537/FUL	A	Flush Cottage, Flanders Road, Llantwit Major	Proposed two storey extension to accommodate kitchen and bedroom
2016/00539/FUL	A	48, Longmeadow Drive, Dinas Powys	Single storey side and rear extension with demolition of garage
2016/00562/FUL	A	15, Purdey Close, Barry	Construction of proposed garage
2016/00563/FUL	A	Sea Roads, 5, Cliff Parade, Penarth	Internal alterations to existing house, demolition of existing high level garage, construction of new single and two storey extensions and detached garage block. Formation of new vehicle and pedestrian access openings through existing boundary wall, and construction of new driveway
2016/00564/FUL	A	The Gables, Corntown Road, Corntown	Demolition of existing rear conservatory. New rear extension with habitable attic space linked with detached garage/utility room single storey building.
2016/00566/FUL	A	8, Mountjoy Place, Penarth	Proposed first floor extension over existing side extension
2016/00574/FUL	A	St. Andrews Stables, St. Andrews Road, St. Andrews	Retention of two additional stables
2016/00575/FUL	A	Beechwood College, Beechwood House, Hayes Road, Sully	Single storey extension to Beechwood House, creating a new main entrance with new reception and meeting/visitor rooms

2016/00577/FUL	A	11, Crossfield Road, Barry	Demolition of existing coal shed, add 4m single storey extension to rear of property
2016/00578/FUL	A	18, Brecon Street, Boverton, Llantwit Major	Proposed rear extension to replace existing rear conservatory
2016/00586/FUL	A	Glendale, Corntown Road, Ewenny	Proposed alterations and extensions to existing three bed bungalow to create four bed dwelling
2016/00588/FUL	A	Il Padrino, 178, Holton Road, Barry	New shop front, upper windows and stone/brick repairs
2016/00589/FUL	A	12, Brig Y Don Hill, Ogmore by Sea	Boundary fence and summer house
2016/00591/ADV	A	Lidl UK Gmbh, Cennin Pedr, Barry	Replacement of existing flag pole with 6m high totem sign
2016/00596/FUL	A	Mardy Cottage, Bridge Road, Llanblethian	Construction of part two storey part single storey side extension and two storey rear extension
2016/00597/FUL	A	1, Pant y Coed, Llanbethery	Extension to existing dwelling
2016/00598/ADV	A	Sea Lawns Hotel, Slon Lane, Ogmore by Sea	Main site signage
2016/00599/FUL	A	Plot 30, St. James Gardens, St. Brides Road, Wick	Proposed alteration of approved dwelling to include rear conservatory extension

2016/00600/LBC	A	Sea Roads, 5, Cliff Parade, Penarth	Internal alterations to existing house, demolition of existing high level garage, construction of new single and two storey extensions and detached garage block. Formation of new vehicle and pedestrian access openings through existing boundary wall, and construction of new driveway
2016/00602/FUL	A	Richmond House, Stalling Down, Cowbridge	Conversion of existing garage to day room and construction of new garage
2016/00604/FUL	A	29, St. Brides Road, Wick	Two storey extension to rear and side
2016/00608/FUL	A	16, Friars Road, Barry	Lean to entrance porch to upper floor entrance/fire escape
2016/00611/RG3	A	Colcot Junior and Infant School, Florence Avenue, Barry	Proposed internal alterations with a glazed link and entrance canopy. Construction of new car park, tarmac play area and installation of access ramps.
2016/00613/FUL	R	58, Celtic Way, Rhoose	2 Storey side extension
2016/00614/FUL	A	Broughton House, Chapel Road, Broughton	Amendment to planning permission 2015/00464/FUL to reduce the ridge height by 0.5m
2016/00616/FUL	A	Selaw, Treoes	Extension to existing open porch to create an enclosed cloakroom
2016/00621/FUL	A	33, The Verlands, Cowbridge	First floor extension above existing garage to enlarge existing bedroom with en suite

2016/00624/FUL	A	Ravenstone, 7, Twchwyn Garth, Llangan	Change of use from agricultural land to garden
2016/00625/FUL	A	37, Amherst Crescent, Barry	Enclosed entrance porch and side extension for new utility, toilet and playroom
2016/00626/FUL	A	22, Gelyn y Cler, Barry	Proposed single storey rear extension
2016/00628/FUL	A	Cressage House, 7, St Andrews Road, Wenvoe	Demolish existing outbuildings and replace them with new outbuildings. Extend the main property at the rear.
2016/00629/FUL	A	Awbery House, Buttrills Walk. Barry	Erection of an FM broadcast radio antenna and steelwork. Aerial to be moved from existing site on Holm View Leisure Centre to Awbery House
2016/00631/FUL	A	Great House, Bridge Road, Llanblethian, Cowbridge	Conversion of existing garage and external alterations together with a replacement greenhouse.
2016/00632/FUL	A	9, Francis Road, Barry	Single storey rear extension and loft conversion
2016/00633/FUL	A	92, Millfield Drive, Cowbridge	Two storey side and single storey rear extension and attic conversion
2016/00641/LBC	A	20, High Street, Cowbridge	The installation of 2 no. brackets on external wall associated with a moveable newsbox
2016/00642/FUL	A	Southfield, 68. Cog Road, Sully	Detached double car garage
2016/00646/FUL	A	Stables, Twchwyn, Llangan	Erection of two stable structures to house toilet/washroom and office in connection with new stables/arena

2016/00647/FUL	A	47, Cae Canol, Penarth	Single storey rear extension to provide larger kitchen/family space
2016/00651/LAW	A	6, Salmons Wood, Graig Penllyn	Extension to garden area
2016/00652/FUL	A	15, Paget Terrace, Penarth	Proposed external works to form terraces, proposed enlarged window to front elevation, demolition of rear single-storey lean-to & Sun Room to form single-storey extension with roof terrace
2016/00653/FUL	A	30, Hastings Avenue, Penarth	single storey rear extension to replace existing extension. new hip to gable loft conversion complete with dormer window to rear
2016/00654/ADV	A	46 and 48, Holton Road, Barry	Shop front signage
2016/00656/FUL	A	130, Redlands Road, Penarth	Rear single storey extension to private house
2016/00657/FUL	A	66, Ham Lane South, Llantwit Major	Single storey side extension to accommodate shower and utility rooms. Flat garage roof to be converted to a hipped roof forming canopy leading to front door
2016/00662/FUL	R	Land at 142, Fontygary Road, Rhoose	Proposed extension to existing building and conversion to new dwelling
2016/00663/FUL	A	12, Mill Road, Dinas Powys	New vehicular crossover and parking to front

2016/00666/FUL	A	25, Llanmaes Road, Llantwit Major	Proposed single storey extension to front of dwelling. Proposed single and two storey extension to rear of dwelling. Provision of additional parking to front of property
2016/00668/FUL	A	4, Robin Hill, Dinas Powys	Proposed adaptations and new pitched roof
2016/00670/PNQ	A	Lithalun Quarry, Ewenny	Proposed Replacement Ready Mixed Concrete Plant
2016/00672/FUL	A	The Old Orchard, 7, Merevale, Dinas Powys	Change of use from indoor swimming pool and gym to 2 bedroom annex accommodation
2016/00674/LAW	R	32, Somerset View, Ogmore By Sea	Proposed sun balcony on the existing attached garage roof
2016/00675/FUL	A	48, Port Road East, Barry	Removal of section of existing roof and construction of loft conversion with dormer
2016/00676/FUL	A	7, Masefield Road, Penarth	Two storey rear extension to create granny flat and provide 3 car parking spaces
2016/00677/FUL	A	6, Westbourne Road, Penarth	Replacement of 9 no. windows to the front elevation and 1 no. window on the side elevation with new white UPVC double glazed sash windows to match no. 8 Westbourne Road
2016/00678/FUL	A	12, John Street, Penarth	Small extension to rear of property, Velux windows to loft conversion for storage only

2016/00680/FUL	R	Gigman Barn, Jct St. Athan Road to Jct Tre Aubrey Via Gigman Bridge, St. Mary Church	Single storey lightweight glazed flat roof extension
2016/00683/FUL	A	15, Heol Broadland, Barry	Convert integral garage to a living room
2016/00687/FUL	A	Selwyn House, Welsh St. Donats	To provide single storey rear extension to improve living/kitchen facilities together with two storey side extension provide new master bedroom and en suite at first floor.
2016/00688/FUL	A	Ravenstone, 7, Twchwyn Garth, Llangan	Alter openings and finishes to front elevation; New windows to side elevation; New single storey rear extension; New rear extension to first floor over existing ground floor.
2016/00689/FUL	R	Rockleigh, 34, Craig yr Eos Road, Ogmere by Sea	1)Single storey rear extension to front with balcony terrace above 2) Extensions to existing dormers on the front and rear (including rooflight to the front) 3) Single storey rear extension
2016/00691/LAW	A	67, Salop Street, Penarth	Works to involve the demolition of an existing dilapidated conservatory to the rear of the property, to be replaced with a single storey extension of the same footprint
2016/00697/FUL	A	Oreston, 122, South Road, Sully	Demolition of single storey garage and construction of rear, 2 storey extension
2016/00703/FUL	A	84, St. David's Crescent, Penarth	Single storey extension to rear of property

2016/00704/FUL	A	11, Waun Ganol, Penarth	Single storey conservatory addition to rear elevation
2016/00706/FUL	A	14, Llandaff Close, Penarth	Hip to gable conversion, including rear dormer and single storey extension
2016/00707/FUL	A	15, Archer Road, Penarth	Single storey timber conservatory to replace existing
2016/00708/FUL	A	Brynderwen, Llanharry	Single storey rear extension to existing rear extension
2016/00710/FUL	A	Tudor Lodge, A48, Bonvilston	Adding a 1st floor extension to existing ground floor recreation room
2016/00711/FUL	A	7, Balmoral Quays, Bridgeman Road, Penarth	Installation of sliding glass doors to the existing balcony area to make it a habitable space
2016/00713/FUL	A	Llys Alaw - Degar Lane, Llansannor	To demolish existing barn and outhouse. To replace the flat roof dormers with pitch roof. To construct new master bedroom and en suite above existing kitchen with balcony. To clad the existing building including dormers in external insulation and finished in render colour white. Upgrade all windows, fascias, soffits and rainwater goods. Construct new double garage with gable end and pitch roof to match house
2016/00715/FUL	A	2, Brig y Don Hill, Ogmore-by-Sea	Proposed loft extension and single storey side extension

2016/00716/PNA	A	Land at St. Donats	Erect 6 bay agricultural shed on edge of arable land
2016/00718/FUL	A	24, Beryl Road, Barry	Single storey orangery to rear of domestic dwelling
2016/00719/FUL	A	1, Cwrt Ty Mawr, Penarth	Extend width of the four main front windows from 900mm to 1800mm
2016/00724/FUL	A	86, Althorp Drive, Penarth	Demolition of existing garage, construction of two storey side extension, new driveway and crossover
2016/00726/FUL	A	67, Golwg Y Coed, Barry	Conservatory built onto rear of property
2016/00731/FUL	A	Former Royal British Legion Club (first and second floor), Station Approach, Penarth	Change of use of first and second floors from British Legion (sui generis) to Office (B1) - Application to remove Condition 4 of 2016/00464/FUL
2016/00732/FUL	A	Land opposite to Nos 5, 6 and 7 River Walk, Cowbridge	Refurbishment and upgrade of existing foul water pumping station and new gabion walls and reconstruction of eroded embankment and alteration works
2016/00734/FUL	A	8, Hawthorn Road, Barry	To demolish existing conservatory and garage. Construct new sun lounge and bathroom single storey extension
2016/00736/FUL	A	72, Lavernock Road, Penarth	Erection of single storey rear extension
2016/00737/FUL	A	15, Summerland Crescent, Llandough	Proposed rear domestic extension single storey

2016/00738/FUL	A	10, Summerland Crescent, Llandough	Single storey rear extension with flat roof complete with UPVC lantern style roof light. First floor pitched roof extension above the existing garage complete with pitched roof
2016/00740/FUL	A	37, Wimbourne Close, Llantwit Major	Side extension to dormer bungalow
2016/00741/FUL	A	Hilston, St. Andrews Road, Dinas Powys	Proposed rear conservatory and rear porch. Proposed kitchen modifications
2016/00743/FUL	A	Chris Capus, 8-9, Glebe Street, Penarth	Change of use from A1 to A3, for the sale of cold food only and beverages
2016/00744/OBS	P	Culver Extension Area 526	Request for scoping opinion-marine aggregate extraction
2016/00749/FUL	R	Ty Hensol, Hensol Castle Park, Hensol	Construction of a single storey stable block subdivided internally to provide two stables, a workshop, a tack and feed room and dog kennels
2016/00752/OBS	N	Waterton House, Brocastle Avenue, Waterton Industrial Estate	Remove condition 9 of consent P/09/937/FUL
2016/00754/FUL	A	23, Crossfield Road, Barry	Proposed two storey extension to side of property to form, living room, cloak, kitchen/diner and bedroom with en-suite at first floor
2016/00758/FUL	A	Crossways, 22a Victoria Square, Penarth	Installation of two roof windows to rear elevation
2016/00764/FUL	A	5, Meadow Court, St Brides Major	Single storey rear extension plus external works

2016/00771/FUL	A	13, Highbridge Close, Sully	Single storey side extension and new pitched roof to existing flat roof extension
2016/00777/FUL	A	57, Craig yr Eos Road, Ogmore by Sea	Alterations and rear extension
2016/00782/FUL	A	Three Horse Shoes, Peterston Super Ely	A pergola, decking area, ramp and double doors
2016/00784/LAW	A	10, Hastings Close, Penarth	Construction of lean to roof over existing porch and new door, extension of existing vehicle hard standing and erection of boundary fence
2016/00787/FUL	A	90, Plymouth Road, Penarth	Rear single storey extension
2016/00790/LAW	A	Bay Tree House, 44, South Road, Sully	Internal alterations to ground floor kitchen, utility, WC and garage
2016/00791/FUL	A	Pen y Bryn, 13, Cae Rex, Llanblethian, Cowbridge	Removal of first floor and roof and construction of new first floor and roof
2016/00795/FUL	A	34, Grove Terrace, Penarth	Replacement of existing timber fence to side of property with similar timber fence
2016/00800/FUL	A	29, Adenfield Way, Rhoose	Rear bay extension to lounge. Front entrance canopy
2016/00802/FUL	A	45, Plas Taliesin, Penarth	Proposed balcony to front
2016/00814/OBS	N	Land off Horsefair Road, Waterton Industrial Estate	Private car park area and outside storage compounds comprising the provision of hard surfacing (SUDS) and substantial boundary landscaping
2016/00817/FUL	A	10, Cwrt Ty Mawr, Penarth	Living room/kitchen extension

2016/00820/RG3	A	1, Ash Grove, Barry	Demolish Hawksley aluminium bungalow to existing floor slab level. Underpin existing foundation and re-build in brick facing cavity construction with new timber roof structure and covering. Carry out general landscaping repair works to the property
2016/00826/PNA	F	Lower House Farm, Flanders Road, Llantwit Major	Farm track for allowing large vehicles access to the farm
2016/00886/OBS	P	Land east of the A48, (Crack Hill), Brocastle, Bridgend	Proposed development of up to 71,441sqm of B1, B2 and B8 employment floorspace, including access, car parking, diversion of public rights of way, site remediation, drainage, landscaping and associated engineer operations

Agenda Item No.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **8 SEPTEMBER, 2016**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No:	2016/00413/FUL
Appeal Method:	Written Representations
Appeal Reference No:	D/16/3154852
Appellant:	Mr. Lloyd Kidby
Location:	80, Victoria Road, Penarth
Proposal:	First floor bedroom extension above existing garage
Start Date:	20 July 2016
L.P.A. Reference No:	2016/00362/FUL
Appeal Method:	Written Representations
Appeal Reference No:	D/16/3155265
Appellant:	Mr. Mike Hill
Location:	34, Cambrian Avenue, Llantwit Major
Proposal:	First floor extension
Start Date:	27 July 2016
L.P.A. Reference No:	2016/00030/FUL
Appeal Method:	Hearing
Appeal Reference No:	16/3152611
Appellant:	Mr. Mike Akerman
Location:	Land at The Lawns, Cwrt yr Ala Road, Michaelston le Pit
Proposal:	An agricultural building for the housing of cattle
Start Date:	29 July 2016
L.P.A. Reference No:	2016/00500/TPO
Appeal Method:	Written Representations
Appeal Reference No:	T/16/3154860
Appellant:	Dr. Lyndon Haberfield
Location:	77, Fontygary Road, Rhoose
Proposal:	Fell Copper Beech and fell Common Horse Chestnut
Start Date:	4 August 2016
L.P.A. Reference No:	2016/00680/FUL
Appeal Method:	Written Representations
Appeal Reference No:	D/16/3155963

Appellant:	Mr. John Davies
Location:	Gigman Barn, St. Mary Church
Proposal:	Single storey lightweight glazed flat roof extension
Start Date:	11 August 2016
L.P.A. Reference No:	2015/01157/FUL
Appeal Method:	Hearing
Appeal Reference No:	16/3154903
Appellant:	Newydd Housing Association,
Location:	Land off Wick Road, St. Brides Major
Proposal:	Proposed development of 19 affordable dwellings, with associated landscaping and engineering works
Start Date:	17 August 2016
L.P.A. Reference No:	2016/00386/FUL
Appeal Method:	Written Representations
Appeal Reference No:	16/3155550
Appellant:	Mr. Andrew Thomas
Location:	Dimlands Road, St. Donats
Proposal:	Construction of detached four bedroom dwelling house with integral double garage, plus associated driveway
Start Date:	10 August 2016
L.P.A. Reference No:	2016/00498/FUL
Appeal Method:	Written Representations
Appeal Reference No:	16/3156142
Appellant:	Mr. John Rosser
Location:	Land at rear of 11, Whitcliffe Drive, Penarth
Proposal:	Removal of Condition 8 of Planning Permission ref. 2015/01258/FUL - Details of balcony screen
Start Date:	12 August 2016

(b) Enforcement Appeals Received

None

(c) Planning Appeal Decisions

L.P.A. Reference No:	2016/00268/TPO
Appeal Method:	Written Representations
Appeal Reference No:	T/16/516207
Appellant:	Sheila & Allan David
Location:	Kendall, 6, Church Road, Wick
Proposal:	Removal of Pine tree T13, TPO 2, 1976
Decision:	Appeal Dismissed

Date: 4 August 2016
Inspector: Melissa Hall
Council Determination: Delegated

Summary

The main issues were considered to be:

- The impact of felling the tree on the character and appearance of the surrounding area.
- Whether the reasons for felling the tree are sufficient to justify that course of action.

The appeal tree is a Pine in the garden and forward of the side elevation of the dwelling known as 'Kendall'. It is on land which is elevated above the adjacent highway.

The Inspector considered the tree to be highly visible in its surroundings from a number of vantage points. In this context, the tree is considered by the Inspector to be a strong visual landscape feature that is immediately recognisable as an important feature in the locality. Accordingly, she concluded that the Pine has high amenity value due to its prominence and scale, and that it makes a positive contribution to the amenity of its surroundings.

The Inspector also noted that the tree does not exhibit any signs of structural weakness or defect and that there was no evidence that confirms this to be the case. Accordingly, she found no compelling arboricultural justification for the removal of the tree.

Notwithstanding this, the tree surgeon had suggested that the tree has outgrown the banking it grows from and that the removal of the tree was necessary for the bank to be reinstated. However, the Inspector observed on the site visit that the works to rebuild the boundary wall have been carried out with the tree in situ. Accordingly, she could not be certain that the instability of the boundary wall had been caused by the tree and she was not persuaded that the roots of the tree will undermine the foundations of the new wall in future.

The Inspector found there to be no substantive evidence to support the claim that the tree is structurally unsafe, immediately dangerous or that it is more susceptible to adverse weather conditions over and above any other tree.

L.P.A. Reference No: 2016/00413/FUL
Appeal Method: Written Representations
Appeal Reference No: D/16/3154852
Appellant: Mr. Lloyd Kidby
Location: **80, Victoria Road, Penarth**

Proposal:	First floor bedroom extension above existing garage
Decision:	Appeal Allowed
Date:	16 August 2016
Inspector:	Mr. A. B. Nixon
Council Determination:	Delegated

Summary

The main issues were considered to be the effect of the development on the character and appearance of the street scene, and on the living conditions of occupiers of 82 Victoria Road.

Character and appearance

The proposal concerns a substantial detached house standing within a street primarily composed of other substantial properties of varying designs in good sized plots. The proposal is for a first floor extension over the flat roofed garage element to create an additional bedroom.

Overall, the Inspector considered that the proposed extension would have an acceptable presence and would not harm the street scene's character or appearance. He was of the view that the proposal pays regard to the context of the local built environment and satisfactorily complements the local character of buildings and open spaces.

Living conditions

The Inspector noted the Council's concerns that the proposed extension would be overbearing and insensitively sited in relation to No 82. However, he noted that the majority of the extension would be alongside the garage and covered parking bay belonging to No 82 and that, whilst windows in the forward part of the side elevation of No 82 would face the rear part of the extension's side elevation, there would be little or no loss of light. Also, since the extension would have no windows overlooking No 82 there would be no loss of privacy.

The Inspector did not agree with the Council's concerns with regard to the overbearing impact in relation to the front garden area of No 82, finding that the effect on the narrow space between the neighbouring properties would not harm the living conditions of occupiers of No 82.

L.P.A. Reference No:	2015/00543/OUT
Appeal Method:	Written Representations
Appeal Reference No:	16/3149474
Appellant:	Ms. Paula Bailey,
Location:	Church Farm, Cowbridge Road, Ystradowen
Proposal:	Residential development comprising the erection of up to 25 dwellings together with associated access, services and landscaping (outline)
Decision:	Appeal Dismissed
Date:	15 August 2016

Inspector: Joanne Burston
Council Determination: Delegated

Summary

The main issues were considered to be whether the proposal would be an acceptable form of development having regard to local and national policies relating to the countryside; the effect of the development on flooding and archaeology; and whether adequate provision has been made for infrastructure provision.

Local and national policies to protect the countryside

The Inspector noted the location of the appeal site and found that, whilst it adjoins the edge of built development in Ystradowen, it is separated from it by a road, mature trees and hedging. Accordingly, she considered the appeal site to form a soft landscaped edge to the village.

The Inspector had serious reservations about the impact of the scheme on the local landscape and the setting of the village, finding that the construction of up to 25 dwellings would substantially reduce the open nature of the field and suburbanise this edge of the village to an undesirable extent. She found that the new development would appear prominent from local viewpoints and cause unacceptable harm to the village's rural setting. In concluding on this point she stated that the development would be harmful to the predominantly rural character and appearance of the area hereabouts, contrary to the objectives of National and local planning policy and guidance.

Flooding

The Inspector noted that guidance in PPW on the issue of flooding and that, in order to try and address surface water flooding, the appellant submitted a Flood Consequences Assessment (FCA). The Inspector also noted the Council's Principal Engineer's findings that the FCA did not fully address their concerns and considered that further clarification was required. The Inspector agreed with these findings and said that this was not a matter which could be satisfactorily addressed by way of a condition. In the absence of this information, she found that the development would potentially have a detrimental effect on flooding in the area, contrary to PPW and UDP Policy.

Archaeology

The Inspector noted that evidence that the appeal site would have formed the original medieval village of Ystradowen given its close proximity to the church, however its exact nature and extent is unknown. She also noted that desk based assessment that had been undertaken by the appellant in an attempt to satisfy the Planning Guidance Circular on archaeology. The assessment concludes that the site is of low potential. Accordingly, she was satisfied that issues relating to archaeology could be dealt with by way of condition and found no conflict with UDP policy in this regard.

Infrastructure provision

Whilst the Inspector noted that a S106 Agreement had been submitted, in the

light of her findings summarised above, she was of the view that she did not need to discuss planning obligation matters further for the most part, with the exception being where they provide a positive benefit to be weighed in the balance. In this regard, she noted that the Agreement included a provision for not less than 40% of the total number of dwellings to be built on the site to be affordable housing. Accordingly, the Inspector found this to be a positive benefit which weighs in favour of the proposal.

Housing Land Supply

From the evidence before the Inspector, she was not satisfied that the Council had conclusively demonstrated that it has a five year housing land supply. Accordingly, she noted that current deficiencies in housing land supply should be given considerable weight.

Planning balance

The Inspector stated that a balance must be drawn between the competing considerations of this proposal. On one hand she identified the benefit of providing additional market and affordable housing in an area of shortage, whilst on the other hand it would cause significant harm to the character of the countryside and potentially increase flood risk. A lack of harm in respect of archaeology was, in her view, a neutral factor in the final balance.

The Inspector noted the TAN1 guidance at paragraph 6.2 which states that considerable weight should only be applied “*provided that the development would otherwise comply with development plan and national planning policies.*” She stated that this is not the case here. In this appeal she found that the proposal would not conform with the policies of the development plan and the objectives of PPW. As such she did not consider that the benefits in this case outweigh the identified policy objections.

L.P.A. Reference No:	2015/01000/FUL
Appeal Method:	Hearing
Appeal Reference No:	16/3145177
Appellant:	Mr M Rees
Location:	Heol Gerrig Farm, St Mary Hill
Proposal:	Barn conversion, access and curtilage
Decision:	Appeal Dismissed
Date:	5 August 2016
Inspector:	Janine Townsley
Council Determination:	Delegated

Summary

The main issue was considered to be whether the location of the proposal would represent sustainable development with particular regard to the opportunities for future occupants to travel by means other than by private car.

The Inspector noted that rural location of the site and that the nearest

settlement, Pencoed, was approximately 4 kilometres away. She also noted that the unclassified roads to the site are extremely narrow insofar that in many places there would be insufficient room for a pedestrian or cyclist to pass a car. The roads in this area are winding, unlit and without pavements and these factors result in poor visibility for long stretches.

Focusing on the sustainability of the location, the Inspector noted the non-timetabled bus service to the area, but was of the view that it could not be relied upon for essential travel. She also noted that the bus stop is located on the main road to Pencoed and that, whilst this is within reasonable walking distance of the site, the nature of the highway leading to the main road is such that it would be potentially dangerous to walk. Future occupants of the proposal could not rely on the bus services available to travel to the nearest facilities and services for the purposes of education or employment or to attend time specific medical appointments.

The Inspector explored the possibility of cycling as a mode of transport for the occupiers, but considered that this would not adequately cater for all day to day activities such as shopping and daily school transportation.

The Inspector was of the view that it would be inevitable that the proposed development would be reliant on car borne journeys to satisfy day to day requirements and in this regard it would conflict with national policy and guidance.

With particular regard to policy ENV8, the Council's acknowledgement that the proposal does not conflict with any of the criteria was noted. However, the Inspector referred to the amplification to the policy, which states that isolated conversions are unsustainable and are often at a distance from local public transport services thereby increasing the need to travel by car to work, school or shopping. The Inspector also took into account Supplementary Planning Guidance entitled *The Conversion of Rural Buildings* (SPG) which advises that the conversion of buildings for residential purposes should usually be located within established rural settlements or within reasonable accessibility to local services. For the reasons summarised above, the Inspector concluded that the proposal would fail to accord with the spirit of policy ENV8 and the guidance contained within the SPG.

L.P.A. Reference No:	2015/00516/FUL
Appeal Method:	Hearing
Appeal Reference No:	16/3145017
Appellant:	Mr. D. Varley & Mrs. J. Roscoe
Location:	2, Henefail Cottages, Ruthin Road, St. Mary Hill
Proposal:	Alterations and extension
Decision:	Appeal Allowed
Date:	5 August 2016
Inspector:	Joanne Burston
Council Determination:	Delegated

Summary

The main issue in this case was the effect of the proposed development on the character and appearance of the host property, the neighbouring property and the surrounding rural area.

The appeal property is a semi-detached two storey dwelling, with an attached single storey element to the front. The other dwelling which forms part of this pair of semi-detached properties, No.1 Henefail Cottages, has been extended to the side and is different in form and style to its neighbour.

The Inspector noted that the cottages have evolved over time and bear little resemblance to their original form. The appellants proposed to erect a two storey extension to the front of the dwelling, resulting in the removal of the existing single storey addition as well as alterations to the roof line.

The Inspector was mindful of the guidance in Technical Advice Note 12 on Design. She noted that the scale and appearance of the proposed extension would be read as part of the combined built form of Nos.1 and 2 together. Seen in this light, she was of the view that the proposed additions and alterations to No.2 would not appear disproportionate, and the extension would adequately satisfy the requirement to appear subservient to the host building.

Whilst the Inspector noted that the proposal would significantly increase the floor area of the dwelling, due to its simple form and the alignment of the ridgeline with its neighbour, she was of the view that the extension and alterations would blend in appropriately with both the existing dwelling and the pair of semi-detached houses. She also found that the development would not harm the character or appearance of the wider area. Accordingly, the Inspector found no conflict with UDP policies and national planning guidance.

L.P.A. Reference No:	2015/01080/FUL
Appeal Method:	Hearing
Appeal Reference No:	16/3144188
Appellant:	Mr. Andrew Miller
Location:	Brynheulog, St Andrews Road, Wenvoe
Proposal:	Proposed construction of hay barn
Decision:	Appeal Dismissed
Date:	21 July 2016
Inspector:	Melissa Hall
Council Determination:	Delegated

Summary

The Inspector considered the main issues to be whether the proposal would be inappropriate development in the Green Wedge and, if so, whether the harm by reason of inappropriateness, and any other harm, is clearly

outweighed by other considerations so as to amount to the very exceptional circumstances necessary to justify the development. Also, whether the development is justified having regard to policies designed to control development in the countryside and its effect on the character and appearance of the surrounding area.

Whether inappropriate development

The appeal site is within the Green Wedge. As such, the Inspector noted the controls imposed by UDP policy ENV 3 and the guidance in Planning Policy Wales¹ (PPW) which states that the construction of buildings in the Green Wedge is inappropriate development subject to a number of specific exceptions. These include justified rural enterprise needs together with essential facilities for outdoor sport and recreation and other uses of land which maintain the openness of the Green Wedge.

The Inspector concluded from the evidence submitted that the building would be predominantly used for hay storage in association with an equine use. She was, therefore, of the view that this did not amount to development justified in the Green wedge on the basis of rural enterprise needs or any of the listed exceptions in PPW. It would, therefore, be inappropriate development in the Green Wedge.

Effect on Openness

The Inspector noted that PPW states that the purpose of a Green Wedge is *inter alia* to prevent the coalescence of settlements and assist in safeguarding the countryside from encroachment. Therefore, its openness is an essential and important attribute of the Green Wedge. Openness is generally held to refer to the absence of development. The Inspector was of the view that the scale and massing of the proposed hay barn, when compared with the existing structure on part of the site, would be materially different in that the proposal would contrast greatly with the more modest building that currently exists. Comparatively, she found that the effect on the openness of the Green Wedge would be greater. In this context she identified the proposal to be an inappropriate form of development in the Green Wedge which would compromise its open character, appearance and function, in conflict with PPW and UDP Policy.

Character and appearance

Whilst the Inspector noted that, in the context of UDP Policy ENV 1, the site is in an area of countryside which is to be conserved for agriculture, forestry, recreation and other uses appropriate within a rural area. UDP Policy EMP 8 (Agricultural Development) was referred to in the appeal, which requires development on agricultural land to be necessary for the purposes of agriculture within the agricultural unit and designed specifically for agricultural purposes. However, as the Inspector had already found that the use of the proposed building was primarily for the activities associated with the equine use, she did not find the building to be necessary for the purposes of agriculture.

Furthermore, in view of the existing storage on the site, the Inspector was not

convinced that the amount of space within a building would be reasonably required for the purposes proposed. Accordingly, the Inspector considered that the proposal would represent an unjustified form of development in the countryside, which would fail to meet with the fundamental objective of PPW to protect the countryside for its own sake.

The Inspector stated that allowing sporadic unjustified development in the open countryside would undermine its character. For this reason, she found conflict with UDP Policies ENV 1 and ENV 27. Whilst the Inspector noted a lack of objection from the Council with regard to the design of the building and that the visibility of the building from public vantage points would be limited, she did not consider this to justify what she considered to be an otherwise unacceptable form of development.

The Inspector also considered the harm to the character of the area would conflict with Policy ENV9 (Horse Related Development). She also had regard to the advice in Technical Advice Note 6 '*Planning for Sustainable Rural Communities*' and Technical Advice Note 12 '*Design*', but did not find any considerations contained within this guidance which alter her overall conclusions.

(d) Enforcement Appeal Decisions

None

(e) April 2016 - March 2017 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (inc. tree appeals)	W	8	5	13	-
	H	2	4	6	-
	PI	-	-	-	-
Planning Total		10 (53%)	9 (47%)	19	-
Enforcement Appeals	W	-	-	-	-
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		-	-	-	-
All Appeals	W	8	5	13	-
	H	2	4	6	-
	PI	-	-	-	-

Combined Total	10 (53%)	9 (47%)	19	-
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Background Papers

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

Contact Officer:

Mrs Justina M Moss, Tel: 01446 704690

Officers Consulted:

HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **8 SEPTEMBER, 2016**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. TREES

(a) Delegated Powers

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

Decision Codes

A - Approved

R - Refused

E Split Decision

2016/00292/TPO	A	Between Cherryfields and 4, Cae Glas, Ewenny	Fell Beech trees x 16 (numbers 17 to 34 as per plan M. Frazer)
2016/00581/TPO	A	Pwll Y Min Farmhouse, Peterston Super Ely	C1 -Reduce height on limbs growing over driveway and yard area, remove deadwood and check for crown defects C2-Reduce limb over power cable, removed dead wood and check for defects
2016/00593/TPO	A	1, Hawthorn Close, Dinas Powys	Reduce crown by 20%, sever ivy - inspect crown
2016/00594/TPO	A	14, Victoria Square, Penarth	Fell and replace willow in rear garden
2016/00605/TPO	A	The Kymin, 11, Cog Road, Sully	Cut overhanging branches that extend onto the property of 2 The Halt
2016/00635/TPO	A	7, Windyridge, Dinas Powys	Reduce Ash by 30%

2016/00636/TPO	A	Glan Ynys, Colwinston, Cowbridge	Ash - Remove lower branch and gently lift. Pine - Remove branch growing into Monkey Puzzle tree
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THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 7 July 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

9. PLANNING APPLICATIONS

Background Papers

The following reports are based upon the contents of the Planning Application files up to the date of dispatch of the agenda and reports.

Harmers Limited, Mr. Andrew Muir,, 39, Lambourne Crescent,, Cardiff Business Park,, Llanishen,, Cardiff., CF14 5GG
Redrow Homes (S.Wales)Ltd., C/o Agent

Land at The Rectory, Wenvoe

Development of 12 dwellings and associated infrastructure

SITE AND CONTEXT

The site is located on the edge of Wenvoe, to the rear of a detached dwelling known as the Rectory, near the boundary with Port Road, A4050. The access off Port Road is shared with the adjacent neighbours to the north (The Meadows and Orchard House). This is currently the sole access into the site.

The site is within the curtilage of The Rectory, with boundary hedgerows and a number of mature oak trees. There is a watercourse to the rear boundary with the larger Redrow development (The Grange) beyond. There are neighbouring dwellings to the north and east, with the site being on the edge of the village.

In policy terms (under the Unitary Development Plan), the site is within the designated Settlement Boundary of Wenvoe, adjacent to the Special Landscape Area (Dyffryn Basin and Ridge Slopes) to the south. There is a designated Green Wedge across the far side of Port Road to the south of the site.

DESCRIPTION OF DEVELOPMENT

The is a full application for residential development of 12 new dwellings, to the rear of The Rectory. The proposals do not include any works to the dwelling known as the The Rectory, which is not within the application site. Access to the proposed dwellings would be via the new housing development (known as The Grange) to the west and south of the site, which itself has a vehicular link with Port Road. The access into the site would cross the existing watercourse and would therefore require some engineering works to achieve this.



The proposed layout consists of a small cul-de-sac of 12 dwellings with detached or integral garages. Each dwelling is indicated to have amenity space, mostly to the rear. Additional landscaping is highlighted to the boundaries of the site, which includes retention of some of the existing trees and hedges, including the large oak towards the southern boundary.

All of the dwellings are detached, other than the terrace of affordable units to the eastern edge of the site (made up of two houses and two one-bedroom flats). The market dwellings proposed are made up of 6 house types from the Redrow range, which generally have an early 20th Century style, characterised by the window types, hanging tile features and bay windows, for example. The houses are generally to use a mix of brick and render elevations. A typical elevation is shown below.



Front Elevation

(The Oxford)

There are a minimum of two spaces per dwelling for all dwellings, other than the affordable units where 5 spaces are proposed for 4 dwellings. There are no garages to serve the affordable units, with parking bays shown to the front of these dwellings. The cul-de-sac is shown as a shared surface with a private drive to serve the affordable units and also another private drive to serve plots 11 and 12. The shared surface carriageway is shown to have a pavior surface.

PLANNING HISTORY

2015/01102/TPO: The Rectory, Wenvoe - Various tree works

2005/00324/TPO: The Vicarage, Port Road, Wenvoe - Fell a row of poplars - Approved 15/03/2005

1994/00760/FUL: Plot 1, The Rectory, Wenvoe - Boundary wall/fence - Approved 16/09/1994

1994/00092/TCA: Plot 1, The Rectory, Wenvoe - Remove two norway spruce - Approved 24/02/1994

1993/00805/FUL: Plot No. 1, The Rectory, Wenvoe - Construction of detached four bedroom house and garage - Approved 10/09/1993

1992/01205/TPO: The Old Rectory, Old Port Road, Wenvoe - Tree surgery - Approved 17/12/1992

1992/01009/OUT : Plot 2, Wenvoe Rectory, Port Road, Wenvoe - Alteration to boundaries to south and west - Approved 17/11/1992

1991/00836/OUT: Wenvoe Rectory, Port Road, Wenvoe - Two dwellings (renewal of 88/01238/OUT) - Approved 01/10/1991 1988/01238/OUT : Wenvoe Rectory, Port Road, Wenvoe. - Erection of two dwellings. - Approved 07/02/1989

The adjacent Redrow development was approved under application 2013/00884/OUT and subsequent Reserved Matters applications 2014/00452/RES and 2015/00601/RES.

CONSULTATIONS

Council's Highway Development was consulted - No objection to proposals, subject to standard highway conditions

Council's Public Rights of Way Officer was consulted and have stated that "Public Right of Way No 22 crosses the proposed access into the site. This will need to be kept open and safe to use at all times unless a temporary or permanent diversion is granted."

Council's Highways and Engineering (Drainage) was consulted and considered the submitted drainage proposals. Stated that there were no hydraulic details submitted or any demonstration that there is capacity within the watercourse to take surface water discharge. Therefore required full drainage details via condition and also required condition to show details of engineering works to cross the watercourse with a new highway link (which would also need Land Drainage Consent).

Council's Environmental Health (Pollution) Team were consulted and required a Construction Environmental Management Plan (CEMP) by condition if approved.

Glamorgan Gwent Archaeology Trust were consulted and have stated that – No archaeological mitigation required.

Wenvoe Ward Member was consulted – No comments received.

Dwr Cymru/Welsh Water was consulted and raises no objection subject to standard drainage conditions.

Council's Ecology Officer was consulted and raises no objection subject to conditions requiring all clearance works to be outside of bird nesting season; a pre-commencement check by an ecologist prior to any clearance of scrub; and all pruning or felling operations be supervised by a licenced ecologist.

Wenvoe Community Council was consulted and object to proposal due to overlooking impact from the proposed 1st floor flat over a neighbouring dwelling.

Natural Resources Wales was consulted and required a method statement via condition to describe pollution control measures through the construction process to safeguard the adjacent stream. Details of what should be included in the method statement has been advised and forwarded to the agent. Advised that if there was to be any pruning of the large oak tree on site there should be a licenced bat expert on site.

REPRESENTATIONS

The neighbouring properties were initially consulted on 9 October 2015. A site notice was also displayed on 15/10/2015 and the application was also advertised in the press on the 16/10/2015. There have been 8 letters of objection received (including the Wenvoe Action Group), citing reasons such as:

- Overlooking impact to the detriment of the occupiers of The Meadows
- Impact to amenities of other adjacent dwellings
- Light pollution from the proposed development
- The development does not reflect the character of existing properties
- Overdevelopment of the site
- Additional traffic and the impact to Port Road traffic levels
- Proposals fail to recognise existing adjacent dwellings in consideration of the development
- There would need to be on-site public open space
- Requirement for a buffer zone to protect the adjacent watercourse
- Obstruction to Public Right of Way No 22, which has been temporarily closed for “over 2 years”
- Ecology impacts – particularly to hedgehogs
- Security concerns regarding the pathway to the rear of plot 7.
- Unsympathetic development which diminishes the character of the area

See **Appendix A** for a copy of the Wenvoe Action Group letters and 1 other objection letter, as an example of the correspondence received.

Members should also be aware that there has been correspondence received from the neighbours at No 4 Old Port Road (the dwelling to the north) and their representative. They have claimed there is an ongoing boundary dispute between the current landowner (Church of Wales) which is not resolved. This matter is considered within the report.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 3 - HOUSING

Policy:

POLICY ENV4 – SPECIAL LANDSCAPE AREAS

POLICY ENV11 – PROTECTION OF LANDSCAPE FEATURES

POLICY ENV16 – PROTECTED SPECIES

POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS

POLICY ENV28 – ACCESS FOR DISABLED PEOPLE

POLICY ENV29 – PROTECTION OF ENVIRONMENTAL QUALITY

POLICY HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT

POLICY HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY
HOUS 2 SETTLEMENTS

POLICY HOUS12 - AFFORDABLE HOUSING

POLICY TRAN10 – PARKING

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, both chapters 2 and 4 of Planning Policy Wales (Edition 8, 2016) provide the following advice on the weight that should be given to policies contained with the adopted development plan:

'2.8.4 It is for the decision-maker, in the first instance, to determine through monitoring and review of the development plan whether policies in an adopted [Development Plan] are outdated for the purposes of determining a planning application. Where this is the case, local planning authorities should give the plan decreasing weight in favour of other material considerations such as national planning policy, including the presumption in favour of sustainable development (see section 4.2).'

'4.2.4 A plan-led approach is the most effective way to secure sustainable development through the planning system and it is important that plans are adopted and kept regularly under review (see Chapter 2). Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise (see 3.1.2). Where:

- there is no adopted development plan or*
- relevant development plan policies are considered outdated or superseded or*
- where there are no relevant policies*

there is a presumption in favour of proposals in accordance with the key principles (see 4.3) and key policy objectives (see 4.4) of sustainable development in the planning system. In doing so, proposals should seek to maximise the contribution to meeting the local well-being objectives.'

With the above advice in mind, the policies relevant to the consideration of the application subject of this report are not considered to be outdated or superseded. However, the status of the land to the South and West of the site has changed in the context of the emerging Local Development Plan which is considered further below. The following policy, guidance and documentation support the relevant UDP policies.

Planning Policy Wales:

National planning guidance in the form of Planning Policy Wales (Edition 8, 2016) (PPW) is of relevance to the determination of this application.

4.9.1 Previously developed (or brownfield) land (see Figure 4.3) should, wherever possible, be used in preference to greenfield sites, particularly those of high agricultural or ecological value. The Welsh Government recognises that not all previously developed land is suitable for development. This may be, for example, because of its location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated. For sites like these it may be appropriate to secure remediation for nature conservation, amenity value or to reduce risks to human health.

9.3.4 In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas.

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 1 – Joint Housing Land Availability Study (2015)
- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 10 – Tree Preservation Orders (1997)
- Technical Advice Note 12 – Design (2016)

Supplementary Planning Guidance:

In addition to the adopted Unitary Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Amenity Standards
- Draft Supplementary Planning Guidance - Affordable Housing
- Biodiversity and Development
- Design in the Landscape
- Model Design Guide for Wales
- Parking Standards (Interactive Parking Standards Zones Map)
- Draft Supplementary Planning Guidance - Planning Obligations
- Public Art
- Sustainable Development - A Developer's Guide
- Trees and Development

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20th December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20th March – 1st May 2014. The Council has considered all representations received and on 24 July 2015 submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public commenced in January 2016.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.8.1 of Planning Policy Wales (edition 8, 2016) is noted. It states as follows:

*'2.8.1 The weight to be attached to an **emerging LDP** (or revision) when determining planning applications will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances.'*

In line with the guidance provided above, the background evidence to the Deposit Local Development Plan is relevant to the consideration of this application insofar as it provides factual analysis and information that is material to the issues addressed in this report in particular the following background papers are relevant:

- Affordable Housing Background Paper (2013)
- Affordable Housing Viability Update Report (2014)
- Affordable Housing Delivery Update Paper (2015)
- Vale of Glamorgan Local Housing Market Assessment (LHMA) 2015
- LDP Housing Land Supply Trajectory 2011-26 (Nov 2015)
- Rural Affordable Housing Needs Survey Report (2013 Update)
- Housing Provision Background Paper (2015)
- Housing Supply Background Paper (2013)
- Joint Housing Land Availability Study (2014)
- Vale of Glamorgan Housing Strategy - (2015-2020)
- Population and Housing Projections Background Paper (2013)
- Small Sites Viability Report (2013)
- Designation of Special Landscape Areas (2013 Update)
- Open Space Background Paper (2013)
- Education Facilities Assessment (2013)
- Sustainable Settlements Appraisal Review (2016)

Furthermore, it is relevant to note the adjoining land has been allocated for housing under Policy MG2(35) and the boundary of the SLA has been amended to correspond to the UDP in line with the amended settlement boundary for Wenvoe.

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Office Circular 13/97 - Planning Obligations
- Community Infrastructure Levy Regulations (as amended)

Issues

The site is proposed to be connected to the larger Redrow development to the southern edge of Wenvoe (known as The Grange), which was originally approved under application 2013/00884/OUT and subsequent Reserved Matters applications 2014/00452/RES and 2015/00601/RES. As such, the proposed 12 dwellings due for the shared access arrangements is considered an extension to this larger development.

Whilst The Grange site was outside of the Settlement Boundary, this is not the case for this new application. The site is within a residential area within the Settlement Boundary of Wenvoe, being effectively part of the historic curtilage of The Rectory, which remains to the eastern boundary of the site. As such, the principle of a residential development is accepted, as set out by policy HOUS 2, though subject to the criteria of related policies such as ENV 27 (Design of new developments) and HOUS 8 (Residential Development Criteria) of the adopted Unitary Development Plan.

The remaining issues to be considered include the following:

- Layout, scale and design of the proposed dwellings
- Access and parking provision for the proposed development
- Impact to neighbour amenities
- Potential impact to existing trees and local ecology
- Drainage matters relating to the development
- Planning obligation requirements, including affordable housing provision

Layout, Scale and Design

The development proposes 12 dwellings in total. They are all detached dwellings, except for the terrace of affordable units in the northern corner. The development would appear as an extension to The Grange development, which is also developed by Redrow. As such, the proposals include much the same house types and garages and will be aesthetically similar. Access would be via The Grange development and the cul-de-sac proposed would appear to have a similar street scene and will be viewed as part of this ongoing development.

It is recognised that some of the other existing properties in the area are of a different style and appearance to those proposed, however, this part of Wenvoe has a mix of house types and ages. In these circumstances, the traditional style dwellings proposed with this development are considered acceptable, especially considering its connection with the Redrow development currently being constructed immediately to the west of the site.

The proposed dwellings are of a style similar to early 20th century houses, with use of bay windows, hanging clay tile etc. The walls are generally brick, other than areas of render to the front elevation. These are considered suitable materials and would reflect the similar Redrow development at The Grange and also other more modern housing in this part of Wenvoe, such as Clos Llanfair which has a mix of rendered and brick houses. Furthermore, the height and scale of the individual dwellings is considered acceptable, reflective of other detached dwellings in the area.

The layout proposed is of a simple cul-de-sac, which is a layout largely dictated by the small and relatively narrow site area. There is to be a shared surface carriageway through the centre of the site, with a turning head at the far side from the access. Dwellings are positioned around this central highway and turning head, with two private drive sections to serve the terrace of affordable units and plots 11 and 12 (south of the access). This informal approach to the internal highway, with use of the shared surface, is considered acceptable and advocated in Manual for Streets.

A further constraint to the layout is the large oak tree towards the southern boundary in addition to the oak tree set within the garden of No 4 Old Port Road close to the boundary. The dwellings proposed are set outside of the root protection areas of these trees, which also results in an area of informal open space under the canopy area of the oak near the southern boundary, which benefits the layout of the site. There is a 5m maintenance strip along the western boundary with The Grange development, due to the stream/watercourse that runs along this boundary, which would allow for a drainage swale. This will allow for further informal open space to be provided, which will enhance the layout of the development.

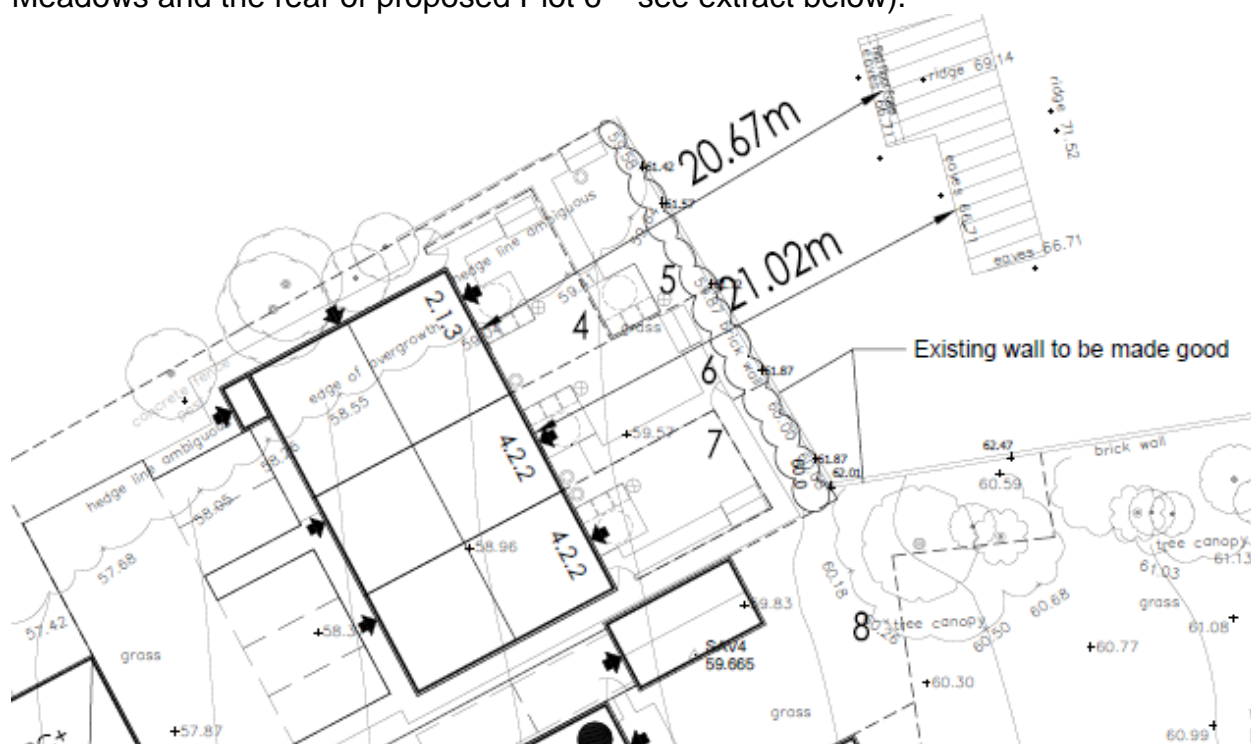
With the remaining space available for development the 12 dwellings as proposed would be an appropriate density, without being considered an overdevelopment of the site area. It is also of a similar housing density to the new development on the adjacent land and also the existing cul-de-sac Rectory Close in close proximity to the north.

Overall, it is considered that the basic layout allows for an efficient use of land, considering the constraints, which will not overdevelop the site and with suitably designed dwellings, in accordance with policies HOUS 2, HOUS8 and ENV 27. Furthermore, the development would be set within a residential area and would have woodland screening the development to the south. In such a circumstance, there would be no detrimental impact to the setting of the Special Landscape Area.

Impact to neighbour amenities

As stated above, there has been correspondence received from the neighbours at No 4 Old Port Road (the dwelling to the north) and their representative. They have claimed there is an ongoing boundary dispute between the current landowner (Church of Wales) which is not resolved. Redrow are aware of the issue though they are content that the site area is correct and no notice has been served on the occupiers of No 4 Old Port Road. The Council has no evidence that the site area or submitted ownership certificates are incorrect in any way and so whilst the dispute is noted this has no bearing on the determination of the application.

The nearest dwelling to the development would be The Meadows, which has its rear elevation facing towards the small terrace of plots 4-7. This was an issue that was initially raised with the applicant and led to the amended layout, which has re-orientated the terrace so it backs onto the boundary with The Meadows, though at a greater distance (the distance has been identified as 21.02m and a minimum of 20.67m on the submitted plans between the rear elevation of The Meadows and the rear of proposed Plot 6 – see extract below).



The Supplementary Planning Guidance (SPG) 'Amenity Standards' states that the distance of 21m is the minimum distance that the Council would consider as necessary to ensure residential privacy. The distance from Plot 6 to The Meadows, as shown on the extract above, is 21m. However, there are points from the proposed terrace where the distance is slightly under 21m (approximately 20.7m). However, it is also noted that there is an angle of less than 90 degrees for this view between the proposed and existing dwellings. As the distance between the dwellings is close to the minimum requirement of 21m, coupled with the angles involved and also the proposed landscaping to the boundary, this separation distance and orientation is considered acceptable. There is also a difference in levels, with The Meadows set on a substantially higher level, which would further mitigate the overlooking impact. Also, the separation distances to The Meadows is such that these nearest proposed dwellings would not result in any significant overshadowing.

The distance to all other dwellings is significantly greater than the minimum expected distance, set within the SPG. There is a separation distance of approximately 30m from the nearest proposed dwelling to The Rectory, with sufficient separation distance between the dwellings within The Grange and Rectory Close also. The dwellings proposed would be adjacent to the lower section of the garden of No 4 Old Port Road, though this neighbour's house would be set approximately 55m from the nearest proposed dwelling. These separation distances would safeguard neighbour's privacy and from any overshadowing or overbearing impact.

There would be no direct impact to the dwellings of the Grange development as a result of the proposed houses with this application, due to the orientation and separation distances.

Overall, the proposed development would not result in any significant impact to neighbour amenities, in accordance with policies ENV 27 and HOUS 8.

Access and Parking Provision

The access would be via The Grange development to the south and west of the site. A new access would be formed from an internal through-road within The Grange across the watercourse. The additional traffic that these 12 additional dwellings would likely produce would not have any significant impact to the recently constructed main access to The Grange off the A4050 (Port Road). Furthermore, the additional traffic flows of the 12 dwellings proposed would not have any significant impact to either the internal traffic within The Grange development or along the A4050. It is recognised that the A4050 is a busy highway, though the additional traffic from 12 dwellings would result in only a negligible increase in flows and congestion levels, over the existing situation.

The proposed development would comprise of a shared pavlov surface. The carriageway would be 6m wide in total. This is considered to be a suitable carriageway type and width for what would be a short cul-de-sac. Turning space has also been provided to a suitable level, to allow larger vehicles to manoeuvre within the site. The parking provision would be as per the level provided at The Grange development, which is considered acceptable, especially as this site is considered a sustainable location with a school and bus services within walking distance, for example.

There is a Public Right of Way No 22 that runs along the boundary with The Grange site and across the proposed access into this development for 12 dwellings. There may be a need for a diversion of the footpath to be agreed by the Council's Right of Way department if the development is approved and implemented, however, the route would not be obstructed following the completion of development.

Impact to existing trees

A Tree Survey and Arboricultural Method Statement Report (Steve Ambler and Sons Tree Specialists Ltd) have been submitted to support the application. The Method Statement includes several recommendations regarding protection of the trees on the site, particularly the protected oak trees (Tree Preservation Order 2013 No 13), such as no-dig construction around the roots of trees and a specialist foundation for the garage of Plot 12, which is under the canopy of the larger oak. Root protection fencing to be kept in place throughout the construction phase is also required.

It is considered that if the development follows these recommendations the protected trees on site should be safeguarded, although it is noted that a revised tree protection plan would be required based on the amended layout. This can be required via condition prior to commencement of development. However, it is also considered necessary for a professional arboriculturist to be on site throughout the course of development to monitor and supervise works where they may affect the trees that are set to remain.

It is noted that the TPO oak tree included in Mr Amblers report (T3) is based within the rear garden area of No 4 Old Port Road. There has been an application to undertake works to both the main oak within the site T1 and T3 (ref: 2015/01102/TPO). The works to the oak T1 was approved, however, the Council refused consent to works to T3, including a crown lift and pruning back overhanging limbs. The works were refused for the following reason:

- 1. It is the opinion of the Local Planning Authority that there is insufficient justification to allow to be carried out to (T3) Oak in rear garden of 4 Old Port Road, Wenvoe, the pruning back of overhanging lower limb by 3 to 4 metres from the terminal with a crown lift to ensure 3.0 metres ground clearance taking in other limbs in proximity to development (that is, residential development of adjacent plots 2 and 3 on land at The Rectory under Planning Application reference 2015/01129/FUL- undetermined as yet). The Oak appears to be in good health (and together with a second Oak) has been allowed to develop in an open setting and at this juncture, the limbs of the tree do not conflict with neighbouring gardens or structures.*

The two Oaks are important for their contribution to the local setting of the rural edge with pockets of woodland nearby also containing Oak, as a species noted as host to a diversity of wildlife. The tree work is viewed as only necessary on the grounds of providing commercial attractiveness to a future building plot and given the visual quality of the trees and their environs, is considered excessive and poor arboricultural practice. Furthermore, the tree work is considered contrary to the aims and objectives of Policy ENV11 - Protection of Landscape Features as identified in the Vale of Glamorgan Adopted Unitary Development Plan, 1996 - 2011.

The oak at T3 would overhang the boundary of the development and the rear gardens of Plots 2 and 3. However, a root protection zone within the development site should be included to protect this tree. Furthermore, any planning consent for the development does not in any way convey consent for works to be conducted on this tree. A separate TPO application would be required for the Council to consider any works to this tree in the future, though the development should not result in any detriment to this important protected oak tree, which should be addressed in the tree protection measures required via condition.

Drainage Infrastructure

The drainage proposals are as set out on submitted plan C21309-0504 P4. The foul drainage is to connect with the sewers within the main adjacent Redrow development, whereas the surface water is to ultimately flow into the existing watercourse at an attenuated rate, after being held in a concrete culvert under the proposed internal road.

The drainage proposals have been considered by both the Council's Drainage Engineers and Welsh Water. No objection has been raised, however, this is subject to full details being submitted via condition.

It is also considered that a condition would be necessary to show full details of the engineering works to provide the access over the watercourse that would run through a pipe under the carriageway. This would also require separate Land Drainage Consent. With regards to this planning application full engineering details would be required to show that the flow of the watercourse, especially in peak flow times, would not be significantly impinged by the proposed access built over the top. This should be considered together with the potential additional flow from the surface water discharge from the proposed 12 dwelling development.

Ecology and Environmental Issues

The application is accompanied by an Ecological Appraisal (Celtic Ecology), which found that the site had good botanical species variety though "little potential for other species". The report included a series of recommendations for ecological mitigation and enhancement such as an ecologist being on site at the time of vegetation clearance works to check for hedgehogs. Also the report states that any vegetation clearance should be done outside of bird nesting season, for example. NRW has agreed with these recommendations and states that these should be required via condition if approved.

There has been note of invasive species such as Japanese Knotweed in the area and also Himalayan Balsam, though this is understood to be an issue on the adjacent site being developed by Redrow. There is no note of such invasive species within the site adjacent to The Rectory. However, if such species are uncovered at the site it is advised that the developer contact NRW immediately.

NRW have also raised the issue of the large oak within the site, stating that it could be a habitat for bats. NRW has since agreed that there should be a condition attached that if any works to the oak tree was to be necessary (including pruning) then this would be done under the supervision of a licenced bat ecologist.

NRW also note the close proximity of the development to the watercourse to the western boundary of the site. A 5m buffer has been included along the boundary with the watercourse where no buildings shall be sited. However, NRW have also required a method statement to detail protection and construction details to ensure the protection of the watercourse from possible pollution through the construction process. An advisory breakdown of what should be included in a method statement has been provided by NRW which has been sent to the developer.

Section 106 Obligations

The Council's approved Planning Obligations Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. In addition the updated Draft Planning Obligations SPG (approved by Cabinet on 14 December, 2015) is now used as a material consideration in the Development Management process. It sets thresholds for when obligations will be sought, and indicates how they may be calculated. However, each case must be considered on its own planning merits having regard to all relevant material circumstances.

The Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers). As of 6th April 2010, a planning obligation may only legally constitute a reason for granting planning permission if it is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In this case the proposals relate to a development of 12 dwellings. On this basis, the following planning obligations are required:

Affordable Housing

TAN 2 defines 'Affordable Housing' as housing provided to those whose needs are not met by the open market. It should meet the needs of eligible households, including affordability with regard to local incomes, and include provision for the home to remain affordable for future eligible households, or where stair-casing to full ownership takes place, receipts are recycled to provide replacement affordable housing. This includes two sub-categories: social rented housing where rent levels have regard to benchmark rents; and, intermediate housing where prices or rents are above social rented housing but below market housing prices or rents.

UDP Policy HOUS12 requires a reasonable element of affordable housing provision in substantial development schemes. The supporting text to that policy also states: *"The starting point for the provision of affordable housing will be an assessment of the level and geographical distribution of housing need in the Vale"*.

The Deposit Local Development Plan (October 2013) policy MG 4 required 35% affordable housing to be incorporated with any residential development of this site, based on an assessment of need and viability at the time. However, as part of the Local Development Plan process there has been an assessment of 'focused' and 'minor' changes to the draft Deposit Local Development Plan (DLDP). These changes are in response to subsequent consultations and the issues raised and are considered necessary to ensure that the LDP is sound. These focused changes include an amendment to the requirement for affordable housing as part of residential development.

In response to representations on affordable housing, the Council has commissioned a review of its viability evidence base to September 2014, taking account of matters raised by the Home Builders Federation (HBF) and the Welsh Government (WG). The latest viability evidence, contained within the Council's Affordable Housing Viability Update Report (2014), indicates a marked increase in viability within the Vale of Glamorgan, and recommends that the Council should increase the affordable housing targets set out in Policy MG 4 from 35% to 40% in the area of Wenvoe. The Council has produced further evidence to support this position following the recent examination in Public of the LDP which is contained in the Action Point Responses for Hearing Session 6.

The Vale of Glamorgan Local Housing Market Assessment (2015) provides the latest evidence on affordable housing need. The LHMA identifies a net annual need for 559 Affordable Housing Units. The greatest need is for one and two bedroom properties, across all areas of the Vale of Glamorgan, although in some areas the LHMA identifies a requirement for 3 and 4 bedroom properties.

In light of the evidence contained within the Council's Affordable Housing Viability Update Report (2014) and the focussed change to Policy MG 4, a Draft SPG for Affordable Housing was approved by Cabinet on 14th December 2015 (Cabinet Minute C3022) and at the Council's Economy and Environment Scrutiny Committee on 5th January 2016. The SPGs are now being used as a material consideration in the Development Management process.

On a 12 unit development, 40% affordable housing should be provided on site in line with the Supplementary Planning Guidance for Affordable Housing which equates to 4.8 dwellings which would be rounded up to 5 units in line with Supplementary Planning Guidance. The Council require the affordable housing tenure to be provided at a ratio of 70% social rented, 30% low cost home ownership/intermediate rent consistent with the local housing needs identified in the Council's LHMA.

In response to this requirement, the applicant has submitted documentation and viability evidence to show that there are particular characteristics and features of this site, as part of the development cost that means there is not the value within the development to allow for this level of on site affordable housing provision. This is centred primarily on the abnormal foundation costs that would be required for the development due to the local geology and soil structure. This information submitted has been checked and verified as reasonable by Council engineers. On this basis, and in line with the guidance set out in the Planning Obligations Supplementary Planning Guidance reduced on-site affordable housing provision is considered reasonable to allow the development to be a viable development. However, this would still deliver 40% overall affordable housing contribution units by way of an off-site contribution towards affordable housing.

The off-site contribution, taking into account viability constraints, would total £50,112 in addition to 4 on-site affordable units comprising of two terraced 2-bedroom dwellings and two 1-bedroom flats. One of the 2-bedroom dwellings would be an intermediate housing unit, with the others being allocated for social rented affordable housing.

The developer has agreed to this obligation.

Education

All new residential developments which are likely to house school aged children create additional demand on places at existing schools. PPW (ed. 8, January 2016) Paragraph 4.4.3 emphasises that in order to achieve a "More Equal Wales", development should promote access to services like education. PPW recognises that education is crucial for the economic, social and environmental sustainability for all parts of Wales. It makes it clear that development control decisions should take account of social considerations relevant to land use issues, of which education provision is one.

UDP Policy HOUS8 permits new residential development within settlements, provided that, amongst other things, adequate community and utility services exist, are reasonably accessible or can be readily and economically provided. Education facilities are clearly essential community facilities required to meet the needs of future occupiers, under the terms of this policy. Whilst the Council's Unitary Development Plan (1996-2011) is time-expired, this policy remains in line with national guidance contained within PPW.

The Council's formula for calculating pupil demand is contained in the Planning Obligations SPG and identifies that the development of this site for 12 houses would generate demand for 1 nursery, 3 primary and 2 secondary pupil places. These are split proportionally between English, Welsh and denominational provision. Officers, in consultation with the Education department, have entered negotiations with the applicant to determine how this need can be best met.

The local English Medium primary school is Gwenfo Primary School, which is currently at capacity and expected to remain so for the foreseeable future. However, as was considered at the time of application 2013/00884/OUT for the adjacent larger Redrow development (called The Grange), this situation was in large part due to the fact that pupils from outside the catchment area (e.g. Barry and Cardiff) attend the school under parental preference. Therefore, in the longer term, as this housing development in Wenvoe becomes occupied these children would have priority for school places over pupils from outside catchment and sufficient places would be available to meet the additional demand.

It should be noted that there is capacity in Barry to accommodate the children who are currently travelling from Barry to attend Gwenfo. In the interim period, older children moving into the development will not have an automatic right to a place at Gwenfo if capacity is already used up. Therefore, these pupils would need to attend school elsewhere and a contribution for school transport has been calculated to cover the cost of this short-term interim provision. When considering the 2013 Redrow application, this was considered a pragmatic and more sustainable approach to local school provision than extending Gwenfo beyond its ideal size to cater for demand from outside catchment. As the proposed 12 units are considered to be an extension to the adjacent development, it is considered reasonable and fair to apply the same approach in this smaller development.

The initial school transport costs associated with the new demand for school transport generated by the development has been calculated to cover school transport costs for the first 5 years following occupation of the development. A combination of provision towards local schools and a contribution towards school travel would be the same as that agreed for application 2013/00884/OUT, which would equate to £37,662.50 or the equivalent of £3766.25 per dwelling (not including the two one-bedroom dwellings proposed).

The applicant has agreed to the contribution under the approach outlined above.

Public Open Space

Residential developments are expected to make provision for Public Open Space and/or recreational facilities to meet the needs of the future population they will bring to the area. Open space offers vital opportunities for sport and recreation, and also act as a visual amenity.

TAN 16: Sport, Recreation and Open Space (2009) states *"Planning conditions and obligations (Section 106 Agreements) can be used to provide open space, sport and recreational facilities, to safeguard and enhance existing provisions, and to provide for their management"*. UDP Policies HOUS8, REC3 and REC6 require new residential developments to make provision for public open space and the Draft Planning Obligations SPG provides further advice about how these standards should operate in practice.

The site lies within Wenvoe ward. The LDP Open Space Background Paper (2011) indicates an under-provision of children's play space of 0.49ha and 4.97ha of natural / semi-natural green space within the Ward. However, it is recorded that there is an overprovision of 2.16ha of outdoor sport space and 0.89ha of amenity green space.

The development for 12 dwellings is likely to generate an additional population of 28 persons (average household size of 2.32 based on census information).

The Fields in Trust Benchmark Standard for Outdoor Play requires 0.24 hectares of outdoor play space per 1000 population (or 2.4sqm per person). Therefore, based on the 12 dwellings proposed the site generates the need for 223sqm of 'children's playing space' and other 'children's play space', which in practical terms equates to 1 Local Equipped Areas for Play (LEAPs) within the development. There is no requirement to provide towards outdoor sports space provision in this case.

No public open space has been provided on site based on the submitted plans, due to the constraints and limited size of the site. As such, the developer has agreed to an off-site contribution which is calculated on the basis of £366.30 per person (at a ratio of 24m² per person and an average 2.32 persons per dwelling), which is £849.82 per dwelling. Based on 12 dwellings this would therefore be a contribution of £10,197.84. This would be used to provide and enhance off-site public open space and recreational facilities in the vicinity of the development site, to meet the need not catered for on-site. It should also be noted that there is provision for open space in the adjoining development, The Grange.

Sustainable Transport

Increasing importance is enshrined in local and national planning policies emphasising the need for developments to be accessible by alternative modes of transport than the private car.

Planning Policy Wales (PPW) (ed. 8, January 2016), Paragraph 4.4.3 recognises that in order to create sustainable and cohesive communities within Wales, improvements to transport facilities and services are required. Paragraph 4.7.4 seeks to ensure that new developments are integrated appropriately within existing settlements, to minimise the need to travel by private car.

National policy contained within Technical Advice Note 18 'Transport' (March 2007) Paragraph 9.20 allows local planning authorities to use planning obligations to secure improvements to the travel network, for roads, walking, cycling and public transport, as a result of a proposal.

In terms of local policy, UDP Policy 2 favours proposals which are located to minimise the need to travel, especially by car and which help to reduce vehicle movements or which encourage cycling, walking and the use of public transport. UDP Policy ENV27 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. Whilst the Council's Unitary Development Plan (1996-2011) is time-expired, these policies are supported by the advice in PPW, TAN 18: Transport and Manual for Streets and therefore remain relevant.

The Sustainable Transport Assessment (2013) and Transport Assessment of LDP Proposals (2013) identified the transport implications of growth planned in the LDP and outlined proposals for improvements to highway and sustainable transport infrastructure to address the increased demand for travel.

In accordance with the Planning Obligations SPG at the time of submission, the Council usually seeks a financial contribution of £2000 per residential unit to provide sustainable transport facilities. For 12 units this would result in a requirement for £24,000 in sustainable transport contributions.

The proposed development would result in an increased impact to the local highway infrastructure. With the policies promoting alternative modes of transport to the private car, an assessment will be conducted as to how the sustainable transport provision could be improved in Wenvoe and within the vicinity of the site. This includes identifying key destinations, such as the school and church, and potential pedestrian routes from the proposed development to these destinations. In particular enhancements would include bus and cycle improvements along Port Road. Potential enhancements could then be funded by any sustainable transport contribution.

The developer has agreed to this obligation.

Community facilities

Community facilities are important for meeting a range of social needs and must be provided locally to serve the needs of the local community and reduce the need to travel. All new residential developments place pressure on existing facilities.

Chapter 4 'Planning for Sustainability' of PPW (Ed. 8, January 2016), promotes the importance of equal and cohesive communities, and access to services such as community facilities. Paragraph 4.6.1 of PPW recognises that development can help to arrest the decline in community facilities.

UDP Policy HOUS8 permits new residential development where (inter alia) adequate community and utility services exist or can be readily provided. The SPG on Planning Obligations acknowledges that new residential developments place pressure on existing community facilities and creates need for new facilities. Therefore, it is reasonable to expect new residential developments of this scale to contribute towards the provision of new, or enhancement of existing, community facilities.

The Community Facilities contribution for the scale of development would be based on the formula of 0.75sqm of community floor space per dwelling or £988.50 per dwelling if not provided on site (based on the SPG requirement at the time the application was submitted). Given the scale and location of the development it is considered appropriate to require an off-site contribution of £11,862. This would be used to provide improved facilities off site, such as towards the local Community Centre and a library for example.

The developer has agreed to this obligation.

Public Art

Technical Advice Note (TAN) 12 'Design' (March 2016) Section 5.15 recognises the importance role of public art, in creating and enhancing "*individuality and distinctiveness*" within a development, town, village and cities.

Public Art can bring distinctiveness and material and craft quality to developments, enable local people to participate in the process of change and foster a sense of ownership. It is therefore an important part of achieving design quality.

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

During discussion in relation to viability and how the contribution should be prioritised (in line with Planning Obligations SPG), the developer had offered a contribution of £7500 towards the provision of public art on site. During further discussions, it was agreed, given the viability evidence submitted the £7500 should be used to secure an overall provision of 40% affordable housing.

Therefore based on the viability evidence submitted the Council has in this instance prioritised the delivery of affordable housing over on site public art provision, in line with the guidance set out with the Draft Planning Obligation SPG.

Planning obligations administration fee

From 1 January 2007 the Council introduced a separate fee system for progressing and the subsequent monitoring of planning agreements or obligations. The fee is calculated on the basis of 20% of the application fee or 2% of the total level of contributions sought whichever is the higher. However, due to viability constraints that have been demonstrated to the Planning Authority over the course of this application the applicant has stated that this additional cost cannot be met, without deductions elsewhere (such as one of the planning obligations outlined above).

On the basis that evidence has been submitted to show significant viability issues, it is considered that in this particular case the requirement for an administration fee can be waived, to ensure that the other obligation can be fully met in order of priority.

REASON FOR RECOMMENDATION

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 ENV 27 (Design of new developments), ENV 11 (Protection of landscape features), ENV 16 (Protected Species), HOUS 2 (Additional residential development), ENV 28 (Access for disabled people), ENV 29 (Protection of Environmental Quality), HOUS 8 (Residential Development Criteria), HOUS 12 (Affordable Housing), ENV 29 (and TRAN 10 (Parking) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, it is considered that the proposals are acceptable, by reason of their appropriate design, materials and scale, suitable access and parking provision, with no detrimental impact to the character of the area trees or ecology on the site, or the amenities of neighbouring occupiers. The proposals therefore comply with the relevant planning policies and supplementary planning guidance.

RECOMMENDATION

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

- Procure that four of the dwellings built on the site pursuant to the planning permission are built and thereafter maintained as affordable housing units in perpetuity, of which at least three would be social rented properties, and the remaining one would be intermediate properties. Furthermore, a contribution of £50,112 will be required towards affordable housing provision (to ensure 40% overall affordable housing provision for the development).
- Pay a contribution of £37,662.50 for the provision or enhancement of education facilities and school transport
- Pay a contribution of £10,197.84 for the provision or enhancement of public open space in the vicinity of the site.
- Pay a contribution of £24,000 to provide or enhance sustainable transport facilities in the vicinity of the site.
- Pay a contribution of £11,862 to provide or enhance community facilities in the vicinity of the site.

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. The development shall be carried out in accordance with the following approved plans and documents: 13034/R/101 Rev M, 13034/R/105 Rev D, 13034/R/106 Rev F, C21309-0504 Rev P4, 882.01 Rev B and 13034/R/107 Rev A (all received 11 August 2016), 13034.213.201 Rev E and 13034.422.201 Rev B (both received 1 March 2016), 13034.SHA.201.Rev A, 13034.WAR.203, 13034.WAR.201 Rev A, WF_CAMB_DM.2 Rev A, 13034.HAR.201, 13034.HAR.201 Rev A and 13034/SHA.202 (all received 16 February 2016), 13034.GAR.201 Rev A (received 24 September 2015), WF_OXFD+_DM.1, Plot List and WF_WORC_DM.1 (received 16 August 2016), F-SD0906, 13034.R.102 Rev G (received 23 August 2016);

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

3. Notwithstanding the submitted drawings, prior to the commencement of any engineering and drainage works on site, full engineering drawings and drainage design calculations of the proposed vehicular/pedestrian accesses to the site, inclusive of vision splays, junction radii and the internal road layout, including drainage and gradient details, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details which shall be fully completed prior to the occupation of any dwellings. The agreed vision splays shall be kept free of any obstruction including boundary walls, hedgerows or planting at all times thereafter.

Reason:

In the interests of highway safety and in accordance with policies ENV 27 and HOUS 8 of the adopted Unitary Development Plan.

4. Prior to the commencement of any drainage works on site, full details of a scheme for foul and surface water drainage 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 and completed prior to the first occupation of any of the dwellings approved and thereafter so maintained at all times.

Reason:

To ensure a suitable drainage scheme, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

5. None of the dwellings hereby approved shall be occupied until the approved access into the development 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, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

6. 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 plan 13034/R/101 Revision M 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.

7. The means of enclosure shall be in full accordance with submitted plans 13034.R.102 Rev G and F-SD0906 Revision A and all means of enclosure shall be implemented in accordance with the approved details prior to first occupation of any of the dwellings hereby approved and thereafter retained at all times.

Reason:

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

8. The landscaping of the development shall be in full accordance with the submitted scheme as shown on drawing 882.01 B.

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. A scheme providing for the fencing and protection of the trees to be retained, based on the submitted Arboricultural Method Statement (Steve Ambler and Sons Tree Specialists Ltd), to include 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 (to include any site clearance). 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.

11. All works within the root protection area shall be conducted under the supervision and monitoring of a qualified arboriculturist under the agreed Arboricultural Method Statement.

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.

12. No Development shall take place until there has been submitted to, approved in writing by the Local Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated, including details of a system of wheel washing and surface water management. The CEMP will utilise the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk). The CEMP will include a system for the management of complaints from local residents which will incorporate a reporting system. The construction of the Development shall be completed in accordance with the approved Plan unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

13. Prior to their use in the construction of the development hereby approved, a schedule and samples of the proposed 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

14. The finished levels of the development hereby approved, including the finished floor levels of each of the dwellings, shall strictly in accordance with the submitted plan C21309-0504 P4.

Reason:

To safeguard visual and neighbour amenities in accordance with policies ENV 27 and HOUS 8 of the Unitary Development Plan.

15. The development shall be carried out in accordance with the recommendations for mitigation and enhancements within the submitted 'Ecological Appraisal' (including the Method Statement: Site Clearance in respect of Reptiles found at Appendix D of the report), produced by Celtic Ecology, unless the Local Planning Authority agrees in writing to any variation.

Reason:

To safeguard protected species, in accordance with Policy ENV16 of the Unitary Development Plan.

16. All felling or pruning operations to trees associated with the development hereby approved (including any works to the on-site Oak T1) shall be supervised by a licenced bat ecologist. If bats are discovered in the process of such operations works shall cease on the felling/pruning works and a mitigation plan shall be submitted to and approved in writing by the Local Planning Authority. Any further works shall thereafter be in accordance with the agreed mitigation plan.

Reason:

To safeguard protected species, in accordance with Policy ENV16 of the Unitary Development Plan.

17. Prior to commencement of development, including any clearance works, a method statement describing the protection measures and mitigation to safeguard the watercourse/stream from pollution in both wet and dry conditions shall be submitted to and agreed in writing by the Local Planning Authority. The means of protection and mitigation be in the agreed Method Statement shall be strictly followed during all construction works on site.

Reason:

To prevent pollution of the water environment in accordance with policy ENV 29 of the adopted Unitary Development Plan.

18. Prior to the commencement of development, details of the engineering works required to form the highway crossover across the existing watercourse shall be submitted to and agreed in writing by the Local Planning Authority. No part of the development hereby approved shall be brought into beneficial use until the agreed highway crossover has been constructed and shall thereafter be retained at all times.

Reason:

To avoid any impact to the flow of the watercourse and to safeguard against potential flooding issues, in accordance with policies ENV 29 and ENV 7 of the adopted Unitary Development Plan.

19. No clearance of any vegetation in connection with the development hereby approved shall be undertaken in bird nesting season, being March to August inclusive, unless evidence is submitted by a suitably qualified ecologist demonstrating that there is no evidence of bird nesting within the site.

Reason:

In the interests of local ecology and in accordance with policy ENV 16 of the Unitary Development Plan.

20. No development shall commence until a Construction Traffic Management Plan, to include a construction/haulage traffic route plan, is submitted to and agreed in writing by the Local Planning Authority. This plan shall include confirmation that no deliveries will be made to the site during the peak hours of 8:00am to 9:30am and 4:00pm to 6:00pm on any working day. Construction traffic shall thereafter access and leave the site in full accordance with the agreed plan.

Reason:

To minimize the congestion to the surrounding highway network and conflicts between site traffic and in the interests of Highway / Public Safety and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

21. No construction work associated with the development hereby approved shall take place on the site on any Sunday or Bank Holiday or on any other day except between the following hours:

-0800 – 1800 Mon – Fri
-0800-1300 Saturday
-Not at all on Sundays and bank holidays

Unless such work –

(a) is associated with an emergency (relating to health and safety or environmental issues);
(b) is carried out with the prior written approval of the Local Planning Authority.

Reason:

To safeguard the amenities of local residents, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan (CON2).

NOTE:

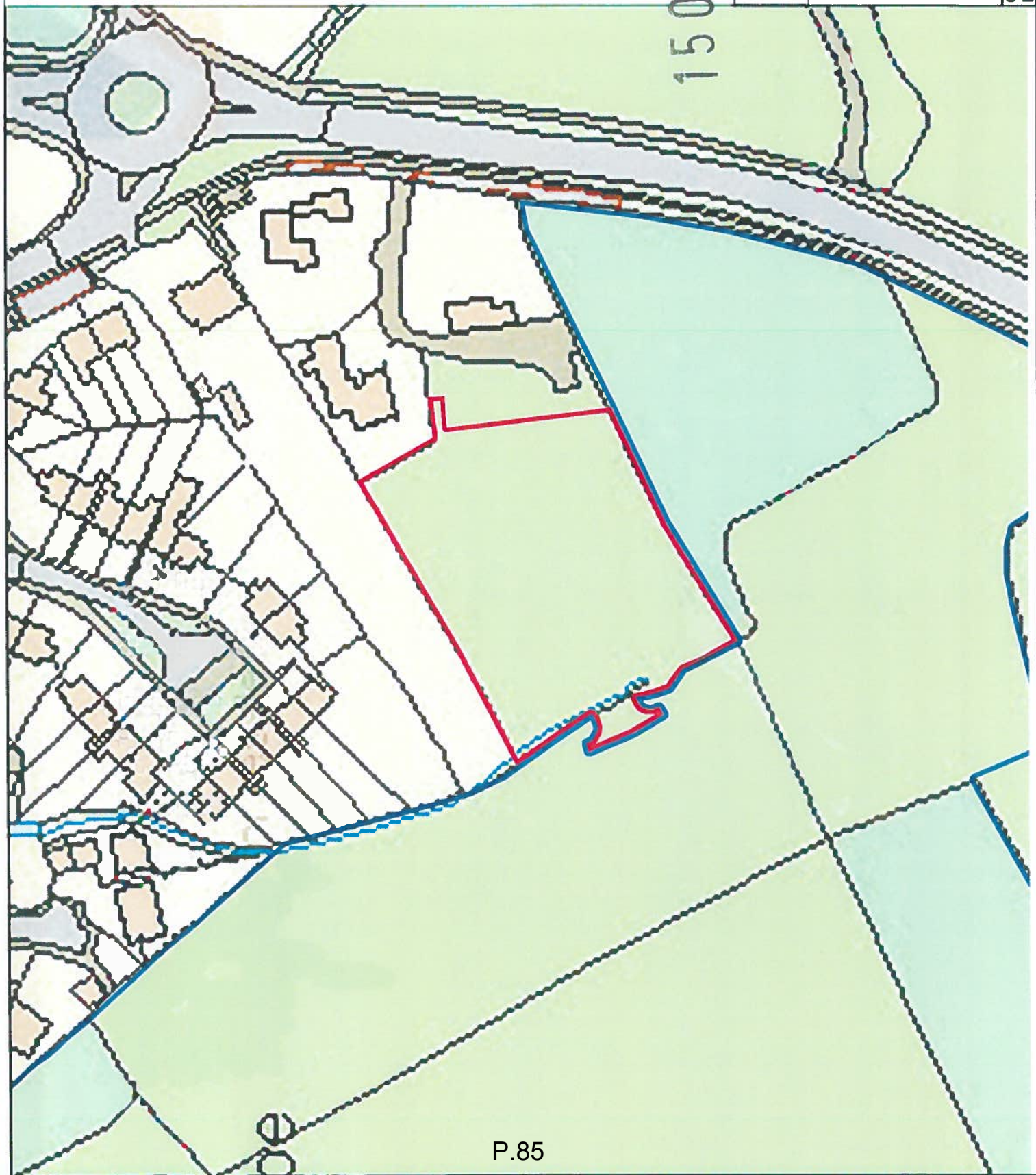
1. **Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
2. **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.**
3. **Please note that as the tree(s) referred to in this application are not situated on land in your ownership you are strongly advised to contact the owner in order to obtain their permission as necessary prior to carrying out the works hereby approved.**

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.



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Site Location Plan

Land at The Rectory, Wenvoe

Scale 1:1250

September 2015

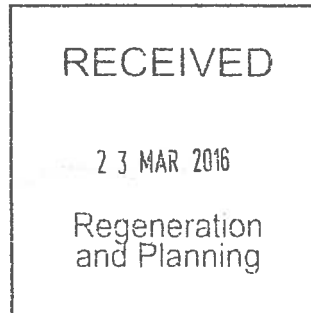
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The Meadows, Port Road
Wenvoe
Vale of Glamorgan
CF5 6DF

22 March 2016

Mr Steven Rennie
Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT



* Ref: 2015/01129/FUL/SR2

Dear Sir,

I write in connection with the above planning application. I have examined the updated plans (stamped: 23/2/16) and I know the site well. I wish to object strongly to the development of these houses as currently laid out.

Whilst I accept and appreciate the improvements made under the new layout, the proposed development continues to create an unacceptable loss of our privacy and will adversely affect the enjoyment of our property. The distance between adjacent windows only just achieves the minimum recommendation on a site with ample scope to offer generous open spaces.

The revised layout positions a wide ridge line completely obscuring the countryside view we currently enjoy. This could easily be avoided by either dividing the block to allow a broken, hipped roof line, or positioning a house with hipped roof and stand-alone garage bordering The Meadows (effectively swapping Plot 10 for Plots 4,5,6 & 7).

I am also concerned regarding the security risk presented by narrow pathways immediately bordering The Meadows. The pathways may require lighting, initially or in future, and this would also negatively impact The Meadows.

The proposed layout does not respect the character of existing properties. Dwellings with the lowest internal floor area and external garden space of the development are positioned closest to the existing large properties which have correspondingly large garden plots.

The privacy of The Meadows will be negatively impacted by the proposed development. The close proximity of the proposed housing will adversely affect the enjoyment arising from use of the garden and habitable rooms facing the new development. Living areas of the new dwellings would directly overlook our garden, living area and bedrooms.

I am not against the development in its entirety and welcome the impact that the additional population will have on Wenvoe Village facilities such as the school, church, shop and public house. However, I feel that the development has been laid out unsympathetically with regard to the existing properties, and so diminishes their character.

Yours sincerely,

Alun Jones

Re: Land at the Rectory, Wenvoe Ref: 2015/01129/FUL

Please accept the comments below on behalf of the Wenvoe Residents' Action Group (WRAG). WRAG was formed in January 2012 and represents a large number of residents in the village of Wenvoe who wish to ensure that Wenvoe retains its identity for future generations and who aim to protect the countryside surrounding Wenvoe from unsustainable development.

We do not object to the development above in principle, however we would like to object to certain aspects of the application as in some areas this fails to comply with the Planning Policy Wales, Unitary Development Plan and Local Development Plan policies listed below.

Relevant planning policies:

Planning Policy Wales 4.7.8

"All new development should respect the character of the surrounding area and should be of appropriate scale and design".

Planning Policy Wales 9.3.3

"Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing".

Planning Policy Wales 9.3.4

"In determining applications for new housing, Local Planning Authorities should ensure that the proposed development does not damage an areas character and amenity".

UDP policies remain relevant to this application. The UDP amenity standards document has been prepared to supplement policies contained within the UDP.

UDP ASD Policy 1

"Privacy and visual amenity must be secured in any proposed development by careful design of buildings and the relationship between buildings and features such as trees, hedges, Public Spaces, footpaths and screen walls and fences"

UDP ASD Policy 3

"The construction of new residential development must respect the character of existing residential development, whilst ensuring that the privacy and amenity of surrounding properties are safeguarded"

UDP ASD Policy 3 section 5.8

"A sense of privacy within a residential property, coupled with freedom from overlooking in private garden areas are fundamental to the enjoyment of residential properties. Crucial to the issue of privacy and amenity is the manner in which new development is incorporated into existing residential areas. Developers should aim to ensure that new development is designed to minimise its impact upon both the amenities of the surrounding properties and the street scene. New development

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should be designed to respect the form of existing housing. Consideration should be given to issues such as density, garden size and the orientation and siting of buildings"

UDP ASD Policy 4

"A minimum distance of 21 metres (70 feet) must be provided between opposing principle windows of dwellings"

UDP ASD Policy 5

"The construction of residential development should not result in an unacceptable loss of daylight or sunlight to neighbouring properties"

UDP ASD Policy 5 Section 5.12

"The siting of two or more storey developments within close proximity of an existing residential boundary can result in an unreasonable loss of daylight and sunlight to neighbouring properties. As a result these properties and their gardens can be made gloomy and unattractive resulting in an unacceptable reduction in the quality of life of the residents. Developers should aim to ensure that development proposals do not by virtue of their scale or location result in an unacceptable loss of daylight or sunlight to habitable rooms or private garden areas of neighbouring properties. In order to overcome the problems of overshadowing, consideration should be given to siting the development away from neighbouring boundaries, stepping back the upper storeys of the building and the use of shallow pitched rooflines".

The Vale of Glamorgan Local Development Plan is currently at the examination stage but also contains policies relevant to this application.

LDP 7.29

"New development however must always be of an appropriate scale, form and design that is sympathetic to and respects the existing character of the village and the range of services and facilities that are available."

LDP 7.30

"New development proposals should therefore demonstrate a distinct physical or visual relationship with the structures that comprise the existing settlement. For example, new development should share an existing property boundary or be closely related to existing buildings so as to maintain and strengthen the settlement form."

Objection 1: Character and Amenity of the surrounding area

The Redrow Design and Access Statement states that "The strongest visual and functional link is with The Rectory and the 2 neighbouring properties which gain access onto Port Road. These are all 2 storey detached properties." It also claims to benefit from "The integration of the new development with both the adjoining housing to the east and the new housing development to the west of the site".

However, the Design and Access Statement fails to include any information or details about the neighbouring properties which form the closest visual and functional link, and therefore it has to be concluded that this application has failed to take into account the existing build.

For example, Appendix 1 provides photographs of "Architectural styles and materials in Close Vicinity of Application Site" and claims that "Clos Llanfair has the closest visual and functional relationship with the site". Clos Llanfair is clearly not the closest link to the site as it would be located approximately 5 minutes' walk from the site dwellings. The closest visual and functional link is with the properties adjoining the site, namely the Rectory and the two neighbouring properties. This application must recognise the character of existing residential development, as this may affect the layout, style and density of the proposal.

This application currently fails to recognise the existing build and closest visual links and it therefore does not take fully into account how the character and local amenity of the surrounding area will be affected. This is contrary to policies PPW 4.7.8, PPW 9.3.3 and PPW 9.3.4, UDP amenity standards Policy 3, and LDP policies 7.29 and 7.30.

Objection 2: Location of the Affordable Housing.

The need to protect the privacy of the existing properties has not been taken into account with this application. The affordable housing block would be situated just 160cm from the back fence of the property "the meadows" and significantly block the light to the rear windows of the property.

The windows of the affordable housing would be less than 12 metres away from the sitting room window of the existing property "the meadows", and would result in a serious loss of privacy and overshadowing.

This is contrary to policies PPW 4.7.8, PPW 9.3.3 and PPW 9.3.4, UDP amenity standards Policies 1, 3, 4 and 5, and LDP policies 7.29 and 7.30.

By locating the affordable housing adjoining the large properties on the east of the site as opposed to houses of similar build on the west of the site would be in direct violation of the most recent LDP policy 7.3 "New development proposals should therefore demonstrate a distinct physical or visual relationship with the structures that comprise the existing settlement. For example, new development should share an existing property boundary or be closely related to existing buildings so as to maintain and strengthen the settlement form."

Objection 3: Under provision of Children's Play Space

The most recent guidance and statistics for Open Spaces can be found in the Vale of Glamorgan LDP Open Space Background Paper September 2013.

This document reveals that when assessed against the FIT standard for designated equipped playing spaces of 0.25 hectares per 1000 head of population there is currently an under provision of 0.41 Ha of Children's play space in the Wenvoe Ward. In order to fulfil the requirements to meet FIT standards, Wenvoe ward would require an additional 0.66 Ha of Children's Play Space.

The Redrow "Grange" development adjoins this site, has been granted planning permission and is currently under development. The LDP stipulated that under current guidelines this development required 812 m² of Children's Play Space which equates to 2 Local Equipped Areas for Play or equivalent.

The original outline application for the "Grange" development fulfilled these requirements by proposing 2 LEAP's. One LEAP was to be located by the entrance to Clos Llanfair and a second LEAP was due to be located close to the proposed entrance to this planning application. However, at the reserved matters stage the LEAP nearest this application site was deleted, leaving a shortfall of 412 m² of Children's Play Space on the site.

This application is from the same developer and can be considered an extension of the "Grange" development. Therefore this provides a sensible and logical opportunity to make up for the Open Space shortfall on the adjoining site and in Wenvoe as a whole.

Whilst it may not be financially viable to provide a 400m² LEAP due to the size of the new site, there should at the very least be provision of a 100m² LAP to go some way to making up for the developer's shortfall. This may also improve the density, privacy and overlooking issues of the site if sensibly incorporated into the new layout.

Objection 4: Protection of the stream and wildlife corridor

At the western edge of this site is a stream which flows into Wrinstone Brook and eventually into the River Cadoxton.

The Celtic Ecology Appraisal confirms that the "small stream near the western site boundary may function as a wildlife corridor. "The Celtic Ecology Appraisal Map (p49) also shows the watercourse and identifies it as a "mammal pathway".

Our local wildlife group, the Wenvoe Wildlife Group, have also confirmed to us that the stream corridor forms part of a wildlife corridor linking Wenvoe Woods with land on the opposite side of Port Road.

During the construction of the Redrow "Grange" development, a number of issues were identified with pollution of the stream. These included a pollution incident which was investigated by NRW in February 2015 and the loss of several trees downstream due to pollution of the watercourse.

The Graham Chesterton Arboricultural Report August 2015 commissioned by residents affected by the polluted water concluded: "Due to the removal of agricultural grassland and topsoil from the adjacent development site, rainwater interception and drainage has been decreased and surface water run-off and the potential for localised flooding increased. The loss of topsoil from the main site has led to muddy discharge and caused the death of a number of trees adjoining the rear gardens of Clos Llanfair".

Planning Condition 21 for the Redrow "Grange" site states "Prior to the commencement of development a scheme for the provision and management of a 5 metre wide buffer zone along the watercourse within the site shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme, with the buffer zone being kept free from all development, including lighting, domestic gardens and formal landscaping. Reason: To prevent an adverse impact to wildlife and biodiversity, in accordance with Policies ENV27, ENV29 and ENV16 of the Unitary Development Plan"

This planning condition will remain in force for the course of the Redrow "Grange" development and therefore in theory should protect the watercourse. However, it is clear that this new application will require work to take place in the vicinity of this wildlife corridor and to avoid doubt it is recommended that this planning condition is repeated for this new application, which shares the watercourse boundary.

Darren Bellamy

Secretary, Wenvoe Residents' Action Group

9 Clos Llanfair

Wenvoe, Cardiff CF5 6DJ

Mr. Jon Hurley WYG Planning and Environment,, 5th Floor - Longcross Court,,
47, Newport Road,, Cardiff,, CF24 0AD
DS Properties (Barry) Ltd c/o Agent

United Reformed Church, Windsor Road, Barry

Conversion and minor extension to the existing church and school buildings to create live-work units (C3) office space (Class A2 / B1a) and associated works

SITE AND CONTEXT

The application site relates to the United Reform Church and associated attached Sunday School building located in Windsor Road, Barry. The primary elevation and access to the Church is on Windsor Road with its side elevation and access to the Sunday School on Porthkerry Road. To the rear and attached to the Church is the Sunday School building, sited below the road level of Romilly Road.

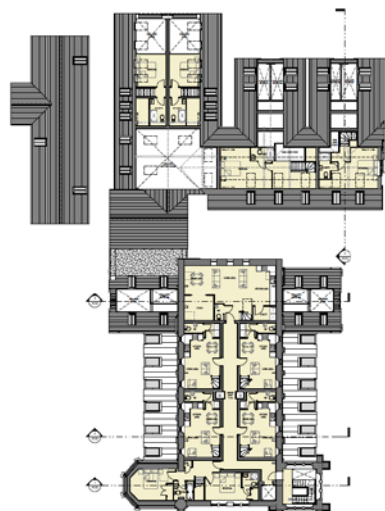
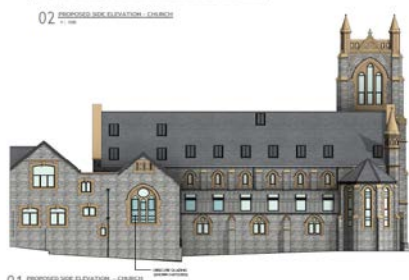
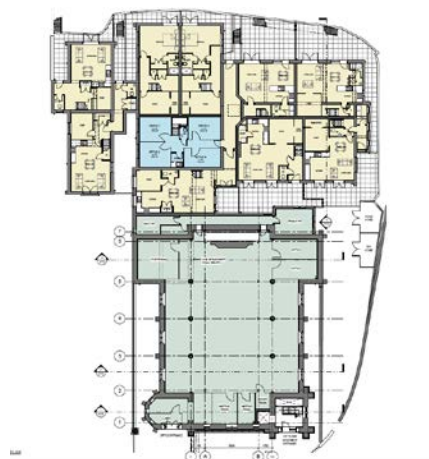
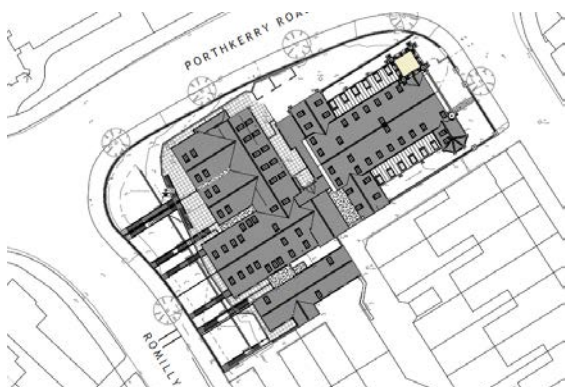
The main chapel is constructed in pennant stone with bath stone dressings with a steeply pitched, slated roof. The associated hall and school buildings feature dressings in brick, also with steeply pitched, slated roofs. The site is contained within stone with gates, piers and railings. The building is not listed but is a County Treasure.

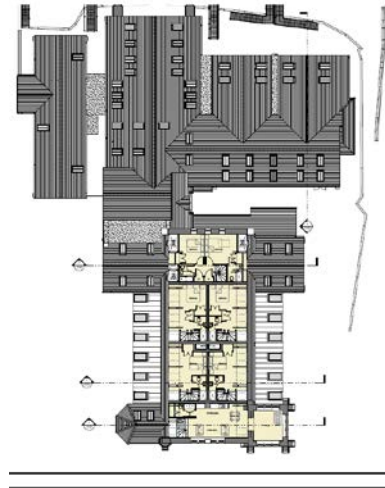


DESCRIPTION OF DEVELOPMENT

The application proposes the conversion of the church and Sunday school buildings to a mix of residential (live work units) and an A2 office use. The residential element would amount to 22 residential units comprising of eleven 1 bed, two 2 bed maisonettes and five 2 and four 3 bed town houses. The basement area of the church (550 sq metres) would be used as an A2 office use, which is understood to be a local solicitors relocating from nearby High Street.

There would be some single storey extensions to the side elevations of the main church building and the inclusion of a number of roof lights on the main and Sunday school buildings as shown on the plans below.





01 PROPOSED FRONT ELEVATION - SUNDAY SCHOOL



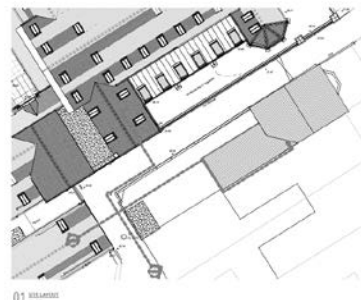
02 PROPOSED REAR ELEVATION - SUNDAY SCHOOL



01 PROPOSED SIDE ELEVATION - SUNDAY SCHOOL



02 PROPOSED SIDE ELEVATION - SUNDAY SCHOOL



01

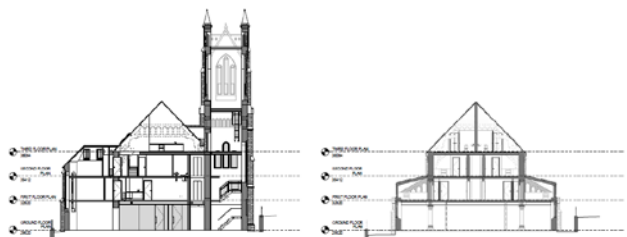


02 SECTION THROUGH CHURCH & SUNDAY SCHOOL



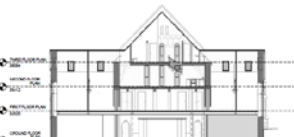
03 SECTION THROUGH CHURCH & SUNDAY SCHOOL

18' RIDGE HEIGHTS
ETC. TAKEN FROM
POINT CLOUD SURVEY



01

02



03



04





The minor extensions to either side of the main church building will increase the elevation of the lean-to element by 1.8m and finish with a shallow pitched roof. The proposal does not involve the demolition of any of the existing church or Sunday school buildings but includes internal alterations in order to form a commercial (A2 Office) basement use and three levels of residential accommodation. The main church building would comprise the office use and mainly one bed flats in the upper floors. The developer proposes to develop the Sunday school buildings into the larger 2 and 3 bed dwellings.

There is no on site parking provision proposed as part of the development but the application is supported by statements and reports assessing the on street parking availability around the site. There are areas of outside space just outside the church and Sunday school building but no formally laid out amenity space provision provided as part of the development. Also included with the application are the following documents: -

Planning Statement
Ecology Appraisal
Parking needs and capacity appraisal

PLANNING HISTORY

2008/00522/OUT : United Reformed Church, Windsor Road, Barry - Outline application for residential development - Refused 05/09/2008

The reason for refusal was as follows: -

1. In the opinion of the Local Planning Authority, the proposed demolition of the Church and attached Sunday School buildings would result in the loss of an important building of local interest designated as a County Treasure which makes a significant contribution to the street scene and wider townscape as a local landmark. No real justification has been submitted as to whether other alternative uses can be found for the existing buildings or any evidence that the buildings have been marketed for such new uses. Moreover the indicative proposals for redevelopment of the site would by virtue of the siting, size and massing of the proposed blocks of flats would result in a form of development which would fail to respect the character and scale of the surrounding buildings and the existing topography of the site and would result in an overbearing form of development on nearby residential occupiers.

The proposal is therefore considered contrary to Policies HOUS8 - Residential Development Criteria, ENV17 - Protection of Built and Historic Environment and ENV27 - Design of New Developments contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and National Guidance contained in Planning Policy Wales (March 2002) TAN12 - Design.

2006/00119/OUT : Windsor Road United Reformed Church, Windsor Road, Barry
- Outline application for residential development - Withdrawn 30/01/2007

CONSULTATIONS

Barry Town Council – Objection - The Town Council have outlined that they consider the proposals to be a significant overdevelopment of the site and combined with the lack of on site vehicular parking would result in a serious loss of privacy and amenity of residents surrounding the site. It is also outlined that the cumulative effect of development at this density combined with other recent redevelopments approved in the area would result in unacceptable on street parking problems and there would be a significant and unwelcome strain on existing local services.

Highway Development - The Highways Authority have indicated that the proposals would not materially increase the requirement for car parking above that of the existing use (or alternative uses under the same use class) at the site.

The Highways officer considers that the available on street parking capacity is slightly lower than that identified within the appraisal. Nevertheless, when taking account of a reduced capacity, there is available kerbside parking during the weekday of around 20 parking spaces. However, at the weekend (Saturday evenings), it has been identified that there is little or no on street parking availability.

Notwithstanding the results of the parking survey, when taking account of the existing use at the site and its location, adjacent to and within walking distance of all public amenities (including good public transport facilities), the Highways Authority considers that an objection to the development cannot be sustained, provided conditions regarding cycle provision and a travel plan are included.

The Council's Education Section - No comments have been received.

The Operational Manager Highways and Engineering - No objection to the proposals, sustainable surface water disposal should be looked at for the development but this can be dealt with appropriately via Building Control Regulations.

Environmental Health (Pollution Control) - No objections subject to conditions on construction period including hours and noise and dust mitigation, operating hours of the business use, and noise attenuation and sound insulation between the commercial and residential uses within the site.

Society for the Protection of Ancient Buildings - No comments have been received to date.

Glamorgan Gwent Archaeological Trust - No Objection but since this a building of historic importance, a condition for programme of historic building recording has been requested.

Councillor Rhona Probert - The Councillor has raised concerns regarding the lack of parking provision and highway safety concerns.

Councillor Drysdale - The application should be determined at committee rather than delegated.

Dwr Cymru Welsh Water- No objection subject to a limitation that any run off from the site from increased hardstandings and extensions shall not connect to the public sewerage system.

Building Control Section- No comments have been received.

Ecology Officer - Initially requested an ecology appraisal to identify whether any bats or protected species were present. Following the submission of the ecology appraisal, which outlined that no bats were present, the Council's Ecology Officer raised no objection.

Waste Management - No comments have been received to date.

Natural Resources Wales (NRW) - It was outlined that NRW have no data that suggests the area has the presence of bats. NRW advised the LPA to seek the advice of the Councils in house Ecologist.

Housing Strategy - No objections, subject to an affordable housing contribution being provided. As this proposal constitutes a net gain of 22 additional homes, it is above the threshold set by the draft Supplementary Planning Guidance (SPG) for the provision of affordable housing. The Housing section, however, believe that the nature of the building does not lend itself to mixed tenure and would therefore request a commuted sum for affordable housing on the basis of the draft SPG, which is 30% for this area.

REPRESENTATIONS

The neighbouring properties were consulted on the 10 March 2016 and re-consulted on the 8 July 2016. A site notice was also displayed on 30 March 2016 and the application was also advertised in the press on 24 March 2016.

Over the two consultations, 231 letters of representation have been received. In addition, an action group- the Wrap Around action group community- represent a number of residents within the locality and have provided a number of representations to the application. The main issues that have been raised in respect of the application are the following: -

- Intensification of the use and the resultant car parking and highway safety issues, as the proposal proposes no on site car parking
- Privacy/overlooking
- Impact upon neighbouring amenity
- Overdevelopment of the site
- Issues of subsidence on Windsor Road and the possible impact of converting the church.
- Cumulative impacts of the residential developments being approved around the area with deficient parking resulting in a harmful impact.
- Errors in the parking appraisal- mainly including parking spaces where there are restrictions on the road.

A sample letter is attached at **Appendix A**

In addition, correspondence has been received from Alun Cairns MP on 17 May 2016, Andrew RT Davies AM on 27 May 2016 and Jane Hutt AM on 20 April 2016. These letters all raise concerns over parking and privacy and have been included in the **Appendix B** of this report.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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 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:

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 8 – TRANSPORTATION

Policy:

POLICY ENV16 – PROTECTED SPECIES
POLICY ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT
POLICY ENV19 – PRESERVATION OF ARCHAEOLOGICAL REMAINS
POLICY ENV25 - REGENERATION OF URBAN AREAS
POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS
POLICY ENV28 – ACCESS FOR DISABLED PEOPLE
POLICY ENV29 – PROTECTION OF ENVIRONMENTAL QUALITY
POLICY HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT
POLICY HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY
HOUS 2 SETTLEMENTS
POLICY HOUS12 - AFFORDABLE HOUSING
POLICY TRAN10 – PARKING
POLICY EMP2 - NEW BUSINESS AND INDUSTRIAL DEVELOPMENT
POLICY REC3 – PROVISION OF OPEN SPACE WITHIN NEW
RESIDENTIAL DEVELOPMENTS
POLICY REC6 – CHILDREN'S PLAYING FACILITIES

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, both chapters 2 and 4 of Planning Policy Wales (Edition 8, 2016) provide the following advice on the weight that should be given to policies contained with the adopted development plan:

'2.8.4 It is for the decision-maker, in the first instance, to determine through monitoring and review of the development plan whether policies in an adopted [Development Plan] are outdated for the purposes of determining a planning application. Where this is the case, local planning authorities should give the plan decreasing weight in favour of other material considerations such as national planning policy, including the presumption in favour of sustainable development (see section 4.2).'

'4.2.4 A plan-led approach is the most effective way to secure sustainable development through the planning system and it is important that plans are adopted and kept regularly under review (see Chapter 2). Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise (see 3.1.2). Where:

- there is no adopted development plan or*
- relevant development plan policies are considered outdated or superseded or*
- where there are no relevant policies*

there is a presumption in favour of proposals in accordance with the key principles (see 4.3) and key policy objectives (see 4.4) of sustainable development in the planning system. In doing so, proposals should seek to maximise the contribution to meeting the local well-being objectives.'

With the above advice in mind, the policies relevant to the consideration of the application subject of this report are not considered to be outdated or superseded. The following policy, guidance and documentation support the relevant UDP policies.

Planning Policy Wales:

National planning guidance in the form of Planning Policy Wales (Edition 8, 2016) (PPW) is of relevance to the determination of this application.

Chapter 4 of PPW deals with planning for sustainability – Chapter 4 is important as most other chapters of PPW refer back to it, part 4.2 in particular.

Paragraph 4.11.2 states Good design can protect and enhance environmental quality, consider the impact of climate change on generations to come, help to attract business and investment, promote social inclusion and improve the quality of life. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales, from the construction or alteration of individual buildings to larger development proposals.

4.11.7 refers to Mixed use development (of both built and open space) emphasising flexibility and adaptability, can provide particular design opportunities, adding interest and vitality to living and working environments. At the same time, good design is important for the success of relatively compact mixed use developments, for example in helping to keep noise levels low

Chapter 6 of PPW sets out the Welsh Government guidance for Conserving and Improving Natural Heritage and the Coast.

6.1.2 Local planning authorities have an important role in securing the conservation of the historic environment while ensuring that it accommodates and remains responsive to present day needs. This is a key aspect of local authorities' wider sustainable development responsibilities which should be taken into account in both the formulation of planning policies and the exercise of development management functions.

Chapter 7 of PPW sets out the Welsh Government guidance for employment and the economy.

7.1.3 The planning system should support economic and employment growth alongside social and environmental considerations within the context of sustainable development. To this end, the planning system, including planning policies, should aim to ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses. Local planning authorities should aim to facilitate the provision of sufficient land required by the market, except where there are good reasons to the contrary. In addition, wherever possible local planning authorities should seek to guide and control economic development to facilitate regeneration and promote social and environmental sustainability.

Chapter 8 of PPW sets out the Welsh Government guidance for Transport.

8.1.4 The Welsh Government supports a **transport hierarchy** in relation to new development that establishes priorities in such a way that, wherever possible, they are accessible in the first instance by walking and cycling, then by public transport and then finally by private motor vehicles. Careful consideration needs to be given to the allocation of new sites which are likely to generate significant levels of movement in Local Development Plans to ensure that access provisions which promote walking and cycling, as well as by public transport are included from the outset. Similarly, the Welsh Government expects that Design and Access Statements give consideration to accessing developments by modes other than private motor vehicles.

8.4.2 **Car parking provision** is a major influence on the choice of means of transport and the pattern of development. Local authorities should ensure that new developments provide lower levels of parking than have generally been achieved in the past. Minimum parking standards are no longer appropriate. Local authorities should develop an integrated strategy on parking to support the overall transport and locational policies of the development plan.

Chapter 9 of PPW is of relevance in terms of the advice it provides regarding new housing.

9.3.1 New housing should be well integrated with and connected to the existing pattern of settlements, with the expansion of towns and villages avoiding the creation of ribbon development, the coalescence of settlements or a fragmented development pattern.

Paragraph 9.3.2 of PPW states that 'Sensitive **infilling** of small gaps within small groups of houses, or minor extensions to groups, in particular for affordable housing to meet local need, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area. Significant incremental expansion of housing in rural settlements and small towns should be avoided where this is likely to result in unacceptable expansion of travel demand to urban centres and where travel needs are unlikely to be well served by public transport. Residential development in the vicinity of existing industrial uses should be restricted if the presence of houses is likely to lead residents to try to curtail the industrial use.'

Paragraph 9.3.3 states that 'Insensitive infilling or the cumulative effects of development or redevelopment 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'.

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. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas.'

9.3.5 Where development plan policies make clear that an element of affordable housing, or other developer contributions, are required on specific sites, this will be a material consideration in determining relevant applications. Applicants for planning permission should therefore demonstrate and justify how they have arrived at a particular mix of housing, having regard to development plan policies. If, having had regard to all material considerations, the local planning authority considers that the proposal for a site does not contribute sufficiently towards the objective of creating mixed communities, then the authority will need to negotiate a revision of the mix of housing or may refuse the application

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 1 – Joint Housing Land Availability Study (2015)
- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 23 – Economic Development (2014)

Supplementary Planning Guidance:

In addition to the adopted Unitary Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Amenity Standards
- Draft Supplementary Planning Guidance - Affordable Housing
- Barry Development Guidelines
- Biodiversity and Development
- County Treasures
- Parking Standards (Interactive Parking Standards Zones Map)
- Draft Supplementary Planning Guidance - Planning Obligations
- Public Art
- Sustainable Development - A Developer's Guide

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20th December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20th March – 1st May 2014. The Council has considered all representations received and on 24 July 2015 submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public commenced in January 2016.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.8.1 of Planning Policy Wales (Edition 8, 2016) is noted. It states as follows:

*‘2.8.1 The weight to be attached to an **emerging LDP** (or revision) when determining planning applications will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances.’*

In line with the guidance provided in Paragraph above, the background evidence to the Deposit Local Development Plan that is relevant to the consideration of this application insofar as it provides factual analysis and information that is material to the issues addressed in this report in particular, the following background papers are relevant:

- Affordable Housing Background Paper (2013)
- Affordable Housing Viability Update Report (2014)
- Affordable Housing Delivery Update Paper (2015)
- Vale of Glamorgan Local Housing Market Assessment (LHMA) 2015
- Open Space Background Paper (2013)
- Education Facilities Assessment (2013)

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Office Circular 13/97 - Planning Obligations
- Welsh Office Circular 60/96 - Planning and the Historic Environment: Archaeology
- Welsh Office Circular 61/96 - Planning and the Historic Environment: Historic Buildings and Conservation Areas (as amended)

Issues

The main issues to consider in this application relate to the principle of the development, visual impact, impact upon adjoining residential amenity, parking and highway safety issues, ecology, drainage and flood risk, Section 106 planning obligations and viability. These matters will be considered in turn below: -

Principle of the development

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that the determination of a planning application must be in accordance with the Development Plan unless material considerations indicate otherwise.

In this case, the Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP). This Plan is technically time expired (as of 31 March 2011), though as yet there is no adopted replacement. Whilst the UDP remains the basis of local policy, as stated in PPW, where policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations, such as national planning policy, in the determination of individual applications.

The site is within the settlement of Barry where UDP Policy HOUS2 allows for housing infill, small-scale development and redevelopment which meet the criteria of Policy HOUS8. Policy HOUS8 states that residential development within settlement boundaries will be permitted subject to criteria relating to scale, form and character, impact upon amenity and the character of existing or neighbouring environments, noise, traffic, exacerbation of parking problems and amenity standards.

In addition, with respect to the commercial use at the ground floor Policy EMP2 is relevant and states that proposals for new business and industrial development will be permitted, subject to the proposal complying with a series of criteria relating to issues including the impact of the development on the townscape, impact upon adjacent areas, ecological matters, landscaping, parking, amenity, sustainability and pollution.

The existing building was previously used as a Church, a type of community facility, but there are no policies in the UDP that specifically protect such uses in urban areas like Barry. Nevertheless, the use has ceased some time ago and as the building is important locally as a County Treasure, it is appropriate to try to find a suitable re-use for the building.

The conversion of the building for live work units and commercial office (A2) use is, therefore, considered to be in compliance with Policies HOUS2 and EMP2 in principle given that it is within the settlement boundary of Barry. Given its proximity to local services, the development is also considered to amount to a sustainable form of development, complying with the provisions of Strategic Policies 2 and 8 of the Unitary Development Plan and guidance contained within Planning Policy Wales (Edition 8, 2016).

The acceptability of the application therefore rests upon the detail of the scheme, which is considered below: -

Visual Impact

Retention of Buildings

The site accommodates an existing church building and associated Sunday School buildings and it is locally listed as a County Treasure. Whilst the buildings are not listed, they are designated as being of local interest based on the contribution they make to the street scene and wider townscape. The prominent church tower is a local landmark in addition to the Listed Buildings opposite. As such, it is important in the visual impact assessment of the application to consider the benefits of retaining the buildings as well as the alterations proposed.

Policy ENV17 of the UDP relates to the Protection of the Built and Historic Environment and states that the environmental qualities of the built and historic environment will be protected. Planning Policy Wales supports this view and outlines at paragraph 6.1.2:

'Local planning authorities have an important role in securing the conservation of the historic environment while ensuring that it accommodates and remains responsive to present day needs. This is a key aspect of local authorities' wider sustainable development responsibilities which should be taken into account in both the formulation of planning policies and the exercise of development management functions.'

It should be noted that the church and associated buildings are also viewed together with the Grade II Listed Porthkerry Road Methodist Church located on the other side of the road and the group make a significant contribution to the wider street scene. Porthkerry Road Methodist Church has recently been granted planning permission under ref. 2014/00224/FUL for the conversion of church to residential (11 units) with associated works, which has been completed.

Consideration should be given in the guidance contained within the Barry Development Guidelines SPG. The Church and the secondary Sunday school buildings relate well to each other, with the Church building standing above the context of the roofing of the ancillary buildings when viewed from Romilly Road. It is important to note that due to the low level of the Sunday School and its siting well below the road level of Romilly Road and Porthkerry Road, important open views are afforded over this part of the site towards the docks and the town.

The buildings have not been in use for an extended period of time and have depreciated in appearance, especially the Sunday School buildings. Policy ENV25 -Regeneration of Urban Areas is also relevant as it seeks to encourage the regeneration of derelict and degraded land within the fabric of urban areas. The re-use of such sites provides opportunities for the provision of residential developments, whilst ensuring that the need for greenfield sites is reduced. The conversion approach is also supported by the Council's Conservation officer who outlined that he is supportive of the more sensitive approach taken by the applicant in this proposal compared to the application that was previously refused in 2008/00522/OUT, (a demolition and rebuild proposal).

Accordingly, it is considered that the retention and conversion of the church would maintain a notable building within the Romilly area, that helps retain the historic character of this area of Barry, whilst ensuring the building has a viable use. The alternative to conversion would be to demolish the buildings on the site, which would result in the loss of an important landmark building of significant local interest which significantly contributes to the character and street scene of Windsor Road, Porthkerry Road and Romilly Road. The retention of the buildings is therefore considered to be positive, and acceptable in principle.

Alterations to buildings

The developer proposes to make limited extensions and alterations to the main building. The most notable external changes to the building would be the roof alterations and extensions to the side elevations of the main building, one to face Porthkerry Road and the other facing the rear vehicle lane to the side of 23 Windsor Road (first floor level). In addition, a number of roof lights are proposed in the main church building and the Sunday school building to provide natural light into the 22 residential units.

The proposal includes 32 roof lights on the church building and 42 on the Sunday school buildings. The Council's Conservation officer has outlined concerns at the number of roof lights proposed and while he suggested a justification should be sought, no objection was raised fundamentally. The applicant has stated that the number of rooflights is commensurate with the accommodation and light needed; consequently no amendments were made to reduce the number.

Notwithstanding the initial concerns with the number of rooflights, only 14 of the 32 on the church building would be positioned to the side elevation that would be visible from the most prominent views of the church along Windsor Road. Three of the 14 would be high level roof lights and the remaining 18 would be positioned on the opposite side elevation, which is largely hidden from surrounding views. The rooflights included on the Sunday school would be visible along Porthkerry Road and from the corner of Windsor Road, however, the Sunday school buildings are far less prominent than the main church building. The Sunday school buildings are sunk into the site and Romilly Road is higher than the roof of the building. As such, while the roof lights would be visible to pedestrians passing, the Sunday school buildings are not prominent from greater distances, especially with other buildings obscuring views from higher positions on Porthkerry Road and further afield. While there are a relatively significant number of rooflights it is considered that this would impact upon the character of the buildings less than significant changes to the elevations would. While the initial concerns of the Conservation Officer have been considered, much of the accommodation is located in roof space, therefore the efficient conversion of the building will unavoidably require such a number of openings to light the space.

The extensions to the existing lean to would result in an increase in height of this part of the building by 1.8m with shallow pitched lean to roofs. Rooflights would be inserted in the roof but would extend down to the wall. One of the extensions would be visible from Porthkerry Road but the other would be largely hidden from views towards the rear lane. The extensions would be markedly subservient to the main building and their design is compatible with it. As such, a limited visual change would be apparent on the more prominent elevation but it is considered that provided quality materials are used in the construction, the visible changes to the church would be minimal, having no detrimental impact upon the character and appearance of the building.

Accordingly, on balance it is considered that the level of visual impact of the rooflights on the historic character of the church building is limited, while the alterations to the Sunday school building are only visible at closer proximity. When taking this into account, along with the inherent difficulty of converting a historic building of this scale, the relatively minimal minor alterations externally are considered acceptable. The retention of the church would benefit the street scene and provided that the roof lights are conservation style and of an appropriate colour and material, the impact upon the character of the buildings and the wider street scene is acceptable. A condition is recommended to ensure a schedule of materials and samples to be used are submitted prior to being implemented.

Accordingly, the visual impact of the proposals is considered acceptable, complying with Policies ENV17, ENV25, ENV27 and HOUS8 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the advice and guidance in the Barry Development Guidelines and County Treasures Supplementary Planning Guidance.

Impact upon adjoining residential amenity

As this is principally a conversion, the external alterations are relatively minor in the context of the building as a whole. The extensions to either side would result in a 1.8m increase in the height of part of the side elevation, with no other extensions or alterations, other than the rooflights. As the one side faces Porthkerry Road with no nearby neighbours, this would have no impact upon neighbours' amenity. The other side extension would be at a slightly elevated level and adjoining the side of 23 Windsor Road, however, there is approximately 6m between the extended lean to and the side elevation of the property. The marginal increase in height and distance means there are no concerns over the proposal being overbearing or extending closer to existing adjoining neighbours.

The proposal would result in the provision of residential accommodation in the first and second floor levels within both the Church and Sunday school buildings while a third floor of accommodation is also proposed in the main church. It is important therefore to assess the potential impact that the introduction of openings at these levels may have upon the amenity of existing residential properties that neighbour the application site.

Privacy Issues

Policy 4 of adopted SPG Amenity Standards requires that 'a minimum distance of 21 metres must be provided between opposing principal windows of dwellings.'

The building is set a significant distance from the nearest neighbouring residential properties to the north (approximately 26 metres), the west (approximately 23 metres) and south (approximately 30 metres), and thus sufficient separation is maintained with these adjoining properties. As such, there are no overlooking concerns in those directions.

The potential overlooking impacts are limited to those directly to the side of the site on Windsor Road and Porthkerry Road. In particular, the potentially most affected property would be the adjacent dwelling on Windsor Road (no. 23), while on Porthkerry Road there are modern flats known as Romilly Court. The overlooking assessment relates to the Sunday school building impacting upon 23 and 21 Windsor Road and Romilly Court and the side elevation of the main church facing the side elevation of 23, Windsor Road. These will be considered in turn: -

Sunday School windows

The detached element of the Sunday school building is served by a large window on the rear gable elevation facing 23 Windsor Road, potentially offering views into the rear garden and rear elevation as well as the adjoining 21 Windsor Road. This window would accommodate a bedroom and living space and has been enlarged from the existing opening to serve the ground and first floor accommodation. The window would provide some light into the first floor but due to the proposed floor level, the window would be at a low level in the room and provide limited views to the neighbouring garden from this unit of accommodation. However, due to the views that would be offered into the back gardens and rear elevations of the dwellings on Windsor Road at an elevated position, the large window would need to be obscured and fixed. Amendments have been made by the applicant to obscure this window and a condition is recommended to this effect.

There would also be a secondary window in the side elevation of the Sunday school building in the same unit facing the rear garden areas of the flats at Romilly Court. The back garden areas of Romilly Court appear to be open and shared between the flats and while they can be viewed from the rear lane, and rear elevations of Windsor Road, it is considered that in order to safeguard against unacceptable overlooking, it would be necessary to obscure the side window facing the rear garden of the flats. There would also be a window situated in the rear elevation of the side annex of this building facing Windsor Road properties, but it is accommodating a bathroom and is more than 21m from the rear elevations of Windsor Road.

Subject to the accommodation of windows as described above, it is considered that the use of the Sunday school would not unacceptable impact upon privacy.

Church Side elevation windows

There are a number of the windows facing the side elevation of 23 Windsor Road and its garden on the proposed side elevation of the main church building. While these windows exist at present, they do not currently serve habitable living spaces and following the residential conversion, the limited distances between the church and the adjoining property would result in an increased overlooking that does not exist at present.

The nearest windows facing the side elevation of the adjoining property are at first floor and would be just over 6m from the boundary and approximately 8m from the rear two storey annex of 23 Windsor Road. In addition, at 23 Windsor Road there is a first floor bedroom window facing the church and a ground floor extension to the side with roof lights.

As such, all of the windows at first floor are within 10m of the garden and 21m of the opposing window. However, due to the respective angles to the opposing bedroom window and the height difference it is considered that only 5 of the 6 windows serving the first floor accommodation would harmfully overlook either 23 Windsor Road's garden or the bedroom window facing the lane. Due to the angle of view, the only window that would not have to be obscured would be the first window, which fronts the blank side elevation of the dwelling. It should be noted, however, that only the vertical opposing first floor windows on the side elevation of the church would have to be obscured while the roof light section can be left clear and free to open due to the angle of view (directly upwards) and to allow it to be opened for ventilation purposes.

Similarly, 6 windows are present at the second floor, which mirror the position of the windows at first floor and serve living spaces but are smaller in scale. It is considered that the number of windows that would have to be obscured at second floor is less than at first floor. The left hand window would be sited in the corner of a kitchen and would not offer direct views towards the window or garden of 23 Windsor Road, and the right hand end windows are a sufficient distance and angle to satisfy the requirements of the SPG. These windows would also be in excess of 10m from the garden and this would be considered acceptable under the amenity standards guidance.

The windows serving the first floor flats and smaller second floor windows outlined above would have to be obscured in order to overcome these overlooking issues along with an existing large gothic style window that accommodates a living area. This is shown on the plans as being obscured. A condition is recommended, referencing a plan to clearly identify the windows on this elevation and the detached Sunday school building that would need to be obscured in order to protect the privacy of those residents on Windsor Road and the occupiers of Romilly Court.

There would be roof lights facing this direction on the main church roof plane at a low level, however, given their angle and 12m distance from the side elevation containing the window at 23 Windsor Road and relative height (7.4m higher). It is considered that the degree of overlooking from the roof lights would not be harmful as they would not offer direct views to this neighbour.

It should also be noted that the basement windows serving the A2 office would face this direction but from the cross sections provided it is clear that the bottom of the windows would be at least 1.5m high. Consequently, the windows would allow light into the office but due to their height in the elevation they would not provide any angle of overlooking to the nearest neighbour.

Other neighbouring impacts

The application seeks to use the ground floor space as an A2 solicitors office. Due to the nature of the proposed use, it is considered that the commercial element would not result in issues regarding noise and odours. Therefore, the most notable impact would be the possible traffic movements to and from the site and these matters are considered in the section below regarding parking and highway safety issues.

The proposed live/work units would provide the opportunity to the occupier of the flats to use the unit as either a C3 residential unit or a B1a use. A B1a use allows for an office use in connection with the unit, other than uses identified within Class A2 (financial and professional services). Similar to the proposed A2 use, B1a uses are office based uses that by their nature would not increase noise and odour issues that would unacceptably impact upon the nearby residential amenity.

The Council's Environmental Health section was consulted on this matter and no concern was raised regarding the potential use provided that the office use was restricted to normal operating hours (8am to 7pm) and that the building was appropriately insulated between the commercial and residential element in order to regulate noise.

Accordingly, subject to a condition restricting the commercial use to an A2 office and the live/work units to either C3 or B1a and the use not extending beyond normal business hours, the commercial element is not considered to have a demonstrable impact in terms of noise or odours on the local resident population. A condition can be attached restricting opening times in order to control the commercial element.

In conclusion, subject to relevant conditions on windows facing Windsor Road and controls on the A2 use, it is considered that the proposal is acceptable in respect to residential amenity, complying with the requirements of Policies ENV27, HOUS8, EMP2 and ENV29 of the Adopted Unitary Development Plan and the Council's Amenity Standards Supplementary Planning Guidance.

Parking and highway safety issues

The development would not be served by any off street parking, therefore, it is necessary to consider whether the development is acceptable with on street parking capacity alone. Firstly it should be noted that the provision of parking within the site is impractical. The site is a historic building on a constrained site and is significantly lower than the adjoining highways. Furthermore it is considered that a new vehicular access into the site to provide parking from either Porthkerry Road, Windsor Road or Romilly Road would be potentially hazardous to highway safety, would reduce on-street parking availability and would also result in the removal of buildings that form part of a County Treasure, impacting negatively upon the street scene as well as reducing the viability of the conversion.

At present the site is a vacant church and as a consequence the level of traffic movements to and from the site would be minimal. However, the Council must consider the fall back position of the site as a D2 use. The CSS Wales Parking Standards 2015 suggest that if a new church of this size was proposed (between 360 to 480 people can be seated in the main building) 36 to 48 parking spaces would be required. At present, the Church has no parking provision on site and if an active church use re-commenced, this would equate to a shortfall of 48 spaces, which would have to be accommodated in the surrounding streets.

The parking requirements for the development as set out in the CSS Wales Parking Standards would be 1 space per bedroom (maximum of 3 spaces per unit) with an additional requirement of 1 space per 5 units for visitors. For the office development the requirement is 1 space per 35m² of floor area. Accordingly, this would equate to 37 spaces for the residential and 16 spaces for the office development, a total of 53 spaces although the demand would not necessarily coincide given the varying nature of residential and office parking use.

However, a reduction in parking provision is permitted by the Parking Standards where the site is in a sustainable and accessible location (judged by a point scoring system). This site scores highly in this regard with several shop facilities on High Street within 200m (6 points), a railway station within 300m (3 points) with access to a public transport frequency of at least one service every 30 minutes (1 point). The guidelines outline that for a residential development with a 10 point score, the Local Authority should reduce the number of required spaces to 1 space per dwelling and 1 for every 5th unit for visitors, while a 30% reduction should be made to the commercial element. As a consequence, the parking requirements of the proposed use would be: -

Residential

1 space per unit for 22 Units = 22 spaces
1 space per 5 units (visitor) = 5 spaces

Office

1 space per 35m² for 550m² and applying 30% reduction = 11 spaces

This equals 38 spaces in total, albeit there may be limited overlap in terms of demand at certain times of the day (this is considered further later in the report)

To compare, a 30% reduction in the requirements of the church parking would equate to 34 spaces.

Accordingly, the difference from the requirements for the existing church use (if re-opened) to the proposed mixed use would be an increase in demand of 4 spaces. However, for the purposes of this proposal and the parking survey submitted, the parking demands of the proposal will be considered, in the main, against the full parking requirements of 38 spaces set out above.

The application is accompanied by a Parking Survey, which provides details of the existing parking provision in the area as well as the parking requirements for a mixed residential and commercial use of this scale and the sustainability context in terms of available modes of transport and amenities. A parking appraisal has taken place over four days in March and May 2016. The surveys took place on a Thursday, Wednesday and two Saturdays, to give a balanced split of weekday and weekend samples. The streets surveyed are outlined below from an extract of the appraisal, which subdivided the adjoining three roads into Windsor Road A and B, Romilly Road A, B, C and D and Porthkerry Road A-F: -



The appraisal identifies that these roads are sufficiently close to the Church and would accommodate the parking for the development. The appraisal sets out the length of the roads in question and has divided the length by 6m (length required per parking space). The survey considered capacity on these roads to the north, south, east and west of the junction, within reasonable walking distance of the site.

A significant number of objections have been submitted regarding on street parking and the appraisal carried out by the applicant. For instance, the original parking surveys did not indicate the appropriate location of each parking space and also included areas where cars would be parked illegally. These matters were raised to the agent and, in the final version of the appraisal, submitted in August, the agent has accounted for the matters raised by the residents. Consequently, any space that would not be legal to park within was removed from the survey.

As a consequence, the length of road considered viable for on street parking has been reduced from 1097m (183 spaces) to 1041m (165 spaces), taking into account highway limitations. Accordingly, the survey is robust in terms of demonstrating the level of parking, giving a picture of the on street parking demand in the area over 4 separate days.

However, it should be noted that the appraisal had not taken into full account the cumulative impact of recently approved developments on parking. The agent did provide a letter that outlined the nearby residential developments that have been approved but did not factor in the impact on the available parking numbers in the area. The relevant developments within the locality of the application site are considered to be as follows:-

- The Porthkerry Methodist Church Conversion
- The RAFA Club- Change of use to a homeless hostel.
- The Mount Sorrell Hotel- Outline application for the demolition of hotel and erection 34 Residential units.
- Conversion of 21 Romilly Road and 9 Porthkerry Road to 8 residential units.

Firstly, the Porthkerry Methodist Church conversion has been carried out and therefore the impacts will have been accounted for in the survey carried out by the applicant. The development provides 11 off street spaces.

The RAFA club application was refused for reasons including parking but was allowed on appeal, with the inspector outlining that given the use (homeless hostel) the level of car ownership would be low and would be significantly less than the parking demand of the existing social club. As such, while the residents concerns are understood in this instance it is considered that by virtue of the use as a homeless hostel this development would not result in a materially increased parking demand.

At present The Mount Sorrell has 12 spaces for the existing use as a hotel. While the hotel is vacant, it could be brought back into use and the parking would be notably deficient in this respect against the Council's parking guidelines. Nevertheless, the proposed development was approved with what the Council considers to be 22 spaces (note there was more parking provided but not considered to be useable spaces for manoeuvring etc.) for 34 dwellings. i.e. deficient by 12.

Due to access and highway safety issues, the application at 21, Romilly Road was approved without any parking, The development was approved on the basis that it could be accommodated by on street parking around the site. As there was no existing parking for the two dwellings, the net increase of parking requirements for 8 flats would be 7 spaces. (1 space per unit of accommodation and 1 visitor space minus the 2 spaces of the existing dwellings).

While the Romilly Road and Mount Sorrell planning permissions have not been finally issued, since no S106 agreements have been signed, these must be taken into account when considering the parking demand on the surrounding streets.

Accordingly, regarding the cumulative impact of parking from recent developments, it is considered that the RAFA club can be effectively discounted by virtue of its use, while the Methodist Church has already been accounted for within the parking survey. However, the demand from the Romilly Road and Mount Sorrell developments can be incorporated in the assessment by removing 19 spaces from the overall numbers in the parking survey.

The applicant was also made aware that when carrying out his own assessment of the parking lengths along the surrounding streets, the Highways Officer determined that the streets could only accommodate 155 spaces rather than 165. Moreover, there is a Traffic Regulation Order which will mean that within 18-24 months, 20m of yellow line will potentially be implemented along the curve at Porthkerry Road, around the Church, effectively removing 4 spaces from the road. Therefore, 14 spaces would also be removed from the final parking survey numbers provided by the applicant.

Accordingly, it is considered that with the deductions, the numbers contained in the tables at **Appendix D** provide a robust and cautious basis to judge the on street parking capacity around the site. In addition, illustrative plans were submitted with the survey to show where the parking spaces are in respect of the church to demonstrate that they are within an adequate distance from the church for any future occupiers.

As the proposal is for a mixed use it is important to consider if the parking demands of the day and night of the development would differ. i.e would there be any overlap in demand or would the parking demand for the different uses be at different at the times of the day. Under the parking standards, the office use at ground floor level office would require 11 spaces, while the residential development would require 27 spaces. It is considered that given the office use would be restricted to mainly daytime hours, the parking demand for the two uses would overlap to a degree but generally would not occur simultaneously. The nature of the use would suggest that 22-27 spaces would need to be accommodated for during the evening and night, with only 11 spaces (plus a proportion of the residential in the daytime.)

In **Appendix D** of the report, four tables have been created, one for each parking survey carried out. The table outlines the time periods of the survey and the number of parking spaces remaining as detailed by the applicant's parking appraisal. Two further columns show the highway deductions and the cumulative development deductions, which are 14 and 17 spaces respectively. For ease of reference, the final parking space total has been highlighted in light grey if there is an on street capacity, while it has been highlighted in dark grey if the figures show a deficit.

What is evident from the parking survey and the tables created is that the on street parking demand in the area was greater during the May survey than the March survey and, as would be expected, there are less spaces available in the evening. For instance, in March there are 7 (15 minute) time periods in the evening where the parking spaces available would be insufficient even before considering this development (on a Saturday). Whereas both days show good capacity up until 19:45. The Wednesday May survey shows good capacity up until 18:15, whereas the Saturday May survey only demonstrates good capacity up until 12:45.

In May there was a significant time period on the Saturday (18:00 until 21:45) where the parking spaces were less than required to accommodate the proposed development. For example, the May survey shows that on the Saturday there were enough spaces through the day to accommodate the earlier daytime demand but for the remainder of the Saturday from 18:00 to 21:45 the highest number of spaces available was 8, while post 18:45 no spaces would be available at all (following deductions).

The change in parking availability from the daytime period to the evening is not unexpected, while the change in numbers of parking on the street between March and May could suggest a seasonal demand for visitor parking within the area. For example, the site is within close proximity to Barry's late night amenities (public houses and late night establishments) as well as the train station with good connections to the Island and Cardiff. Notwithstanding this, on average the parking survey (minus the deductions) demonstrated that in March, the parking for the proposed residential development could be accommodated 90% of the time (50 of the 58 time periods surveyed) while it could be accommodated 58% of the time during the two days in May. (33 of the 58 time periods surveyed)

Accordingly, while the survey shows there are a number of periods when parking demand is high, the survey does demonstrate the parking demand for the development could be met by the surrounding streets through the daytime in particular, even without taking the existing demand of the church into account. Taking into account the lack of parking on site at present, the re-use of the site as a church (if reopened) or a number of other lawful D2 uses (that the site could be used for without the need for planning permission) would also be reliant on the same on street capacity. For instance, the church and Sunday school could be used for various uses from education (night classes) a nursery/crèche, a health club or gym. All of these uses would require parking (through the day or night) that would have to be accommodated on the streets surrounding the site. It is acknowledged that such uses are not currently taking place, however, it is established in planning practice that such fall back positions must be considered and given weight. Such uses would potentially bring considerable parking demand at daytime and/or evening time, comparable with the demand of this development. Given the parking demand for the existing use (or alternative D2 uses) it is fundamentally the view of the highways officer that the proposed development would not worsen the existing situation in terms of parking. Therefore, while the parking surveys do not show capacity at all times to cater for all of the proposed development, essentially any such capacity is viewed as extra, while the demand for the development would not materially exceed demand that already exists (albeit the church is currently vacant).

While, the Highways Officer has indicated that his assessment of the number of spaces is less than shown on the appraisal (as noted above), having considered the on street parking capacity, the existing lawful use, and the sustainable location of the site, the Council's Highways Engineer has stated that an objection to the proposal could not be sustained on parking and highway safety grounds, subject to conditions for the developer to provide cycle storage and a travel plan.

In addition to the above, it is highly material that the site situated in a very sustainable location. The site is within walking distance of a range of day to day shops and services, primary bus routes and Barry Train Station, while the proposed accommodation is being advertised as live/work units. It is, therefore, considered that occupiers of the development would not need to be overly reliant on the car and that alternative modes of transport would be available and genuinely realistic options.

Strategic Policy 2 of the UDP states *'proposals which encourage sustainable practices will be favoured including:... ii) proposals which are located to minimise the need to travel, especially by car and help to reduce vehicle movements or which encourage cycling, walking and the use of public transport.'* Similarly Strategic Policy 8 states that developments will be favoured in locations which *'are highly accessible by means of travel other than the private car'*.

This sentiment is reflected throughout PPW. With regard to planning for sustainability, part 4.4.3 states that 'planning policies, decisions and proposals should.... locate developments so as to minimise the demand for travel, especially by private car' and 'foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides. This includes helping to ensure that development is accessible by means other than the private car'.

While the concerns of local residents have been fully considered in respect of parking, it is considered, following the assessment above, that there would not be sufficient grounds to justifiably refuse the application on this basis. This is particularly pertinent in light of the direction of local and national planning policy, outlined above, which emphasises the importance of sustainability and discourages the prioritisation of the private motor vehicle. Specifically, in Section 8 of Planning Policy Wales it states that minimum parking standards are no longer appropriate and that Local Planning Authorities should ensure that new developments should provide lower levels of parking than have been achieved in the past while prioritising other modes of transport other than the car. In particular paragraphs. 8.1.4 and 8.4.2 state respectively:

*The Welsh Government supports a **transport hierarchy** in relation to new development that establishes priorities in such a way that, wherever possible, they are accessible in the first instance by walking and cycling, then by public transport and then finally by private motor vehicles.*

Car parking provision is a major influence on the choice of means of transport and the pattern of development. Local authorities should ensure that new developments provide lower levels of parking than have generally been achieved in the past. Minimum parking standards are no longer appropriate. Local authorities should develop an integrated strategy on parking to support the overall transport and locational policies of the development plan.

Accordingly, having regard to the site constraints, the existing use and the strong direction of planning policy in terms of sustainability and parking, it is considered that it has been reasonably demonstrated that the development can be adequately accommodated. While on street parking within this area is high, the presumption in national and local planning policy is in favour of the sustainable development in locations such as this. There is no clear opportunity to provide off street parking without impacting upon the viability of the scheme and the retention and beneficial reuse of a locally important and historic building is also a significant material consideration in favour of the development. It is considered that a pragmatic and flexible stance in respect of parking is justifiable in this instance, which would comply with the aims of national planning guidance to reduce the dependence on private motor vehicles and encourage more sustainable forms of transport use.

While the level of accommodation (22 units) is relatively intensive, the viability reports submitted with the application demonstrate that any loss of accommodation would undermine the viability of the scheme and the potentially the retention of the locally listed building.

A number of residents have raised objections on the grounds that the proposed development would be a danger to highway safety. While the issue has been noted, and the proposed development could result in an increase in cars being parked to the side of the site and on the curve to Porthkerry Road, it is considered that the road is adequately wide and has no parking restrictions to prevent any on street parking in this area (currently). In addition, it would appear that many of the issues raised are not issues or implications borne out of the proposed conversion of the church. For instance, the proposed development does not propose any new access onto the adjoining highways or any material alteration to the church that would hinder views along or the use of the adjoining highway. While the development would be likely to increase traffic in the vicinity of the site to a degree, it is considered that it would not significantly increase traffic flow along the road (relative to overall traffic flows currently) and the on street parking that is available around the site could be used at present and relied upon by the bringing the church back into use. It is considered therefore that the development itself would not unacceptably increase congestion or adversely impact upon highway safety.

The development is therefore considered to be in compliance with aims of Policies ENV27, HOUS 8 and EMP2 in respect of parking, and highway safety, subject to conditions for cycle provision and a travel plan

Live/work units Condition

The applicant has submitted supporting information to justify the wording of the proposed Live/work units condition. Rather than the condition requiring the use to be a mixed C3/B1a use only, the condition is worded to allow the units to be either C3 or C3/B1a units. The example condition is outlined below: -

All of the residential units hereby approved shall be used for residential purposes falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 or as live/work units falling within Class B1(a) and C3 of the Town and Country Planning (Use Classes) Order 1987.

The principal reason is that a restricted live/work unit condition potentially presents a problem for purchasers of the units securing finance. In essence, lenders may not be prepared to lend on the units if in the event that they need to take possession of that property, they would not subsequently be able to sell them as conventional C3 residential units. The application is accompanied by similar examples from neighbouring authorities and the Pumphouse development in Barry as well as a statement from a solicitor which supports the view.

The principal benefits of live work units in this location are that in addition to contributing towards housing demand and supporting the viability of the development as a whole, they would also make a contribution towards economic development and employment. Solely C3 units would make a contribution to housing supply and support the viability of the conversion as a whole, however, they would not make such a contribution to economic development. The application proposes either C3 or C3/B1, which would mean that the Council would not have control over ensuring any units had to be a mixed live work unit C3/B1. Nevertheless the option of either is still preferable to a solely C3 consent, since occupiers would still have the option of using the property as a live work unit, which would also make an economic development/employment contribution.

It is considered that the fundamental question in judging the acceptability of this proposal is whether C3 units would have been considered acceptable on their own. While C3 units would not contribute in the same way to economic development as C3/B1 would, it is considered that they would nevertheless fundamentally constitute an acceptable part of the development in principle. The site is in a sustainable location within an urban area, which is well served by public transport and it lies close to a range of day to day services. While a legal agreement could in principle be used in the case of this application, however, given that the proposed C3 use is considered acceptable in principle, such an approach is not necessary here.

Such an approach is unlikely to be acceptable in all cases of live work units and in other locations (for example less sustainable locations such as rural areas), where in those instances the development would only be acceptable in principle with the employment element.

Therefore, and given that this change would not adversely impact upon the character of the area, it is considered that the condition would satisfy the criteria set out within Policy HOUS 8 of the UDP.

Ecology

The Ecology Officer initially requested an ecology appraisal to identify whether any bats or protected species were present in the site. Following the submission of the ecology appraisal, which outlined that no bats were present, the Council's Ecology Officer raised no objection.

Accordingly, there are no concerns in respect of ecology and no conditions have been requested by either Natural Resource Wales or the Council's Ecologist, as such, proposal complies with Policy ENV16 of the Adopted Unitary Development Plan 1996-2011 in this respect

Amenity Space and Public Open Space

The site layout plan shows provision for small areas of outdoor space for access and bin storage but given the constraints of the existing site there is no outdoor amenity space provided for the future occupiers of the units. The Amenity Standards SPG recommends that in flatted developments, developers should seek to provide 20m² per person, therefore, the proposal would fall short of the requirements for such a development.

Nevertheless, in view of the constrained urban nature of the site, as well as the conversion of a building of note within the area, it is considered that it would be impractical to provide this level of amenity space within the development site, while at the same time developing it efficiently and viably. It is considered that in a location such as this, where higher densities of residential developments are both sustainable and appropriate, there is a justification in relaxing these standards in order to retain a prominent and historical building and enable the viable conversion of it. In addition, as there is no outdoor space, there would no provision within the site for public open space or recreational facilities. In this regard it is material that the site lies in close proximity to the centre of Barry and close to two large areas of public open space in Romilly Park (450m south west of the site) and Porthkerry Leisure Park (350-400m north west).

Therefore, on balance it is considered while the level of amenity space does not meet the Council's guidance, the retention of the historical church and Sunday School buildings for a sustainable residential use is of greater material weight than the provision of outdoor amenity space and on site public open space for occupiers of the units.

Drainage and flood risk

This site is not located in an area at risk of tidal or fluvial flooding and NRW flood maps indicate there is a low surface water flood risk to the highway adjacent to the site.

No details on drainage were submitted with the application. The application forms suggest that the surface water drainage shall be disposed of by the mains sewer but the Council's engineer has outlined that infiltration techniques should be the primary consideration prior to disposing of the water via the mains. Welsh Water have indicated that no surface water from any increase in the roof area of the building /or impermeable surfaces within the site shall be allowed to drain directly or indirectly to the public sewerage system.

As such, a condition is recommended to require details of surface water drainage to be approved by the Council.

Section 106 planning obligations and viability

The Council has prepared draft Affordable Housing and Planning Obligation SPGs in response to updated evidence being used by the Council and to inform the on-going Examination of the Local Development Plan. The Draft SPGs were approved by Cabinet on 14th December 2015 (Cabinet Minute C3022) and at the Council's Economy and Environment Scrutiny Committee on 5th January as a material consideration in the Development Management process. In particular, the draft SPGs were a consideration for this application. The Council's approved Planning Obligations Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought, and indicates how they may be calculated. However, each case must be considered on its own planning merits having regard to all relevant material circumstances.

The Community Infrastructure Levy Regulations 2010 came into force on 6 April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers). As of 6 April 2010, a planning obligation may only legally constitute a reason for granting planning permission if it is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In this case, the application relates to a mixed use development, comprising 22 residential units and a commercial office use. Consequently, the Council would consider the need for contributions relating to sustainable transport facilities, public open space, education, affordable housing and public art. However, on being made aware of the S106 obligations for a development of this scale, the applicant has advised that as a consequence of the cost of converting the building, financial contributions in any of these respects would render the scheme unviable.

Development Viability

Paragraph 6.4 of the Draft SPG on Affordable Housing recognises the Welsh Government guidance on Delivering Affordable Housing Using Section 106 Agreements, A Guidance Update (2009), which states that Local Planning Authorities should be clear about those situations where the Council will be willing to accept reduced planning obligations or affordable housing contributions and notes that in some cases it may be appropriate for an authority to refuse to agree these (paragraph 5.4 refers). The Council considers that reduced planning obligations or affordable housing contributions will only be justified on the grounds of development viability where there is sufficient planning merit weighing in favour of the development, such as when there are unusual or extraordinary site constraints affecting viability that must be overcome for the site to be developed and the development would be in the wider public interest (e.g. protection of a listed building or building of special interest etc.)

In view of the building being a historical building that is a Country Treasure, it is considered that the conversion of the church is an unusual site, which has constraints affecting its viability. However, the burden of proof is an issue for the applicant and evidence must be submitted to the Council to prove this is the case. A financial breakdown, including build costs and projected sales figures was submitted with the planning application demonstrating that with the full S106 financial requirements for the development would be unviable. The developer has provided a detailed financial breakdown which has been scrutinised via the Council's Property department, who were satisfied that the financial breakdown of the scheme was reasonable, which ultimately meant that the viability of the development would be undermined if the maximum financial contributions were sought through a Section 106 agreement.

A £15,730 figure was included with the viability report, which was originally put forward by the developer to provide annual bus passes for the occupiers of the residential units. This was proposed as an effort to offset the implications of not providing parking provision on site for the potential occupiers of the units and to attempt to mitigate the impact upon traffic and parking to the area. In considering where this contribution should be prioritised for use amongst the wide range of potential S106 matters listed above officers consider the need for the affordable housing contribution is greater than the need for sustainable transport facilities as well as the other S106 obligations of public open space and education. As already identified by the housing section in their observations, there is a demonstrated need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2015 Local Housing Market Assessment (LHMA) which determined that 559 additional affordable housing units were required each year to meet housing need in the area. There is dire housing need in this part of Barry, a total of 291 affordable houses are required and an off-site financial contribution could be used towards meeting part of that need. While there is need for open space and education facilities within the locality, the Council's Affordable Housing SPG 2016 outlines in section 6.2 (Prioritising Planning Obligations) that where an applicant robustly demonstrates that planning obligations would adversely affect the viability of a development, the Council would negotiate obligations in the following order: -

1. Works required to secure a safe environment for the community and future occupiers of the proposed development or which are necessary to meet statutory obligations (e.g. satisfactory access arrangements, off-site highway improvements, natural or built environment and flood risk prevention).
2. In the case of residential development, the provision of affordable housing to meet the needs of the local community.
3. Measures required to meet the needs of the future occupants of the proposed development where the failure to provide the measure would impose unacceptable impacts on the local community (e.g. public open space provision and education).
4. Measures required to mitigate the impact of the proposed development on the local community or matters of acknowledged importance (e.g. community safety, public art, employment and training).

As there are no identified issues with the site and works that are required to secure a safe environment for the community, the second priority is the provision of affordable housing to meet the needs of the local community. Consequently, the developer has agreed to use the £15,730 for affordable housing contribution rather than to contribute towards bus passes for future occupiers of the site.

Planning Obligations Administration Fee

From the Draft Planning Obligation SPG approved by Cabinet on 14th December 2015 the Council seeks a fee for progressing and the subsequent monitoring of planning agreements or obligations. The fee is calculated on the basis of 2% of the total financial contribution being sought under the agreement, or 20% of the planning application fee, whichever is the greater, subject to a minimum fee of £200. On the basis of 20% application, the fee would be £1710 in this case.

REASON FOR RECOMMENDATION

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, ENV17 - Protection of Historic and Built Environment, ENV19- Preservation of Built and Historic Environment, ENV25- Regeneration of Urban areas, ENV27 - Design of New Developments, ENV29- Protection of Environmental Quality, HOUS2 - Additional Residential Development, HOUS8 - Residential Development Criteria, HOUS12- Affordable Housing, TRAN10 - Parking , Supplementary Planning Guidance, EMP2- New Business and Industrial Development, REC 3 – Provision of open space within new residential developments, REC 6 – Children’s playing facilities the Councils Supplementary Planning Guidance on Planning Obligations, County Treasures, Amenity Standards, Barry Development Guidelines, Biodiversity and Development, Sustainable Development, Parking Standards, Draft Supplementary Planning Guidance - Planning Obligations and Affordable Housing as well as Technical Advice Note 1 – Joint Housing Land Availability Study (2015), Technical Advice Note 2 – Planning and Affordable Housing (2006), Technical Advice Note 11 – Noise (1997), Technical Advice Note 12 – Design (2016), Technical Advice Note 16 - Sport, Recreation and Open Space (2009), Technical Advice Note 23 – Economic Development (2014) and Planning Policy Wales (8th Edition) it is considered that the proposed works would be acceptable in principle, and in terms of visual impact, contribution to the character of the area, parking, highway safety, residential amenity and ecology.

RECOMMENDATION

Approve

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

- The developer shall pay the sum of £15,730 as an off-site affordable housing contribution.
- £1710 to implement and monitor the terms of the legal agreement.

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. The development shall be carried out in accordance with the following approved plans and documents:

Site Location Plan Draw A100
 Proposed Site Layout Draw A110
 Proposed Ground Floor Plans Draw A111
 Proposed First Floor Plans Draw A112
 Proposed Second Floor Plans Draw A113
 Proposed Third Floor Plans Draw A114
 Proposed Roof Plans Draw A115
 Proposed front and rear elevations Draw A118
 Proposed Side elevations Sunday School Draw A121
 Proposed Sections A122
 Perspective Plans Draw A123, A124, A125, A126
 Planning Statement

Received on 26th February 2016

Proposed front and rear context elevation Draw A116
 Proposed Side context elevation Draw A117 Rev E
 Proposed side elevation A119 Rev D
 Proposed front and rear Sunday School elevations A120 Rev D
 Proposed Sections A127 Rev A

Received on 1st July 2016

Amended Parking Appraisal received on 24th August 2016

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any Order revoking or re-enacting that Order the ground floor of the main church premises shall be used for A2- office and for no other purpose including any other purpose in Class A2 or Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason:

To enable the Local Planning Authority to maintain control over the nature of the use, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

4. The residential units hereby approved shall be used for residential use falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended), or as live work units falling within Class B1 (a) and C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended), 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 Policy ENV27 of the Unitary Development Plan.

5. Prior to their use in the construction of the development hereby approved, a schedule of the proposed external materials to be used, including samples, 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

6. No Development shall take place until there has been submitted to, approved in writing by the Local Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall include details of the hours of construction working, how noise, lighting, dust, other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated. The CEMP will utilise the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk). The CEMP will include a system for the management of complaints from local residents which will incorporate a reporting system. The construction of the Development shall be completed in accordance with the approved Plan unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

7. Prior to the commencement of development a scheme for noise attenuation between the office unit and the live-work units above shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of noise attenuation shall be fully implemented prior to the first beneficial occupation of any of the live-work units.

Reason:

To safeguard the amenities of the future occupiers of the converted building, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

8. 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 first beneficial use of any of the units, 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.

9. The A2 use hereby permitted shall not be open to customers outside the following times : -

Monday to Friday	08:00 – 19:00
Saturday	09:00 – 17:00
Sundays and Bank Holidays	10:00 – 16:00

Unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

10. A hard landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the first beneficial use of the approved development. The development shall be carried out in accordance with the agreed scheme unless otherwise agreed in writing by 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.

11. Notwithstanding the submitted plans, prior to their insertion or construction in the development hereby approved, further details and sections where appropriate (to a scale of 1:20) of all new doors, rooflights (Conservation style), windows and rainwater goods 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, and so maintained at all times.

Reason:

To ensure that the visual amenities of the area are safeguarded and to ensure compliance with Policies ENV8 and ENV27 of the Unitary Development Plan.

12. Full details of a scheme for foul and surface water drainage 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 prior to the commencement of the development.

Reason:

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

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any order revoking and re-enacting that order) the dwelling units hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

Reason:

In the interests of privacy and amenity given the restricted nature of the site and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, or any Order revoking or re-enacting that Order, no additional windows other than those shown on the approved plans shall be inserted in the converted buildings 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.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Orders revoking or re-enacting those Orders), no gates, fences, walls or other means of enclosure shall be erected, constructed or placed on the application site, other than those agreed as part of condition 8 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 Policy ENV27 of the Unitary Development Plan.

16. The windows in the side elevation of the main church building and the detached Sunday school building facing Windsor Road and Romilly Court, shown highlighted on the attached plan Appendix C, shall be glazed using fixed (un-openable) obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration at the time of the construction of the development hereby approved and prior to the first beneficial use of the residential units they relate to 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.

17. Prior to the first beneficial occupation of the development hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, including a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use at all times.

Reason:

To ensure the development accords with sustainability principles and that site is accessible by a range of modes of transport in accordance with UDP Policies 2, 8 and ENV 27 (Design of New Developments).

18. Full details of a cycle parking facility/ area shall be submitted to and approved in writing by the Local Planning Authority and the approved cycle parking facility shall be fully implemented on site prior to the first beneficial occupation of the development hereby approved and thereafter kept free of obstruction and available for the parking of cycles associated with the development at all times.

Reason:

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

19. Any new external lighting shall be in accordance with a scheme of lighting that shall be submitted to and approved in writing by the Local Planning Authority prior to the construction or erection of any new external lighting within the site. The agreed scheme shall be carried out in accordance with the approved details unless otherwise agreed by the Local Planning Authority.

Reason:

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

20. No development approved by this permission shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which shall first have been submitted to and approved in writing by the local planning authority. The final report on such recording shall be deposited with the Local Planning Authority prior to first beneficial use of the development hereby approved, in order that it may be forwarded to the Historic Environment Record, operated by the Glamorgan Gwent Archaeological Trust (Heathfield House, Heathfield, Swansea SA1 6EL Tel: 01792 655208).

Reason:

As the building is of significance the specified records are necessary in order that records are kept of any features of archaeological interest and to ensure compliance with Policies ENV18 and ENV19 of the Unitary Development Plan.

21. The development shall be carried out in accordance with the advice and guidance set out within the Ecology Report submitted on 29th June 2016.

Reason

In the interests of ecology and to comply with ENV16- Protected Species of the Adopted UDP 1996-2011.

NOTE:

- 1. You should note that the building / site may constitute a breeding or resting place (roost) for bats, both of which 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 or resting place (roost), to obstruct access to a roost site used by bats for protection and shelter, (whether bats are present at the time or not) or to intentionally or recklessly disturb a bat/bats within a roost. It is recommended that a full bat survey of the building/ site (including trees) be conducted by a licensed bat surveyor 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 Natural Resources Wales on 0845 1306229 or the Council's Ecology Section on 01446 704627.**
- 2. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
- 3. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**
- 4. Before work is commenced the applicant must ensure that, where necessary, the appropriate Building Regulation consent has been obtained.**

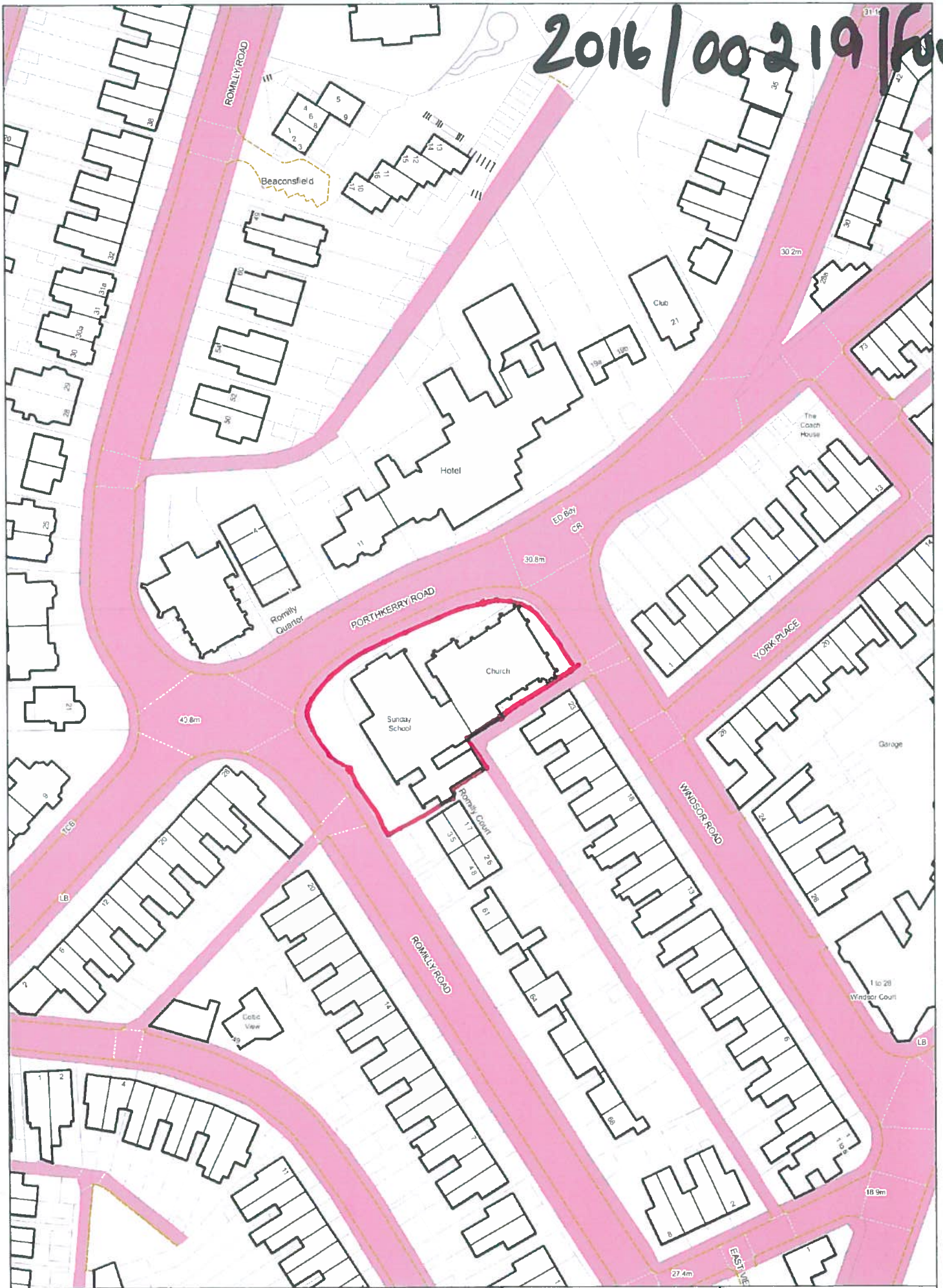
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual 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.

2016/00219/FOL



30 August 2016

1:1,250

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2016 Ordnance Survey 100023424

© Hawlfraint y Goron a hawliu cronfa ddata
2016 Arolwg Ordrens 100023424

Dear Mr Howell,

Thank you for your letter dated 8th of July informing me that revised plans had been submitted for application 2016/00219/FUL. Having viewed these and discussed with you I still maintain my objection as very little has changed.

Privacy

Paragraph 5.9 of the Amenity standards SPG states that:

"The positioning of windows, roof terraces and balconies which look directly or have the appearance of looking directly into habitable rooms of surrounding properties or allow clear views of private rear garden areas are not acceptable.

In considering issues of privacy, policy 4 of the SPG states that:

"A minimum distance of 21m must be provided between opposing principal windows of dwellings"

With a principal window is more than 1m wide, in a living room, dining room, bedroom or kitchen.

Whilst the revised plans some obscured glass, the window to the rear of the school building is still being extended by 5ft from its current size. The plans give no detail on the obscure standard, nor whether they are opening windows or not, thus making the obscurity ineffective. The side windows of the Sunday school building which overlook the communal gardens of Romilly court remain as clear glass. The plans also show all current stained glass windows other than the revised obscured windows to be replaced by clear glass.

In addition, the change of the side roof of the church to a 90 degree roof and the creation of an additional five windows to clear glass only creates further overlooking issues to the back garden and bedrooms of my property. In addition my neighbours on Windsor Road and Romilly Court opposite will also be affected by these additions. These windows are well below the Vale's amenity standards of 21 metres away from other direct windows. Some of the church windows overlooking my garden and bedrooms are separated by the width of the lane, a mere 3 meters! The elevation of the church windows and plans to increase their size merely increases the loss of privacy.

The revised plans "Amended URC- A127 - SECTIONS" are also incorrect as they exclude a single story side extension (01 Site layout) with 5 windows within the roof and also the single window of to a bedroom (03 section through church and rear lane) which will be affected by overlooking. This creates a misleading impression to the reader of the plans and resultantly lessens the impression of the overlooking effect and loss of privacy. I recall you took pictures during your site visit however I will be happy to provide these or welcome an additional site visit by you should you require it.

Therefore the overbearing nature, proximity and the loss of privacy to homes on Windsor Road and Romilly Court by the proposed development is contrary to Policies ENV 27 (iv) and HOUS 8 (ii) of the UDP, Policies 1, 2 and 3 of the Council's SPG on Amenity Standards and the advice within paragraphs 4.4.3, 9.3.2, 9.3.3 and 9.3.4 of the PPW.

I see no plans for the area of the school entrance from the lane. As discussed at your site visit, some of the plans indicate this to be blocked up, in others it appears to be made an additional entrance therefore I assume this area will remain as per its current design and will not be used as an additional access point to the building.

Parking and traffic issues

In your site visit in April, you commented that you were aware of parking issues in the area and there was little point sending pictures of full streets to trade with the developer's view of empty streets. Despite this, I see a document was submitted on the 14th of June by the developer, almost exclusively taken when the vast majority of residents would be at work. In response see additional attached document "parking_20160615_20160619.pdf" showing street scenes in the few days following the developer's submission. Far from being a large capacity as stated in the parking statement, the number of spaces available are in low single digits and certainly unable to accommodate the 58+ vehicles that the development will bring to the area.

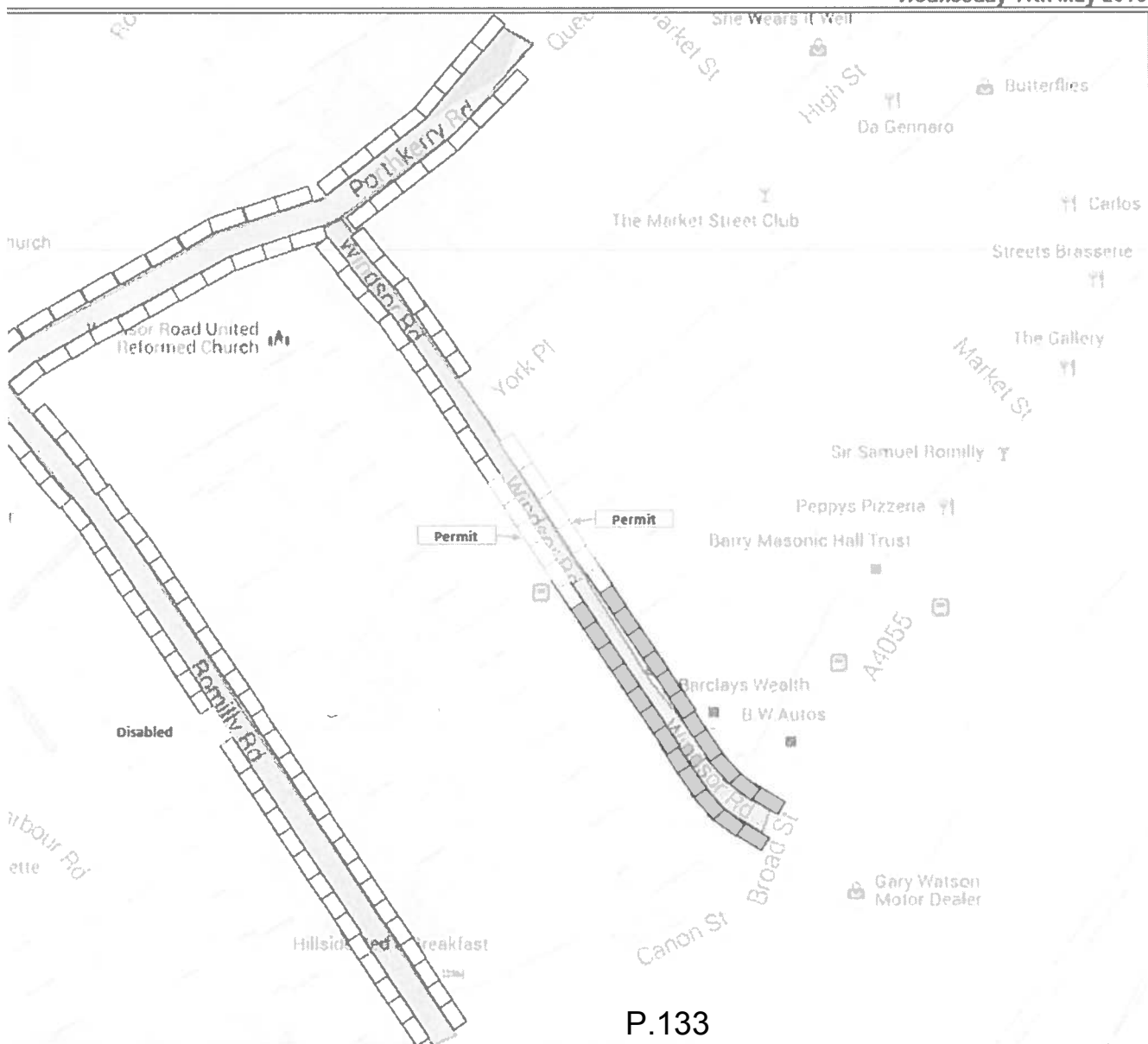
The many revised parking surveys are still incorrectly including spaces as available for parking. I have submitted pictures of these previously and these include:

- The area in front of Romilly Court to their off road parking.
- The area in front of the Romilly Quarter to their off road parking.
- The entrance to the Mount Sorrel Hotel.
- The lane between the Church and Windsor Road.
- The entrance between 28 Windsor Road and Windsor Court to their off road parking.
- Two garage entrances of the end properties of York Place fronting on Windsor Road.
- The garage of the end house on Cannon street fronting onto Romilly Road.
- The garage at the front of 19a Porthkerry Road.

In the latest version there are variations to initial appraisals with acknowledgements of:

- Designated disabled spaces on Romilly Road which are not available to all road users.
- Residential parking bays on Windsor Road which are not available to all road users.

The following pages show images from the latest parking survey illustration spaces as well as a map area showing parking restrictions in the area. Again we see the survey has included areas with double yellow lines, H bars and other parking restrictions as available spaces when this is not the case in addition to the cases listed above.





From speaking with other residents in the area I also understand that the council has been contacted by David Melding AM regarding problems of speeding and traffic volumes on Romilly Road which he stated are well known issues.

Also Miles Punter, director of visible services and housing in response to Ms M. Archampong's letter regarding parking issues in the area stated:

"During a recent site visit there appeared to be a few parking spaces available in the upper section of road, however I do appreciate that parking is at a premium, particularly during evenings and weekends when residents return home. At such times it is more likely that drivers will choose to park inconsiderately."

He also confirmed the resident only bays will not be installed and is aware of multiple vehicle ownership per household:

"Although the principle of introducing 'resident only' parking facilities appears at first glance to be sound there are several drawbacks. For example, the issue of multiple vehicle ownership in some households, which I have little doubt contributes to your own problems finding a space during the evening and at weekends/holiday periods, is difficult to address and further increases the parking demand which cannot be met by the limited amount of kerbside space available."

As such, allowing a development that by the Vale parking standards will bring minimum of 58 cars to be allowed with no parking provision at all for workers, residents and guests of either will only exacerbate existing well known and documented parking issues in the area.

In addition, we see various developments approved in the area, many of which the area has yet to feel the full impact of as are incomplete, all with parking deficiencies with the following statements taken from the final reports of each application:

2016/00348/FUL

"It is recognised that there are already high levels of on-street parking in the area...It is recognised that there has also been an objection raised from the Highways Officer on the lack of parking provided."

2014/01129/OUT

"Comments were also received from Alun Cairns MP with regard to the application raising concern with regard to the pre-existing parking problems in the vicinity"

2013/00315/FUL

"Councillor Probert has submitted informal representations expressing concerns over parking, since parking problems are a recurring complaint in that area, advising that she is aware that police are concerned about congestion near the school"

"Highway Development were not consulted on this application but on application ref 2007/00924/FUL advised...the proposed residential uses at the development site are deficient in parking by three vehicle spaces...based on the existing parking deficiency, the Highway Authority are unable to sustain an objection to the development proposals despite the high demand for on street parking within the general area of the site."

This is linked to 2013/01108/FUL - 9, Porthkerry Road - to convert existing house to two apartments. 21 Romilly Road - to convert existing house to three, two bedroom apartments, with a further three, two bedroom new build, of which the final report is unavailable upon the Vale planning website. However this too proposes no on-site parking for any part of the development.

Similarly it is worth noting the rejection of a proposed nursery on Windsor Road under application **2005/01151/FUL**:

"The proposed private nursery will result in the introduction of a commercial use into a primarily residential area, where the resulting significant traffic generation, vehicle movements and on-street parking would have an unacceptable impact on the amenity and character of the residential area and would be detrimental to highway safety. The proposal is therefore considered contrary to Policy EMP3 - New Business and Industrial Development; TRAN9 - Parking, as set out in the adopted Vale of Glamorgan Unitary Development Plan 2005 and the guidance contained in Planning Policy Wales (March 2002)."

I again refer to comments made in my initial objection made by Rob Thomas, then head of Planning and Transportation upon application **2002/00914/FUL**:

"...I do have some concerns at the apparent scale of the proposal in relation to parking in the area even taking into account the proximity to public transport...Despite the close proximity of the application site to the Barry railway station and its location on a bus route it is anticipated that a high proportion of people attending the business centre would wish to travel by private vehicle...If the local car parking situation is not handled effectively the long term viability and success of the project must be in serious doubt. Ways and means must be found not only to deal with the additional car parking requirement which would be generated by these proposals...but also to improve the existing often chaotic situation for the benefit of the existing"

residents, retailers, business people and the clients of the many restaurants and other leisure facilities which operate in this locality."

Car ownership per household is increasing and allowing multiple developments to proceed with parking deficiencies just because developments have been allowed in the past with insufficient parking provisions does not result in betterment for existing residents.

Mixed-use

The change of use will see building in use at all times on the day, unlike those activities used by the church. This only increases the loss of amenity for existing residents and parking pressure in the area.

The combination of the office and the residential units will see parking pressure at all times of the day. The developer stated at the FocusBARRY meeting in April 2016 that the residents of the development will be home workers, unlikely to have vehicles whether commercial or residential, this is contradicted in the latest parking survey which states that the dual use will not be concurrent:

"The office use will generate parking demand during working hours and residential use will generate demand outside of working hours"

The parking appraisal does not clarify what they class as 'working hours' which can differ greatly from business to business. In the developer's press release they have stated the development will be "24 hour use live/work commercial premises" therefore this contradicts the parking statement that demand for commercial and residential parking will not be coexist and is another misleading statement made within the application.

In summary, the application is contrary to policies:

ENV 27 (ii), (iv) (iv), EMP2 (iv) and (vi), EMP3 (ii), HOUS 8 (ii) and (v), HOUS9 criteria (ii) and (v), HOUS11, and TRAN10 of the UDP. Policies 1, 2 and 3 of the Council's SPG on Amenity Standards and the advice within paragraphs 4.4.3, 9.3.2, 9.3.3 and 9.3.4 of the PPW.

and therefore should be refused.

From: Francesca Dawson, 11 Romilly Road, Barry CF62 6AZ

Re Planning Application 2016/00219/FUL

Further Objection: 28.03.16

In respect of proposed conversion of the United Reform Church, Windsor Road, Barry.

Further to my already submitted objection on grounds of parking I submit additional grounds.

1. The proposal is for office space for a firm of solicitors whose major business is conveyancing. I understand that if the proposed move from existing offices in High Street to this site takes place the firm intend to increase the number of staff they employ. I anticipate that not all these employees will walk, cycle or use public transport to and from work, partly due to where they live at present and partly because they will require their vehicles in line with their duties. These additional vehicles (over and above those that already work in the High Street offices) will require parking places. Due to the parking time limitations in the High Street they will park in Windsor Road, Porthkerry Road and Romilly Road.
2. The parking analysis document in the planning application is erroneous. I note that they surveyed the site during working hours on a Thursday (seeing as it is broad daylight in the photographs) and on a Saturday morning (again in broad daylight) Neither of these times cover times when people are most likely to be at home.
3. The application does not mention that when a very similar development took place, the church in Porthkerry Road, a much smaller scale development, on-site parking was provided at both the front and rear of the conversion at the request of the planning department. This is the site in the photographs Porthkerry C and F.
4. The photographs also imply that parking is available at the back of the York Road properties. (Porthkerry E and F. This area actually has garages with drop kerb entrance along it.
5. The photograph Romilly Road C and D indicates a high number of vacant spaces. Presumably this is due to the developers thinking that everyone can

park here. On left hand side going down there is drop kerb off road parking for the Romilly road flats, there is also a B+B and a guest house. I frequently have to park some considerable distance from my home as it is and I find it very inconvenient.

6. I anticipate that the Mount Sorrel site will be developed for housing in the not so distant future. This will add additional pressure to the parking available in this area.

I wish to underline that I strongly object to the proposed planning application on the grounds that it will add to existing parking difficulties and does not allow for on-site parking for its residents.

Comment for planning application 2016/00219/FUL

Application Number 2016/00219/FUL

Location United Reformed Church, Windsor Road, Barry

Proposal Conversion and minor extension to the existing church and school buildings to create live-work units (C3), office space (B1a) and associated works.

Case Officer Mr. Morgan P. Howell

Name Ms Leanne Sokolski

Address Chair of Governing Body, Romilly Primary School, Romilly Road, CF626LF

Type of Comment Objection

Type Neighbour

Comments The Governors have no particular views on the development of this site. However we do have concerns about parking and road safety if the application is granted as submitted. Parking in the vicinity of the School is already problematic, particularly at drop off / pick up times. We are a large school with around 800 pupils and their families arriving and leaving the premises each day. There are already problems with dangerous and illegal parking near/outside the School which places our pupils at risk. The School has previously raised concerns about this with the police and the Council. Alun Cairns visited the School last autumn as a result of parental concerns. The Governing Body is concerned that a development of this size with no parking provision will reduce the availability of parking near the School and increase the incidences of dangerous and illegal parking, as well as making the walking route to school more dangerous for our pupils and their families.

Received Date 18/4/2016 09:36:18

Attachments

windsor rd • romilly rd • porthkerry rd •

**WRAP
AROUND**
 residents' action group

york pl • 6 streets around

1st June 2016

Dear

Mr. Goldsworthy

Re: The application submitted by DS Properties (BARRY) Ltd., to convert the former Windsor Road United Reformed Church (URC) and associated school buildings

Thank you for taking the time to read our previous letter and paper, which was an initial rebuttal of the developers' parking appraisals and other material.

We have since been busy, working on guaging the concern throughout the existing local and wider community, conducting a survey of our 7 roads and beyond and preparing for you, the enclosed document:

The WRAP Around Parking needs and capacity Report

- it is not that long and we think it a jolly good read!

Please read it with an open mind as it is fair, objective and honest; It expresses the genuine concerns, controlled anger and determined objection to the proposed development as it stands, by over 200 households in the WRAP Around neighbourhood.

We have particularly addressed the application proposal in the context of the Vale Planning guidelines, good planning practice, previous rulings and the weight of development completed and still ongoing in the vacinity; and the volume of vehicles owned and used by current residents.

The backdrop is the reality as experienced by all within this densely populated residential community and the aim is to strike a balance between the social sustainability of the existing community and the aspirations of those wishing to come and live among us.

Good quality living is what we want for everyone and although the Romilly Quarter already utilises some of the finite on-street parking through overspill, it has its own boundary on which to do this; we couldn't be happier with the outcome from the excellent Romilly Quarter development.

In contrast, the URC proposal would breach privacy requirements, increase real fears on road safety and dump over 60 cars on our roads.

Why over 60 you ask? – when our campaign slogan is:

58 cars and no on-site parking - they must be 'parking' mad

You will discover the reason for this within the Report.

RECEIVED
ACTION BY:
NO: 1
ACK:

RECEIVED
17 JUN 2016
Regeneration and Planning

Well over 100 people have formally stated their objection on the Vale's Planning website, the Barry Town Council made a strong objection, as have the Governors of Romilly School, both unanimously.

To express in a constructive way how we would like the United Reformed Church developed:

- It needs to be with **sufficient** on-site parking
we demonstrate in our report there is no slack
- We need road safety issues addressed, double yellow lines on both corners and a controlled or zebra crossing
if parking on corners, near junctions is not good enough in St Brides Major (12th May planning meeting) then it is not good enough on a major route to Romilly school
- We must have the reasonable privacy of existing residents preserved
it is careless and insensitive of the developer to have decided to submit a plan that has windows looking down on and into gardens, kitchens, living rooms and childrens bedrooms – much closer than the stipulated minimum of 21 metres

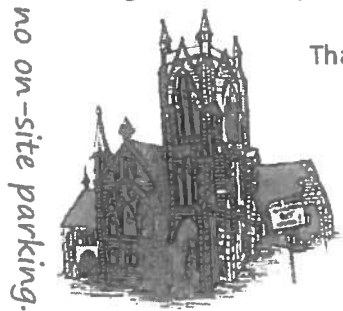
We want to make one thing abundantly clear. The developers of the excellent Romilly Quarter changed their plans and introduced on-site parking. The adjacent Romilly Court has on-site parking, on the same plane and with the same topography and terrain as the URC. It was judged not only possible to make on-site parking, the developers went to the expense of doing this.

The scale for URC is significantly different, but this is through the developer's own choice, and It is clearly a challenge but possible to make provision for **sufficient** on-site parking in this case; yet we understand from previous comments that the developer might like to persuade that an s106 payment is preferable for him.

It would be unforgivable to allow or enable the manipulation of the system to significantly blight our area **in denial of the impact on the existing community**...just because a large empty church sits here. It seems to be almost too much building on too small a plot. Despite a number of attempts, it has not thus far lent itself to the production of a sympathetic development plan that will be an acceptable fit within the neighbourhood landscape.

58 cars - and no on-site parking... If the right plan to ensure social sustainability for all, is not cost effective for the developer, then we the existing community should not be made to live with the wrong development and have to bear the cost; with the plan in the current form, this community is not buying. We urge caveat emptor and ask those with the authority, not to buy it either.

In making up your minds, we hope you will give this letter and the compelling evidence within our Parking needs and capacity Report serious consideration.



they must be 'parking' mad!

Thank you -
Yours faithfully
The WRAP Around working group

Matt Williams
Tracy and Adrian Taylor
Richard and Jane Platts
Roma Calderbank
Francesca Dawson
Laurence Blight

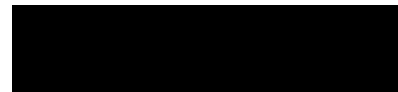
On behalf of the WRAP Around Community
Comprising:
Windsor Road
Romilly Road
and
Porthkerry Road

York Place
Lower Cannon Street
East View Terrace – and the other
roads Around

RECEIVED

Regeneration
and Planning

17 Romilly Road
Barry
Vale of Glamorgan
CF62 6AZ



4th April 2016

Mr M Howell
Development and Building Control
Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

Dear Mr Howell

Proposed Change of Use of Windsor Road United Reformed Church to 22 Residential Units and Class B1a Offices and Associated Works
LPA Ref: 2016/00291/FUL

I wish to object to the above application on the following grounds:

1. Insufficient information in respect of ecology
2. Insufficient parking provision

I will deal with each in turn.

Ecology

The application is not supported by any information dealing with the ecological impact of the proposal. The Council's validation checklist advises applicants to refer to the "Think Wildlife – Think Protected Species" guidance prepared by the Glamorgan Biodiversity Action Group and the Gwent Biodiversity Action Group. I would draw your attention to p7 of the document, which advises planning officers, when dealing with church conversions to liaise closely with applicants and ecology colleagues due to the potential for bats to be present in such buildings. Guidance provided by the Bat Conservation Trust provides a 'Trigger List' for when a protected species survey is required to be submitted with an application. The application proposal falls under the criteria of being a conversion of an existing pre-1914 building with gable ends and a slate roof.

You are of course aware it is an offence to wilfully kill, injure, disturb or damage a bat or habitat and also that you cannot make a recommendation on the application until the presence/absence of bats has been proven and mitigation agreed as necessary. I have no doubt you have already requested the applicant to undertake a bat survey and I look forward to reading the report. I consider the site is also suitable for other protected species i.e. slow worms and would suggest a Phase 1 habitat survey should also be done at the earliest opportunity to avoid any further damage.

Parking Provision

The application proposes no off-street parking, disingenuously relying on the "fallback position" of the site's former use as a church and the results of a parking survey, which appears to show sufficient capacity in surrounding streets to cope with the additional demand. There is no denying that parking is an issue in the area. Windsor Road has been particularly affected by the conversion of the Barry Hotel to residential use without any off-street parking provision and an increase in people using Barry Train Station, using the road as an overflow

station car park. Moreover, I can only think the surveyor who undertook the survey has better eyesight than I, and better driving skills, because it is certainly not safe to park on the bend of Windsor Road/Porthkerry Road as it is suggested in the report.

I have lived in Romilly Road for 34 years and witnessed the gradual decline of the church congregation before it finally closed. Parking demand generated by the church was limited to around three hours on a Sunday morning and evening and occasionally during the morning or evening on week days if an event was taking place. The parking demand can in no way be compared to what the application proposal will generate and it is misleading to justify no off-street parking for the application on the basis that it could convert back to a church and suddenly start creating parking chaos because there are 400 people in the congregation. That is not going to happen.

The parking demand and peaks and troughs of the two uses are not comparable and the applicant should not be allowed to ride roughshod over national and local planning policy. I would draw your attention in particular to TAN 18 (Transport), which urges local planning authorities to carefully consider the impact of parking pressures in residential areas. Paragraph 4.16 of TAN 18 states that local planning authorities should give greater weight to the potential adverse impacts likely to result from on-street parking when the design and layout of the street is unlikely to satisfactorily cope with additional residential parking pressures. Furthermore, paragraph 5.13 stipulates that where on-street car parking is not controlled, planning authorities should recognise that residents will seek to park as close to their homes as possible. Introducing twenty two additional households and a commercial office into an area already suffering significant parking issues would fly in the face of both national and local planning policy and it seems ludicrous that the applicant would be granted consent without providing any off-street parking.

The "fallback position" was not accepted on the Mount Sorrell application and it should not be accepted here (LPA Ref: 2014/01129). I am aware that during the consideration of that application there was a very firm objection from the Council's highways, requiring at least one-to-one parking provision, in spite of the fallback position (i.e. it being a hotel), and a parking survey to demonstrate surrounding streets could absorb any additional requirement. Page 9 of the parking survey includes reference to an email from the case officer to the applicant's agent stating that any parking survey must assess the impact of recently approved schemes at no. 9 Porthkerry Road and 21 Romilly Road and the Porthkerry Methodist Church. Given this stance, I would therefore expect the survey undertaken for Windsor Road URC to consider the impact on parking capacity that the Mount Sorrell proposal will have. I appreciate the decision notice is not yet issued, but nonetheless it should be counted as a residential commitment.

I would welcome a sympathetic conversion of the church – I have been impressed with DS Properties' work elsewhere – but the impact of not providing **any** off-street parking on both existing and future residents must be given sufficient weight in the decision making process.

Yours sincerely

Mr Brian Lees

APPENDIX B

Willmott, Michael

From: CAIRNS, Alun [REDACTED]
Sent: 17 May 2016 15:44
To: Petherick, Mark
Cc: Willmott, Michael
Subject: Planning Application 2016/00219/4

18 MAY 2016

Dear Mark

gaa.
LBLE

Our Ref: VoG/AB/C/A/May2016

Reference: Planning Application 2016/00219/FUL Development of the former United Reform Church, Windsor Road, Barry

I write in respect of the above planning application.

I have been contacted by a number of residents who have expressed their concerns to me in relation to this planning application and they have asked that I pass on those concerns to the Vale Of Glamorgan Council and the planning officers. They have four main points of issue and they have formed an action group to assist in their objections. Their four main points of concern are:

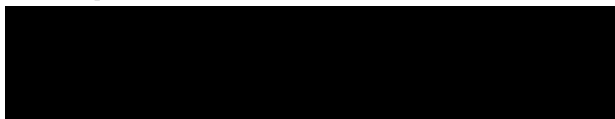
- 1 – The lack of provision for onsite parking which they contend will then have a significant impact on the surrounding parking availability on roads close to the project site.
- 2 - The increase in vehicular movement will have road safety concerns, particularly in relation to school children and their parents. The current situation in relation to the nearby school does mean that parking for dropping off is at best difficult and the increase in residents' parked vehicles will further add to the already chaotic situation.
- 3 – There is some concern from residents whose homes will be overlooked by the proposed development that the proposed flats and position of windows mean that other private dwellings will be overlooked and their privacy compromised.
- 4 – Should the building be used for business use, then again there is concern that there will not be sufficient parking in the area around the church to accommodate business use during daytime hours.

Could I therefore ask that this be passed to the planning department for their consideration and make them aware of the very local concerns that are being expressed in relation to this application. I am aware that the residents have submitted as part of the action group and individually their own objections to the application and I can only ask that every consideration is taken of those objections.

Kind Regards,

Alun.

Rt Hon Alun Cairns MP.
Vale of Glamorgan Constituency.
Constituency Office,
29 High Street / 29 Y Stryd Fawr, Barry / Y Barri, CF62 7EB



Keep up to date with Alun - [Facebook](#) | [Twitter](#) | [Flickr](#)



Jane Hutt

Together for the Vale



Jane Hutt

115 High Street

Barry

CF62 7DT

jane.hutt@outlook.com

janehutt.wales

[@JaneHutt](#)

Via email to: Mark Petherick

Cabinet Officer Vale of Glamorgan Council

and to the Vale Council Planning Department

20 April 2016

FAO: Cllr Burnett

Re: 2016/00219/FUL United Reformed Church, Windsor Road, Barry-Conversion and minor extension to the existing church and school buildings to create live-work units (C3), office space (B1a) and associated works

Further to my letter dated 30 March, I would like to raise further objections that have been shared with me about the above planning application. I would be grateful if they could be noted ahead of any Planning Committee meeting.

Residents living near to the proposed development site namely on Windsor Road, Romilly Road and Porthkerry Road, have concerns relating to parking, safety and privacy.

I understand that the development application offers no parking provision for the residential and commercial accommodation proposed. What is proposed in terms of residential dwellings and work space, will naturally generate extra parking space 24/7, which does not accord with the former usage by church congregations.

I also understand that there are safety fears at this site; pedestrians crossing Porthkerry Road find it increasingly hazardous, I am told there have been accidents on Porthkerry Road hill and that drivers find it almost impossible to exit Romilly Road safely due to parking on or too near corners. Given the very close proximity of Romilly Primary School, there have been calls for a zebra crossing. The impact of this development, particularly its lack of parking provision, on these long standing safety concerns needs to be fully considered.

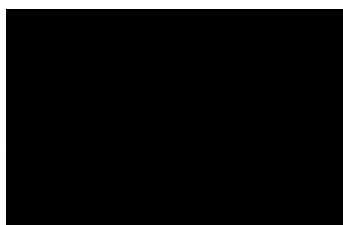
Local residents have also told me that there are concerns regarding a number of dwellings in the proposed development that appear to be in elevated positions on the south side of the church. There are concerns that residents on Windsor Road and Romilly Court will be overlooked by these new dwellings, affecting their privacy.

3

Finally, some residents have questioned the suitability of the location (which has been acknowledged as, 'a densely populated residential area,') for developing commercial premises as well as residential dwellings.

I would be grateful if the above concerns could be accorded due consideration and that a collaborative way forward can be found, which allows for a development that complements the local community.

Yours sincerely



Jane Hutt
Candidate Vale of Glamorgan

Andrew RT Davies AM/AC

Leader of the Opposition

Arweinydd yr Wrthblaid

Welsh Conservative Member for

South Wales Central

Aelod y Ceidwadwyr Cymreig dros Ganol De Cymru



Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

Mr M Petherick
Cabinet Officer
Vale of Glamorgan Council
Civic Offices
100 ton Road
Barry
CF63 4RU

Please reply to
Cardiff Bay, Cardiff, CF99 1NA
Bae Caerdydd, Caerdydd, CF99 1NA

Andrew

27 MAY 2016

913
LBILE

20th May 2016

Dear Mark

Planning Application: 2016/00219/FUL

Development of the former United Reform Church, Windsor Road, Barry

I have been contacted by a number of local residents regarding the above application, who have many concerns relating to the impact it will have on the local area.

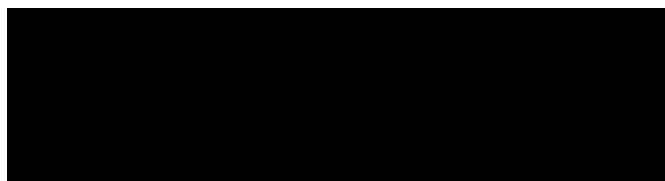
In particular, they are concerned about the impact the development will have on road safety in the surrounding area, because there is a lack of provision for parking on site. This could result in a reduction in the parking available on other roads nearby, which could be exacerbated further if the building is used for business purposes. This presents specific problems for the nearby school, especially when children are being dropped off and picked up.

There is also concern from those residents whose homes will be directly overlooked by the development, because the position of windows potentially means that their privacy will be affected

I therefore ask that these concerns be given full consideration by the planning department in making their decision in respect of the application, and that local residents are fully given the opportunity to participate in the process and make their views known.

Thank you for your consideration of the matter, and I look forward to hearing from you.

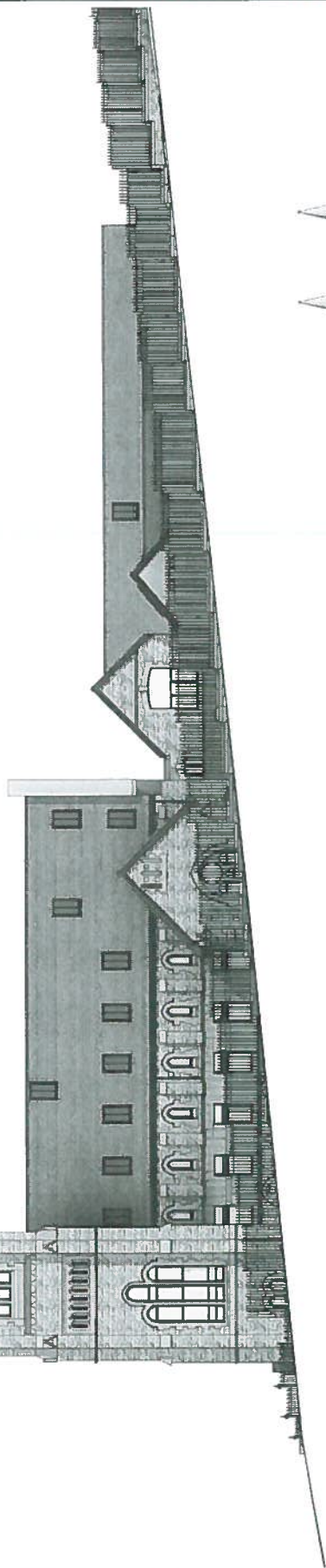
With kind regards,



Andrew RT Davies AM
Assembly Member for South Wales Central
Leader of the Welsh Conservatives

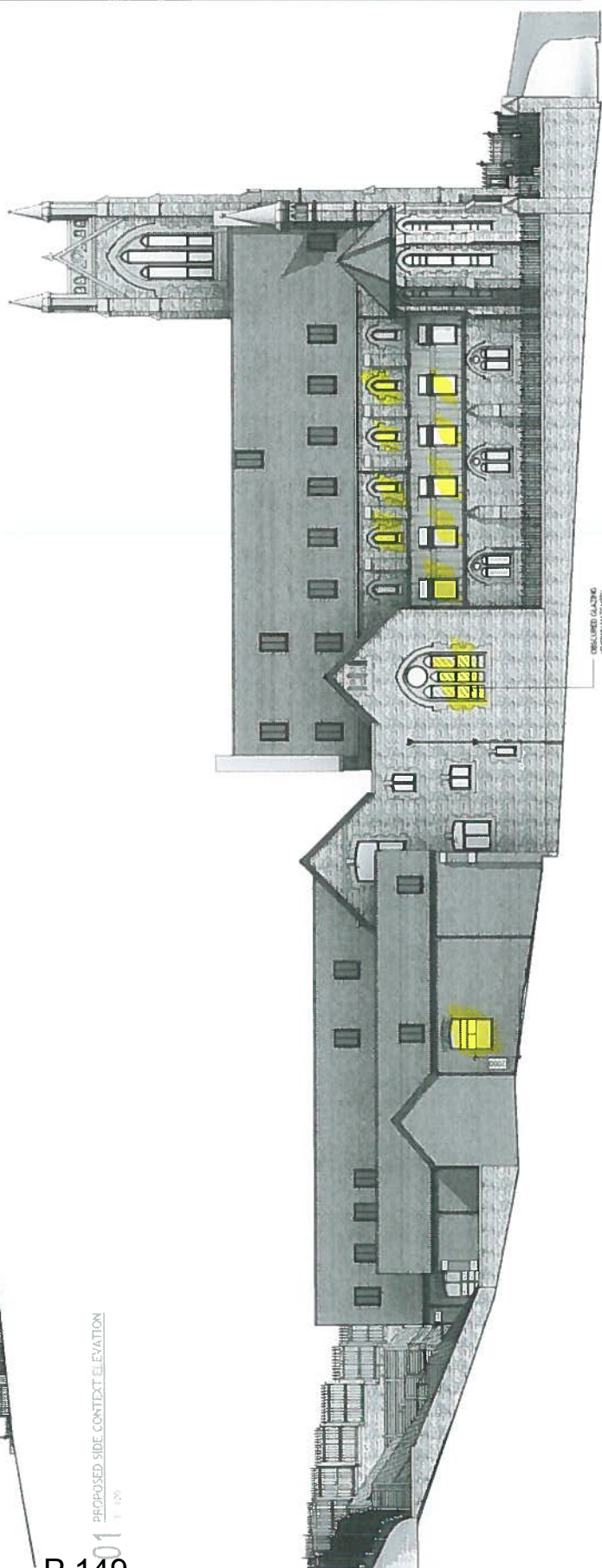


PROPOSED SIDE CONTEXT ELEVATION



11/1/96

PROPOSED SIDE CONTEXT ELEVATION



UNION OF THE UNITED STATES OF AMERICA

02

Notes:

Project: PROPOSED MIXED USE, WINDSOR
ROAD CHURCH, BARRY

Job Number: 1538

Date: 30.06.16

Drawn by: _____ PC _____

Dwg No: A117

PROPOSED SIDE CONTEXT
ELEVATION

Revision: F

Scale: 1 : 100 @ A1

Drawing Status:

TONY KING
ARCHITECTS LTD

97a Globe Street, Penarth
Vale of Glamorgan CF64 1EE

T: 02920 306400

www.tonykingarchitects.co.uk

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Notes:

Do not scale this drawing. Check all dimensions
on site and in the field and report back
to the Architect for clarity

Client:

DS PROPERTIES LTD

Project:

PROPOSED MIXED USE, WINDSOR
ROAD CHURCH, BARRY

Job Number:

L538

Date:

30.06.16

Drawn by:

PC

Dwg No:

A127

SECTIONS

Revision:

A

Scale:

1 : 100 @ A1

Drawing Status:

PLANNING



TONY KING
ARCHITECTS LTD

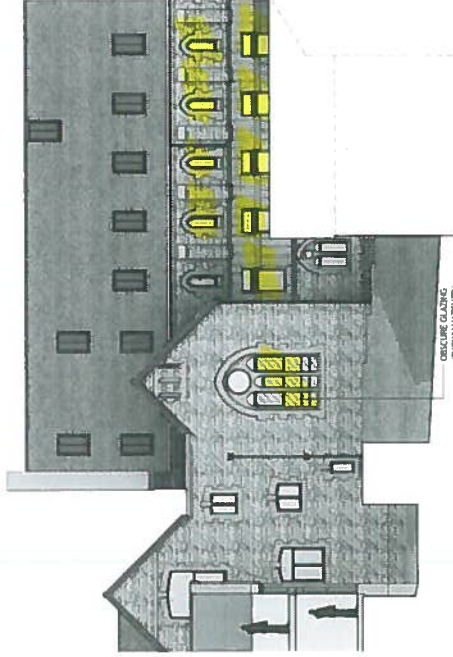
97a Glebe Street, Penarth
Vale of Glamorgan CF64 1EE

T: 02920 306400

www.tonykingarchitects.co.uk

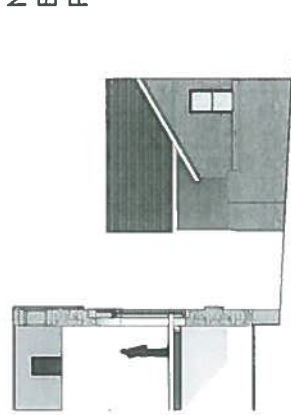


01 SITE LAYOUT
1 : 100



02 SECTION THROUGH SUNDAY SCHOOL & 23 WINDSOR ROAD
1 : 100

NB/ RIDGE HEIGHTS
ETC, TAKEN FROM
POINT CLOUD SURVEY



03 SECTION THROUGH CHURCH & PEAR LANE
1 : 100

Do not scale this drawing. Check all dimensions on site. Any discrepancies to be reported back to the Architect for clarity.

DS PROPERTIES LTD

Project: **PROPOSED MIXED USE, WINDSOR
ROAD CHURCH, BARRY**

Job Number: 1538

Date: 30.06.16

Drawn by

Drug No. A116

PROPOSED FRONT & REAR
CONTEXT ELEVATION

Revision: 1.0

Scale. 1:100 @ A1

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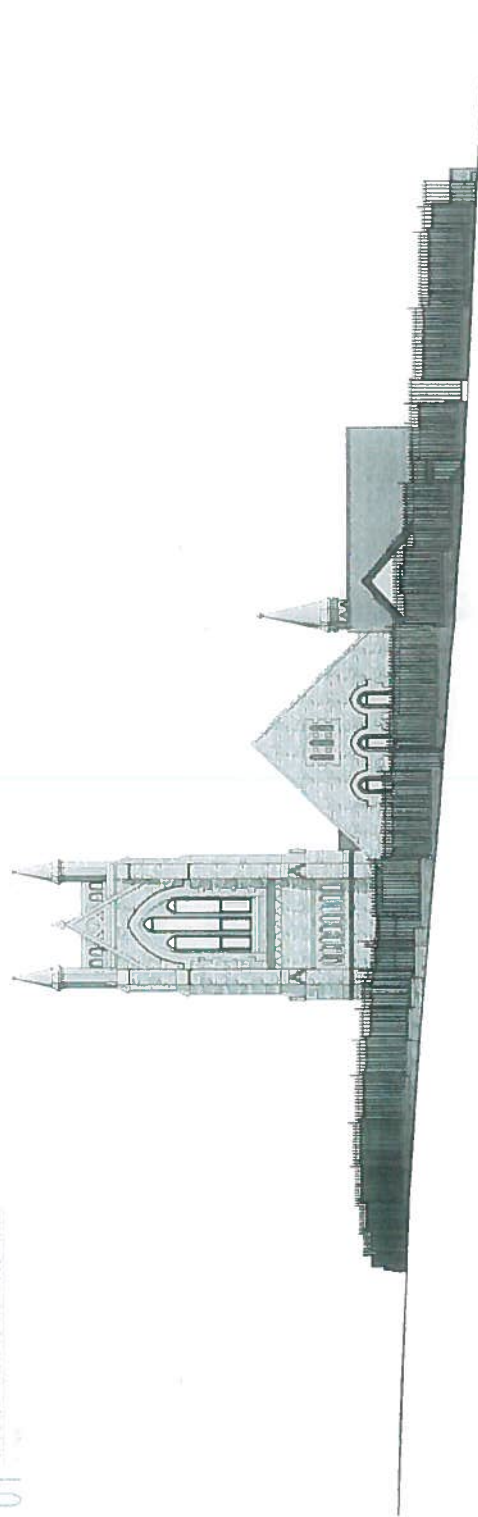
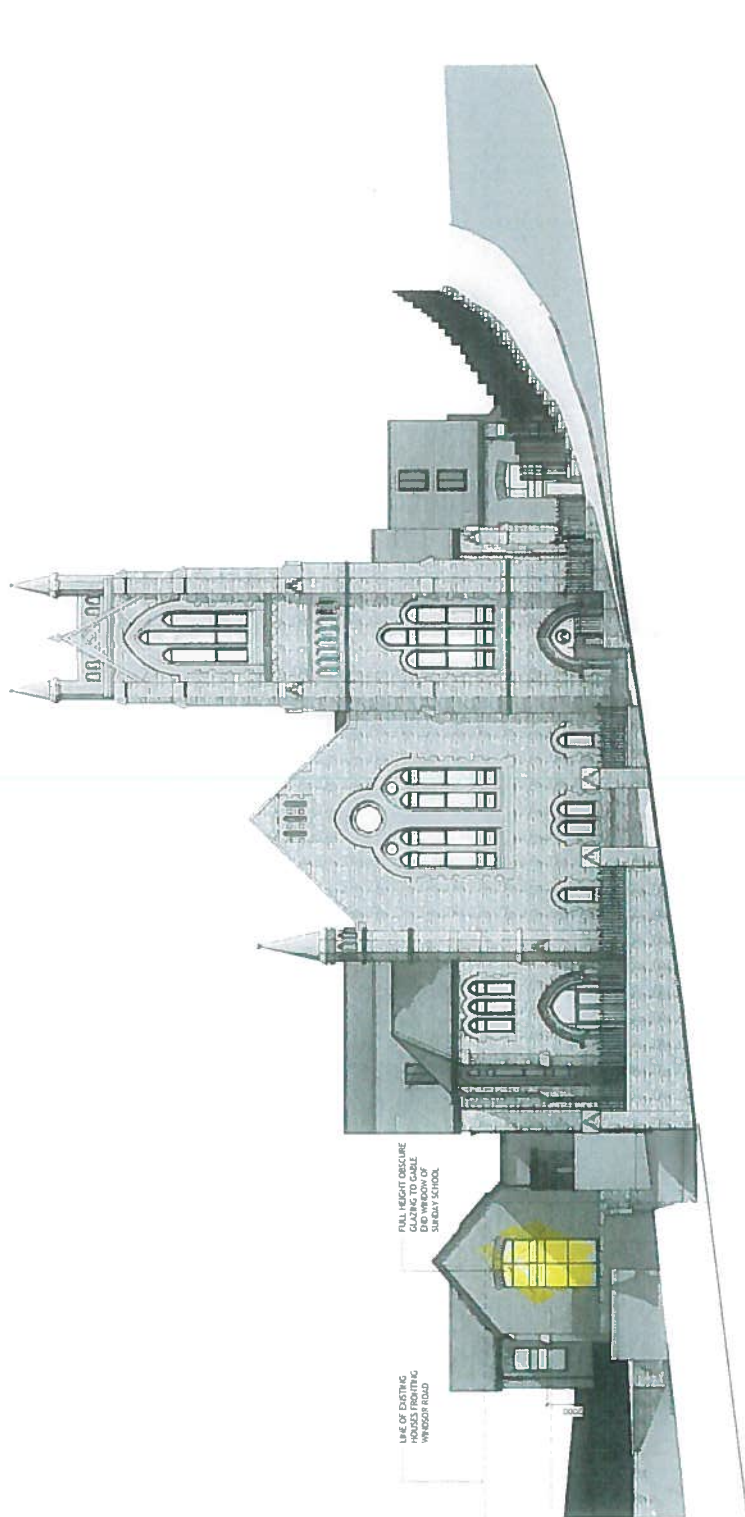
status: **GENERAL**

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Appendix D- Parking Breakdown and deductions

Breakdown of Parking Spaces including deductions for Highways Officers comments, TRO (yellow lines) and Cumulative Impact. Highlighted in green to identify periods when the parking demands can be met and red when the on street parking is under provision.

	Day 2 (Wednesday) May	Highway Officer Ded	Cumulative Impacts
Time			
07:00	60	46	27
07:15	61	47	28
07:30	73	59	40
07:45	77	63	44
08:00	74	60	41
08:15	78	64	45
08:30	79	65	46
08:45	82	68	49
09:00	83	69	50
09:15	79	65	46
09:30	84	70	51
09:45	78	64	45
16:00	66	52	33
16:15	66	52	33
16:30	76	62	43
16:45	76	62	43
17:00	73	59	40
17:15	70	56	37
17:30	83	69	50
17:45	77	63	44
18:00	68	54	35
18:15	61	47	28
18:30	44	30	11
18:45	40	26	7
19:00	32	18	-1
19:15	35	21	2
19:30	32	18	-1
19:45	30	16	-3

	Day 1 (SAT) MAY	Highway Officer Ded	Cumulative Impacts
Time			
10:00	40	26	7
10:15	46	32	13
10:30	49	35	16
10:45	49	35	16
11:00	45	31	12
11:15	53	39	20
11:30	55	41	22
11:45	58	44	25
12:00	53	39	20
12:15	58	44	25
12:30	51	37	18
12:45	55	41	22
18:00	39	25	6
18:15	38	24	5
18:30	35	21	2
18:45	31	17	-2
19:00	29	15	-4
19:15	26	12	-7
19:30	18	4	-15
19:45	16	2	-17
20:00	14	0	-19
20:15	16	2	-17
20:30	14	0	-19
20:45	15	1	-18
21:00	16	2	-17
21:15	20	6	-13
21:30	20	6	-13
21:45	20	6	-13

	Day 1 (Thurs) March	Highway Officer Ded	Cumulative Impacts
Time		-14	-19
07:00	61	47	28
07:15	66	52	33
07:30	67	53	34
07:45	74	60	41
08:00	76	62	43
08:15	78	64	45
08:30	73	59	40
08:45	76	62	43
09:00	74	60	41
09:15	76	62	43
09:30	72	58	39
09:45	65	51	32
16:00	69	55	36
16:15	74	60	41
16:30	73	59	40
16:45	76	62	43
17:00	66	52	33
17:15	64	50	31
17:30	74	60	41
17:45	74	60	41
18:00	73	59	40
18:15	62	48	29
18:30	60	46	27
18:45	54	40	21
19:00	60	46	27
19:15	58	44	25
19:30	58	44	25
19:45	58	44	25

	Day 1 (SAT) March	Highway Officer Ded	Cumulative Impacts
Time		-14	-19
10:00	61	47	28
10:15	65	51	32
10:30	61	47	28
10:45	63	49	30
11:00	68	54	35
11:15	72	58	39
11:30	68	54	35
11:45	67	53	34
12:00	63	49	30
12:15	61	47	28
12:30	58	44	25
12:45	66	52	33
			-19
18:00	63	49	30
18:15	64	50	31
18:30	65	51	32
18:45	61	47	28
19:00	69	55	36
19:15	66	52	33
19:30	64	50	31
19:45	60	46	27
20:00	59	45	26
20:15	47	33	14
20:30	45	31	12
20:45	46	32	13
21:00	45	31	12
21:15	42	28	9
21:30	42	28	9
21:45	42	28	9

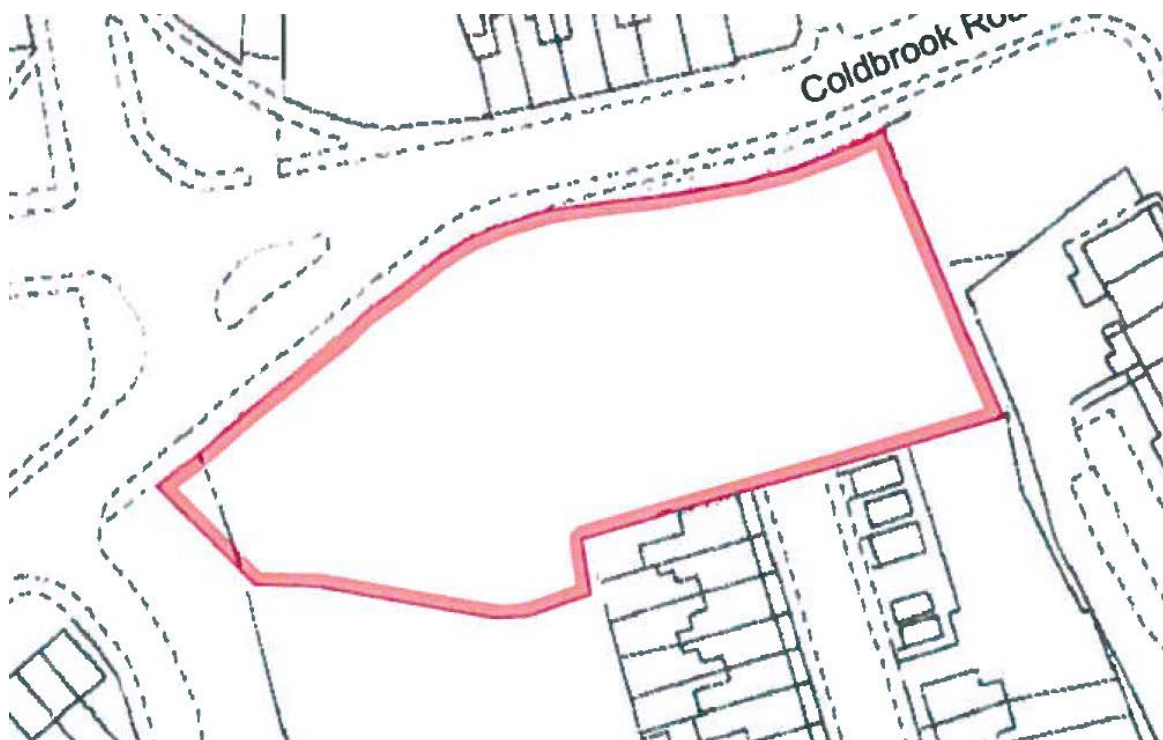
Mr. Laurence Forse Harmers Limited, 39, Lambourne Road, Cardiff Business Park,, Llanishen,, Cardiff,, CF14 5GG
Crystal Springs Barry Limited 252, Cowbridge Road East,, Canton,, Cardiff,, CF5 1CZ

Crystal Springs, Coldbrook Road East, Barry

Construction of nursing home - revised design and car parking

SITE AND CONTEXT

The application site relates to a parcel of land located on the south side of the junction of Church Road and Coldbrook Road West, Cadoxton, Barry.



The site measures an area of approximately 0.35 hectares and was historically used as a quarry, with its last use as a vehicle repair garage. The site has been cleared although it still retains a large concrete slab and engineered land form arising from historical levelling during the quarrying operations. The site is enclosed by a security hoarding along the frontage of the western part of the site. The eastern part of the site is fronted by a steeply sloping tree lined bank. Whilst the site is level along its frontage, there is a significant rise through the site of some 12 metres.

The site lies within a predominantly residential area and is located opposite the eastern part of the Cadoxton Conservation Area with a small traditional residential terraced block located immediately opposite the application site. To the south of the application site is a terraced residential street (St. Oswalds Road) located in a significantly elevated position above the application site. To the east the site abuts the rear of the three storey flats located in Powys View.

There are also a number of Listed Buildings located in close proximity, those being the Grade 2 Listed Old School House, opposite the site and the Grade 2 Listed Church and Cross of St. Cadoc.

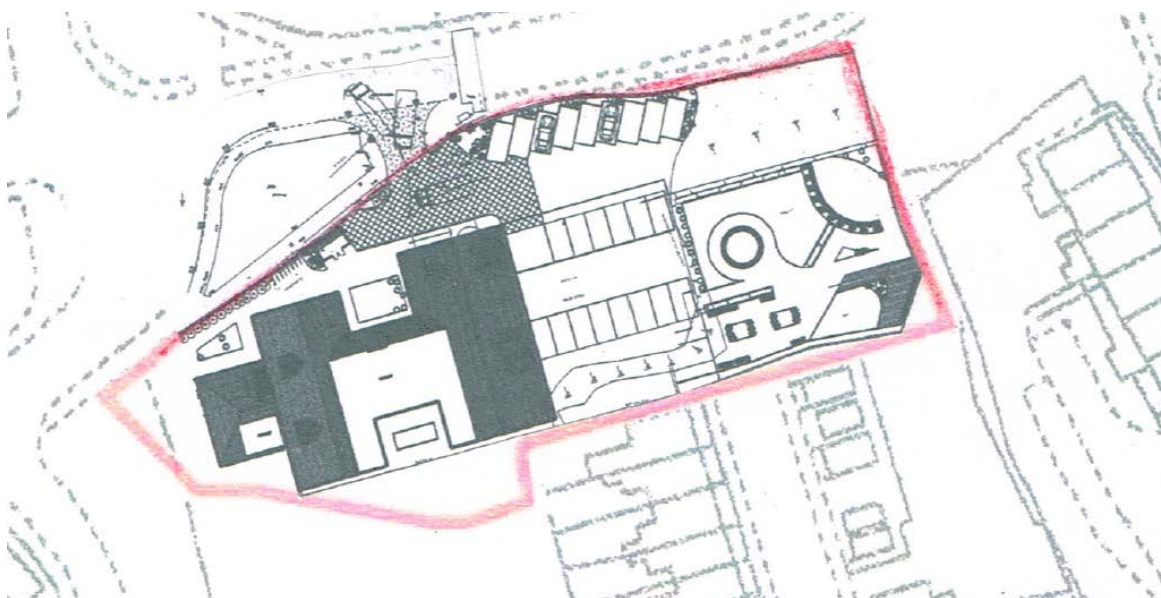
Work has commenced on the previously approved care home (ref: 2011/00555/FUL) with site clearance, excavation works and basic steel frame already in place. Work has halted recently until this application for a revised care home scheme has been determined.

DESCRIPTION OF DEVELOPMENT

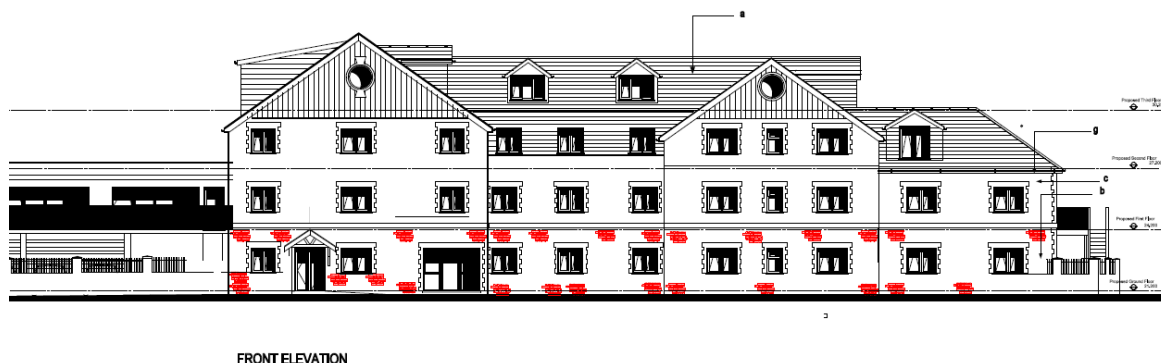
This is a full application for a larger care home than that approved under application reference 2011/00555/FUL, which included 50 beds. This revised application includes the following:

- *Ground floor - 15 bedrooms, dayroom, WC, laundry, kitchen and other ancillary rooms.*
- *First Floor – 22 bedrooms, with a link to the large dayroom and terrace garden above a car parking area*
- *Second Floor – 21 bedrooms, 1 No. dayroom, assisted bathrooms and other ancillary rooms.*
- *Third Floor (Attic level) – 13 bedrooms, Day Room;*

There would be a total of 71 bedrooms in the development, 21 more than previously approved.



The building would be 3 and a half storeys (with the third floor being within the roof). The building is formed from two wings and a central link. There is also a smaller two storey section (with further accommodation within the roof) to the west elevation. The building proposes steep pitched roofs with dormer and rooflight windows, and a flat roof section towards the rear of the building, which allows for more internal space.



The proposals include slate coloured roof tiles, with hanging tiles also to the front elevation at 2nd floor level on the central section. The walls are to be a mix of facing brick and render, with upvc windows and doors.

The proposals include a covered parking area to the side of the building. Above this parking area would be a garden terrace and a day room surrounding the terrace. There is further parking provision (23 spaces in total) together with turning space to the front of the building and garden/amenity space (including decking and pond). The site will be enclosed along its frontage by a low level brick wall with pillars and infill railings. Retaining walls would be required to the rear, against the steep cliff face.

Access would be from the highway to the front of the site in the same position as that approved under the previous application.

PLANNING HISTORY

2011/00555/FUL: Crystal Springs, Coldbrook Road East, Barry - Construction of Nursing Home - 50 beds - Approved 04/11/2013

CONSULTATIONS

- **Barry Town Council** -

'OBJECTION - Whilst further amendments seek to overcome some of the Town Council's concerns regarding the over-development of the site and the damaging impact on the setting of the adjacent Cadoxton Conservation Area. The Town Council remains concerned that there is insufficient vehicular parking and servicing proposed on-site to meet the combined needs of the approved development and the increased number of residents and staff proposed. This together with the consequential additional numbers of friends and family visitors to the site would unacceptably increase parking problems and congestion in neighbouring streets and would cause further detriment to the character and appearance of the adjacent conservation area.'

- **Highway Development** – Commented regarding the minimum parking dimensions and manoeuvring requirements within the development. Other requests that have been addressed by the applicant. Final comments are still to be made and shall be reported to Members as a late representation.
- **Highways and Engineering** – Considered the submitted drainage details. Stated that any connection to a main sewer would need the consent of Welsh Water. Land Drainage Consent may also be required for any connection to a watercourse. Required details of drainage via condition.
- **Environmental Health (Pollution)** – No comment to make
- **Cadoc Ward Members** – Councillors Anne and Neil Moore strongly object to the proposals which they consider are an overdevelopment of the site. They also have concerns about parking provision as proposed to serve the care home. Concerns also that the larger care home would be incongruous to the low level street scene in the area and an overbearing form of development. Highways safety and noise pollution concerns also raised. See **Appendix A** for a copy of the Councillors letter.
- **Dwr Cymru/Welsh Water** – No objection subject to standard drainage conditions. Also highlighted a sewer that crosses the site. The agent has been made aware of the comments.
- **Ecology Officer** – No comment to make
- **The Council's Community Health & Care Section** - "I note the intent to build a nursing home on this site. I have no comment regarding the site itself, either in terms of location or size/style. However, it should be noted that there has been no contact with current officers of this Directorate until 5th August to seek advice regarding the numbers of placements proposed and the intent of VoG to contract with this home. We have given no commitment to block contract with this home or entered into any discussion regarding the viability and proposed demand for this facility."

REPRESENTATIONS

The neighbouring properties were consulted on 11 April 2016. Site notices were also displayed on 20 April 2016. The application was also advertised in the press on the 26 April 2016. There have been emails of objection from 2 neighbours to the site, concerned with issues including the following:

- Height of the proposed care home being overbearing
- Impact to neighbouring properties and the noise and disturbance caused by the construction and excavation works
- Overshadowing and loss of privacy for neighbouring dwellings
- Lack of sufficient car parking to serve the development
- Noise and disturbance from the care home and associated traffic
- Questions over the evacuation procedures for the care home
- Impact to the adjacent Conservation Area
- That the development has already commenced prior to determination

Furthermore, a petition has been received which has over 50 signatories. The petition letter states that the development would have a huge impact to the adjacent Conservation Area and Listed Buildings and have an overbearing impact due to the 4 storeys proposed. Concerns raised also in relation to overlooking impact, noise pollution, parking provision and highway safety, and ecological impacts.

Please see **Appendix B** for a copy of the petition letter.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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 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:

Policy:

ENV17 – PROTECTION OF BUILT AND HISTORIC ENVIRONMENT

ENV20 - DEVELOPMENT IN CONSERVATION AREAS

ENV25 – REGENERATION OF URBAN AREAS

ENV26 – CONTAMINATED AND UNSTABLE LAND

ENV27 - DESIGN OF NEW DEVELOPMENTS

ENV28 – ACCESS FOR DISABLED PEOPLE

ENV29 – PROTECTION OF ENVIRONMENTAL QUALITY

HOUS10- NURSING HOMES

TRAN10 - PARKING

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, both chapters 2 and 4 of Planning Policy Wales (Edition 8, 2016) provide the following advice on the weight that should be given to policies contained within the adopted development plan:

‘2.8.4 It is for the decision-maker, in the first instance, to determine through monitoring and review of the development plan whether policies in an adopted [Development Plan] are outdated for the purposes of determining a planning application. Where this is the case, local planning authorities should give the plan decreasing weight in favour of other material considerations such as national planning policy, including the presumption in favour of sustainable development (see section 4.2).’

'4.2.4 A plan-led approach is the most effective way to secure sustainable development through the planning system and it is important that plans are adopted and kept regularly under review (see Chapter 2). Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise (see 3.1.2). Where:

- there is no adopted development plan or*
- relevant development plan policies are considered outdated or superseded or*
- where there are no relevant policies*

there is a presumption in favour of proposals in accordance with the key principles (see 4.3) and key policy objectives (see 4.4) of sustainable development in the planning system. In doing so, proposals should seek to maximise the contribution to meeting the local well-being objectives.'

With the above advice in mind, the policies relevant to the consideration of the application subject of this report are not considered to be outdated or superseded. The following policy, guidance and documentation support the relevant UDP policies.

Planning Policy Wales:

National planning guidance in the form of Planning Policy Wales (Edition 8, 2016) (PPW) is of relevance to the determination of this application.

9.3.3 Insensitive infilling or the cumulative effects of development or redevelopment...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.

9.3.4 In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas".

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 12 – Design (2016)

Supplementary Planning Guidance:

In addition to the adopted Unitary Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Amenity Standards
- Barry Development Guidelines
- Parking Standards (Interactive Parking Standards Zones Map)
- Draft Supplementary Planning Guidance - Planning Obligations
- Public Art
- Cadoxton Conservation Area Appraisal and Management Plan

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20th December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20th March – 1st May 2014. The Council has considered all representations received and on 24 July 2015 submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public commenced in January 2016.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.8.1 of Planning Policy Wales (edition 8, 2016) is noted. It states as follows:

*'2.8.1 The weight to be attached to an **emerging LDP** (or revision) when determining planning applications will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances.'*

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Office Circular 13/97 - Planning Obligations
- Welsh Office Circular 61/96 - Planning and the Historic Environment: Historic Buildings and Conservation Areas (as amended)
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

Issues

Whilst the site does not fall within the Cadoxton Conservation Area, due to the elevated nature and size of the application site, together with the scale and form of development proposed, consideration should be given to the potential impact of the development on the character of the Conservation Area located on the opposite side of Coldbrook Road East. Given the unique site characteristics and taking into account the sites context and topography, the main issues are:

- The principle of the redevelopment of the site.
- Whether the scale, form, massing and design of the proposed nursing home is acceptable, and the impact to the character of the street scene
- The impact on the proposal on the character and setting of the nearby Listed Buildings and the Conservation Area
- Impact on the amenity of nearby residential occupiers.
- Traffic and Highway Implications.
- Ecological Matters.
- Section 106 matters.

Principle of the Redevelopment of the Site

The site falls within the residential settlement boundary of Barry where the redevelopment of the site as a nursing home is considered acceptable in principle, subject to the proposal complying with the criteria set out within Policy HOUS10 (Nursing Homes) which is the principal policy in the assessment of this application.

The Council's Social Services Department (Community Health and Care) has been consulted with regards the development. From the response it is evident there has been recent contact between the developer and the Community Health and Care department, although there is no contract agreed as yet. The developer has indicated that this cannot be done until planning permission has been secured. There has been indication from the Council's Social Services team that there is demand for such a community facility in the Vale of Glamorgan and it is understood that the developer has experience in running care homes in Cardiff. Furthermore, the agent states that the rooms will meet the Care and Social Services Inspectorate Wales requirements.

The existing site was originally used as a quarry, with intervening uses and the site has remained vacant for a number of years. The existing site is enclosed along its entire frontage by a solid boarding enclosure which given its prominence, is considered to detract from the wider street scene and that of the adjacent nearby Conservation Area. Moreover, in line with Policy ENV25, the redevelopment of the site will regenerate derelict brownfield land.

Furthermore, given that there is already an approval for a care home on the site, it is considered that the principle of the development remains acceptable and the following section of the report considers the detail of the scheme.

Site Analysis

The site is located in an area with varying topography where the land rises either side of Coldbrook Road East. Whilst the site is visually rather isolated, being located at a junction, it is nevertheless viewed from some surrounding positions in context with the nearby residential dwellings located opposite the site on Coldbrook Road East and to a lesser degree the mainly terraced dwellings located on Church Road to the west. Moreover and uniquely, the back drop of the site is formed by the quarry face with the gable end terrace on St. Oswalds Road being particularly prominent above the site.

It is therefore necessary to consider the impact on the nearby Cadoxton Conservation Area and the potential impact on the number of Listed Buildings located in close proximity to the site.

Visual Impact

Members will note that there has already been consent for a nursing home on the site. Now proposed is a larger alternative scheme (taller and wider), which includes an additional floor of accommodation across much of the revised building. However, the taller gable to the eastern side of the building would be approximately the same height as the approved equivalent, while the other sections of the proposed building have risen over that approved by less than 1 metre.



FRONT ELEVATION

Front Elevation as proposed with this application



Front Elevation as approved previously

The central section and western gable now proposed would have a maximum height of approximately 11.7m, whereas the approved care home equivalent sections had a height of approximately 10.8m. This is not considered a particularly significant height increase over that approved. Likewise, the western projection with the approved drawing had a height of approximately 8.5m, whereas the proposed height of the equivalent section is approximately 9.1m. The front elevation is the most prominent of the proposed building, facing towards the highway (Coldbrook Road East) and the limits of the Conservation Area opposite. The amendments received through the course of this application have resulted in a lower building height than first submitted, with the visual impact of the increased volume being substantially mitigated by only relatively limited increases in height over the approved scheme.

To help to mitigate the massing of the additional storey within the central section, hanging slate is proposed to give the appearance that the eaves of the front roof slope is set just above the first floor level, which would mirror that approved previously. It would be clear from very close inspection that the front elevation would include hanging tiles clad to the front elevation to match the roof, however from a distance, and from the highway and dwellings opposite, it is considered that this would be relatively effective in creating the appearance of a lower eaves level as part of a mansard roof design. It would certainly break up the visual expanse of render and would add more interest to the elevation.

To obtain the additional internal volume that would be needed by the applicant, whilst maintaining ridge heights similar to that previously approved, there is a large flat roof area to the rear of the central ridge. The flat roof area would be at the same height at the central ridge (approximately 11.6m). This would not be readily visible from either the front or side elevations as it would be largely hidden behind the roof slopes. However, there would be some views from the rear, where the flat roof section would be more visible.

The rear elevation, as a result of the flat roof section, would appear more bulky and not of a typical or traditional appearance. However, the scheme is designed in such a way to minimise the impact of the additional volume and bulk on the more prominent elevations. The rear elevation primarily faces the cliff face of the former quarry, although there are lower levels where the rear elevation would be at least partially visible. This includes a Council-owned area of sloping grass land (to the east of Bastian Close), which is partially covered by shrubs, hedgerows and small trees. There is also a grass track that connects the highway to the west of the site with Victoria Park Road to the south, which is on a significantly higher level. Whilst there would be partial views of the rear elevation from this area it would not be possible to appreciate the whole view of this side of the proposed building due to level differences and existing vegetation. It is also considered that views from this direction would not be particularly sensitive, especially compared with the front elevation which faces neighbouring dwellings within the Conservation Area at relatively close proximity.

The flat roof area is a functional addition to the building to allow for additional volume to the rear elevation, which is significantly screened from view by the adjacent quarry cliff face and substantial vegetation. On this basis, the arrangement is considered acceptable and allows for minimal increases in height to the more sensitive and visible front elevation.

There are dormers to be included, which have been amended to improve their symmetry and design. The dormers now proposed are considered to be of a suitable scale for the building (that would not dominate the respective roof slopes) and would be of an acceptable appearance.

Although the building is larger than previously approved, it is contained within a similar portion of the overall site. There is substantial space remaining in the site for parking, turning space, amenity space (gardens and terraces), which clearly indicates that the proposed nursing home would not “overdevelop” the site. An added element to the proposals, over that previously approved, is the covered parking area, with a garden terrace and day room over. Whilst this would be a further structure within the site, it would effectively cover a parking area and allow for a garden terrace with landscaping above, surrounded by the day room. This is considered an efficient use of the space, allowing for a visible landscaped area rather than simply a parking hardstanding. It is also considered that the development, together with the hard and soft landscaping would enhance the appearance of this former quarry, including the removal of the hoarding around the perimeter of the site and replacing it with the proposed brick wall and railing.

The building would appear as significantly larger in scale than adjacent residential dwellings, however this does not mean it is unacceptable in principle, since this is a nursing home and not a dwelling. Such buildings are typically larger than dwellings and are often found in residential contexts.

While the building would be seen from some positions in the context of other dwellings it would occupy an individual parcel of land on its own and is not particularly closely related to buildings on either side. Consequently it would not be read immediately adjacent to neighbouring dwellings and accordingly there is scope for a building in this street scene which is materially larger than others. That being said, it is considered that the scale is not unduly large such that it would not appear as visually harmful or obtrusive in this context.

The location of the nursing home would not result in an overly prominent building given its location within a former quarry, with the rear elevation facing the high quarry face. The front of the building would appear similar to the previously approved scheme and would not result in any detrimental impact to the character of the adjacent Conservation Area, in accordance with Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore, due to the considerable separation distance involved, the proposed nursing home would also have no detrimental impact on the setting of the nearest listed buildings, since it would not interfere harmfully with views of them.

Overall, the proposed design, scale and massing of the proposed nursing home is considered acceptable, following the amendments received.

Impact on the Amenity of Nearby Residential Occupiers

The front and side elevations of the proposed building would be over 25m from the nearest neighbouring dwellings, across the highways. As such the proposed development would not result in any significant overlooking impact, due to these separation distances. Furthermore, despite being a taller building the separation distance to neighbouring dwellings is such that there would not be any significant overbearing or overshadowing impact. The dwellings on St. Oswalds Road are on a significantly higher ground level than the proposed site. It is noted that the highest point of the proposed nursing home would be approximately level with the road level of St Oswalds Road. As such, there would not be any direct impact to the occupiers of the dwellings along this road.

There have been concerns raised regarding the noise from both the construction and the operation of the nursing home. The construction phase is temporary and it is considered that a significant proportion of the excavation of the quarry face (started under the previous consent) has already been done, thereby reducing the time for the potential disturbance to neighbours. Furthermore, while there will be increased activity as a result of the increase in size, there is no reason to believe this would have a significant impact in terms of noise and disturbance to neighbours since this is not an inherently noisy use. This could nevertheless be addressed under separate Environmental Protection legislation.

Overall, the proposed development would not result in any unacceptable impacts to the amenities of neighbours to this site, in accordance with policies ENV 27, ENV 29 and HOUS 10 of the Unitary Development Plan.

Traffic and Highway Implications

The proposed development has been assessed in relation to the Council's Parking Standards (adopted 2015) and it is considered that for the use as described, there would be sufficient parking provision. Based on the anticipated staff levels per shift and the number of rooms to be provided, the 23 car parking spaces as shown on the submitted plans would be the amount required by the parking standards.

Furthermore, Appendix 6 (Sustainability) of the Parking Standards Supplementary Planning Guidance allows for a reduced parking requirement if the site scores well based on the sustainability criteria set out in this section. For this site, there is a shop within approximately 30m, a school within 200m, and a bus stop within approximately 100m. This is served by Cardiff Bus Services 93, 94 and 95, linking Barry with Cardiff with a frequent service of buses. There is also a Church within approximately 80m. This level and proximity of public transport provision and local facilities would equate to 9 points, which would allow for a 20% reduction in the level of parking (23 spaces) required by the nursing home. This reduction has not been required as it is considered that for this site the basic 23 spaces should be provided to ensure against any overspill demand for parking onto the adjacent roads. However, this demonstrates robust compliance with the parking standards.

It is considered unlikely that residents would have their own vehicles, although there would have to be provision for staff and visitors. Considering the sustainable location of the site, the parking provision as shown is considered acceptable and would not result in unacceptable overspill onto the adjacent highway network. Also, it is noted that cycle parking would be provided on site in a suitable location.

The access is positioned in much the same position as the approved scheme and the existing access point. It is set a suitable distance from the pedestrian crossing and is of an acceptable width. There is turning space for a larger vehicle within the site and also there is space available for vehicles to manoeuvre out of the parking spaces, which are also of the necessary dimensions.

The nursing home proposed is not considered likely to result in significant increases in traffic volumes to an extent that it would lead to adverse impacts to the highway network or cause frequent local congestion.

Drainage

The foul water from the development is proposed to connect with the sewer system within the area. The surface water is proposed to drain to an underground attenuation tank towards the front of the site, before connecting with the combined sewer.

Welsh Water have not objected to the proposed development. Welsh Water has required a condition for full drainage details, however, which can be attached to any approval. It is recommended that the developer contacts Welsh Water to discuss their proposed drainage arrangement prior to final submission of their drainage details.

The applicant's agent has also been made aware of the public sewer that passes along the edge of the site. Furthermore, if there is a connection made to a local watercourse then Land Drainage Consent would be required. The applicant has been made aware of this.

Ecology

The previous application was accompanied by a 'Preliminary Ecological Assessment' (Wildwood Ecology Ltd – 2011), which found that the site had low ecological value. It highlighted the possibility of nesting birds, reptiles and Japanese Knotweed at the site. No further survey work was required.

It is considered that the ecology of the site is unlikely to have changed since this report. Indeed, the site has been largely cleared and construction work commenced on the originally approved scheme. However, it is recommended that a precautionary working practice be followed in respect to possible reptile presence. Also, any further clearance work required should be undertaken outside of nesting season, unless a breeding bird survey is submitted which demonstrates there is no nesting in the relevant areas of the site.

With regards to Japanese Knotweed, if there is any remaining on the site this should be dealt with using the previously submitted "Japanese Knotweed Survey and Knotweed Management Plan".

Section 106 Obligations

The Council's approved Planning Obligations Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought, and indicates how they may be calculated. However, each case must be considered on its own planning merits having regard to all relevant material circumstances.

The Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers). As of 6th April 2010, a planning obligation may only legally constitute a reason for granting planning permission if it is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In this case the proposals relate to a large nursing home with an internal floor area of over 2500sqm. On this basis, the following planning obligations are required:

Sustainable Transport:

Increasing importance is evident in local and national planning policies for the need for development to be accessible by alternative modes of transport other than the private car. In terms of national policy, Technical Advice Note (TAN) 18 'Transport' (March 2007) Section 9.2 advises that planning authorities may use planning obligations to secure improvements in road, walking, cycling and public transport, to improve links between the development and the wider network, and to ensure the development appropriately encourages alternative modes of transport.

The Sustainable Transport Assessment (2013) and Transport Assessment of LDP (Draft Local Development Plan) Proposals (2013) identified the transport implications of growth planned in the LDP and outlined proposals for improvements to highway and sustainable transport infrastructure to address the increased demand for travel.

In light of national and local planning policies which promote sustainability, and having regards to the usual cost of providing the associated infrastructure, the Council will seek a financial contribution of £2200 per residential unit and / or £2200 per 100sqm of commercial floor space to provide or enhance off-site sustainable transport facilities serving new development. In this case, the usable floor area of the proposed development is approximately 2566sqm, which equates to a Sustainable Transport requirement of £57,200. The sustainable transport improvement identified in the vicinity of the site would be the provision of improved bus shelters and information boards, improving pedestrian facilities in the area of the site, dropped kerbs etc.

The agent has agreed to the financial contribution to provide or enhance off-site sustainable transport facilities serving new development.

Public Art:

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 Legal Agreement.

The agent has agreed to set aside 1% of the project budget specifically for the commissioning of art.

Training and Development:

The development of skills and education in an economy are essential to maximise employment opportunities, in order to achieve sustainability and 'a Prosperous Wales', as outlined in Planning Policy Wales (PPW) (Edition 8, January 2016) Section 4.1.

Part of the justification for permitting new developments such as this is the employment opportunities they present. Training local residents, especially those in deprived areas, to be able to apply for some of the new job opportunities helps to create sustainable communities. Therefore on major developments the Council looks for opportunities to maximise training and development for the Vale of Glamorgan's resident population. This may be provided by the developer on site, or provided in the form of a financial contribution to the Council to facilitate skills training to boost local economic development.

In this case, based on the level of floorspace to be created, it is considered reasonable to require training (on a recognised training course) to be provided for at least 6 employees or alternatively pay the Council a contribution of £7200 as an in lieu contribution. The financial contribution would be used to remove the barriers to work by providing assistance such as training, skills development, childcare etc.

The agent has agreed to this planning obligation.

Legal Fees:

Developers are expected to pay the Council's legal fees in drafting and preparing a Section 106 agreement, including any work for an agreement that is not signed. The Council charges a fee for progressing and the subsequent monitoring of planning agreements or obligations in addition to the planning application fee to reflect the additional work which goes above and beyond the normal cost of assessing a planning application. This is separate to any planning obligation. The fee is calculated on the basis of 2% of the total financial contribution being sought under the agreement, or 20% of the planning application fee, whichever is the greater, which equates to £2660 in this case.

In the case of the above the agent has agreed to the fee for progressing and the subsequent monitoring of the planning agreement.

REASON FOR RECOMMENDATION

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 Built and Historic Environment; ENV20 - Development in Conservation Areas; ENV25 – Regeneration Of Urban Areas; ENV26 – Contaminated and Unstable Land; ENV27 - Design of New Developments; ENV28 – Access For Disabled People; ENV29 – Protection of Environmental Quality; HOUS10- Nursing Homes; and TRAN10 – Parking, it is considered that the proposed development is acceptable in respect of the principle of development, layout, siting, design and scale, and is considered acceptable having regard to parking, highway safety, amenity space and impact on neighbours and would not unacceptably impact on the wider character of the adjacent Cadoxton Conservation Area or the setting of the nearby Listed Buildings.

RECOMMENDATION

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

- The Developer shall pay the sum of £57,200 to provide or enhance sustainable transport facilities serving the site, including improving bus shelters, new information boards, improvements to pedestrian facilities linking the site to nearby shops and local services, dropped kerbs, cycle provision in the area.
- 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 onsite provision for the Council's Public Art Fund.
- The Developer shall pay the sum of £7,200 towards training and development or to provide training for six people.
- The Legal Agreement will include the standard clause requiring the payment of a fee to monitor and implement the Legal Agreement (£2660)

APPROVE subject to the following condition(s):

1. The development shall be carried out in accordance with the following approved plans and documents: A102D (Proposed Elevations Sheet 1 - Received 18/8/16), A105B (Proposed Elevations Sheet 2 - Received 18/8/16), A104C (Proposed Roof and Site Plan - Received 18/8/16), A100C (Proposed Ground and First Floor Plans - Received 12/8/16), A109 (Bin Store), A101C (Proposed Second and Third Floors - Received 18/8/16), A108C (Detail at Junction of Main Roof with Mansard Roof - Received 12/8/16), Site Block Plan (Received 12/8/16), Design and Access Statement (Received 15/8/16), VD 01 Rev E (Proposed site drainage - Received 19/08/16);

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

2. The development including any further excavation required hereby approved shall be constructed in full accordance with the Construction Management Scheme (Oxford Homes - Amended January 2014) submitted to support application 2011/00555/FUL, unless otherwise approved in writing by the Local Planning Authority.

Reason:

To ensure the amenities of nearby occupiers is safeguarded and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

3. The development shall be in full accordance with the 'Remediation Strategy' (Varco Consultants Ltd, February 2014), submitted for approved application 2011/00555/FUL, unless an alternative scheme is otherwise agreed in writing by the Local Planning Authority. If during the works contamination is encountered, which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme shall be submitted to and approved in writing by the Local Planning Authority and thereafter fully implemented, prior to the first beneficial occupation of the building.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure compliance with Policies ENV7 and ENV27 of the Unitary Development Plan.

4. Following completion of the remediation at the site, a verification report shall be submitted to and approved in writing by the Local Planning Authority and shall include details of the completed remediation works to include quality assurance certificates to show that the works have been carried out in full and in accordance with the approved methodology and shall include details of any post-remedial sampling and analysis (to show the site has reached the required clean-up criteria) together with the necessary documentation detailing what waste materials have been removed from the site.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure compliance with Policies ENV7 and ENV27 of the Unitary Development Plan.

5. Any further clearance works to which this consent applies shall not take place between 1 March and 31 August, unless it can be demonstrated that nesting birds are absent in a report prepared by a qualified ecologist (immediately prior to development commencing) or a method statement for works is submitted to and approved in writing by the Local Planning Authority and where a method statement is agreed that it is fully implemented.

Reason:

To comply with Unitary Development Plan Policy ENV16 to secure the long-term protection of the species and to demonstrate Local Authority compliance with S40 of the NERC Act 2006.

6. The methods set out in the survey and management plan of the "Japanese Knotweed Survey and Knotweed Management Plan" submitted with application 2011/00555/FUL on 23 February 2012, shall be fully implemented.

Reason:

To ensure compliance with legislation afforded to Japanese Knotweed and its movement and disposal 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 A04C 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. Notwithstanding the submitted details, further details of cycle parking to serve the development shall be submitted to and approved in writing by the Local Planning Authority; and the approved scheme of cycle parking shall be laid out in accordance with the approved details and shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To ensure the provision on site of cycle parking to serve the development and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

9. Notwithstanding the submitted details, prior to any further development at the site, full details of the finished levels of the development (including parking and amenity areas) in relation to existing and finished ground levels in and adjoining the site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

In the interests of visual amenities or the area are safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

10. Prior to their use in the construction of the development hereby approved, a schedule of the proposed materials to be used, including samples, 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.

11. A landscaping scheme (to include details of all hard and soft landscaping and the pond) 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. This shall be submitted prior to the first planting and seeding season following occupation of the building or completion of the development, whichever is sooner.

Reason:

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

12. 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 building 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.

13. Prior to the installation of any plant and equipment on the building hereby approved, full details shall be submitted to and approved in writing by the Local Planning Authority and the plant and equipment shall be installed and thereafter maintained in accordance with the agreed details.

Reason

To ensure that the amenities of the area are safeguarded and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

14. Notwithstanding the submitted information and prior to any further development of the nursing home hereby approved, full details of a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, road and roof/yard water 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 that effective drainage facilities are provided for the proposed development and that flood risk is not increased and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

NOTE:

1. **The proposed development site is crossed by a public sewer. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Dwr Cymru Welsh Water's Network Development Consultants on 0800 9172652.**
2. **Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
3. **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.



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<p><i>The Vale of Glamorgan Council</i></p>	
<p>Crystal Springs, Coldbrook Rd East</p>	
<p>Construction of 50 bed nursing home</p>	
<p>Drawn By: SDB 2016/003555/FUL</p>	
<p>VALE of GLAMORGAN</p> <p>BRO MORGANNWG</p>	<p>Scale 1:1250</p> <p>Time 09:57:59 AM</p> <p>Date 20 Feb 2012</p>

Marcus Goldsworthy
Head of Planning and Regeneration
Vale of Glamorgan Council

Dear Marcus

Planning Application 2011/00555/FUL
Crystal Springs, Coldbrook Road East, Barry.

I wish to strongly object to the above planning application. I am aware that a previous similar development was approved on the site (2011/00555/FUL), but this application seeks to increase the size of the development, which as far as I was concerned was an overdevelopment of the site in the first place.

I would ask that this is brought to committee for consideration and that a site visit is considered beforehand.

Please find below my objections and comments regarding the proposed alteration to the existing planning application at the Crystal Springs Site.

1. When the original planning application was submitted I objected because I thought that this was an overdevelopment of a cramped site. I considered that there was inadequate parking for Staff, visiting Medical Staff, Visitors, Residents and Emergency vehicles (Ambulances etc.). At the time the applicant claimed that the staff would walk to work, which I considered to be and still consider it to be nonsense, particularly as they were 13 staff per shift and only 20 car parking spaces for a 50 bed residential home.
2. As I was also concerned about the lack of adequate parking for the previous plans I wish to reiterate my concerns. To add another 18 residential places (now 68 residents), with an increase of 2 employees per shift (now 15 staff per shift) with an increase of only 4 parking places (now 24 spaces) will only exacerbate an already cramped and inadequate parking facility on site. How they can actually create another 4 spaces is also something I would challenge and ask officers to review the ability of vehicles to manoeuvre on site safely.
3. Once again I consider this application to be an un-neighbourly, overbearing form of development and incongruous to the low level street scene of the area. The addition of levels will overpower the area and contravene the Council's Policy ENV 24 and ENV 27, which reads:

'It should be noted that the designation of a Conservation Area is not intended to prevent change. It is, however, important that new development in or adjacent to the Conservation Area either 'preserves or enhances the quality of the area'. For this reason, strict controls exist over applications for new development'. This development does not adhere to this principle or policy.

4. I consider that the development (particularly the increase in scale and residential numbers along with associated staff etc. will cause unnecessary detriment to the local residents through parking off-site, which will inevitably happen as there is insufficient and inadequate parking on the site itself.
5. The entrance to the development is also very close to a pedestrian crossing and a difficult traffic junction. I cannot understand why Highways have not objected to this access and egress. I would ask them to reconsider their position bearing in mind the increase in residential places, the increase in numbers of staff and inevitable increase in visitor numbers, along with other medical and emergency vehicles and the obvious increase in vehicular movements as a result, which actually crosses the pedestrian crossing zigzag markings.
6. It is also opposite Cadoxton Conservation Area and the scale is incongruous and over-bearing to a protected area. (See 3 above).
7. I am concerned that there could be parking immediately outside of the site on the Coldbrook Road East from the zigzag lines of the crossing up to and into Bastion Close at a very busy junction with Church Road. Such parking would obstruct the sight lines from the entrance and egress to the development, as well as the traffic on Coldbrook Road and Cowbridge Street. It should also be born in mind that this is a Bus Route and a major gateway into the Town to and from the Barry Docks Link Road.
8. I also have concerns about noise levels and working times, particularly in relation to the delivery of construction materials and the time of work. There should be restrictions imposed on the times of deliveries and working hours should the development be agreed.
9. Also as this is a Residential Home some residents may wish to walk to the local shop and therefore a pelican crossing should be installed to cater for those residents, along with the current resident footfall not to

mention the number of school children, who already use this crossing on a daily basis. If a pelican crossing is justified in Sully to get to a post office, this would surely be justified here.

The existence of this substantial development will only add to the traffic flows on the road, which are already excessive particularly at commuting times and school start and finish times.

As you have observed, we strongly object to this planning application.

Regards

Cllr Anne Moore
Cllr Neil Moore
Cadoc Ward Councillors

Appendix B.

APPLICATION NO: 2016/00355/FUL/SR2

Crystals Springs Nursing Home, COLD BROOK ROAD EAST

Objections

The proposed increase in size of the home from 50 bedrooms to 68 bedrooms will have a huge impact on the local community in the following way:-

- The home is opposite the historic village of Cadoxton & will have a huge impact on the listed building(s) and Conservation Areas.
- Overbearing nature of proposal & the current design & appearance, layout & density of building which proposes 4 stories is totally out of character with the area.
- The home overlooks several house & gardens taking away the residents privacy
- 68 bedrooms will mean that there will be a constant noise from washing machines & tumble dryers. With so many residents there is concern about drains & flooding. This will have a severe impact on pollution in the area. If air conditioning is added this will further impact.
- Highway safety - Currently there is not enough adequate parking and servicing in this area because of access from the link road & the one way system Coldbrook Road has become one of the busiest roads in Barry. The traffic generated from this scheme will further overload the road. As it is now if there is a wedding or funeral in the local church cars block roads & private driveways & even double park. Therefore with the additional generation of traffic from staff, visitors, doctors, nurses, ambulances, taxis & undertakers etc. the problem will be horrendous & there will be accident.
- You already take your life in your hands trying to get on Coldbrook road from Brock Street & Coldbrook Road
- loss of ecological habitats

RECEIVED

- 3 MAY 2016

Regeneration
and Planning

PAH Building Design & Technology 36, Moy Road , Taffs Well, Cardiff, CF15 7PX
Ms. Debbie Davies 8, Francis Road, Barry, Vale of Glamorgan, CF62 9HH

8, Francis Road, Barry

2 Storey side extension with rear dormer and single storey rear extension

SITE AND CONTEXT

The application site relates to No. 8 Francis Road, a relatively modern semi – detached dwelling in the settlement of Barry. It has a tiled roof, brick and painted render to the external walls and upvc fenestration. The first floor has been incorporated into the roof space in the style of a dormer bungalow, with pitched dormer windows to the front elevations and roof lights to the rear.

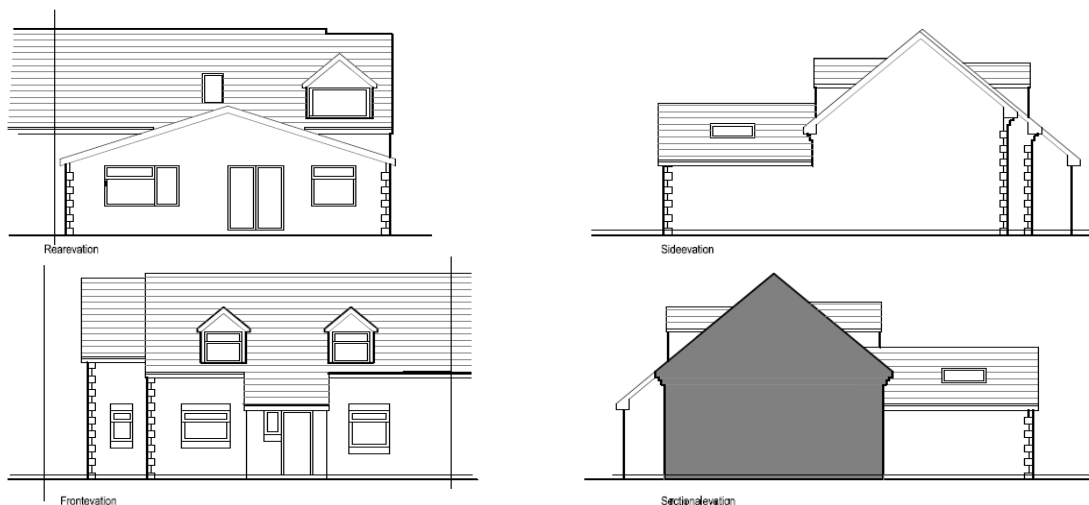
It sits within a street scene of similarly scaled properties and the row of four pairs to the southern side of the street are identical in design, although there is a greater degree of variance in finishes throughout the remainder of the estate. Parking is provided via a private driveway to the front of the dwelling.

DESCRIPTION OF DEVELOPMENT

The application seeks planning permission for a two storey side extension and a single storey rear extension. A new dormer window would be installed to the roof plane at the rear.

The two storey element would be set down from the ridge of the existing dwelling by 0.2m. It would also be set away from the side boundary by approximately 1m and back from the front elevation by 0.7m. The rear extension would have a depth of 4m, with a dual pitch roof measuring 2.4m to the eaves and 4.2m at the ridge. The rear extension would also be to a width of 8.7m.

The proposal is illustrated in the following plan extracts:



PLANNING HISTORY

2016/00138/FUL: 8, Francis Road, Barry - Two storey side extension and single storey rear extension - Refused 06/04/2016

Reason for refusal:

The proposed extension would result in a significant infilling of the characteristic spacing between the dwelling and the neighbouring property, and the potential creation of a terracing effect, which would be out of keeping with the character of the area and to the detriment of the visual amenities of the street scene. The proposal is therefore considered to be contrary to Policy ENV 27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and the advice in Technical Advice Note 12, and Planning Policy Wales 8th Edition.

2015/01370/FUL: 8, Francis Road, Barry - Two storey side and single storey rear extension - Refused 18/01/2016

Reason for refusal:

1. *The proposed extension would result in a significant infilling of the characteristic spacing between the dwelling and the neighbouring property, and the potential creation of a terracing effect, which would be out of keeping with the character of the area and to the detriment of the visual amenities of the street scene. The proposal is therefore considered to be contrary to Policy ENV 27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and the advice in Technical Advice Note 12, and Planning Policy Wales 8th Edition.*

2. *By virtue of the scale and form, the extension would result in an unneighbourly form of development which would cause a shading effect to the neighbour at No.10, thereby unacceptably impacting upon their residential amenities. Therefore the proposal is considered to be contrary to Policy ENV27 of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011 and the Council's Supplementary Planning Guidance on Amenity Standards.*

There are various planning applications relating to the development of the estate from the 1980's and 90's.

CONSULTATIONS

1. Barry Town Council - "No objection"
2. Gibbonsdown Ward Members – Cllr Wilkinson called the application into Planning Committee and also requested a site visit.

REPRESENTATIONS

The neighbouring properties were consulted on 5 July 2016. There have been objections received from 2 of the neighbours to the site. The reasons for objection include the following:

- Plans are of poor quality and have no annotated measurements.
- The objections raised to the previous application have not been overcome.

- The rear extension would be overbearing and oppressive to No.6 and No.10, reducing light and blocking sunlight.
- The dormer extension would cause overshadowing and overlooking impacts towards No.10 and would not be of a suitable design
- The side extension would be out of character with the property and street scene, creating a terracing effect. This has not been overcome by the amendments.
- Impact to residential area if other properties are extended to a similar scale
- The extension is too close to the boundary
- The height of the rear extension has been increased over the original scheme, which would increase the shading effect above the previously submitted design.
- The development does not accord with amenity standards as outlined in the Amenity Standards SPG.
- The site would be overdeveloped.
- The application does not accord with Policy ENV27 of the UDP as it does not complement or enhance the local character of buildings.
- The development would exacerbate parking problems and illegal parking.
- The dwelling was built as a two bedroomed property and should be assessed as such against the relevant parking standards.

Please see **Appendix A** for copies of 2 of the letters received

REPORT

Planning Policies and Guidance

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT

Policy:

POLICY ENV 27 – DESIGN OF NEW DEVELOPMENTS POLICY TRAN 10 – PARKING

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, both chapters 2 and 4 of Planning Policy Wales (Edition 8, 2016) provide the following advice on the weight that should be given to policies contained with the adopted development plan:

'2.8.4 It is for the decision-maker, in the first instance, to determine through monitoring and review of the development plan whether policies in an adopted [Development Plan] are outdated for the purposes of determining a planning application. Where this is the case, local planning authorities should give the plan decreasing weight in favour of other material considerations such as national planning policy, including the presumption in favour of sustainable development (see section 4.2).'

'4.2.4 A plan-led approach is the most effective way to secure sustainable development through the planning system and it is important that plans are adopted and kept regularly under review (see Chapter 2). Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise (see 3.1.2). Where:

- there is no adopted development plan or*
- relevant development plan policies are considered outdated or superseded or*
- where there are no relevant policies*

there is a presumption in favour of proposals in accordance with the key principles (see 4.3) and key policy objectives (see 4.4) of sustainable development in the planning system. In doing so, proposals should seek to maximise the contribution to meeting the local well-being objectives.'

With the above advice in mind, the policies relevant to the consideration of the application subject of this report are not considered to be outdated or superseded. The following policy, guidance and documentation support the relevant UDP policies.

Planning Policy Wales:

National planning guidance in the form of Planning Policy Wales (Edition 8, 2016) (PPW) is of relevance to the determination of this application.

Paragraph 4.11.9 states:

"The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions."

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 12 – Design (2016)

Paragraph 2.6 states:

“Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.”

Paragraph 4.5 states:

“In many cases an appraisal of the local context will highlight distinctive patterns of development or landscape where the intention will be to sustain character. Appraisal is equally important in areas where patterns of development have failed to respond to context in the past. In these areas appraisal should point towards solution which reverse the trend.”

Paragraph 4.8 states:

“Appraising “character” involves attention to topography; historic street patterns, archaeological features, waterways, hierarchy of development and spaces, prevalent materials in buildings or floorscape, architecture and historic quality, landscape character, field patterns and land use patterns, distinctive views (in and out of the site), skylines and vistas, prevailing uses and plan forms, boundary treatments, local biodiversity, natural and cultural resources and locally distinctive features and traditions (also known as vernacular elements).”

The character objectives are defined as follows:

- Sustaining or enhancing local character
- Promoting legible development
- Promoting a successful relationship between public and private space
- Promoting quality, choice and variety
- Promoting innovative design

Paragraph 6.16 states:

“The appearance and function of proposed development, its scale and its relationship to its surroundings are material considerations in determining planning applications and appeals. Developments that do not address the objectives of good design should not be accepted.”

Supplementary Planning Guidance:

In addition to the adopted Unitary Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Amenity Standards

The following policies from the SPG are of relevance to the determination of this application:

POLICY 1: PRIVACY AND VISUAL AMENITY MUST BE SECURED IN ANY PROPOSED DEVELOPMENT BY CAREFUL DESIGN OF BUILDINGS AND THE RELATIONSHIP BETWEEN BUILDINGS AND FEATURES SUCH AS TREES, HEDGES, PUBLIC SPACES, FOOTPATHS AND SCREEN WALLS AND FENCES.

POLICY 3: THE CONSTRUCTION OF NEW RESIDENTIAL DEVELOPMENT MUST RESPECT THE CHARACTER OF EXISTING RESIDENTIAL DEVELOPMENT, WHILST ENSURING THAT THE PRIVACY AND AMENITY OF SURROUNDING PROPERTIES ARE SAFEGUARDED.

- Parking Standards

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20th December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20th March – 1st May 2014. The Council has considered all representations received and on 24 July 2015 submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public commenced in January 2016.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.8.1 of Planning Policy Wales (Edition 8, 2016) is noted. It states as follows:

*'2.8.1 The weight to be attached to an **emerging LDP** (or revision) when determining planning applications will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances.'*

Issues

In terms of the validity of the application, the submitted plans are to a recognisable scale and are of sufficient quality to assess the impacts of the proposed development. The Case Officer has also provided approximate measurements based on the submitted plans to the occupier of No 10 Francis Close so they can better understand the proposed extension and the distances to the boundary.

It should be noted that the application forms a resubmission following the refusal of planning applications 2015/01370/FUL and 2016/00138/FUL. Therefore the main consideration relates to whether the amended proposal overcomes the previous reasons for refusal, relating to the visual impact to the street scene and the potential terracing effect. Any other additional impacts relating to the design, neighbouring amenity and parking provision will also be considered, alongside any other matters raised in representations as outlined above.

Design and visual impact

The two storey side extension has been altered from that most recently considered and ultimately refused under application 2016/00138/FUL. The most significant alteration is that the extension has been narrowed from that which was previously proposed from 2.1m to approximately 1.7m. The front elevation of the side extension is also to be set back approximately 0.7m, whereas previously with application 2016/00138/FUL the side extension was flush with the front of the house. The extension would remain set down from the ridge of the existing house by approximately 0.2m. See **Appendix B** for a copy of the elevation plans for the refused application 2016/00138/FUL.

The extension proposed with application 2016/00138/FUL was refused on the basis of potential terracing effect, with the Officer's Report for this application stating that the side extension would lead to a "potential terracing effect, harmful to the characteristic spacing of this row of semi-detached dwellings". However, the reduced width of the side extension now proposed would leave a gap to the side boundary with No 10 Francis Close of a distance varying between 1.2m to 0.8m. With an average distance to the boundary of approximately 1m this would leave a distinct and visually clear gap to the boundary with the neighbour. Any potential terracing effect would be avoided, as if the occupiers of No 10 left a similar gap to the boundary then there would be approximately 2m between side elevations. This gap would suitably avert any visual terracing effect. It would also be sufficient distance to clearly show that the dwellings would remain as detached from each other and this would preserve the sense of space between the semi-detached, which is characteristic of the street.

It is also noted that the side extension is to be set down from the ridge of the existing house and also set back from the front elevation. This would allow the extension to appear subservient to the original dwelling, which is a positive design approach and would help maintain the character of the dwelling and the balance of the semi-detached pair.

It is considered that the revised width of the side extension to the side of the house would mitigate any potential terracing effect and the design and scale would not have any adverse impact to the character of the street or residential area.

As was stated with the previous application, the rear extension would not be prominent when viewed from the public domain and the rear dormer would be modestly proportioned in relation to the roof. Whilst the properties have been constructed with roof lights to the rear, the introduction of a pitched dormer, replicating the design of those on the frontage, is considered acceptable in terms of the visual impact.

The submitted plans do not define the exact materials and finishes, although the application form states they are to match the existing house. This is considered acceptable

Neighbouring amenity

During the consultation process concerns have been raised in regard to an overbearing effect, loss of light, shadowing and privacy to neighbouring properties. The two storey element of the extension would be constructed towards the boundary with No.10. This would bring the dwelling closer to the boundary; however it would also be situated opposite a blank elevation and driveway at No.10. It is noted that the two storey element would be in close proximity to the boundary, however given that the extension is proposed in-line with the existing two storey dwelling it would not result in significant overshadowing. It would not impact upon windows in the opposite elevation and the driveway does not serve as amenity space for No.10. Any overshadowing would also be limited to certain periods of time within the day and would vary throughout the year, while at no time would the overshadowing impact of this side extension be considered as significant upon to the amenities of the neighbour at No 10. Furthermore, the reduced width of the proposed side extension from that previously submitted would also result in there being no significant overbearing impact to the nearest neighbour at No 10.

With regards the rear dormer proposed to the rear roof slope of the side extension, it is considered that it would not result in a significant level of overlooking impact to any neighbour to the site, including the nearest neighbour at No 10. There would be some views into the rear garden of No 10, but this would not exceed the typical level of overlooking that exists in a residential context such as this. In addition, it would not have direct views into any of the neighbours windows. Any view towards the rear elevation of No 10 would be at an acute angle only, with views generally towards the rear portion of this neighbour's garden, which is not considered to be as sensitive in terms of privacy.

The single storey rear extension is similar to that proposed with the previous application 2016/00138/FUL. It is considered that while the rear extension would change the neighbours' outlook to either side, it would not be overbearing to an unacceptable degree. Whilst the maximum height of the rear extension would be approximately 4.2m, this ridge height would occur at an approximate separation of 4.5m from the neighbouring boundary at No 6 Francis Road and approximately 5m from the boundary with No 10 Francis Road. The eaves height is approximately 2.2m. In this circumstance, the rear extension proposed would not have any significant impact, whether being in terms of an overshadowing or overbearing impact, to the neighbours on either side.

As the rear addition would be single storey it would not result in any significant impact to the dwellings to the rear of the site, with high boundary walls and fences providing a screen to obstruct potential overlooking impact. There are first floor windows in the rear of 23 Cook Road, to the rear of the site, which would be just within 21m of the proposed ground floor extension, although these would be at a higher level than the windows proposed in the rear elevation, and this would diminish any overlooking impact to an acceptable level, in accordance with the aims of the Council's Supplementary Planning Guidance

As with application 2016/00138/FUL, the proposed extensions are not considered to have neighbour amenity impacts that would warrant refusal of the application. In summary, it is considered that the proposal would be acceptable in relation to the impact upon the residential amenities of the neighbouring properties in terms of shading/overshadowing, loss of light, and privacy, and would therefore accord with UDP Policy ENV27 and the aims of the Council's approved Supplementary Planning Guidance on 'Amenity Standards'.

Amenity Space Provision

In terms of amenity space the Councils standards require 1 square metre of garden space for 1 square metre of floor space, of which 70% should be in the rear garden and should be usable and private. As extended, the private area serving the property would amount to approximately 52sqm.

Whilst the resulting dwelling would be served by an area of amenity below that required by the Councils Standards, it is considered that deficiency is not so significant as to have an unacceptable detrimental impact to the occupiers of No.8. The remaining private amenity space would be of a useable and functional layout and is considered acceptable.

Parking

The number of bedrooms is not shown to be increased as a result of the development however the footprint of the extension would be situated over a part of the driveway. Assessed under current parking standards the proposed layout would provide a single space, where there would be a demand of three spaces for a three bedroom property. The current layout ostensibly provides two spaces, an existing shortfall of one.

There is provision of some unrestricted on-street parking in the vicinity of the site although this is limited to a degree by the road layout, a junction opposite and dropped kerb accesses. It is noted that the property may have been constructed as a two-bedroom property, however an internal conversion since would not have required the benefit of planning permission and other properties in the area provide only a single parking space. In this instance, the retention of one space is considered acceptable, given the amount of on-street provision. A second space could reasonably be accommodated at the front of the dwelling by modification to the driveway, however, given available capacity and the modest size of the house, it is not considered to be fundamentally necessary to require this by condition.

Other matters

As previously noted, the arrangement of access to neighbouring land and redress in the event of any damage being caused would, if and where required, be a private matter between the respective neighbours and any dispute in this matter a civil issue. The applicant should be aware of the provisions of the Party Wall Act 1996, where applicable, but this legislation is not administered or enforced by the Council.

In consideration of the revised roof layout and proximity to neighbouring boundaries, it is noted that the proposal does not appear to accommodate for the provision of rainwater goods. The ownership of the land and physical impacts of the development on adjacent land are civil matters and are not considered as part of this application, but planning approval (where otherwise considered acceptable) would not convey a permission to undertake works on or over land outside of the applicant's ownership.

REASON FOR RECOMMENDATION

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 ENV 27 (Design of new developments) and TRAN 10 (Parking) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, it is considered that the proposals are acceptable, by reason of their appropriate design, materials and scale, with no significant detrimental impact to the character of the area or the amenities of neighbouring occupiers. The proposals therefore comply with the relevant planning policies and supplementary planning guidance.

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. The development shall be carried out in accordance with the following approved plans and documents: 309/D/04 D (Proposed Elevations), 309/D/03 C (Proposed Plans) and 309/D/05 B (Site and Block Plan), all received 26 May 2016.

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

3. The external finishes of the development hereby approved shall match those of the existing building.

Reason:

To safeguard local visual amenities, as required by Policy ENV27 of the Unitary Development Plan.

NOTE:

1. **The applicant/owner shall be aware of the duties imposed under the Party Wall Act 1996. This requires a building owner to notify and obtain formal agreement from adjoining occupier(s) where the building owner intends to carry out work which involves: 1. Work involving an existing shared wall with another property; 2. Building on the boundary with a neighbouring property; 3. Excavating near a neighbouring building, and that work falls within the scope of the Act. Procedures under this Act are separate from the need for planning permission and building regulations approval. 'The Party Wall etc. Act 1996: explanatory booklet' is available at www.communities.gov.uk. (I71).**


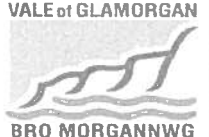
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual 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.



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	The Vale of Glamorgan Council	
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2016/00619/FLL
P.195

Appendix A
Letter 1

2016/00649/FUL

10, Francis Road
Woodfield Heights,
Barry CF62 9HH
The Vale of Glamorgan

Tel : [REDACTED]

Email : [REDACTED]

Date : Thursday, July 28th, 2016

Mr. Steven Rennie,
Case Officer
Planning and Development Control,
The Vale of Glamorgan Council,
Docks Offices,
Barry CF63 4RT

Dear Mr. Rennie,

PLANNING APPLICATION : 2016/00649/FUL

Presented by Ms. Debbie Davies of 8, Francis Road, Barry CF62 9HH

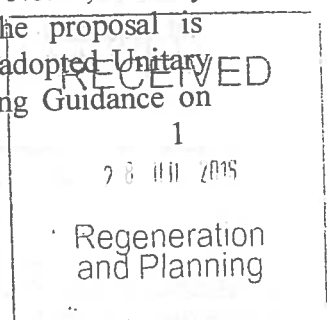
Following a telephone conversation with Ms. V.L. Robinson, Operations Manager, on July 19th 2016 we understand that the end date for submissions of objections to this application is agreed to be August 4th 2016; unless anything should change and we are advised differently.

Following below, we submit a full set of objections to the application of which a list of neighbours were notified on July 14th 2016.

For historical context, we will begin by noting the outcomes of two previous applications made by the same applicant concerning the same property, although we do note that the applicant name has now changed from Mrs. D. Davies to Ms. D. Davies and we wonder whether in the longer term this may impact on future negotiations, such as party wall matters, if these were to become necessary.

On the 18th of January, 2016 the first application made by this applicant, **2015/01370/FUL**, was **REFUSED** on the grounds below :

1. The proposed extension would result in significant infilling of the characteristic spacing between the dwelling and the neighbouring property, and the potential creation of a terracing effect, which would be out of keeping with the character of the area and to the detriment of the visual amenities of the street scene. The proposal is therefore considered to be contrary to Policy ENV 27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011, and the advice in Technical Note 12, and Planning Policy Wales 8th Edition.
2. By virtue of the scale and form, the extension would result in an unneighbourly form of development which would cause a shading effect to the neighbour at No.10, thereby unacceptably impacting upon their residential amenities. Therefore the proposal is considered to be contrary to Policy ENV 27 of the Vale of Glamorgan adopted Unitary Development Plan 1996- 2011 and the Council's Supplementary Planning Guidance on Amenity Standards.



the 6th of April, 2016, a second application made by this applicant, 2016/00138/FUL, was **REFUSED** on the grounds below :

1. The proposed extension would result in significant infilling of the characteristic spacing between the dwelling and the neighbouring property, and the potential creation of a terracing effect, which would be out of keeping with the character of the area and to the detriment of the visual amenities of the street scene. The proposal is therefore considered to be contrary to Policy ENV 27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011, and the advice in Technical Note 12, and Planning Policy Wales 8th Edition.

* * * * *

In May./June 2016 yet another application was made by the same applicant, barring a slight change of applicant title, and this application is outstanding, 2016/00649/FUL.

It is astonishing that the plans for this most recent application most closely resemble the plans for application 1, which as we have seen earlier, was refused in January, 2016. The differences are only in the width of the proposed side extension, which will be addressed, and the restoration of a full width garden extension to the rear, with higher roofing and broader depth, also addressed later in this report.

One of the greatest difficulties for readers of the plans for this application is that they contain no detail in terms of measurements and therefore are extremely difficult to read and understand when the detail in this case is critical, particularly when the proposals would be considered in such tiny measures of inches or centimetres. Although we are advised that it is no longer customary, nor necessary, for measurements to be included in such applications, where the size of the proposals is such that they need to be squashed into the smallest of property footprints, it is very frustrating for lay persons, unused to reading technical drawings, to grasp the scale of the drawings, which we understand to be drawn 'to scale'. Additionally, a *crucial* page in the plans appears to be missing and /or not understandable and we have requested clarification of this issue.

It feels almost as though the architect might be attempting to obscure detail or is unused to this form of drawings, but one must not be critical of the work of others especially if one is uncertain of the facts. Our response has been to request of county planners some further insight into the exact measurements, which we feel are now terribly important. We have also requested sight of the 'missing' drawing, if it is so. Unfortunately, we may not be able to access the full detail, either because of the limitations of time, or as a result of policy and procedure. If so, we are obliged to continue this report without this highly relevant information.

Where, in relation to the first two applications, we have been able to provide drawings, models and photographs of the adjacent properties, these being very helpful we felt; on this occasion we are unable to do so, as time will be at a premium for submission of this report. It is possible that the case officer would be able to discover from previous files the photographs etc. but we cannot be sure that this would be possible.

* * * * *

We approach this document in four main parts. The first will address the proposal for the side extension, and may contain not only Vale of Glamorgan policies, procedures and references but for supporting information some rather broader national interpretations and research which may help our understanding. We have found that generally housing planning applications differ little in policy across the nation so that sometimes different styles of language or interpretation can often support threads in argument which would otherwise not be available.

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The second area for our comment will be the proposed rear extension. This is exceptionally controversial as well, being a huge and overbearing requested build. This section will potentially include required percentages of garden usage; outbuildings; oversized developments, etc. Once again, if we feel it to be helpful at all we may include, apart from the anticipated Vale of Glamorgan reference points, any additional national information which we may feel will support our discussion. It may be that the county council planning staff may not feel able to comment on research from other areas, but it cannot be unhelpful to include other points.

The third part of the document will address the issues relating to our access to, or right to, light. There is often less clarity about this aspect and as it is so very important to our family needs and health, we will explore the matter in some detail. Once again, some sources outside of Vale of Glamorgan Policy Documents and Procedures may be noted, and if so, clearly referenced as such.

The final section will simply draw together any conclusions which may or may not be already in the main body of the document and are unlikely to raise any new issues., excepting any legal matters which might require resolution prior to any decisions. These would include Party Wall issues and issues of Access. References will then follow if there is sufficient time, but will be available at this email address if time expires.

p.jones11@outlook.com

Let us begin by stating in preamble that in our opinion this new set of plans incorporates all of the worst features of the previous two versions of the planning applications, which were both of course latterly refused, insofar as there is total disregard for the sensitivities of neighbours who will find there to be an encroachment to, or as close as possible to, the various boundaries which may not be within limits and are certainly without reason; plus a scale of extension building which is not only huge but will serve to largely destroy the current pleasing aspects of our small two bedroomed family home when placed in conjunction with the applicant's overbearing planning proposals; plus an application with little or no regard for the way that people may feel about their homes and gardens or the amenities of the neighbourhood, and we quote: "the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character and amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing". [National Planning Guidance, (incorporating Planning Policy Wales 2002) as stated within The Vale of Glamorgan adopted UDP 1996 – 2011, Supplementary Planning Guidance Amenity Standards].

Objections to Planning Application – Section One : **Side Extension inter alia**

Please note that the authors are unreasonably constrained and hampered by the fact that there are no measurements on the architects plans,

Viewers will note that on the original plan drawing submitted by the architect, alongside the boundary with our home, 10, Francis Road, there appears to be a **long, narrow and tapering gap** that one assumes represents a very constricted passage way between 8, Francis Road and, from the front, the side elevation of number 8. Together with the fact that there appear to be one or two bricks left out of the front of the side extension, this drawing remains somewhat of a mystery as **there is no attaching drawing of the exact proportions of the side elevation or the proposed side extension.** It is rather difficult to visualise how wide the tapered end of the gap would be or how easily, or not, a person could pass through this gap; particularly as the narrowed end of this gap seems to abut on to the plan of the rear extension with very limited egress, and reaches almost to the boundary with our driveway / garden.

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continue by highlighting that this proposed side extension appears to have reverted to the full height of the house and therefore will almost certainly prove overbearing and overshadowing to a significant degree.

[1] ' Insensitive infilling or the cumulative affects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character and amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing '.

We contend that this proposal for a side extension encroaches sufficiently toward our boundary as to cause concern, serious overshadowing and potential lack of privacy

One can only assume that the overall intention was to have been focused on *infilling by stealth* in order to avoid, at least on paper, the real extent to which a *terracing effect* would pertain. The reality of course would still remain that apart from a small gap the probability would be that any planning application by the adjoining property would serve to infill the majority of the space between the properties, and hence creating an undesirable view and very much a terracing effect, inappropriate to a number of policy papers and national guidance.

[2] ' The proposed extension would result in a significant infilling of the characteristic spacing between the dwelling and the neighbouring property, and the potential creation of a terracing effect

[3] ' Proposals for an urban context should not overdevelop the site in terms of massing, plot size and proximity to boundaries thereby, for example creating a visual ' terrace effect '.

[4] Two storey side extensions will only be granted where they will not cause a significant loss of light or **overshadowing** to a neighbouring property or be unduly **overbearing** and will not lead to a **terracing effect in the street or an otherwise cramped form of development.....'**

[5] ' The bulk of the extension alongside the shared boundary should therefore be kept to a minimum, and as close to 2metres in height as reasonably possible '.

[6] 'a well-designed extension or alteration can add value to a property, while a poorly designed extension or alteration can make it difficult to sell '.

Objections to Planning Application - Section Two : **Rear Extension inter alia**

Our initial comment regarding this proposal for a rear extension is that it more gives the impression of *a fair sized house in the garden* than a normal form of extension such as a reasonably sized conservatory or an extra room on the back of the house, as it more or less doubles the size of the original property as constructed., possibly contravening the permissible additional space on an extended property in this footprint.

[7] ' In self contained housing developers should aim to provide a minimum of 1sq metre of amenity space per 1sq metre of the gross floor area of the dwelling

[8] ' The provision of adequate and useable private amenity space within the curtilage of a development is extremely important to meet the requirements of residents for functions and relaxation space

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issue of overshadowing cannot but be controversial given the bulk and size of both the side and the proposed rear extension. These homes are after all, quite small in size and have limited garden space which we have carefully nurtured at our own property, although of course 8, Francis Road, was originally built as a three-bedroomed property to our understanding

The **height** of the rear extension planned is far more than that of our modest conservatory at number 10. Ours reaches only to the division line between the first and second storey of our home in height, with a glass access door on the same level as the side wall of our house whereas the proposal for number 8 takes it well beyond that almost to the bottom of the in-roof velux window in height.

As importantly, the **overall length** of the proposed rear extension has increased on this plan by a not inconsiderable amount, reaching as far as we understand **almost** entirely to the boundary with our property. Of course, without proper drawings or measurements our estimates may possibly be incorrect.

The amount of additional breadth shown on the drawings towards the bottom of the garden at number 8 is possibly only a couple or few feet but further extends the proposed rear build beyond the depth of our conservatory and must surely deprive our rear garden of even more light.

[9] ' For detached and semi-detached houses, the optimum proportion of garden to building should be 70 – 30 ' ' Sites must be sufficiently wide enough to accommodate buildings of an appropriate frontage width and provide **adequate visual separation between houses.** '

The question of the proposed roof on this rear extension, as well as the height, is also concerning. On plan 1, the roof tiling was as one might expect, coming directly from the back to the front of the extension. It has now, or in the course of plan 2 become a transverse tiling, side to side, which increases the probability of shading to both our own property and that of number 6, Francis Road.

[10] ' An extension or alteration should not be so large, or so prominent as to dominate the host property or its wider surroundings . Rather development proposals should be in scale with existing and adjoining buildings. All such works should have proportion and balance, fitting in with the shape of the existing property. The height and general size of an extension should generally be smaller than the existing house and subordinate or integrated so as not to dominate the character of the existing property '.

There is likely to be a significant issue of maintenance to the rear extension, where for example overhanging guttering would be extended on either end of the roofing closer toward numbers 6 and 10. Painting and cleaning would be difficult without unwelcome intrusion on to the adjacent properties, and could result in dirty or unsightly walls.

There is very little doubt that the total amount of light loss to our property will be more than excessive and we will comment on this in the following section.

However, it is the considerable size of this extension planned to fit into a small semi-detached space which raises the most objection, even without the other issues raised.

[11] ' No more than half of the area of land around the ' **original house** ' would be covered by additions or other buildings ' , ' The term ' original house ' means the house as it was first built as it stood on July 1st 1948 '.

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Objections to Planning Application – Section Three :
The Right To Light inter alias

We have become aware since the submission of the objections to Application Two of rules that can be brought to bear in relation to The Right to Light or The Loss of Light. We understand that these may not have authority in law but that they are tools for gauging approximate light deprivation. We are not sure that we are able to replicate the sketch examples herein or as an attachment but may make the attempt at least. This method of estimation is simply a rule of thumb which takes a 45 degree line from the window of a property and by extending the line demonstrates fairly accurately how much light would be lost to the host property by reason of an extension. Even a cursory look at the scaled examples would suggest that this rule might be considerably broached and that a large measure of shadowing to numbers 10 and 6 would occur, *as there was in the first set of drawings offered by the applicant in late 2015.*

[12] ' To comply with the 45 degree code , first floor extensions shall be designed so as not to cross the 45 degree line from an adjoining neighbour's nearest window which lights a habitable room or kitchen '.

Quite obviously, the problems with shadowing from the side extension will return under the new planning application, albeit with a slightly lesser proposed build. As we have no drawings or the true measurements for the actual size of the side extension we can only judge the height, width and angles of this proposal and in our judgement this will create the same or similar overshadowing as in the late 2015 plans which would still be available to planning officers.

The size of the proposed **Dormer Window** on the side of the rear extension nearest to our boundary, now appears to be quite a bit larger, although without measurements it is somewhat difficult to judge. The plan drawing of the dormer window on the rear is certainly different to those on the front elevation. Although in previous applications planning officers have noted that dormer windows overlooking the rear garden are not ordinarily within the scope of planning applications, it may still be worth commenting that in this case *the dormer window seems to be directly overlooking our conservatory main doors and would be exceptionally intrusive to our privacy and to the secluded use of our garden area.*

[13] ' In terms of daylighting the effect on all rooms, apart from halls, landings bedrooms and utility rooms would be considered. When an extension would be likely to reduce the amount of light entering the window of a room, other than those indicated above, to an unreasonable degree, planning permission is likely to be refused '.

This will lead to the probable loss of sunlight to, not only some of our valued flower beds, but to the available light to the rest of our garden and to our recreational opportunities.

It is less easy to estimate whether or how much light would be lost at or to the front of our home by virtue of this proposed side extension but we would respectfully invite the county planners to make this assessment if possible.

Finally, it seems extraordinary that the applicant at number 8 should be suggesting the quite extreme blocking of light to the gap between numbers 8 and 10, as it is the observation of ourselves and others that there is a very significant stream of sunlight which falls into the rear garden of number 8 through the gap at certain times during the day and evening that greatly enhances the activities of the family at number 8, to the sometimes mild envy of neighbours.

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Objections to Planning Application – Section Four :
Parking Issues :
Legal Matters Arising :
Any Other Matters Arising :
Conclusions: inter alia

a. Parking issues. As number 8 was originally built as a *three bedroomed property*, for which we believe we have confirmed information, it follows that the number of parking spaces should be as under proper regulation.

Reducing the available parking would therefore be irresponsible, although it might still be possible to accommodate the required number of cars with adequate turning space to the front of number 8; recalling that one vehicle at number 8 is often parked on a corner / bend which can create reduced visibility

b. Parking Congestion on roads, pathways etc. We understand also that there is to be be *flagship and quite historic* local authority social housing for people with disabilities built nearby to or on the corner of Cook Road and Francis Road, which, although laudable, will almost inevitably put more pressure on parking in the adjacent area, where there is already fairly 'willy-nilly' parking on the roads and pavements, a matter that we raised with the proposed builders as being a possible cause of some difficulty during the course of the demonstration of the project at the Holm View Community Enterprise Centre and correspondence with the builders concerned with the feasibility study.

c. Party Wall Act. With the proposed boundaries in such close proximity to either side of number 8 and number 6 Francis Road and and given the enormous objections of residents at number 10 and number 6 to any suggestions that driveways or gardens or patios might be damaged or disrupted by planned building works, footings etc, it would be very important that surveyors well qualified in all aspects of The Party Wall Act 1996 should be recruited by neighbouring residents at the cost of the proposed builders, prior to any planning approval, unlikely as this might seem.

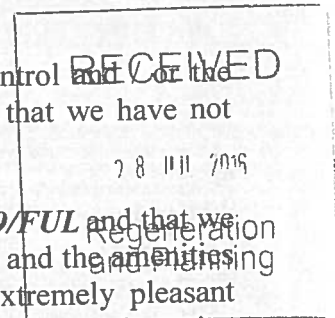
[14] They have no right to raise a scaffold on your land, either under the Party Wall Act or The Access to Neighbouring Land Act. Even under the Party Wall Act serving a line of junction notice gives no right of access. It is a notice only'; They require your permission'. 'An adjoining owner can stop their neighbour from encroaching over the boundary with their foundations'.

d. Access to Neighbouring Land Act 1992.

[15] 'Therefore, even if you have been granted planing permission for a 'new build' this does NOT mean that you can automatically gain access to a neighbour's land if parts of the work needs to be carried out from their side of the boundary line'. '..... the reasons need to be justified and applicable to the law and you must apply to the court for an access order for which you will be charged n a fee'

We would invite the ward councillor, the operational manager, development control and / or the case officer, planning, to visit our home should they wish in order to confirm that we have not exaggerated our anxieties and concerns.

We confirm that we are completely opposed to Planning Application 2016/00649/FUL and that we foresee that an approval would considerably alter both the character of our home and the amenities within the neighbourhood from our perspective, not least of which are the extremely pleasant environment and the concern for community well-being shown by our near neighbours who strive to keep the vicinity tidy, neat and clean and in keeping with neighbourly life overall.



any thanks for your kind attention.

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[REDACTED]

We are, yours sincerely

Mr. Phillip S & Mrs Pamela A. Jones

Copies to :

County Councillor
Mrs M.R. Wilkinson,
Civic Offices,
Holton Road, Barry,
The Vale of Glamorgan
CF63 4RU

[1] In 'Amenity Standards ' National Planning Guidance – Planning Policy Wales (2002) Para. 9.3.3.

[2] Policy ENV 27, Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011 and advice in Technical Advice Note 12, and Planning Policy Wales 8th Edition.

[3] Department for Environment : Planning and Environment Policy Group - Addendum to Planning Policy Statement 7 – Residential Extensions and Alterations A7; A2; DOE www.ni.gov.uk

[4] Rear or side extensions to a dwelling house : Policy DG12 Hastings Borough council Hastings Online

[5] Design Principles in Supplementary Planning Document : Brighton & Hove City Council Local Development Framework.

[6] Department for Environment : Planning and Environment Policy Group - Addendum to Planning Policy Statement 7 – Residential Extensions and Alterations A7; A2; DOE www.ni.gov.uk

[7] 'Amenity Standards ' Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011 SPG

[8] 'Amenity Standards ' Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011 SPG

[9] Supplementary Planning Guidance – West Lothian Council

[10] [3] Department for Environment : Planning and Environment Policy Group - Addendum to Planning Policy Statement 7 – Residential Extensions and Alterations A7; A2; DOE www.ni.gov.uk

[11] Garden Buildings planning permission in Contemporary Garden Buildings org

[12] Neath / Port Talbot Household Extensions – in Rear Extensions – 45 degree code

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Appendix A

2016/00649/FUL

[13] Department for Environment : Planning and Environment Policy Group - Addendum to Planning Policy Statement 7 – Residential Extensions and Alterations A7; A2; DOE www.ni.gov.uk

[14] The Party Wall Act 1996 – Explanatory Booklet - Communities and Local Government

[15] Access to Neighbouring Land Act 1992 – Legislation gov.uk

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Appendix A
Letter 2

2016/00649/FUL

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ACTION BY: <i>IR/cr</i>
NO: <i>7/12</i>
ACK:



6 Francis Road
Woodfield Heights
Barry
Vale of Glamorgan
CF62 9HH

16th July 2016

Dear Sirs

Ref: **P/DC/CR/2016/00649/FUL**
Planning Application No 2016/00649/FUL/CR

This planning application is a third proposal to application **No 2015/01370/FUL/CR** registered 23rd November 2015, and REFUSED on 18th January 2016, and **No 2016/00138/FUL/CR** refused in Feb 2016.

As of today 16th July we still have not had notice in the post of this further application. It was only by chance I have seen the application in the planning portal.

Our objections to the above application are as follows:

As lay persons we find the submitted plans are again of poor information and misleading, they do not contain any measurements and dimensions, therefore it is very difficult to visualise the size of the proposed extension, and we can only scale it against the existing property.

The site plan document 309-D-05A shows the extensions at side and rear being constructed upto the boundary between No 8 and No 10 Francis Rd, the plans show a smaller extension. This application is very very misleading, and all drawings should be corrected and resubmitted. In previous applications the fact the extension was built to the boundaries was the reason for the application being refused. The two site plan documents tendered are both different, in that the one has no north point and a smaller extension, the other has a different size extension with a north point!

The rear extension now has a pitched roofline at 90 degrees to the existing building, this extends approx. 5m into the garden joining the existing roof to the gable end of the proposed rear extension, which is considerably higher than the first planning application, **No 2015/01370/FUL/CR**, and is grossly overbearing and over shadowing and will block more light than the initial refused scheme, this will create a very significant shadow effect on the existing skyline. If the scheme were to be passed we would prefer the original roofline with hips either side to minimise the impact and loss of light and the over bearing presence this new proposal will create to our property.

The new proposals are even more overbearing and encroaching and will have an adverse effect on the enjoyment of our property, more so than the original application. We are also concerned about the loss of light within our living area as an effect of the proposals,

overshadowing us and causing a negative impact on the enjoyment of our home. (RICS- A clear, impartial guide to Right to Light)

The proposed two storey side extension will partly occupy space previously used for car parking. In the application Q9 the applicant has said that the proposed extension will not alter present parking arrangements in anyway, this extension is going to take up a considerable proportion of the drive at No 8 so WILL have an adverse effect on present parking arrangements. Presently the owners of No8 park one of their two cars illegally opposite a road junction.

We also believe the proposals conflict with the space and amenity standards which has not been replaced and still stands as general planning policy, especially in the respect of amenity area and loss of car parking. We believe this does not confirm to the standards set out in designs of new developments – Policy MD3.

Parking

Quote ...The number of bedrooms would not increase as a result of the development however the footprint of the extension would be situated over a part of the driveway. Assessed under current parking standards the proposed layout would provide a single space, where there would be a demand of three spaces for a property of this size. The current layout ostensibly provides two spaces, an existing shortfall of one.

In the previous application No 2016/00138/FUL/CR the applicant Ms Davies, tendered the excuse that this property was originally built as a two bedroom property, and the previous owners converted the property to three bedroom, this is not the case, this property, No8 Francis Road was always built as a three bedroom property.

Residential amenity

In terms of amenity space the Councils standards require 1 square metre of garden space for 1 square metre of floor space, of which 70% should be in the rear garden and should be usable and private. It is acknowledged that the existing garden serving No.8 falls short of the usable and private criteria; however the rear element of the extension would further reduce the area of amenity space available to the occupants, the private area this would amount to approximately 52sqm.

Terracing Effect

If the present or future owners of 10 Francis Road decided to apply for building permission at the side of their house, i.e. if repeated as No 8 is proposing, our properties would become almost terraced and subsequently, significantly change the character of the houses in the area.

Even though the general size of the proposed extension is slightly narrower at the front than in previous application No 2015/01370/FUL/CR and No 2016/00138/FUL/CR the proposed extension still extends to the boundary at the rear. (Site plan 309-D-05A)

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The proposed rear dormer is not of the same character as the existing dormers on the properties in Francis Rd.

I would like to quote the following taken from notes of a previous planning refusal at this property.

Design and visual impact

In terms of the street scene the main visual impact of the proposal would occur to the front elevation facing Francis Road. The two-storey extension would reflect the character and design of the existing dwelling, with similar roof pitches, materials and pattern of openings when viewed from the front elevation. There is an integral garage to the corresponding elevation at No.6, and although the proposed extension would not be similarly set back from the front elevation or below from the ridge line, at 2.6m in width, is relatively modest and would not unbalance the semi-detached pair to an unacceptable degree.

However, notwithstanding the above, it remains necessary to consider the impact of the extension on the wider street scene. The pattern of development along this part of the road consists of almost identical pairs of semi-detached dwellings along the same building line and with consistent spacing between them that comprise paired driveways. There are no examples of similar two storey extensions in the immediate vicinity, and this has served to maintain a pleasant uniformity and a characteristic pattern of spaces.

While the scale and form of the extension is considered acceptable in terms of its relationship to the host dwelling and impact on the balance of the pair, it would extend to the boundary, such that if it were repeated on the adjacent 10 Francis Road, it would completely remove the characteristic spacing between the pairs of dwellings to the detriment of the street scene and leading to a terracing effect. In such a scenario, a physically continuous terrace would be created, that would be harmful to the character of the street scene and would fail to respect the established pattern of development along the row of dwellings in a manner that would harmfully erode the character of the street.

The Council has been successful at appeal in similar cases, including Port Road West (2011/00060/FUL) on Colcot Road (2008/00212/FUL) and Willow Crescent (08/00358/FUL) where in these cases the Inspector concluded that by reason of their siting on the boundary and the subsequent reduction in the existing visual gap between the dwellings the development would unacceptably impact upon the character of the area. The Inspector also reasoned that although the current occupiers of the neighbouring dwelling may not wish to extend in a similar way, there is no certainty that the living requirements of any subsequent occupier wouldn't differ. It is considered that these appeal decisions are directly relevant as context to the proposal. These appeal decisions are attached as Appendix A.

For these reasons, and in accordance with Policy ENV27 of the Unitary Development Plan, it is considered that the application should be refused on the grounds that the proposal would result in a potential terracing effect, harmful to the characteristic spacing of this row of semi-detached dwellings. The development would also be contrary to Policies 1 and 3 of the Council's 'Amenity Standards' SPG, paragraphs 2.6, 4.5, 4.8 and 4.19 of TAN 12 and paragraph 4.11.19 of Planning Policy Wales."

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There will also be a requirement for the occupiers of No 8 to comply with the Party Wall Act of 1996.

We consider the proposed extension to be a gross over development and completely out of keeping with similar properties in the area, and the roof line of the rear extension is grossly overbearing and over shadowing, especially if you compare it with the original proposal. And again quote

1. **The proposed extension would result in a significant infilling of the characteristic spacing between the dwelling and the neighbouring property, and the potential creation of a terracing effect, which would be out of keeping with the character of the area and to the detriment of the visual amenities of the street scene. contrary to Policy ENV 27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and the advice in Technical Advice Note 12, and Planning Policy Wales 8th Edition.**
2. **By virtue of the scale and form, the extension would result in an un neighbourly form of development which would cause a shading effect to the neighbour at No.10, and No 6, in the case of the rear extension, thereby unacceptably impacting upon their residential amenities contrary to Policy ENV27 of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011 and the Council's Supplementary Planning Guidance on Amenity Standards.**

HISTORIC PLANNING APPLICATIONS

There are two recent planning applications for this property, **No 2015/01370/FUL/CR** and **No 2016/00138/FUL/CR**, which were refused, we consider this application to be slightly scaled down at the side of the property, than the p[revious applications, though still infilling the characteristic spacings between houses in Francis road.

The new proposed extension to the rear is considerably higher for the whole length protruding into the garden, and is grossly overshadowing and overbearing.

There will not be enough free space between the existing boundary wall and the proposed rear extension to both build and more importantly maintain the new rear extension, this will in time become an eyesore of flaking paint and stained walls.

Also there are various planning applications relating to the development of the housing estate dating from the late 1980's to early 90's.

Yours faithfully

Mr & Mrs A Wright

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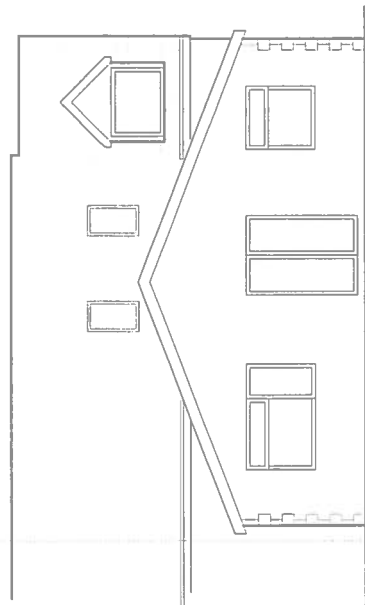
Appendix B

2016/00649/FULL

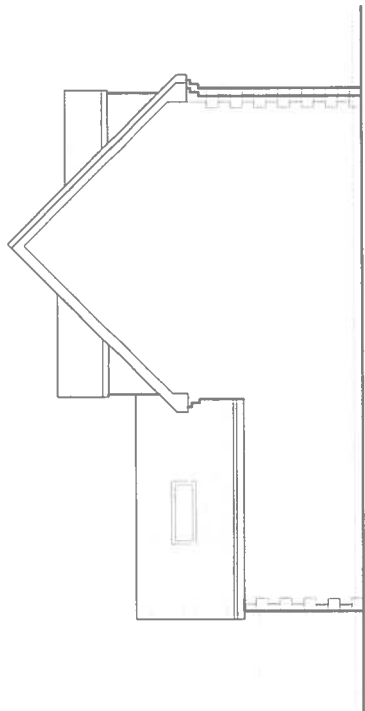
* Previously refused elevations.



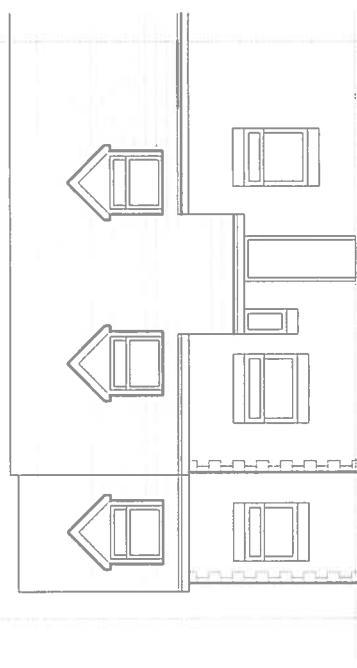
C 04/04/16 Step back added to elevations
B 27/01/16 Roof changed & extension stepped back
A 17/01/16 Roof changed & extension stepped back



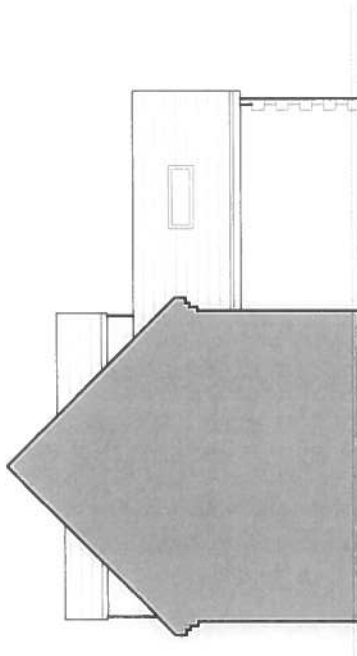
Rear elevation



Side elevation



Front elevation



Sectional elevation

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except for Planning Purposes

Project Title
Side & Rear Extension
Debbie Davies
8 Francis Road
Barry

Drawing title:
Proposed Elevations

Date 25/10/15
Scale 1:100@A3

Dwg No. 309/D/04
Rev C
Drawn PH



PAH Building Design
& Technology
36 Moy Road,
Tafel Well,

Cardiff, CF15 7PX
T: 078981-48695
E: paulanthonyhayes@gmail.com

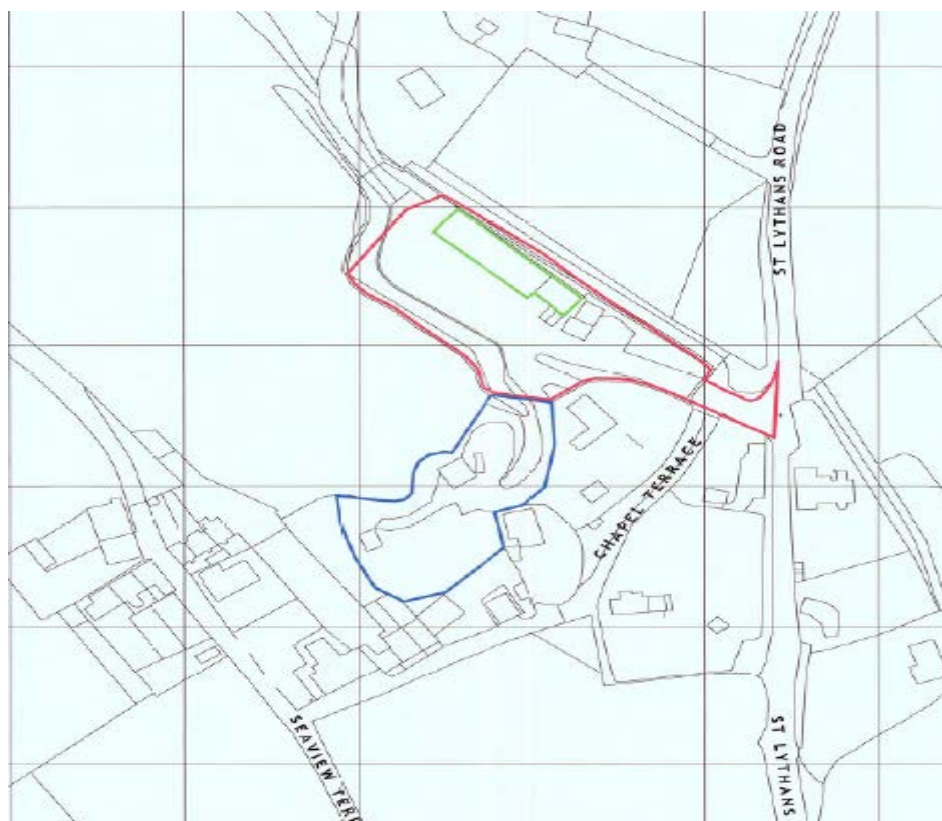
Bilfinger GVA Bilfinger GVA, One Kingsway, Cardiff, CF10 3AN
Newydd Housing Association c/o Agent

Land at Former Bus Depot Site, Chapel Terrace, Twyn Yr Odyn, Wenvoe

Demolition of existing buildings and residential redevelopment of land to deliver 15 affordable homes together with associated car parking, landscaping, drainage infrastructure and other ancillary development (resubmission)

SITE AND CONTEXT

The application site as edged red extends to an area of approximately 0.4 ha and comprises a yard area and a number of vacant, disused outbuildings, which were formerly occupied as a vehicle repair yard and bus depot, and before that, the former Greenwood Quarry. The site is bound for the most part by agricultural land, however, there are a number of residential properties immediately adjacent, including 'Deg Erw' to the north and 'The Bungalow' to the south. Beyond this there are several other houses that make up the hamlet of Twyn yr Odyn.



There is an existing vehicular access to the site which is located in the south eastern corner onto an unadopted access road, which in turn connects with the adopted highway St Lythans Road to the east.

The site lies in the countryside over 600m to the north west of the nearest residential settlement boundary of Wenvoe, as defined in the Unitary Development Plan. The site is also located within the Green Wedge and the Duffryn Basin and Ridge Slopes Special Landscape Area. To the south east of the site, and crossing the unadopted access road is a Public Right of Way, Public Footpath No. 29a.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the demolition of the existing buildings and the redevelopment of the site for 15 No. affordable residential units, together with associated car parking, landscaping, drainage infrastructure and other ancillary development. The proposal will provide for 9 No. two bed houses and 6 No. one bed flats, with all homes let as affordable accommodation through Newydd Housing Association's local lettings policies.

The units will be positioned along the northern boundary of the site in a linear layout. It will be a mix of house types, including semi-detached, terrace and apartment buildings.



The design is a traditional one, being two storey pitched roof properties, with a mix of coloured smooth render, reconstituted stone and fibre cement slate roofing finishes, and features such as chimney stacks and porches.



01 Context Elevation (Courtyard)
1:200



03 Context Elevation (Rear Access Lane)
1:200

Vehicular access will be via the existing entrance across an unadopted road and connecting with the adopted St Lythans Road to the east of the site. The internal driveway will be a shared surface. A total of 27 No. car parking bays will be provided within the site, mostly located along the southern boundary of the site.

There are existing trees and hedgerows on and around the perimeter of the site. The proposed landscaping scheme seeks to retain much of the existing planting and enhanced with new planting.

The application is accompanied by a number of supporting documents including a Design and Access Statement, Planning Statement and a Statement of Community Involvement prepared by Bilfinger GVA; a Transport Statement and Travel Plan prepared by Acstro; a Landscape Character and Visual Impact Assessment, Pre-Development Tree Survey and Assessment and Tree Constraints Plan by TDA; Preliminary Ecological Appraisal Update and Reptile Survey Report both by Wildwood Ecology Ltd; A Phase 2 Site Investigation Report by Ian Farmer Associates; and Drainage Strategy, Engineering and Site Investigation Summary by Vale Consultancy.

PLANNING HISTORY

1977/01831/FUL - Solid and toxic landfill - Approved March 1976, subject to conditions relating to landscaping, restoration, hours of operation, and materials tipped.

1984/00964/FUL - MOT vehicle station - Approved for a three year temporary period 6 November 1984.

1990/00184/FUL - Continuation of existing landfill to northern side of quarry - Refused 23 October 1990 on the grounds that the proposed development would conflict with the extraction of permitted mineral reserves and create uncertainty over the future working and restoration of the quarry.

1990/01327/FUL - Landfill of existing quarry - Approved 4 June 1991 subject to conditions including limits on the tipped material; grading and finish of filled land; drainage; wheel washing; restricted access; restricted hours; and landscaping.

1992/01047/LAW - Lawful Development Certificate for the use of the premises for the repair and maintenance of vehicles - Approved 8 December 1992.

1993/00425/OBS - Mineral extraction until 5 February 1994 - No objection submitted 21 May 1993 subject to conditions including the permission be temporary, and hours of operation.

1993/01195/FUL - Waste transfer station for local authority domestic waste - Refused 6 September 1994 on the grounds that the proposal represents development in the countryside unrelated to agriculture, forestry or minerals and is therefore contrary to policy.

1998/00957/OUT - Demolition of existing vehicle repair buildings and bungalow - Refused 19 November 1998 on the grounds that the proposal represents unjustified development in the countryside contrary to policy.

2008/01202/OUT - Redevelopment of buildings and yard for residential purposes - Withdrawn 11 November 2008.

2015/01228/FUL - Demolition of existing buildings and residential redevelopment of land to deliver 15 affordable homes together with associated car parking, landscaping, drainage infrastructure and other ancillary development – Refused 15 April 2016 for the following reasons:-

“Due to its location, served from an unrestricted rural lane, the site does not have safe access for pedestrians or cyclists and as such represents an unsustainable development, contrary to Planning Policy Wales, TAN18 (Transport) and Policies 2 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.”

Other applications in the area of some relevance to the current proposal, include:-

1999/00297/OUT - Land adjacent to Hawthorn Cottage to the south - Construction of residential dwelling - Refused on 28 May 1999 for the following reason:

“The proposal represents development in the open countryside contrary to Policies EV4 and H10 of the South Glamorgan Structure Plan Proposals for Alteration No. 1 1989 and Policies ENV3 and HOUS3 of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1998 which carry a presumption against the erection of dwellings in the open countryside unless justified in the interests of agricultural or forestry. No such justification is offered in this case.”

2008/01234/FUL – Land adjacent to Hawthorn Cottage to the south - Build a new detached two storey two bedroom cottage in disused quarry, formerly part of the curtilage of Hawthorn Cottage - Refused 13 November 2008 for the following reasons:

- “1. *By virtue of its detached countryside location, within a green wedge, the site is not considered suitable for residential development which is not justified on the basis of agriculture or forestry. Therefore the proposed development is contrary to Policies 2 and 8; ENV1 - Development in the Countryside; ENV3 - Green Wedges; and HOUS3 - Dwellings in the Countryside; of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. Furthermore, the dwelling and curtilage would represent an incongruous domestic feature within an area recognised for its special landscape value, which would be contrary to Unitary Development Plan Policies ENV4 - Special Landscape Areas; and ENV25 - Design of New Developments.*
2. *The proposal would intensify the use of an existing substandard vehicular access to the detriment of highway safety, and would detract from the privacy and amenity of neighbouring property Ty Gwyn. Therefore the proposal fails to meet the Council's standards for amenity and access, contrary to Unitary Development Plan Policy ENV27 - Design of New Developments.”*

A subsequent appeal was dismissed on 6 July 2009.

2013/00857/FUL – Land adjacent to Hawthorn Cottage to the south - The use of land for the stationing of caravans for residential purposes for 1 no. gypsy pitch together with the formation of additional hard standing and utility/ dayroom ancillary to that use - Refused 20 December 2013 for the following reasons:-

- “1. *In the opinion of the Local Planning Authority it is considered that the proposal represents an inappropriate and unjustified form of development in this countryside location that would detract from the openness of a rural area designated as a Green Wedge and would therefore be contrary to Policies ENV3-Green Wedges, ENV1-Development in the Countryside; and HOUS14-Gypsy Caravans of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Design in the Landscape and Sustainable Development; and national guidance contained in Planning Policy Wales, TAN12-Design and Circular 30/2007 Planning for Gypsy and Traveller Caravan Sites.*
2. *The development fails to provide a safe vehicular access to the adopted highway as no evidence has been provided of a right of access over the unadopted private lane to Greenwood Quarry (and the owners of this land have not been notified of or included with the details submitted with this application), and the provision of a safe access through the existing gateway would require the removal of significant lengths of indigenous hedgerow, to the detriment of the character and appearance of the countryside in this Green Wedge location, with possible detrimental effects on existing ecological interests which have not been properly assessed and is therefore considered contrary to Policies ENV27-Design of New Developments, ENV29 Protection of Environmental Quality and HOUS14 Gypsy Caravans of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.”*

A subsequent appeal was allowed 12 November 2014 subject to conditions, including, restricted occupation; temporary three year permission; no more than two caravans; static caravan sited only in accordance with approved drawings, with any change to be agreed; no commercial activities on site; no more than three vehicles, and one commercial vehicle to be kept on site; details of the stopping up of the existing access; construction of new access; details of hardstanding, lighting and landscaping; retention of hedgerow; samples of utility/dayroom surfacing; foul and surface water to discharge separately from the site; and no vehicular access other than that shown on approved drawing.

CONSULTATIONS

Wenvoe Community Council – Were consulted on 6 July 2016. No comments have been received to date.

Natural Resources Wales - Were consulted on 6 July 2016. No comments have been received to date, however, the following are the comments submitted on the previous application, which it is assumed should still apply as there is no material change with the proposal or the circumstances of the site.

Comments on previous application - Suspected ground contamination, and they noted that section 7.4.10 of the submitted report referred to “possible presence of the historical underground storage tank”. This represents a possible source of contamination that has not yet been assessed. They recommended a further assessment is completed in order to control potential risks to controlled waters from historic contamination. This can be secured by a number of suggested conditions relating to a scheme to deal with the risks associated with contamination, including a verification report, monitoring/maintenance, amendments to the remediation strategy if required, no infiltration of surface water drainage into the ground without consent, and no piling or other foundations using penetrative methods without consent.

As regards European Protected species Natural Resources Wales noted from the submitted survey that it is unlikely that bats are using the buildings, and that trees on site will remain largely unaffected. They confirmed their agreement of the recommendations in the reports and advised the inclusion of conditions to prevent the illumination of boundary features and removal of large trees.

Natural Resources Wales further advised that the developers follow recommendations outlined in a number of documents relating to land contamination and groundwater protection.

Dwr Cymru/Welsh Water - Have requested that a number of Conditions and Advisory Notes be attached to any consent including no development to commence until a drainage scheme for the site, providing for the disposal of foul, surface and land water, including the potential for disposal by sustainable means, has been submitted agreed and implemented. No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from the site. In addition there is no objection in relation to the water supply.

The Council's Rural Housing Enabler - There is a demonstrated need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2015 Local Housing Market Assessment (LHMA) which determined that 559 additional affordable housing units were required each year to meet housing need in the area. In addition to this research, the Homes4U waiting list, which provides the most accurate and up to date picture of local need, shows there is considerable current need in the Wenvoe ward, and the immediate neighbouring wards of Peterston and Dinas Powys, with a total of 217 people requiring:

	Wenvoe	Peterston super Ely	Dinas Powys
1 Bed Need	20	7	79
2 Bed Need	27	2	41
3 Bed Need	10	4	19
4+ Bed Need	3	0	5
Total	60	13	144

It is also worth noting that in the rural areas of the Vale housing need is often hidden until a development is proposed, at which time we engage with the local community and community council to encourage households that are in need to make themselves known to us and sign up to the Homes 4U and Aspire2Own waiting lists.

All affordable units must be DQR compliant.

Housing Strategy fully supports this proposal having worked closely with the landowner and Housing Association in bringing this site forward. It represents an opportunity to develop much needed rural affordable housing in an appropriate location. We hope that the Planning Committee will find in favour of this much needed development.

The Council's Shared Regulatory Services - Environmental Health – Pollution Section - Due to the nature of demolition and construction sites, this department will require a Construction and Environmental Management Plan prior to further consideration.

The Council's Ecology team - Recommend the inclusion of planning conditions on the consent to protect and enhance the biodiversity interests on site. The submitted ecological survey reports are considered to accurately and adequately assess the current biodiversity value of the site and it is advised that the recommendations made in the report are included as planning conditions on the planning consent. Recommended conditions to protect the high value areas and to ensure a net biodiversity enhancement from the development, include:- a scheme for the provision of dark flights corridors; sensitive site clearance for protected species; and biodiversity enhancement.

The Council's Landscape Section – Confirmation that the comments on the previous application still apply. These noted:-

The site appears to be generally well screened due to landform and vegetation, both within and outside the site. This has the potential to screen the development and help it integrate into the sensitive landscape setting. However there are areas of concern, including, views from the north and the road adjacent to the site. Although the existing buildings appear to be screened from the north this planting is vulnerable as it is in separate ownership. Clarity is required as to the position of vegetation in relation to the development boundary and whether it is proposed to be retained/supplemented. The accompanying LVIA states that that the site will not be visible from Viewpoint 1 as it is screened by vegetation. Item 5.3 of the LVIA states that 'there is a lack of landscape impact' and 'that it is considered that landscape mitigation measures are not required'. However, the submitted details indicate that the site is likely to be quite visible. It is therefore very important that the existing bank to the front retains significant areas of vegetation, and that additional planting is provided, including to the retaining wall and at the entrance.

The Council's Highway Development Team - When reviewing the Transport Statement (TS) submitted in support of the development, it is noted that a comparative assessment of the existing and proposed trip generation has been undertaken using the TRICS Database. However, the assessment is not representative due to the limited number and nature of selected sample sites. Nevertheless, it is considered that the proposals would not increase the number of vehicular trips to/from the site above that of the existing use.

Additionally, when considering the means of access to the site, it is noted that this is substandard in relation to visibility along the adjacent highway. However, based on the existing use and the likely traffic generation of the proposals, the development would not represent an intensification.

When reviewing the swept paths submitted with the TS, it is noted that the proposed turning area is not of sufficient size to enable a refuse/service vehicle to manoeuvre and enter/exit the site in a forward gear and the drawings do not appear to be at the scale as shown.

Finally, it is noted that traffic surveys have been undertaken along St Lythans Road and included within the TS, which have identified 85th percentile speeds of 36 mph adjacent to the site and 38 mph northbound and 34 mph southbound, some 250m to the north. Traffic flows of 946 vehicles (two way) have also been recorded.

In addition, an assessment of road traffic accidents along St Lythans Road has been undertaken, using the Crashmap website. However, while the information provided by Crashmap is not up to date, it is noted from the accident data held by the Council that there are no recorded incidents along the adjacent highway network for the most recent 5 year period.

As a result, the TS concludes that the recorded vehicle speeds and daily traffic flows are relatively low and based on the absence of any road traffic accidents, the adjacent highway operates safely.

However, it is clear that in the absence of pedestrian and street lighting facilities along the adjacent highway the proposals would have a detrimental impact in terms of highway safety, specifically in relation to pedestrians and cyclists using St Lythans Road.

Furthermore, as the site is located within a rural setting and is outside of the recommended walking distances to public transport facilities, it is clear that residents/visitors to the development would be reliant on private vehicles.

Therefore, based on the above, an objection is raised in relation to the highway and transportation aspects of the proposals.

The Council's Public Rights of Way Officer – The application acknowledges the existence of Public Right of Way No.29a Wenvoe (status – restricted byway) which crosses the entrance to the development.

The public right of way must be kept open and available for safe use by the public at all times. No adverse effect should result to the byway, the applicant should ensure that materials are not stored on the byway and that any damage to the surface as a result of the development is made good at their own expense.

Should the public right of way require temporary closure to assist in facilitating works an order should be sought under the Road Traffic Regulation Act 1984. Temporary closure should not be sought in order to allow construction of permanent obstructions.

A legal diversion or stopping-up order must be obtained, confirmed and implemented prior to any development affecting the public right of way taking place. No barriers, structures or any other obstructions should be placed across the legal alignment of the path.

The Council's Highways and Engineering (Drainage Section) - The site is not located in DAM areas at risk of tidal or fluvial flood risk and NRW maps indicate there is a very low surface water flood risk to the area.

The drainage strategy indicates that surface water will be disposed of via infiltration methods (permeable paving) and the results of permeability tests have been submitted in the 'Report on Phase 2 Ground Investigations', however the location of these soakaway tests is not shown. In addition the land drains and channel drains to the access track of the site are not shown. Further no hydraulic calculations have been submitted and a SuDS management plan has not been included. Given the above a condition is requested requiring no development until a detailed scheme for the surface water drainage of the site is submitted, agreed and implemented.

South Wales Police Designing out Crime Officer - Notes that the submitted drawings appear to indicate good orientation of dwellings to maximise surveillance with the exception of five parking spaces near the entrance. The general site layout limits the number of entrances/exits which avoids excessive permeability which is linked to high crime areas. The DAS states that all opportunities have been taken to design out crime but fails to specify the measures taken. A number of recommendations are made, including, good lighting; rear gardens secured; defensible space to the front; all parking areas overlooked; service meters should be located and readable externally; ground floors windows/doors should be security compliant; audio/visual access controls to more than four flats; and Secured by Design is a requirement of Welsh Housing Quality standards.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 6 July 2016. In addition the application was advertised on site and in the press on 7, 27 and 28 July 2016.

To date a total of 3 No. representations of objection have been received from the occupiers of 'Hawthorn Cottage', Ty Gwyn', and 'Rock House'. These are all available on file for Committee Members inspection in full. However, the representation from the occupier of 'Hawthorn Cottage' is reproduced at Appendix A as being generally indicative of the issues raised. In summary the main points of objection relate to access issues, including, the resubmission has not made any new provision for safe access; questions over the traffic survey data; the journey to the bus stop at Rhur cross has not been addressed by the short survey undertaken without hedgerow growth; the road is unsafe for pedestrians and to suggest otherwise is untrue; and not reasonable to expect people to access services and facilities by foot.

The applicant's agents have submitted representations in response to the neighbour representations and the highway comments. These are reproduced at Appendix B.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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 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:

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT.

POLICY 3 - HOUSING.

POLICY 5 - BUSINESS AND INDUSTRIAL USES.

POLICY 8 - TRANSPORTATION.

POLICY 11 - SPORT & RECREATION.

Policy:

POLICY ENV1 - DEVELOPMENT IN THE COUNTRYSIDE.

POLICY ENV2 - AGRICULTURAL LAND.

POLICY ENV3 - GREEN WEDGES.

POLICY ENV4 - SPECIAL LANDSCAPE AREAS.

POLICY ENV7 - WATER RESOURCES.

POLICY ENV10 - CONSERVATION OF THE COUNTRYSIDE.

POLICY ENV11 - PROTECTION OF LANDSCAPE FEATURES.

POLICY ENV16 - PROTECTED SPECIES.

POLICY ENV26 - CONTAMINATED LAND AND UNSTABLE LAND.

POLICY ENV27 - DESIGN OF NEW DEVELOPMENTS.

POLICY ENV28 - ACCESS FOR DISABLED PEOPLE.

POLICY ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY.

POLICY HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT.

POLICY HOUS3 - DWELLINGS IN THE COUNTRYSIDE.

POLICY HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS2 SETTLEMENTS.

POLICY HOUS12 - AFFORDABLE HOUSING.

POLICY HOUS13 - EXCEPTION SITES FOR AFFORDABLE HOUSING IN THE RURAL VALE.

POLICY HOUS14 - GYPSY CARAVANS

POLICY EMP4 - PROTECTION OF LAND FOR EMPLOYMENT USES.

POLICY TRAN10 - PARKING.

POLICY REC3 - PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENTS.

POLICY REC6 - CHILDREN'S PLAYING FACILITIES.

POLICY REC12 - PUBLIC RIGHTS OF WAY AND RECREATIONAL ROUTES.

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, both Chapters 2 and 4 of Planning Policy Wales (Edition 8, 2016) (PPW) provide the following advice on the weight that should be given to policies contained with the adopted development plan:

'2.8.4 It is for the decision-maker, in the first instance, to determine through monitoring and review of the development plan whether policies in an adopted [Development Plan] are outdated for the purposes of determining a planning application. Where this is the case, local planning authorities should give the plan decreasing weight in favour of other material considerations such as national planning policy, including the presumption in favour of sustainable development (see section 4.2).'

'4.2.4 A plan-led approach is the most effective way to secure sustainable development through the planning system and it is important that plans are adopted and kept regularly under review (see Chapter 2). Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise (see 3.1.2). Where:

- there is no adopted development plan or*
- relevant development plan policies are considered outdated or superseded or*
- where there are no relevant policies*

there is a presumption in favour of proposals in accordance with the key principles (see 4.3) and key policy objectives (see 4.4) of sustainable development in the planning system. In doing so, proposals should seek to maximise the contribution to meeting the local well-being objectives.'

With the above advice in mind, the policies relevant to the consideration of the application subject of this report are not considered to be outdated or superseded. The following policy, guidance and documentation support the relevant UDP policies.

Planning Policy Wales:

National planning guidance in the form of Planning Policy Wales (Edition 8, 2016) (PPW) is of relevance to the determination of this application, in particular Chapter 2-Development Plans, including paragraph 2.8; Chapter 3-Making and Enforcing Planning Decisions, including paragraphs 3.1, 3.6 and 3.7; Chapter 4-Planning for Sustainability, including paragraphs 4.3.1, 4.4.3, 4.6.3, 4.8, 4.9 and 4.11; Chapter 5-Conserving and Improving Natural Heritage and the Coast, including paragraphs 5.1.1 and 5.2; Chapter 7-Economic Development, including 7.1.3 and 7.1.4; Chapter 8-Transport, including paragraph 8.7; Chapter 9-Housing, including paragraphs 9.2.3, 9.2.14, 9.2.22, 9.2.23, and 9.3; Chapter 11-Tourism, Sport and Recreation, including paragraphs 11.1.3 and 11.3.2; Chapter 12-Infrastructure and Services, including paragraph 12.4; and Chapter 13-Minimising and Managing Environmental Risks and Pollution, including paragraph 13.7.

In particular, the following paragraph is of relevance:

4.8.16 The construction of new buildings in a Green Belt or in a locally designated green wedge is inappropriate development unless it is for the following purposes:

- justified rural enterprise needs;
- essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the Green Belt or green wedge and which do not conflict with the purpose of including land within it;
- limited extension, alteration or replacement of existing dwellings;
- limited infilling (in those settlements and other development sites which have been identified for limited infilling in the development plan) and affordable housing for local needs under development plan policies; or
- small scale diversification within farm complexes where this is run as part of the farm business.

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- TAN 1 - Joint Housing Land Availability Study.
- TAN 2 - Planning and Affordable Housing, including paragraphs 10.2 to 10.17.
- TAN 5 - Nature Conservation and Planning, including 1.6.1 and 4.6.
- TAN 6 - Planning for Sustainable Rural Communities, including paragraph 4.2.
- TAN 12 - Design, including paragraphs 2.6, 5.6.2, 5.8-Rural areas and 5.11-Housing design and layout.
- TAN 16 - Sport, Recreation and Open Space, including paragraphs 3.21 and 4.15.
- TAN 18 - Transport, including chapters 3 and 9.
- TAN 23 - Economic Development, including paragraph 2.1.2.

Supplementary Planning Guidance:

In addition to the adopted Unitary Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Amenity Standards.
- Affordable Housing.
- Biodiversity and Development.
- Design in the Landscape.
- Model Design Guide for Wales.
- Parking Standards (Interactive Parking Standards Zones Map).
- Planning Obligations.
- Public Art.
- Trees and Development.

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20th December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20th March – 1st May 2014. The Council has considered all representations received and on 24 July 2015 submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public commenced in January 2016.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.8.1 of Planning Policy Wales (Edition 8, 2016) (PPW) is noted. It states as follows:

*2.8.1 The weight to be attached to an **emerging LDP** (or revision) when determining planning applications will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances.'*

In line with the guidance provided above, the background evidence to the Deposit Local Development Plan is relevant to the consideration of this application insofar as it provides factual analysis and information that is material to the issues addressed in this report in particular, the following background papers are relevant:

- Affordable Housing Background Paper (2013).
- Affordable Housing Viability Update Report (2014).
- Affordable Housing Delivery Update Paper (2015).
- Vale of Glamorgan Local Housing Market Assessment (LHMA) 2015.
- LDP Housing Land Supply Trajectory 2011-26 (Nov 2015).
- Rural Affordable Housing Needs Survey Report (2013 Update).
- Housing Provision Background Paper (2015).
- Housing Supply Background Paper (2013).
- Joint Housing Land Availability Study (2014).
- Vale of Glamorgan Housing Strategy - (2015-2020).
- Population and Housing Projections Background Paper (2013).

- Designation of Landscape Character Areas (2013 Update).
- Designation of Special Landscape Areas (2013 Update).
- Designation of SLAs Review Against Historic Landscapes Evaluations (2013 Update).
- Green Wedge Background Paper (2013).
- Open Space Background Paper (2013).
- Sustainable Settlements Appraisal Review (2016).

Other relevant evidence or policy guidance:

- Welsh Office Circular 13/97 - Planning Obligations.
- The Community Infrastructure Levy Regulations 2010.
- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007).
- Conservation of Habitats and Species Regulations 2010 as amended.

Issues

This is a resubmission following a recent refusal in April of this year for the same development under application reference 2015/01228/FUL. In assessing the current proposal against the above policies and guidance it is considered that the main issues remain the same as those considered in the previous application, and relate to:-

- Justification and sustainability for the redevelopment of the site for affordable housing in respect of its countryside location within a green wedge;
- Design including the impact on the character of the site and the surrounding countryside;
- Traffic issues, including the effect on highway and pedestrian safety;
- Impact on neighbouring and general residential amenity;
- Ecology;
- Drainage and potential contamination; and
- Appropriate S106 planning obligations.

Background

The previous application, reference 2015/01228/FUL, was refused on the grounds that the site does not have safe access for pedestrians or cyclists and, as such, represents an unsustainable development. The current application seeks to address the reasons for refusal, as well as addressing other issues raised by Members during the Planning Committee meeting on 14 April 2016. Primarily these include:- the carrying out and submission of traffic and pedestrian surveys; a statutory declaration signed by the landowners relating to the access rights to agricultural land to the north; and enhanced surface water drainage information. This additional information is considered in detail below under their respective topic headings.

Justification and sustainability

Under the terms of the Unitary Development Plan the site lies in the countryside where policy ENV1 of the UDP restricts development to that which is essential for agriculture, horticulture, forestry or other development including mineral extraction; for appropriate recreational use; for the re-use or adaptation of existing buildings particularly to assist in the diversification of the rural economy; and for development which is approved under other policies of the plan. Similarly policy HOUS3 only permits new dwellings in the countryside where they are justified for agricultural purposes. This is supported by national guidance with paragraph 9.2.22 of Planning Policy Wales (PPW) noting that:

“In order to safeguard the character and appearance of the countryside, to reduce the need to travel by car and to economise on the provision of services, new houses in the countryside, away from existing settlements recognised in development plans or from other areas allocated for development, must be strictly controlled.”

In addition policies HOUS2 and HOUS8 of the UDP relate to residential development proposals within or adjoining settlement boundaries. Twyn yr Odyn is omitted from the list of rural settlements identified in the UDP under these policies.

It is noted that the proposal offers no agricultural justification, and is not linked to any rural enterprise, such as those set out under TAN 6-Planning for Sustainable Rural Communities. In addition it is considered that the proposal does not meet policy HOUS2 as it does not represent the rounding off of the edge of a settlement boundary; is for more than five dwellings; and is within a Green Wedge location

However, policy HOUS13 does allow for exception sites for affordable housing within the rural vale subject to certain criteria. This is supported by national guidance including PPW and TAN6, but, in line with the Council's policy, this is not without qualification. As paragraph 9.2.23 of PPW states:-

*“The special provision of **affordable housing exception sites** must be considered to help ensure the viability of the local community. To support policies, local planning authorities should refer to their up-to-date local housing market assessment or local survey. Policies should make clear that the release of small housing sites within or adjoining existing settlements for the provision of affordable housing to meet local needs which would not otherwise be allocated in the development plan, is an exception to the policies for general housing provision. Such policies must be fully justified, setting out the type of need and the kind of development which fall within their terms.”*

As the guidance notes the exception sites should ensure the viability of the local community and be within or adjoining existing settlements and meet local needs. Council's policy HOUS13 is in line with this and requires an identified local need and that it meets the following criteria:-

- (i) The site is within or adjoining an existing settlement boundary;
- (ii) The site is commensurate in scale, design and location with the identified need;

- (iii) Clear and adequate arrangements are made to ensure that the benefits of such housing are secured for initial and subsequent occupants;
- (iv) The scale and form of the proposed development is in keeping with surrounding uses;
- (v) The proposal has no unacceptable effect on the amenity and character of existing or neighbouring environments by virtue of noise, traffic congestion, exacerbation of parking problems or visual intrusion;
- (vi) The proposal does not have an unacceptable impact on good quality agricultural land, on areas of attractive landscape or high quality townscape or on areas of historical, archaeological, ecological, geological or geomorphological importance;
- (vii) Open space is provided in accordance with the Council's approved standards;
- (viii) The provision of car parking and amenity space is in accordance with the Council's approved guidelines;
- (ix) Adequate community and utility services exist, are reasonably accessible or can be readily or economically provided.

Clearly the proposal cannot meet the first criteria as the site is not located within or adjoining an existing settlement boundary, and on that basis would be contrary to the policy. Section 38 of The Planning and Compulsory Purchase Act 2004 requires that the determination of a planning application must be in accordance with the Development Plan unless material considerations indicate otherwise. Although time expired as of 31 March 2011, the UDP remains the adopted statutory development plan for the area. The application is accompanied by a Planning Statement which puts forward a number of material considerations to support the proposed development. The statement notes:-

"5.2.1 It is considered that the proposed development fully supports the relevant national planning policy guidance and accords with the principles of local planning policy. The development directly accords with most relevant saved policies in the UDP and receives strong backing as a rural exceptions site, particularly due to the identified need for affordable housing in this area. The planning officers' report for the previous application notes that there is no fundamental and overriding policy conflict and that the contribution the development would make to the supply of affordable housing is an important material consideration that weighs heavily in favour of the proposed development."

5.2.2 It has been demonstrated that the proposal is in line with Green Wedge and SLA policies and that steps have been taken to ensure this. There are strong material considerations in support of the application; the development will make use of derelict, unattractive brownfield land; provide much needed affordable housing; the remediation of a partially contaminated site, bringing it back into safe use; and the significant improvement to drainage infrastructure on the site and at its entrance adjacent to S.t Lythans Road, helping to alleviate issues with significant surface water run-off from the site itself as well as from Chapel Terrace. Furthermore, the proposal has a good policy backing as it improves the character of the site in relation to the surrounding area and represents a more suitable use of the site than is currently lawful in terms of residential amenity and transport considerations."

In relation to the 'material considerations' the following points are noted.

Firstly in relation to the sustainability of the site, the claim in the Planning Statement that it is “sustainably located in terms of transport and movement” is not entirely accepted. In the Councils Sustainable Settlements Appraisal Review for the emerging LDP, Twyn yr Odyn’s initial sustainability score and ranking was 56 out of 87 and therefore it was included in the ‘Hamlets and Rural Areas’ category. This category has been identified by overriding or limiting factors such as:

- (v) a generally limited range of services and facilities within the settlement,
- (vi) a low population (generally below 100),
- (vii) a settlement with a wide or dispersed assessment area with no real village core except for historic sporadic ribbon development, and/or
- (viii) the settlement being in an otherwise isolated or sensitive location.

Notwithstanding this, it is considered that the site is not an entirely isolated one, being close to the development at Culverhouse Cross, which is defined as a “minor rural settlement” in the draft Local Development Plan and within 400m of the new housing development at the former HTV studios. Although the access roads to the site are typical of many rural roads, with no footpaths, lighting, etc., nevertheless, compared to other rural locations, there are a range of facilities nearby. Furthermore, when considering the arguments put forward by the objectors in the previous application, that the proposal would put pressure on existing services, it is noted that the consultations undertaken with other departments of the Council in relation to the potential S106 planning obligations, indicate that the development does not require any contribution towards education or community facilities. These are explored in more detail below.

A further material consideration is the fact that the site is a ‘brownfield’ one, which is currently disused and in a state of disrepair, and has been vacant for a number of years. National guidance contained in paragraph 4.9.1 of PPW outlines a preference for the re-use of previously developed land before greenfield sites.

One of the primary material considerations highlighted in the supporting Planning Statement relates to the need for affordable housing. As paragraph 9.2.14 of PPW states:-

*“A community’s need for **affordable housing** is a material planning consideration which must be taken into account in formulating development plan policies.”*

The supporting Statement indicates that the development will provide affordable housing directly responding to a proven local need within the rural community. In line with local policy the proposal for 100% affordable housing will improve the residential mix within the community and is supported by the Council’s Rural Housing Enabler. It will be noted from the consultation responses that the Council’s Rural Housing Enabler has confirmed the support of the proposal, and demonstrates the need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2015 Local Housing Market Assessment (LHMA), which determined that 559 additional affordable housing units were required each year to meet housing need in the area. In addition to this research, the Homes4U waiting list, which provides the most accurate and up to date picture of local need, shows there is considerable current need in the Wenvoe ward, and the immediate neighbouring wards of Peterston and Dinas Powys, with a total of 217 people requiring a mix of house types, including the one and two

bed accommodation proposed. They also note that in the rural areas of the Vale housing need is often hidden until a development is proposed, at which time Housing Strategy engage with the local community and community council to encourage households that are in need to come forward onto the waiting lists.

A further issue to consider in relation to the principle of the proposed development relates to the location of the site within the identified Green Wedge to the north and east of Wenvoe. Policy ENV3 relates to Green Wedges and has four objectives:-

- a) To protect undeveloped land from speculative development,
- b) To prevent urban coalescence between and within settlements,
- c) To maintain the setting of built up areas, and
- d) To ensure that development does not prejudice the open nature of the land.

In addition national guidance in PPW identifies that green wedges can:

- Provide opportunities for access to the open countryside;
- Provide opportunities for outdoor sports and recreation;
- Maintain landscape / wildlife interest;
- Retain land for agricultural, forestry and related purposes;
- Improve derelict land; and
- Provide carbon sinks and help to mitigate the effects of urban heat islands.

Further paragraph 4.8.14 of PPW notes that there is a presumption against inappropriate development in a green wedge and states at paragraph 4.8.15:-

“Inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge. Green Belt and green wedge policies in development plans should ensure that any applications for inappropriate development would not be in accord with the plan. These very exceptional cases would therefore be treated as departures from the plan.”

Guidance on the nature of such development is specifically outlined in paragraph 4.8.16 of PPW. This paragraph notes that the construction of new buildings in a green wedge is inappropriate development unless it is for certain purposes. This sets out a number of appropriate developments within green wedges, which includes affordable housing for local needs. On that basis it is considered that the location of the site within a green wedge does not represent an objection to the principle of the development. In addition it is noted that the proposed changes to the designated green wedges, outlined in the Green Wedge Background Paper prepared for the LDP, do not affect the application site.

Notwithstanding this it remains necessary to consider any harmful impact on the character of this green wedge location, and its SLA setting, beyond the principle. This is considered in more detail below in relation to the likely visual impact of the proposal.

A further UDP policy of relevance to the assessment of the principle of the use is policy EMP 4 which seeks to protect existing employment sites. Although this policy is aimed primarily at preventing the establishment of other uses on vulnerable sites identified in Policy EMP 1 of the UDP, nevertheless, it must be recognised that the site was last used for business purposes. However it is also acknowledged that the site has not been in use for several years, and its original quarrying use and potential contaminants, all militate against future beneficial economic use. Notwithstanding this, even if a suitable economic re-use of the site could be found, it is considered that in this instance the need for affordable housing outweighs any economic issues. As PPW states at paragraph 2.1.2:-

“Where economic development would cause environmental or social harm which cannot be fully mitigated, careful consideration of the economic benefits will be necessary. There will of course be occasions when social and environmental considerations will outweigh economic benefit. The decision in each case will depend on the specific circumstances and the planning authority’s priorities.”

Finally, in relation to the principle of the development, although the proposal does not entail the loss of agricultural land, as referred to under policy ENV2 of the UDP, nevertheless, there was a concern with the previous application that agricultural activities surrounding the site could be prejudiced. This related specifically to the fact that the development will result in the permanent closure of an existing access track running from the north western corner of the site to fields beyond. Although a copy of a land transfer plan showing that separate rights of access would be maintained, there was some Member concern that this would not be sufficient. In the current submission the applicant’s agents have provided additional information in the form of a statutory declaration signed by one of the executors of the will of the late Ian Barton Greenwood former landowner. This confirms that in addition to the right of access along the track to Deg Erw, there is also access rights to the fields from Seaview Terrace/Cottage Row. As such, there is no ransom to the agricultural field and alternative options for access are in place. On that basis the proposal should not have an adverse effect on any neighbouring agricultural operations.

In conclusion, and taking account all of the above, although the proposal is contrary to policies ENV1, HOUS3, HOUS13 and EMP4 of the UDP, it is considered that there are other material considerations together with national planning policy to justify the proposed residential development as an exception site for affordable housing. It is considered that the scale of development within this part of the green wedge would not prejudice the Council’s continuing objective to prevent the coalescence of settlements. The loss of the site to any future employment use would also not detract from the Council’s overall economic strategy. In addition it is evident that the proposed development would make a contribution to increasing the available supply of affordable housing in the rural vale that meets an identified local need, which, from the evidence provided by the Council’s Rural Housing Enabler, has increased since the last application.

This is an important material consideration and it is considered that in the absence of any other fundamental and overriding local policy conflict, it is a factor that weighs heavily in favour of the development.

As such, it is considered, on balance, that the development of the land for affordable housing is acceptable in principle and outweighs any conflict with UDP policies cited above. However, it is important to note that this does not set a precedent for further applications for sites within the rural vale outside of defined settlement boundaries. Each such application is considered on the circumstances of their particular situation, having regard to the local housing need at that time, along with all other material considerations.

Notwithstanding the above, as PPW points out at paragraph 9.2.23 when referring to affordable housing exception sites:-

“Sites must meet all the other criteria against which a housing development would be judged.”

An examination of the specific details of the scheme is explored below.

Design and visual impact

It has already been noted that the site lies within a green wedge identified under ENV3 of the UDP. Two of the four objectives of that policy have a bearing on the visual impact of the scheme as they seek to maintain the setting of built up areas, and to ensure that development does not prejudice the open nature of the land. In terms of the openness of the site it is noted that the land forms part of a former quarry and is largely enclosed by the topography, including a steep bank to the south and west. In addition, as already noted, the site is a brownfield one with existing buildings and yard area. As such, although there will be a change in the character of the site with the replacement of the existing industrial style structures with domestic buildings, it will not be the more fundamental change that would occur if the site was undeveloped rural landscape.

Notwithstanding the above, the site does lie within the Duffryn Basin and Ridge Slopes Special Landscape Area, where policy ENV4 of the UDP allows for new development only where it can be demonstrated that it would not adversely affect the landscape character, landscape features or visual amenities of the SLA. A number of the neighbour objections refer to the adverse visual impact on a prominent hillside location. In assessing this it is noted that the current application is again supported by a number of reports including a Landscape Character and Visual Impact Assessment, Pre-Development Tree Survey and Assessment and Tree Constraints Plan. Although the Landscape Character and Visual Impact Assessment has been updated June 2016, the submitted plans have not been changed. On that basis the Council's Landscape Section has confirmed that the comments on the previous application remain valid. These noted that whilst agreeing that the landform and existing vegetation has the potential to screen the development and help it integrate into the sensitive landscape setting, nevertheless, some concerns were raised, including the views of the site from the north and adjacent road. The Council's Landscape Section did not agree that there was a lack of landscape impact and that landscape mitigation measures were not required. In their view the site is likely to be quite visible in part and therefore the existing bank to the front should retain significant areas of vegetation, and additional planting should be provided, including areas such as the retaining wall and at the entrance. It is noted that the revised landscape assessment now accepts that some landscape mitigation/enhancement will be required. The concerns previously expressed over the close board timber fencing

remain and the report acknowledges that the boundary treatment can be dealt with by way of a condition. The landscape report also refers to the planting of native understorey species combined with specimen trees to provide a dense and effective screen to the development, with a detailed on plot landscaping scheme to be designed to improve the biodiversity and landscape value of the site. Thus, it is considered that subject to the appropriate landscape scheme, which can be conditioned, the visual impact of the development can be mitigated.

As regards the design of the proposed development it is considered that the layout is very much fixed by the shape and constraints of the site. The two storey scale and traditional form of the units would be in keeping with the surrounding residential development in the area. The proposed external finishes are also considered to reflect the site's rural location.

In terms of the density and scale of the development, the supporting DAS notes:-

“Again, the scale of the proposed residential development has been carefully considered so that it suits the existing character of the surrounding area. Rural exceptions sites should generally be small according to national and local policy. A 15 unit (39 person) development is proposed, providing a good balance between not over-developing the site, whilst also providing a useful and significant number of affordable homes and efficient use of land.”

It is accepted that the proposed size of the development is larger than that which could be considered as small scale rounding off under policy HOUS 2 of the UDP. However, it is not accepted that this would detract from the character of the housing, particularly bearing in mind its brownfield location within the former quarry site.

As such it is considered that the development would not appear as an unacceptable or excessive incursion into the countryside. It is accepted that there will be viewpoints where the development will have greater prominence in the wider landscape, but appropriate landscaping should serve to minimise this. The remainder of the green wedge will be retained and therefore any coalescence of settlements should be prevented with the openness of the land beyond the site maintained. Thus it is considered that the harm resulting from the development will be localised and would not be so significant as to justify a refusal, particularly bearing in mind the overriding need for affordable housing.

Access and highway issues

The highway issues relating to the development were one of the principal reasons for the refusal of the previous application and remain the main point of objection raised in the representations received from local residents. The Council's Highway Development team have also maintained their highway objects to the proposal.

Before resubmitting the current application the applicants undertook traffic and pedestrian surveys in the vicinity of the site entrance with the findings included in a revised Transport Statement. The applicant's agent notes that the key findings include:- that the average speed of vehicles passing the site entrance is just 30.27mph, and that existing residents of Twyn Yr Odyn walk between the hamlet and Culverhouse Cross. Due to the limited vehicle speeds, only limited traffic calming measures are deemed necessary, but these will be to the benefit of future and existing residents of Twyn Yr Odyn, given that people already walk between the site and Culverhouse Cross.

The Council's Highway comments remain similar to the comments on the previous application, although there are no longer any concerns expressed over the car parking and internal layout, apart from the swept path analysis. The Highway Development team once again accept that the proposals would not increase the number of vehicular trips to/from the site above that of the existing use, and that although visibility at the access is substandard, the development does not represent an intensification of use. As regards the additional survey work presented with the current application, the Highway team acknowledge the findings of, including the speeds recorded and road traffic accidents, noting that the accident data held by the Council shows no recorded incidents along the adjacent highway network for the most recent 5 year period. The Council's Highway Development team state:-

"As a result, the TS concludes that the recorded vehicle speeds and daily traffic flows are relatively low and based on the absence of any road traffic accidents, the adjacent highway operates safely."

Despite this, they maintain their highway objections based on the absence of pedestrian and street lighting facilities, and that residents/visitors to the development would be reliant of private vehicles.

The applicant's agents have submitted a response to these comments noting that the precise scope of the Traffic Survey was agreed in a meeting with the Council's Highways Officers, and it was on the positive findings of the traffic survey that the planning application was re-submitted. However, they note that there is no detailed commentary on its findings and no request for any form of mitigation from the Council's Highways. They refer to the acceptance by Highways that the number of vehicular trips and use of the site would not increase. As such, the development will not result in any detriment to the operation of the highway network or the safety of highway users. On the swept path analysis they refute the findings, and have provided a correctly scaled plan that shows sufficient room is available for a refuse vehicle to turn within the site. In addition they note that the proposed swept path analysis is the same as that proposed under the previous planning application which was considered acceptable by the Highway Authority. The agents also refer to the fact that Highways appear to accept the findings of the TS, including the relatively low recorded vehicle speeds and daily traffic flows, the absence of any road traffic accidents, and that the adjacent highway operates safely. However, Highways consider that the absence of pedestrian and street lighting facilities along St Lythan's Road determine that the proposals would have a detrimental impact in terms of highway safety. The agents consider this conclusion is incompatible with the agreed position that the proposed development will not generate more traffic than the site's current permitted use. They state that as there is no increase in

traffic it follows that there can be no detrimental impact. They also highlight that the proposed change of use of the site from the current industrial/commercial use to residential use will change the composition of the traffic generated by the site and result in fewer commercial vehicle movements along St Lythan's Road. This will therefore improve conditions for pedestrians and cyclists on St Lythan's Road.

The agents have also commented on the Highway argument relating to the rural location of the site, and it being outside of the recommended walking distances to public transport facilities. This issue of the sustainability of the site was addressed in the previous report to Committee, and has again been considered above. It is acknowledged that the site is not a particularly sustainable one, but neither is it entirely isolated, being close to the development at Culverhouse Cross, and in particular, the new housing development at the former HTV studios. The agents response accepts that the nearest public transport facilities are beyond the usually recommended 400m from the development. However the site is within walking distance to the facilities and employment opportunities available around Culverhouse Cross and evidence is provided within the TS that people currently walk and cycle along St Lythan's Road demonstrating that Twyn yr Odyn residents are not entirely reliant on the car as the only viable form of transport. They note that paragraph 4.7.7 of PPW recognises that for most rural areas the opportunities for reducing car use and increasing the use of public transport, walking and cycling are more limited than in urban areas. In rural areas the majority of new development should be located where there is relatively good accessibility by non-car modes when compared to the rural area as a whole. They consider that it has been demonstrated that the application site has relatively good accessibility when compared to the rural area as a whole. It is agreed that such an approach is in line with national guidance, as the fact that rural sites will generally be substandard compared with urban streets, is not adequate justification alone to reject all rural affordable housing proposals.

Finally, it is noted that the Highways team also raised concerns on the previous application in relation to the ownership of the access road connecting with St Lythans Road, noting that with unknown ownership, if the section of the access could not be adopted by the Council, the Highway Authority would not enter into a Section 38 to adopt the road. However, no such concerns have been raised with the current application. Indeed, it was made clear in the previous report that matters of adoption under the Highway Act was a separate area of legislation and lack of adoption would not be valid planning grounds to refuse an application.

Thus it is considered that the proposal should have a relatively small impact on the existing highway network, and the highlighted areas of concern in relation to highway safety must be weighed against the significant benefits of the scheme in meeting the shortfall in affordable housing. There are also the additional benefits highlighted in the agents response to the Highway comments, including the improvements to the access and reduction in heavy vehicle movements. In addition they have offered to provide some mitigation along the highway, although Highways have not offered any assistance on what form this could take, plus they have agreed to provide a contribution towards sustainable transport, which is explored in more detail in the S106 section below.

Neighbouring and residential amenity

The introduction of 15 No. dwellings on the site will clearly have some impact on the amenity of existing residents. There is general noise and disturbance that will be experienced during construction, but this will be temporary and would not justify a refusal. There would also be the general disturbance from the movement of future residents and visitors to/from the site. However, the assessment of the traffic impacts concludes that this should be no greater than the authorised use, and certainly the nature of the proposed use should result in less heavy vehicle movements. Of greater significance is the likely impact on the residential amenity of the immediately adjoining neighbours in relation to issues of privacy, overshadowing or of an overbearing impact.

Of the existing residents in the area it is considered that the two properties that will be most affected are 'Deg Erw' to the north and 'The Bungalow' to the south. In the case of 'The Bungalow' the proposal will position two houses close to the entrance of the site facing the existing property. At certain points the proposed dwelling on the second plot will be a distance of only around 18m to the existing, which is within the minimum 21m privacy guideline outlined in the Council's SPG on Amenity Standards. However it is noted that the properties are angled so that the obliqueness of any views are increased. In addition the properties will be separated by the access road where generally a 21m distance would not be expected to be achieved. As regards the positioning of the development relative to 'Deg Erw' to the north, it is acknowledged that the development site is on higher ground which has the greater potential for overlooking and overshadowing impacts. The housing proposed in the north-west corner of the site will be slightly closer to the existing dwelling than the existing structures and will be orientated so that the rear elevation faces 'Der Erw'. Although the distances between the properties will be more than the 21m guideline in the Amenity Standards SPG, nevertheless, the proposal is likely to affect perceived overlooking and the experience of privacy within the associated garden curtilage. Thus there is likely to be some detriment to the level of amenity currently enjoyed by the existing residents however, this would not be to such a degree as to justify a refusal of the application.

The residential amenity of the future occupiers of the development must also be considered, and on this point it is noted that several of the proposed plots do not meet the Council's requirements for private amenity space as outlined in the Amenity Standards SPG. However, all of the proposed units are provided with some form of practically useable outside space. In addition, the rural location of the site, and the network of public rights of way in the area, means that future occupiers will have access to the surrounding countryside and local public rights of way network for recreational use.

Ecology

On the issue of ecology it is noted that the application is again accompanied by a Preliminary Ecological Appraisal Update and Reptile Survey Report both by Wildwood Ecology. The initial survey work found that the site had a variety of different habitats suitable to support populations of common reptile species, and the reptile survey report was undertaken to investigate the presence or otherwise of such species. This report concludes that should no mitigation measures be taken, there would be a low-level negative impact on the site's slow worm population. As such, several measures to minimise the impact of development are recommended, including timing constraints on ground breaking works, habitat manipulation, one way reptile fencing and reptile translocation.

Both NRW and the Council's Ecology team have been consulted on the application and, although NRW have not commented to date, there is once again no objection raised by the Council's Ecology team. It is noted that NRW previously commented on the earlier application noting from the submitted survey that it is unlikely that any bats are using the buildings, and that the trees on site will remain largely unaffected. They confirmed their agreement of the recommendations in the reports and advised the inclusion of conditions to prevent the illumination of boundary features and removal of large trees. The Council's Ecology team again recommend the inclusion of planning conditions on any consent to protect and enhance the biodiversity interests on site. These include, a scheme for the provision of dark flight corridors; sensitive site clearance for protected species; and biodiversity enhancement.

In view of the above it is considered that the proposal would still satisfy the requirements of policy ENV 16 of the UDP and national guidance contained in PPW and TAN5, subject to the securing of the works recommended in the ecological report.

Drainage and potential contamination

In the previous application a number of neighbour objections refer to likely problems relating to the drainage of the site, particularly the icing of surface water run-off, and landfill contamination. One of the key changes in this resubmission, as highlighted by the applicant's agent, relates to drainage. They state in their covering letter supporting the application that the proposal includes enhanced surface water drainage, including a soakaway blanket and new gullies, which will be installed on the parcel of land at the site entrance. This is in addition to the sustainable urban drainage system proposed for the remainder of the site, and should assist in intercepting surface water run-off from the northern fields as well as Chapel Terrace.

On the drainage it is noted that Welsh Water again have no objections but have requested a number of conditions be attached to any consent. These include the requirement that no development commence until a drainage scheme for the site, providing for the disposal of foul, surface and land water, including the potential for disposal by sustainable means, has been submitted, agreed and implemented. Welsh Water also indicate that no problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from the site, and there is no objection in relation to the water supply. Similarly the Council's Drainage section have again no objections, noting that the site is not located in a flood risk zone and there is a very low surface water flood risk to the area. However, they note that further information is required in relation to the surface water drainage strategy, and therefore request that a condition be imposed on any consent requiring no development until a detailed scheme for the surface water drainage of the site is submitted, agreed and implemented.

As regards the potential contamination on-site, although NRW have not commented on the current application to date, it is considered that their comments on the previous application are still relevant. In their previous comments they acknowledged that the submitted Engineering and Site Investigation Summary by Vale Consultancy referred to the possible presence of a historical underground storage tank, which represents a possible source of contamination that has not yet been assessed. They advised that further assessment is completed in order to consider potential risks to controlled waters from historic contamination, and recommended that this is secured through a number of conditions. In addition the Environmental Health Section again require that a Construction and Environmental Management Plan to be submitted for the site.

S106 Planning obligations

Aside from assessing the acceptability of the scheme in relation to adopted policies and other material considerations, the Council has an approved SPG on Planning Obligations which provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought, and indicates how they may be calculated. However, each case must be considered on its own planning merits having regard to all relevant material circumstances. In addition the Community Infrastructure Levy Regulations 2010 came into force on 6 April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers), which requires that a planning obligation may only legally constitute a reason for granting planning permission if it is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In this case, the proposal relates to an application for full planning permission for the development of the site for 15 No. affordable residential units. Having considered the nature and scale of the development, the local circumstances and needs arising from the development, and what it is reasonable to expect the developer to provide in light of the relevant national and local planning policies, the planning obligations referred to below are considered necessary.

The requested contributions include:-

Affordable Housing

TAN 2 defines Affordable Housing as housing provided to those whose needs are not met by the open market. It should meet the needs of eligible households, including affordability with regard to local incomes, and include provision for the home to remain affordable for future eligible households, or where stair-casing to full ownership takes place, receipts are recycled to provide replacement affordable housing. This includes two sub-categories: social rented housing where rent levels have regard to benchmark rents; and, intermediate housing where prices or rents are above social rented housing but below market housing prices or rents.

The application is for a 100% affordable housing scheme, and therefore no further contribution is required, but as an 'exception site' the section 106 would need to secure the 100% affordable housing in perpetuity.

Public Open Space

UDP Policies REC3 and REC6 require new residential developments to make provision for public open space. The Planning Obligations SPG and LDP Open Space Background Paper (2013) provide further advice about how these standards should operate in practice, and specifically in relation to this LDP allocated site.

The site lies within the Wenvoe ward and the LDP Open Space Background Paper (2013) indicates that this ward has an under-provision of children's play space of 0.41 ha and an over-provision of 1.89 ha of outdoor sport space.

In total, under public open space requirements as defined within the LDP Open Space Background Paper (2013), the standard can be broken down to a minimum square metre requirement per person as follows:

Standard for Children's Outdoor Play = No of dwellings X average household size (2.32) X standard per person (2.5sqm)

Other children's play space = No of dwellings X average household size (2.32) X standard per person (6sqm)

Outdoor Sport = No of dwellings X average household size (2.32) X standard per person (16sqm.)

The development of 15 dwellings creates the need for 68.4 sqm of children's play facilities, 205.2 sqm of other children's play space and 547.2 sqm of outdoor sport.

As there is an over-provision of outdoor sport space in the Wenvoe ward, it is considered that a contribution will not be required in order to make the development acceptable in planning terms. However given the evidence contained within the LDP Open Space Background Paper it was initially determined that Public Open Space should be delivered on-site for children's play space in particular. Following negotiations with the applicant on the previous application it was accepted that the site is a constrained one that does not allow for on-site provision. As such it was accepted that an off-site contribution of **£12,765** be provided in lieu of any provision within the site. Indeed it is noted that there is a site, although currently in poor condition, off Seaview Terrace to the south west of Twyn yr Odyn, which is identified as an Informal Recreation Space in the Open Space Background Paper. Although the Vale Council do not own or maintain this, it is managed/maintained by the Community Council, and, as such, it is likely that the contribution could be used to upgrade the facilities.

Sustainable Transport

Increasing importance is enshrined in local and national planning policies emphasising the need for developments to be accessible by alternative modes of transport than the private car. TAN 18 - Transport was published in March 2007 and paragraphs 9.20-9.23 support the Councils' request for sustainable transport contributions. As already noted the land is not sited in a particularly sustainable location, and it is therefore even more important that a contribution to enhance facilities for sustainable transport is sought in this instance. This would be used to provide pedestrian/cycle facilities in the vicinity of the site, and to provide/enhance bus services and public transport facilities serving the development, and is considered to be essential in this case given the scale, nature and location of the development.

In accordance with the Planning Obligations SPG the Council seeks a financial contribution of £2000 per residential unit to provide sustainable transport facilities, which in this case equates to **£30,000**.

Public Art

The Council introduced a 'percent for art' policy in July 2003, which is supported by the Council's adopted SPG on Public Art. It states that on major developments, developers should set aside a minimum of 1% of their project budget specifically for the commissioning of art and, as a rule, public art should be provided on site integral to the development proposal. The public art scheme must incorporate sufficient measures for the appropriate future maintenance of the works.

Planning Obligations Administration Fee

From 1 January 2007 the Council introduced a separate fee system for progressing and the subsequent monitoring of planning agreements or obligations. The fee is calculated on the basis of 20% of the application fee or 2% of the total level of contributions sought whichever is the higher. In this case the higher fee would be £1,140 which relates to 20% of the application fee.

It is noted that the applicants have again confirmed that they are willing to meet the above contributions.

Other issues

The Council's Public Rights of Way Officer advises that Public Right of Way No.29a Wenvoe crosses the proposed access to the development. Once again no objections are raised, however, it is noted that the public right of way must be kept open and available for safe use by the public at all times, and that no adverse effect should result. A temporary closure to assist in facilitating works can be sought under the Road Traffic Regulation Act 1984.

Concerns were previously raised over the precedent that would be set by allowing the development in this location. As already noted above residential development of the site is only considered acceptable as an exception for 100% affordable housing provision. Any other form of residential development, including open market housing would not be appropriate in this location given the restrictions of development within the green wedge.

In view of the above the following recommendation is made.

REASON FOR RECOMMENDATION

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 ENV1-Development in the Countryside, ENV2-Agricultural Land, ENV3-Green Wedges, ENV4-Special Landscape Areas, ENV7-Water Resources, ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features, ENV16-Protected Species, ENV27-Design of New Developments, ENV28-Access for Disabled People, ENV29-Protection of Environmental Quality, HOUS2-Additional Residential Development, HOUS3-Dwellings in the Countryside, HOUS8-Residential Development Criteria, HOUS12-Affordable Housing, HOUS13-Exception Sites for Affordable Housing in the Rural Vale, EMP4-Protection of Land for Employment Uses, TRAN10-Parking, REC3-Provision of Open Space within New Residential Developments, REC6-Children's Playing Facilities, REC12-Public Rights of Way and Recreational Routes and Strategic Policies 1 & 2-The Environment, 3-Housing, 5-Economic Development, 8-Transportation and 11-Sport and Recreation of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Affordable Housing, Design in the Landscape, Amenity Standards, Biodiversity and Development, Trees and Development, Parking Standards, Public Art, Planning Obligations, Model Design Guide for Wales and Manual for Streets; and national guidance contained in Planning Policy Wales, TAN1-Joint Housing Land Availability Studies, TAN2-Planning and Affordable Housing, TAN5-Nature Conservation and Planning, TAN6-Planning for Sustainable Rural Communities, TAN12-Design, TAN16-Sport, Recreation and Open Space, TAN18-Transport and TAN23-Economic

Development; it is considered that, based on the material considerations outlined within the report, the proposal represents an acceptable form of residential development, that justifies a departure from the current development plan as an exception site for affordable housing. In addition it is considered that, subject to appropriate conditions, the proposal should have no significant adverse impact on highway safety, the character and appearance of the area, neighbouring and general amenities, and other issues such as ecology, drainage and potential contamination. The proposals therefore comply with the relevant national planning policies and supplementary planning guidance.

RECOMMENDATION

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

- Provide and maintain in perpetuity 100% of the total 15 No. units as affordable housing;
- Pay a contribution of £12,765 towards off-site public open space provision/enhancement.
- Pay a contribution of £30,000 towards sustainable transport to be used in the vicinity of the site.
- Provide public art on the site to the value of 1% of the project budget. The developer to provide a detailed written estimate of the building costs of the development. Details of the scheme to be submitted to and agreed in writing with the Local Planning Authority, and to incorporate measures for the future maintenance of the works. Alternatively, failing agreement to on site works, a financial contribution to the same value to be added to the Vale of Glamorgan Public Art Fund.

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. The development shall be carried out in accordance with the following approved plans and documents:-
 - Site Location Plan, Dwg. No. A001 Rev B, received 24 June 2016;
 - Existing Site Layout/Survey, Dwg. No. A002, received 24 June 2016;
 - Site Layout, Dwg. No. A003 Rev F, received 24 June 2016;
 - Context Elevations, Dwg. No. A005 Rev A, received 24 June 2016;
 - Existing & Proposed Site Sections, Dwg. No. A006, received 24 June 2016;
 - Floor Plans - Plot 1 & 2, Dwg. No. A007, received 24 June 2016;
 - Elevations - Plot 1 & 2, Dwg. No. A008, received 24 June 2016;
 - Floor Plans - Plot 3 & 4, Dwg. No. A009, received 24 June 2016;

- Elevations - Plot 3 & 4, Dwg. No. A010, received 24 June 2016;
- Floor Plans - Plot 5-7, Dwg. No. A011, received 24 June 2016;
- Elevations - Plot 5-7, Dwg. No. A012, received 24 June 2016;
- Floor Plans - Plot 8 & 9, Dwg. No. A013, received 24 June 2016;
- Elevations - Plot 8 & 9, Dwg. No. A014, received 24 June 2016;
- Floor Plans - Plot 10-15, Dwg. No. A015, received 24 June 2016;
- Elevations Sheet 1 - Plot 10-15, Dwg. No. A016, received 24 June 2016;
- Elevations Sheet 2 - Plot 10-15, Dwg. No. A017, received 24 June 2016;
- Perspective Views 1-3, Dwg. No.s A018 to A020, received 24 June 2016;
- Detailed Soft Landscaping Proposals, Dwg. No. TDA.2059.04, received 24 June 2016;
- Swept path Analysis, Dwg. No. 0713/002 Rev C, amended plan received 16 August 2016;
- Drainage Site Plan, Dwg. No. 3677-10 Rev 5, received 24 June 2016;
- Permeable Paving Construction Details, Dwg. No. D100 Rev A, received 24 June 2016;
- Permeable Paving Layout, Dwg. No. D1 Rev A, received 24 June 2016;
- Land Transfer Plan, Reference LT/01, received 24 June 2016;
- Planning Statement, prepared by Bilfinger GVA received 24 June 2016;
- Design and Access Statement, prepared by Bilfinger GVA received 24 June 2016;
- Statement of Community Involvement, prepared by Bilfinger GVA, received 24 June 2016;
- Report on Phase 2 Ground Investigation, prepared by Ian Farmer Associates, received 24 June 2016;
- Transport Statement and Travel Plan, prepared by Acstro, received 24 June 2016;
- Preliminary Ecological Appraisal Update prepared by Wildwood Ecology Ltd., received 24 June 2016;
- Reptile Survey Report, prepared by Wildwood Ecology Ltd., received 24 June 2016;
- Landscape Character and Visual Impact Assessment (updated), prepared by TDA, received 24 June 2016;
- Pre Development Tree Survey & Assessment, prepared by TDA, received 24 June 2016;
- Tree Constraints Plan, prepared by TDA, received 24 June 2016; and
- Drainage Strategy, Engineering & Site Investigation Summary, Revision 03, prepared by Vale Consultancy, received 24 June 2016.

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

3. Prior to the first beneficial occupation of the any one of the dwellings hereby approved, a scheme for traffic calming measures along St Lythans Road must be completed, in accordance with full details, including engineering details, to be first submitted to and agreed in writing with the Local Planning Authority.

Reason:

In the interests of highway safety in accordance with Policies ENV27-Design of New Developments and TAN18-Transport.

4. The approved access and internal road layout, as shown on Dwg. No. A003 Rev F, received on 24 June 2016, (including the secondary soakaway and a rumble strip and at the junction with St Lythans Road), shall be implemented in full before the first beneficial occupation of any one of the dwellings hereby permitted.

Reason:

To ensure adequate access is provided for the development in the interests of highway safety and in accordance with Policies ENV27-Design of New Developments of the Unitary Development Plan.

5. Notwithstanding the Site Layout plan, Dwg. No. A003 Rev F, received 24 June 2016, further details shall be submitted to identify the location of the Plot numbers and their respective parking bays, and visitor spaces. The approved car parking bays shall be implemented in full before the first beneficial occupation of their associated residential unit, and shall thereafter be retained and maintained for use exclusively in connection with those units.

Reason:

To ensure adequate off-street parking in the interests of highway safety in accordance with Policies ENV27-Design of New Developments and TRAN10-Parking of the Unitary Development Plan.

6. The development hereby permitted shall be implemented in accordance with the Travel Plan contained in the Transport Statement and Travel Plan dated June 2016 and prepared by Acstro.

Reason:

To ensure the development accords with sustainability principles and that site is accessible by a range of modes of transport in accordance with Strategic Policies 2 and 8 and ENV27-Design of New Developments of the Unitary Development Plan.

7. Prior to their use in the construction of the development hereby approved, a schedule of the proposed materials to be used, including samples, 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:

In the interests of visual amenity and the character and appearance of this rural location within a Green Wedge and the Dyffryn Basin and Ridge Slopes SLA in accordance with Policies ENV3-Green Wedges, ENV4-Special Landscape Areas and ENV27-Design of New Developments of the Unitary Development Plan.

8. Before their installation on site full details of the garden sheds and bin store area as indicated on the Site Layout plan, Dwg. No. A003 Rev F, received 24 June 2016, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented thereafter in accordance with the approved details.

Reason:

Full details have not been provided and in the interests of visual amenity and the character and appearance of this rural location within a Green Wedge and the Dyffryn Basin and Ridge Slopes SLA in accordance with Policies ENV3-Green Wedges, ENV4-Special Landscape Areas and ENV27-Design of New Developments of the Unitary Development Plan.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking or re-enacting that Order with or without modification) 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 in the interests of visual amenity and the character and appearance of this rural location within a Green Wedge and the Dyffryn Basin and Ridge Slopes SLA in accordance with Policies ENV3-Green Wedges, ENV4-Special Landscape Areas and ENV27-Design of New Developments of the Unitary Development Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (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 in the interests of visual amenity and the character and appearance of this rural location within a Green Wedge and the Dyffryn Basin and Ridge Slopes SLA in accordance with Policies ENV3-Green Wedges, ENV4-Special Landscape Areas and ENV27-Design of New Developments of the Unitary Development Plan.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 and the Town and Country Planning (General Permitted Development) Order 1995, (or any Orders revoking or re-enacting those Orders with or without modification), no gates, fences, walls or other means of enclosure (other than those approved as part of Condition 14) shall be erected, constructed or placed on the application site without the prior written consent of the Local Planning Authority.

Reason:

In the interests of visual amenity and the character and appearance of this rural location within a Green Wedge and the Dyffryn Basin and Ridge Slopes SLA in accordance with Policies ENV3-Green Wedges, ENV4-Special Landscape Areas and ENV27-Design of New Developments of the Unitary Development Plan.

12. Notwithstanding the submitted plans this consent does not relate to the boundary details as suggested by the Context Elevations plan, Dwg. No. A005, received 24 June 2016. Before the commencement of development, further details of all means of enclosure associated with the development hereby approved, including retaining walls, shall be submitted to and agreed in writing by the Local Planning Authority. The details shall pay particular regard to the means of enclosure of the northern boundary treatment and entrance to the site, which should reflect its rural location, to include hedgerow and additional tree planting where appropriate. The means of enclosure shall be implemented in accordance with the approved details prior to the first beneficial occupation of the associated residential unit, and thereafter retained and maintained as such unless otherwise agreed in writing with the Local Planning Authority.

Reason:

In the interests of visual and neighbouring amenity, particularly bearing in mind the rural location of the site within a Green Wedge and the Dyffryn Basin and Ridge Slopes SLA in accordance with Policies ENV3-Green Wedges, ENV4-Special Landscape Areas and ENV27-Design of New Developments of the Unitary Development Plan.

13. Notwithstanding the submitted plans further details of the proposed landscaping of the site, which shall pay particular regard to appropriate screening on the boundaries of the site, specifically to the north and at the entrance with the unadopted access road, shall be submitted to the Local Planning Authority prior to first beneficial occupation of the development.

Reason:

In the interests of visual and neighbouring amenity, particularly bearing in mind the rural location of the site within a Green Wedge and the Dyffryn Basin and Ridge Slopes SLA in accordance with Policies ENV3-Green Wedges, ENV4-Special Landscape Areas and ENV27-Design of New Developments of the Unitary Development Plan.

14. All planting, seeding or turfing comprised in the approved details of landscaping and any "green" means of enclosure 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, and any "green" means of enclosure, in the interests of visual and neighbouring amenity, particularly bearing in mind the rural location of the site within a Green Wedge and the Dyffryn Basin and Ridge Slopes SLA in accordance with Policies ENV3-Green Wedges, ENV4-Special Landscape Areas and ENV27-Design of New Developments of the Unitary Development Plan.

15. The development hereby permitted shall be implemented in accordance with the recommendations contained in the Preliminary Ecological Appraisal Update and Reptile Survey Report prepared by Wildwood Ecology Ltd., and received on 24 June 2016.

Reason:

In the interests of ecology and biodiversity and to ensure adequate mitigation for protected species in accordance with Policy ENV16-Protected Species of the Unitary Development Plan, TAN5-Nature Conservation and Planning, and the Conservation of Habitats and Species Regulations 2010.

16. Before the commencement of development, including demolition works, a scheme for the sensitive clearance of the site, with respect to breeding birds and reptiles, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented thereafter in accordance with the agreed scheme.

Reason:

In the interests of ecology and biodiversity and to ensure adequate mitigation for protected species in accordance with Policy ENV16-Protected Species of the Unitary Development Plan, TAN5-Nature Conservation and Planning, and the Conservation of Habitats and Species Regulations 2010.

- 17.

Before the commencement of development, a scheme for the protection and enhancement of biodiversity on site shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall include timings, and not be exclusively limited to:-

- Provision of dark flight corridors around the site, with the site lighting to ensure that vegetated dark corridors are maintained around the site for light sensitive species and that there is no inadvertent light spill onto retained vegetation (in particular the mature tree line);
- Wildlife friendly (newt friendly) drainage;
- Use of wildlife kerbs;
- Provision of bird nesting boxes on minimum 25% of new residential units on site;
- No net loss of length of hedgerow on site;
- Retention of mature and semi-mature trees;
- Retention of water features and a 7m buffer to water features;
- 100mm gaps under all fences; and
- Native species in the planting scheme, and native wild flowers mix for open areas, rather than low diversity grass mixes.

The approved scheme shall be implemented on site and thereafter retained at all times in line with the agreed timescale.

Reason:

In the interests of ecology and biodiversity enhancement in accordance with Policy ENV16-Protected Species of the Unitary Development Plan, TAN5-Nature Conservation and Planning, and the Conservation of Habitats and Species Regulations 2010.

18. Prior to the commencement of the 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), the following components of 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:

1. A preliminary risk assessment which has identified:

(a) All previous uses.

(b) Potential contaminants associated with those uses.

(c) A conceptual model of the site indicating sources, pathways and receptors.

(d) Potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason:

In the interests of protecting controlled waters against pollution in accordance with Policies ENV7-Water Resources, ENV26- Contaminated Land and Unstable Land, and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

19. Before the commencement of development hereby approved, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason:

To demonstrate that the remediation criteria has been met in the interests of protecting controlled waters against pollution in accordance with Policies ENV7-Water Resources, ENV26-Contaminated Land and Unstable Land, and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

20. Reports relating to monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in the agreed plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that longer term remediation criteria have been met in the interests of protecting controlled waters against pollution in accordance with Policies ENV7-Water Resources, ENV26-Contaminated Land and Unstable Land, and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

21. 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 to, and obtained written approval from, the Local Planning Authority, an amendment to the remediation strategy detailing how the previously unidentified contamination shall be dealt with.

Reason:

Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination and in the interests of protecting controlled waters against pollution in accordance with Policies ENV7-Water Resources, ENV26-Contaminated Land and Unstable Land, and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

22. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, (the details of which shall be submitted to 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. The development shall be carried out in accordance with the approved details.

Reason:

To ensure control over the increased risk of pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins, in accordance with Policies ENV7-Water Resources, ENV26-Contaminated Land and Unstable Land, and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

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

Reason:

To ensure control over the increased risk of pollution from inappropriate methods of piling, in accordance with Policies ENV7-Water Resources, ENV26-Contaminated Land and Unstable Land, and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

24. A scheme for the comprehensive and integrated drainage of the development site, including details of 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 prior to commencement of development. In particular further details of the surface water drainage strategy are required, particularly in relation to Natural Resource Wales requirements (outlined in the conditions above), and in relation to the location of soakaway tests; the position of land drains and channel drains to the access track; hydraulic calculations; and a SuDS management plan. The approved scheme of drainage shall be implemented and completed in full accordance with the agreed details prior to the first occupation of any dwelling on the site.

Reason:

To ensure the effective drainage of the site and that no adverse impact occurs to the environment or the existing public sewerage system in accordance with Policies ENV27-Design of New Developments and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

25. No Development shall take place until there has been submitted to, approved in writing by the Local Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated. The CEMP will utilise the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk). The CEMP will include a system for the management of complaints from local residents which will incorporate a reporting system. The construction of the Development shall be completed in accordance with the approved Plan unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment in accordance with Policies ENV27-Design of New Developments and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

NOTE:

1. **In accordance with the advice of the National Assembly for Wales regarding development of contaminated land you are given 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. The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.
3. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.
4. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.
5. The applicants are advised that all necessary consents / licences must be obtained from Natural Resources Wales (formerly Environment Agency Wales) prior to commencing any site works. The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).
6. The development hereby approved shall not begin until 14 days after the receipt of the Notification of initiation of development by the Local Planning Authority. The notification shall be submitted in the form specified in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

Reason:

To comply with the requirements of section 71ZB(1) of the Town and Country Planning Act 1990 (as amended).

7. At all times when the development is being carried out, a notice shall be firmly affixed and displayed in a prominent place at or near the place where the development is being carried out. The notice shall be legible and easily visible to the public without having to enter the site and printed on a durable material. The notice shall be in the form specified in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

Reason:

To comply with the requirements of section 71ZB(2) of the Town and Country Planning Act 1990 (as amended).

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.

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Notes:
Do not scale this drawing. Check all dimensions
and areas by measuring the drawing back
to the Architect's for clarity.

Client:
newydd

Project:
Proposed Development at:
Land at Chapel Terrace, Wemroe

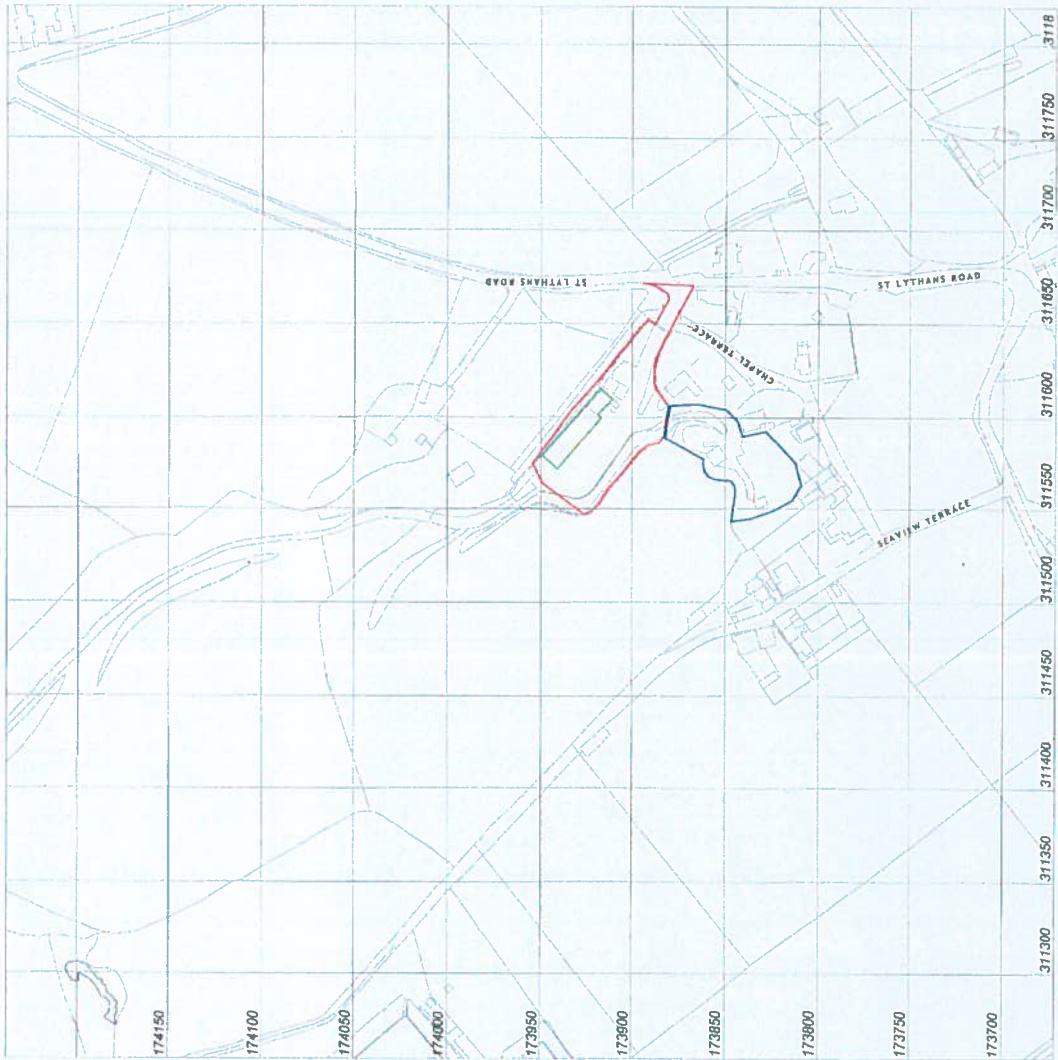
Job Number: L443
Date: 16.10.15
Drawn by: PC
Dwg No: A001

Site Location Plan

Revision:
Scale: 1:1250 @ A1
Drawing Status: PLANNING



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1600778

01 Site Location Plan
1:1250

16/00778/FVL 'A'

No new provision to how future residents would safely gain access to St Lythans Road, down the very steep access road have been made. This roadway is avoided during rain, ice and snow by the local residents of Twyn-yr-Odyn, as it is dangerous. The elderly, infirm and very young would have great difficulty with this access.

Journey to the bus stop at Rhur cross from the site has not been answered safely as it was a short survey carried out without hedgerow growth. Please find supporting photographs of the dangers of driving, walking or cycling on this road.

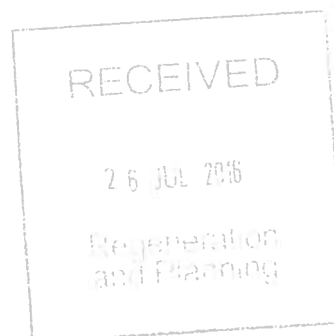
The following information is misleading by the applicant,

"The applicant has undertaken traffic and pedestrian surveys, which demonstrates relatively low vehicle speeds and counts along St Lythans Road"

One monitoring point was placed at the old port road junction, where cars slow down due to vehicles exiting the junction blindly. Pedestrians also make this journey at their own peril. See attached photos.

Cars and motorbikes often drive at high speeds on this road. Its also a bypass for the A48 during rush hour.

Finally, footpaths to Wenvoe are very muddy and slippery during rain.



16/00778/FUL'B

Your Ref.: 16/00778/FUL
Our Ref.: OPG/EP/17B603048/100816



10th August 2016

One Kingsway
Cardiff
CF10 3AN

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

For the attention of: Yvonne Prichard

gva.co.uk

BY EMAIL

Dear Yvonne,

NEWYDD HOUSING ASSOCIATION – LAND OFF CHAPEL TERRACE, TWYN YR ODYN
APPLICATION REFERENCE 16/00778/FUL – RESPONSE TO NEIGHBOUR COMMENTS

We refer to the above planning application (LPA reference: 16/00778/FUL) and the consultation responses received to date by your Authority from members of the public. We have reviewed the responses submitted and, on behalf of the applicant, Newydd Housing Association, set out below our responses to the issues raised.

Please note that, other than the response provided by the Council's Highways department, there have been no objections to the proposals thus far from any internal or statutory consultees. The concerns raised by the Council's Highways officers will be addressed separately.

The statutory consultation period ended on 27 July 2016 and we have been made aware of 3 objections to the proposed development from members of the public. The table below addresses the key themes emerging from the objections, rather than responding to each individual comment, as this would involve repetition. Responses to the identified themes are set out in the table below:

Issue	Response
Steep access to the site is dangerous, particularly during rain, ice and snow.	<p>The site has a lawful use as a vehicle repair yard and there will be no intensification of use of the access. This has been accepted by the Council's highways officers.</p> <p>The revised proposals include additional drainage infrastructure (in the form of a soakaway blanket and new gullies) at the site access, adjacent to St Lythan's Road. Combined with the drainage infrastructure proposed on the main site, this will capture and significantly reduce the</p>

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London, Birmingham, Bristol, Dublin, Cardiff, Edinburgh, Glasgow, Leeds, Liverpool, Manchester, Newcastle
GVA Grimsley Limited is a principal shareholder of GVA Worldwide Limited, an independent international property advisory operating globally.



INVESTORS
IN PEOPLE



Partners in
the environment

16/00778/FUL 'B₂'

Issue	Response
	surface water runoff down Chapel Terrace and St Lythan's Road. This additional drainage infrastructure proposed as part of the development will therefore be to the benefit of all users of St Lythan's Road, particularly during winter months.
Driving, walking or cycling between the site and Culverhouse Cross is dangerous.	<p>The suitability of St Lythan's Road for pedestrians and cyclists is comprehensively addressed in the Transport Statement (TS) submitted in support of the application. In summary, the following points are made in the TS:</p> <ul style="list-style-type: none"> • Peak hour traffic surveys at the site have been undertaken, which recorded pedestrians and cyclists travelling between Twyn Yr Odyn and Culverhouse Cross; • The Council promotes St Lythan's Road as a cycle route through their website https://cyclethevale.wordpress.com/ • There have been no accidents recorded within the last five years along St Lythan's Road (including none recorded involving pedestrians or cyclists); • While St Lythan's Road is subject to national speed limits (60mph), traffic surveys undertaken have identified 85th percentile speeds of 36 mph adjacent to the site and 36 mph northbound and 34 mph southbound, some 250m to the north.
The traffic survey monitoring point near the Junction with Old Port Road is not representative.	The specific location of Automatic Traffic Count (ATC) surveys was stipulated by the Council's Highways department prior to the surveys being undertaken. This was confirmed in writing prior to commissioning the survey work.
Vehicles drive at high speeds along St Lythan's Road.	While St Lythan's Road is subject to national speed limits (60mph), traffic surveys undertaken have identified 85 th percentile speeds of 36 mph adjacent to the site and 36 mph northbound and 34 mph southbound, some 250m to the north.
Footpaths to Wenvoe are very muddy and slippery during rain.	This is reflective of the rural nature of the area.
Request to see data from the traffic and pedestrian surveys.	This data is freely available in the appendices to the Transport Statement (TS) prepared by Acstro and can be viewed on the Council's website. It is acknowledged the font is a small size; should larger copies be desired then please contact Bilfinger GVA.

16/00778 /FVL'B₃'

Vale of Glamorgan Council

10th August 2016

We trust that this letter provides a useful response to the comments made by members of the public. In overall terms, none of the objections raised would justify the refusal of the planning application and there is clear support for the proposals from a number of consultees. Should you need anything further then please feel free to contact me.

Kind regards

Yours sincerely,



Owain P Griffiths MRTPI MRICS
Director
Planning, Development & Regeneration
For and on behalf of GVA Grimley Limited

Prichard, Yvonne J

16/00778/TVL'B'4

From: Parsons, Edward (Bilfinger GVA [REDACTED])
Sent: 12 August 2016 12:33
To: Prichard, Yvonne J
Cc: [REDACTED]

Subject: RE: 2016_00778_FUL Land at Former Bus Depot Site, Chapel Terrace, Twyn Yr Odyn, Wenvoe
Attachments: 0713-002-C (Revised swept path drawing).PDF

Dear Yvonne,

Thank you for providing us with the consultation response, dated 2nd August 2016, from the Highway Authority. This email has been prepared by and submitted on behalf of Acstro.

As you will recall, following a meeting with the Council's Highways Officers at the Council's Offices on the 11th April 2016, we were asked to undertake and submit a Traffic Survey in support of this planning application for the site's residential redevelopment. The precise scope of the Traffic Survey was agreed in writing with the Highways Operational Manager, Mike Clogg, before being commissioned. It was on the positive findings of the traffic survey that the planning application was re-submitted. However, we note that there is no detailed commentary on its findings and no request for any form of mitigation.

It is noted that Officers agree that the proposed development "would not increase the number of vehicular trips to/from the site above that of the existing" and that the development "would not represent an intensification" in terms of the number of traffic movements at the site's entrance. It is clear therefore that the development will not result in any detriment to the operation of the highway network or the safety of highway users.

The Officer considers that swept path analysis drawing submitted within the Transport Statement shows that a refuse lorry cannot turn within the site. This statement is incorrect as the swept path analysis shows the opposite – that sufficient room is available for the vehicle to turn. The Officer is currently on leave and so it has not been possible to discuss this.

The scale of the submitted drawing is also questioned. Having reviewed the submitted drawing it is acknowledged that it was incorrectly scaled and a revised and corrected version is attached. We apologise for the error and trust that the revised drawing clarifies that sufficient room is provided for the refuse vehicle to turn. It is worth drawing attention to the fact that the proposed swept path analysis is the same as that proposed under the previous planning application and was considered acceptable by the Highway Authority.

The Officer summarises and appears to accept the findings of the Transport Statement; that recorded vehicle speeds and daily traffic flows are relatively low and based on the absence of any road traffic accidents, the adjacent highway operates safely. However the Officer considers that the absence of pedestrian and street lighting facilities along St Lythan's Road determine that the proposals would have a detrimental impact in terms of highway safety.

We consider that the Officer's conclusion is incompatible with the agreed position that the proposed development will not generate more traffic than the site's current permitted use. There is no increase in traffic and therefore there can be no detrimental impact. The proposed change of use of the site from the current industrial/commercial use to residential use will change the composition of the the traffic generated by the site and result in fewer commercial vehicle movements along St Lythan's Road. This will therefore improve conditions for pedestrians and cyclists on St Lythan's Road.

The Officer also objects to the development on the basis that it is in a rural location and outside of recommended walking distances to public transport facilities. It is accepted that the nearest public transport facilities are beyond the usually recommended 400m from the development. However the site is within walking distance to the facilities and employment opportunities available around Culverhouse Cross

10/00/11 8/11/11 BS
and evidence is provided within the Transport Statement that people currently walk and cycle along St Lythan's Road demonstrating that Twyn yr Odyn residents are not entirely reliant on the car as the only viable form of transport. Paragraph 4.7.7 PPW recognizes that for most rural areas the opportunities for reducing car use and increasing the use of public transport, walking and cycling are more limited than in urban areas. In rural areas the majority of new development should be located where there is relatively good accessibility by non-car modes when compared to the rural area as a whole. It is considered that it has been demonstrated that this site has relatively good accessibility when compared to the rural area as a whole.

We look forward to hearing from you shortly as we understand that the deadline for the report to planning committee is next Friday, 19th August. As previously discussed, we are more than happy to meet you at short notice to discuss these matters.

Kind regards

Edward Parsons, Assistant Planner, Bilfinger GVA



We have been appointed to the NPS framework on behalf of the Welsh Government, for more information, click [here](#)

Follow us on Twitter: @GVAWales

Mr. Geraint John Geraint John Planning Ltd., 33, Cathedral Road,, Cardiff,, CF11 9HB

Ms. H. Galsworthy Vale of Glamorgan,, Civic Offices,, Holton Road,, Barry,, Vale of Glamorgan., CF63 4RU, c/o Agent

Land at Cook Road and Francis Road, Barry

The construction of three bungalows along with associated parking and ancillary works

SITE AND CONTEXT

The application site is land at Cook Road and Francis Road, Barry. It is a grassed area of land approximately 25m x 40m (0.1 hectare) in size. It is located within a residential context at the junction of Cook Road and Francis Road. The surrounding street scene principally comprises a mix of detached and semi-detached houses at 1.5 and 2 storeys. The site is undulating, generally sloping up from Cook Road towards Francis Road. It is adjoined by the highway to the north and east, by a footpath to the south and by the curtilages of existing dwellings to the west. The site is shown on the location plan below.



DESCRIPTION OF DEVELOPMENT

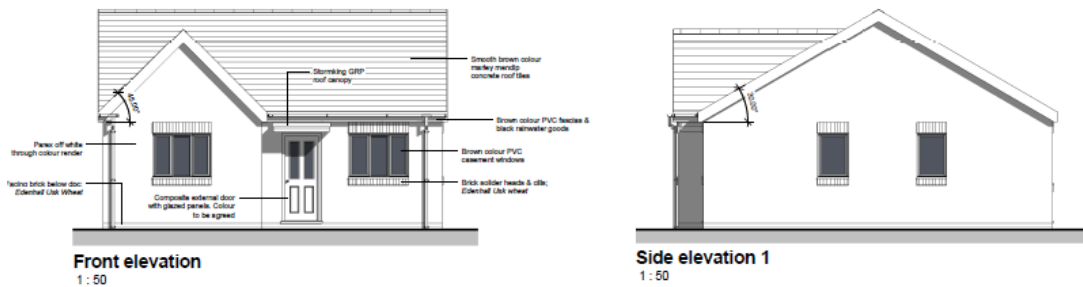
The application proposes three affordable, social rented dwellings, with parking and associated works. The plan below shows the proposed layout of the site:



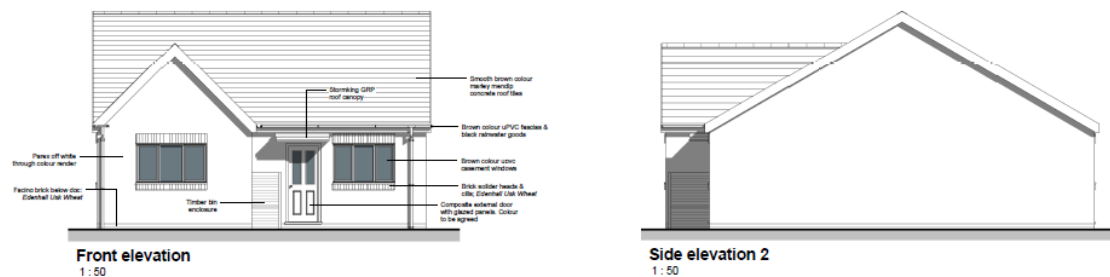
The layout above shows the dwellings orientated across the site, facing towards the junction of the two roads. The three dwellings would be linked in a staggered row, with parking to the front of each, accessed directly from Cook Road and Francis Road.

The dwellings would all be bungalows, as shown on the plans below:

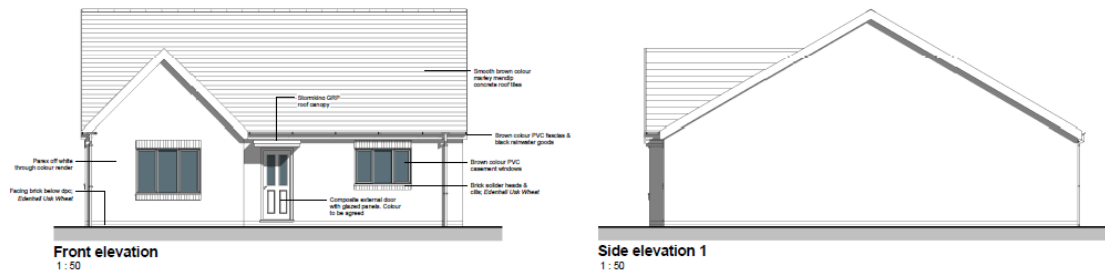
Plot 1:



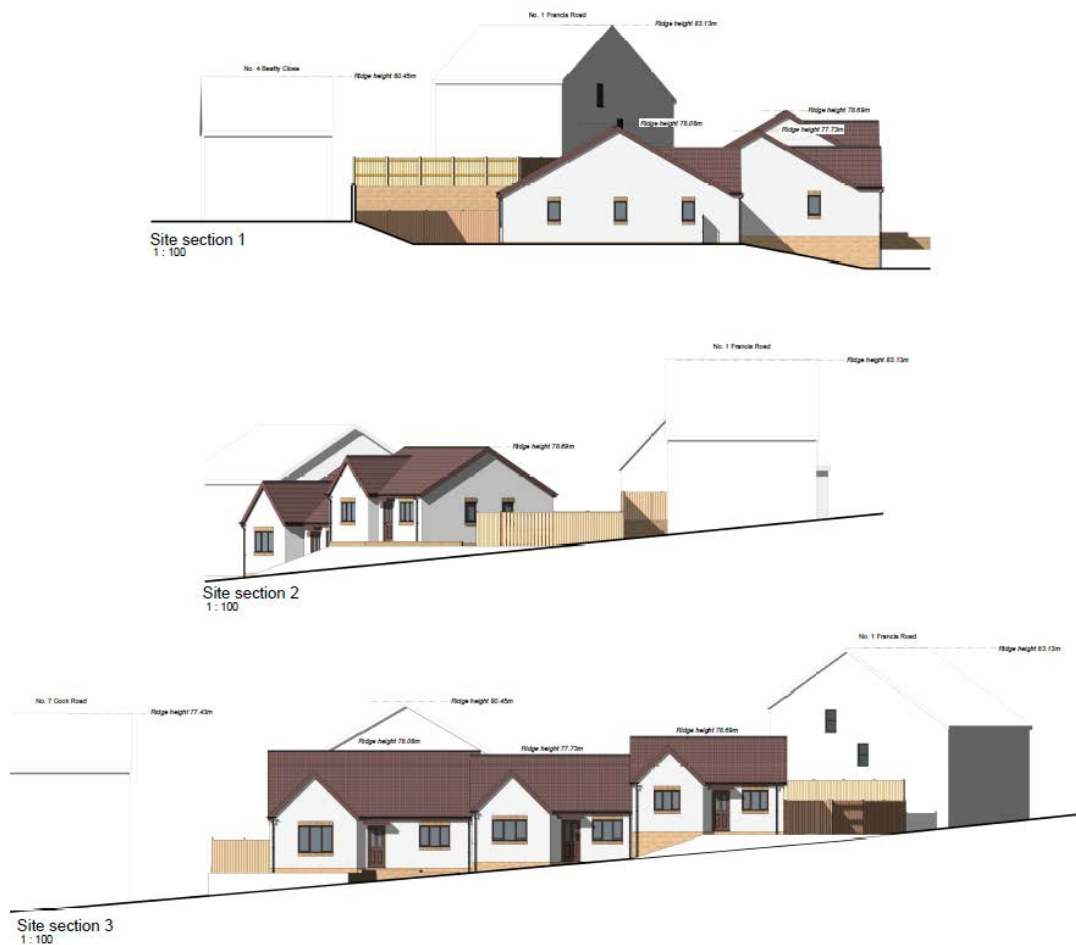
Plot 2:



Plot 3:



The plan below shows the three dwellings in the context of the site levels:



Two of the units would have two bedrooms and one of the units would have three bedrooms. They measure 5.1m, 5.6m and 6.2m in height to the respective ridges (to DPC) but given the change in levels through the site, there are retaining walls which mean the overall height of the building at certain points is greater (as measured from ground level), as shown on the site section above. In terms of the surrounding context, the ridge of the Plot 3 (which would have the highest ridge of the three) would be approximately 4.4m below the ridge of no. 1 Francis Road, which lies adjacent. The relationship between the two is also shown on the sections above.

PLANNING HISTORY

None.

CONSULTATIONS

Barry Town Council welcomes the proposal.

Highway Development- Conditions have been requested in respect of parking bay dimensions and the construction of the vehicular crossovers.

The Operational Manager (Highways and Engineering) initially recommended a condition requiring full drainage details to be submitted, however, following the submission of a pre-application exchange between the developer and Dwr Cymru Welsh Water, the Engineer now effectively defers to Dwr Cymru Welsh Water in respect of allowing surface water flows to communicate to the public sewer.

Environmental Health (Pollution Control) have recommended construction hours limitations.

Local ward members- No representations received.

Dwr Cymru Welsh Water- have raised no objection subject to a condition requiring surface water flows to communicate to the public sewer.

Ecology Officer- "No recommendations".

Natural Resources Wales- No observations.

REPRESENTATIONS

The neighbouring properties were consulted and the development has been advertised on site. Five letters/emails of objection have been received, and the grounds of objection are summarised as follows:

- Loss of view.
- Adverse impact on property value.
- Overdevelopment of the site.
- Adverse impact on the free flow of emergency vehicles.
- Parking problems.
- Congestion.
- Loss of open space.
- Drainage concerns.
- Possible drug use by occupiers.
- Bungalows are too high.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 3 - HOUSING

POLICY 8 – TRANSPORTATION

POLICY 11 - SPORT & RECREATION

Policy:

POLICY ENV 27 – DESIGN OF NEW DEVELOPMENTS

POLICY ENV 29 – PROTECTION OF ENVIRONMENTAL QUALITY

POLICY ENV 28- ACCESS FOR DISABLED PEOPLE

POLICY HOUS 2 - ADDITIONAL RESIDENTIAL DEVELOPMENT

POLICY HOUS 8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY
HOUS 2 SETTLEMENTS

POLICY REC1- PROTECTION OF EXISTING RECREATIONAL FACILITIES

POLICY TRAN 10- PARKING

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, both chapters 2 and 4 of Planning Policy Wales (Edition 8, 2016) provide the following advice on the weight that should be given to policies contained with the adopted development plan:

'2.8.4 It is for the decision-maker, in the first instance, to determine through monitoring and review of the development plan whether policies in an adopted [Development Plan] are outdated for the purposes of determining a planning application. Where this is the case, local planning authorities should give the plan decreasing weight in favour of other material considerations such as national planning policy, including the presumption in favour of sustainable development (see section 4.2).'

'4.2.4 A plan-led approach is the most effective way to secure sustainable development through the planning system and it is important that plans are adopted and kept regularly under review (see Chapter 2). Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise (see 3.1.2). Where:

- there is no adopted development plan or*
- relevant development plan policies are considered outdated or superseded or*
- where there are no relevant policies*

there is a presumption in favour of proposals in accordance with the key principles (see 4.3) and key policy objectives (see 4.4) of sustainable development in the planning system. In doing so, proposals should seek to maximise the contribution to meeting the local well-being objectives.'

With the above advice in mind, the policies relevant to the consideration of the application subject of this report are not considered to be outdated or superseded. The following policy, guidance and documentation support the relevant UDP policies.

Planning Policy Wales:

National planning guidance in the form of Planning Policy Wales (Edition 8, 2016) (PPW) is of relevance to the determination of this application.

Chapter 4 of PPW deals with planning for sustainability – Chapter 4 is important as most other chapters of PPW refer back to it, part 4.2 in particular.

Chapter 9 of PPW is of relevance in terms of the advice it provides regarding new housing.

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 1 – Joint Housing Land Availability Study (2015)
- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)

Supplementary Planning Guidance:

In addition to the adopted Unitary Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Amenity Standards
- Draft Supplementary Planning Guidance - Affordable Housing
- Barry Development Guidelines
- Parking Standards (Interactive Parking Standards Zones Map)
- Sustainable Development - A Developer's Guide

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20th December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20th March – 1st May 2014. The Council has considered all representations received and on 24 July 2015 submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public commenced in January 2016.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.8.1 of Planning Policy Wales (edition 8, 2016) is noted. It states as follows:

*'2.8.1 The weight to be attached to an **emerging LDP** (or revision) when determining planning applications will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances.'*

In line with the guidance provided above, the background evidence to the Deposit Local Development Plan is relevant to the consideration of this application insofar as it provides factual analysis and information that is material to the issues addressed in this report in particular, the following background papers are relevant:

- Affordable Housing Background Paper (2013)
- Affordable Housing Viability Update Report (2014)

- Affordable Housing Delivery Update Paper (2015)
- Vale of Glamorgan Local Housing Market Assessment (LHMA) 2015
- LDP Housing Land Supply Trajectory 2011-26 (Nov 2015)
- Housing Provision Background Paper (2015)
- Housing Supply Background Paper (2013)
- Joint Housing Land Availability Study (2014)
- Vale of Glamorgan Housing Strategy - (2015-2020)
- Open Space Background Paper (2013)
- Sustainable Settlements Appraisal Review (2016)

Issues

The main issues involved in the assessment of the application are as follows:

- The principle of residential development (including open space issues).
- Affordable housing issues.
- The scale, design, layout and visual impact of the development.
- Impact on residential amenity.
- Parking and highways issues.
- Amenity space provision.
- Drainage.

The principle of the development

The application site lies within the settlement boundary of Barry and, therefore, new residential development is considered acceptable in principle, subject to the detailed criteria contained within Policies ENV27 and HOUS8 of the Unitary Development Plan (UDP), and subject to an assessment of the loss of open space (policy REC 1 refers).

Policy REC 1 of the UDP states that development involving the loss of existing recreational facilities will be permitted if alternative provision of equivalent community benefit is made available, or if there is an excess of such provision in the area and the loss of it would not adversely affect the character of a conservation area/setting of the town / village. Policies REC 3 and REC 6 relate to open space provision, however, given that the development is below 5 units, the Council's Policies and SPG do not require the provision of public open space within the development.

The application site comprises 'amenity green space', as described in TAN 16, that being a general description for green space and landscaping which softens urban areas, allows for informal leisure and provides a setting for buildings. It is defined in the TAN as open space (most commonly, but not exclusively in housing areas) including informal recreation spaces (private or open to the public), roadside verges, green spaces in and around housing and other premises e.g. hospitals, schools and colleges, industrial and business premises, domestic gardens and grounds and village greens.

The Council's Local Development Plan Open Space background paper defines amenity greenspace as follows:

Amenity greenspace is a general description for green space and landscaping that softens urban areas, allows for informal leisure and provides a setting for buildings. This type of open space is most commonly found in and around modern housing developments and has generally been created with the primary purpose of providing opportunities for informal recreational activities such as jogging or dog walking or for informal children's play close to home. Many of these areas are small parcels of land left over after a development has been completed but they nonetheless contribute to local amenity.

The site lies within Gibbonsdown Ward, which has 13.15 hectares of such amenity green space. This represents a surplus of 9.91 hectares when considered against the Fields in Trust standard of 0.55 hectares per 1000 population. Incidentally, the ward is also served by a 9.11 hectare surplus of outdoor sport space.

The site is within very short walking distance of further amenity green space on Cook Road and Skomer Road and also within a short distance of Merthyr Dyfan recreation ground. Therefore, it is considered that Gibbonsdown as a whole, and this specific site, are well served by informal amenity greenspace of this kind and by larger recreational space. Accordingly, the occupants of the proposed dwellings would be well served by local areas of open space and the overall wider provision serving the existing dwellings in the area would not be fundamentally nor unacceptably affected by the development.

In respect of open spaces, TAN 16 advises as follows:

When not required for their original purpose, they may be used to help meet the need for informal recreational or amenity land in the wider community. Only where it can be clearly shown that there is no deficiency, should the possibility of their use for alternative development be considered.

Given that the proposal would not leave a deficiency in the area, it is considered that the development would comply with the advice contained within TAN 16.

In summary, there is an excess of such open space provision in the area and, while the site serves as a pleasant open space within a residential estate, it is not considered to be important to the setting of the town. It is, therefore, considered that the development would also comply with Policy REC1 of the UDP and the remaining sections of the report consider the other above listed points and whether it complies with Policies ENV 27 and HOUS 8.

Finally in respect of the principle of development, the development would also comply with the aims of Planning Policy Wales insofar as it would represent efficient use of land in a sustainable location, where the occupiers would be within walking distance of local day to day services and alternative modes of transport to the private car.

The scale, design, layout and visual impact of the development.

The site sits within a wholly residential context, which principally comprises a mix of detached and semi-detached houses at one and a half and two storeys. There are two storey dwellings to the south and opposite on Cook Road, and the adjacent dwelling and those opposite on Francis Road are one and a half storeys. The site lies at the junction of the two streets and consequently the development would hold a prominent position within the street scene. At present, it is an area of open space that softens the built environment and gives an open character to this junction.

However, the site does not lie within a conservation area and the area of open space is not afforded any specific protection due to any particular contribution to the wider natural and built environment (in the way that an important open space in a conservation area may be for example). It is considered that in this residential context, where the buildings are set back from the road and there is soft landscaping through the majority of front gardens, the street scape does not appear as significantly 'urban' or dominated by buildings. Consequently it is considered that the development of this piece of land, while reducing the total open space in the immediate vicinity, would not be demonstrably harmful to the character of the area, particularly given that the wider street scene contains further areas of amenity green space. It is considered that there would remain sufficient space, within and outside of curtilages, to sufficiently soften the estate as a whole.

The dwellings would be smaller in scale and lower in height than those in the surrounding streets, but given that the adjacent dwellings are themselves only one and half storeys or moderately scaled two-storeys, it is considered that the proposed buildings would be of a compatible general scale and form, and would not be harmful to the street scene (or appear as unusually small in this context). Moreover, it is considered that single storey dwellings would preserve a degree of openness at this junction, insofar as the roof scape would be at a lower level.

The bungalows would be of a relatively simple design, with conventional pitched roofs and fenestration, with rendered elevations. There are a mix of designs and materials within the wider street scene, with no particular consistency or design cues to follow. It is considered that the designs, while relatively simple, would be compatible with the wider street scene and have due regard to their surrounding context.

The houses in the street are detached, semi-detached or linked by garages. The proposal is for a linked row of three, albeit the dwelling at Plot 1 would be staggered significantly back from the front of dwellings 2 and 3. Given the layout and the stagger described above, the dwellings would not have the appearance of a conventional 'terrace' of three, particularly given the break between the roof planes of units 1 and 2. It is considered that a row of three in this composition is wholly compatible with the surrounding pattern of development and would not appear as incongruous. There would be a gap of approximately 7m between dwelling 1 and no. 7 Cook Road and over 5m between the corner of dwelling 3 and the side of no. 1 Francis Road. Consequently, the development would maintain a generous degree of spacing with the neighbouring dwellings and would not appear as cramped.

The layout would also preserve sufficient space between the dwellings and the road to ensure that the nominal building lines along both streets and the wider pattern of development are respected. The corners of dwellings 1 and 2 would lie closer to the road than the frontages further along Francis Road, but the site and these dwellings are visually separated from each other by a footpath and a significant proportion of the frontages of the new dwellings would be set at least as far back.

The buildings have a different principal orientation to those existing houses around the site, due to the site's location at the junction of Cook Road and Francis Road, however, they still present active frontages to the street and effectively turn the corner between the existing dwellings on those respective streets.

Having regard to the above, it is considered that the proposal is of a design, scale and layout which has due regard to the surrounding pattern of development and buildings, in accordance with Policies ENV 27 and HOUS 8 of the UDP and the advice within Planning Policy Wales (8th edition) and TAN 12.

Impact on neighbours

Dwelling 1 would be approximately 7m from the side of 7 Cook Road and 8m from the boundary with 4 Beatty Close. It is considered that the distances to these neighbouring dwellings, the levels and the modest single storey height of the dwelling are such that it would not be overbearing or unneighbourly.

The corner of dwelling 2 would be approximately 5m from the boundary with no. 1 Francis Road and the corner of dwelling 3 would be approximately 3m from the boundary (and approximately 5m from the side of the dwelling itself). The plan below shows that it is only the corners of the proposed dwellings that would be as close as 3m and 5m from the boundary and the orientation of the buildings is such that the main parts of the elevations would be further away.



The photograph below shows the difference in height between the application site and the neighbour at 1 Francis Road. The proposed dwellings would be at a lower level than this neighbour and it is considered that the height, change in levels and distance from the boundary are such that they would also not appear as overbearing or unneighbourly from that property. The development would impact upon views from this property to a degree (both short range and longer range) but loss of view is not a planning matter, rather the Council must consider whether the development would unreasonably prejudice the residential amenity and living conditions of the occupiers.

While the development would clearly be visible from no. 1 Francis Road and, as noted above, it would alter the occupiers' outlook, it is considered that the development would not unacceptably impact upon residential amenity.



The dwellings are single storey and their height, taken together with the proposed enclosures and the location of windows, would ensure the dwellings do not unacceptably overlook habitable room windows and private garden spaces of the existing dwellings to the side and rear.

In terms of dwellings opposite, the closest relationship would be between the front corner of dwelling 2 and the front corner of 10 Cook Road, where there is over 19m between the proposed dwelling and the windows of number 10. However, given the orientation of the respective dwellings and the angle between windows, the development would satisfy the Council's SPG and there would not be unacceptable overlooking towards the window of the neighbour. The distances from the proposed houses to the other dwellings opposite on Cook Road would exceed 21m, and they would not be directly opposing frontages. There would also be sufficient distance between dwelling 3 and 19 Cook Road and 3 Francis Road opposite, given the angles involved, to ensure the aims of the SPG are satisfied and privacy is protected.

Having regard to the above, it is considered that the proposed development would not unacceptably impact upon the amenity of neighbours, in accordance with Policies ENV 27 and HOUS 8 and the aims of the Council's SPG.

Other points of objection

Loss of view and impact on property value are not planning matters and there is no evidence to suggest that the dwellings would result in social/amenity problems, as suggested in one objection. The other points of objection are addressed within the other sections of this report.

Parking and highways issues

Each of the dwellings would be served by two off street parking spaces. In the case of the two bedroom dwellings, this would comply with the Council's parking guidelines and while the guidelines typically require three spaces for a three bedroom dwelling, they allow a relaxation in these standards if the site is sufficiently sustainable (using a points scoring system).

Given the proximity of the site to local services including bus links, local shops a pub and other facilities including a day nursery, the development would score sufficient points to apply a relaxation, meaning two spaces for the three bed unit would also comply with the standards. Therefore, and given how sustainable the location is, it is considered that the parking provision is acceptable. This stance also supports national planning guidance which seeks to reduce reliance on the private motor vehicle and promote more sustainable modes of transport. There would be a minor loss of on street capacity due to the new crossovers but significant on street capacity would remain, such that the development would not unacceptably impact upon wider parking in this respect. It is also considered that the development would not be materially harmful in respect of emergency services access, given that sufficient parking would be provided on site.

The Highways Engineer has requested parking space lengths of 5.5m, however, it should be noted that while the Parking Guidelines require 6m for driveways in front of garages (to allow for the garage door to open) the guidelines only require parking spaces to be 4.8m long. Therefore, the spaces comply with the guidelines.

The roads from which access would be made are relatively lightly trafficked and they are not classified roads. Consequently, there is no requirement for turning facilities within the site and it is considered that reversing into or out of the spaces would not be harmful to highway or pedestrian safety. It should be noted that the Highways Engineer has not objected in this respect.

Finally, it is considered that the development would not significantly impact upon traffic in the street and the wider area and, therefore, it would not be demonstrably harmful in terms of congestion.

Having regard to the above, it is considered that the proposed development is acceptable in terms of highways impacts and parking, in accordance with Policies ENV 27, HOUS 8 and TRAN 10 of the UDP, and the Council's Parking Guidelines.

Amenity space provision

The Council's Amenity Space SPG requires 1m² of amenity space to be provided for every 1m² of gross floor space, with 70% provided in private areas. In the case of this development, the dwellings would be served by gardens that meet these requirements, with an appropriate proportion/area to the rear, in private locations. Given that the windows in the side elevations of neighbouring properties facing the site are obscurely glazed or serving non-habitable rooms, the areas would also not be unacceptably overlooked by surrounding properties.

Therefore, the development would provide occupiers with sufficient space to meet the outdoor relaxation and functional needs of the occupiers, in accordance with Policies ENV 27 and HOUS 8 of the UDP and the Council's Amenity Standards SPG.

Drainage and flood risk

The site is not located within a high risk flood area and therefore the dwellings themselves would not be at an unacceptable risk of flooding. The application is accompanied by a drainage strategy which states that geotechnical site investigations have shown infiltration is unsuitable for surface water. However, no evidence of porosity tests is included with the application and the Council's Flood Risk Engineer initially advised that infiltration should be the primary method of surface water disposal, prior to any other methods being considered. A condition was requested by the Council's Engineer to require full details of the drainage system to be submitted to and approved in writing by the Local Planning Authority, and Dwr Cymru Welsh Water (DCWW) also requested a condition, restricting surface water from connecting to the public system.

The applicant has subsequently submitted details of dialogue with DCWW, where DCWW were provided with details of ground investigations. Given the results of the investigations, which showed that infiltration is not possible, and given the distance to the nearest water course, DCWW have accepted the need to connect to the public system and their response to this application has been amended to reflect that. Given the above, the Council's Engineer has also accepted this, effectively deferring to DCWW on the matter.

It is considered, therefore, that the applicant has demonstrated that surface water cannot be dealt with by infiltration and consequently connection to the public sewer is acceptable. Accordingly, there is no requirement for a condition requiring further details of the drainage scheme to be submitted, rather a condition is recommended for surface water to connect to the public system, as required in the amended DCWW comments.

Affordable housing issues

The most recent Local Housing Market Assessment states that 559 affordable units are needed per year in the Vale of Glamorgan. There is evidently, therefore, an acute need for affordable housing and the proposed development, while modest in size, would contribute positively towards meeting that need. It is considered that the provision of affordable housing is a material consideration which should be afforded significant weight when assessing the development's merits and impacts.

While the proposal is clearly made for three affordable units, it is considered to be fundamentally acceptable whether as affordable units or as market housing. Consequently, and given that the development is less than 5 units (the affordable housing threshold in Barry) there is no need for a condition requiring the units to be affordable in perpetuity, and there would be no requirement for an affordable housing unit or contribution should the proposal have been for market housing. There is also no requirement for any other financial contributions (secured by a Section 106 agreement), given the size of the development.

REASON FOR RECOMMENDATION

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 1 & 2 - THE ENVIRONMENT, 3 – HOUSING, 8 – TRANSPORTATION, 11 - SPORT & RECREATION, ENV 27 – DESIGN OF NEW DEVELOPMENTS, ENV 28- ACCESS FOR DISABLED PEOPLE, ENV 29 – PROTECTION OF ENVIRONMENTAL QUALITY, HOUS 2 - ADDITIONAL RESIDENTIAL DEVELOPMENT, HOUS 8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS, REC1- PROTECTION OF EXISTING RECREATIONAL FACILITIES and TRAN 10- PARKING, and the advice within Planning Policy Wales 8th Edition, Technical Advice Notes 1 – Joint Housing Land Availability Study (2015), 2 – Planning and Affordable Housing (2006), 12 – Design (2016) and 16 - Sport, Recreation and Open Space (2009), and the Council's Supplementary Planning Guidance on Amenity Standards, Affordable Housing, Barry Development Guidelines, Parking Standards (Interactive Parking Standards Zones Map) and Sustainable Development, the proposed development is considered acceptable in respect of the principle of the development, loss of open space, design and layout, impact on neighbours, parking, amenity space and drainage.

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. This consent shall only relate to the following plans: A001, A002 A, A003 B, A004 B, A005 A, A006 A, A007 B, A008 B, A009, A010 D,

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. The dwellings shall be constructed to the levels shown on plans A009 and A010 D, or an alternative set of levels, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of any of the buildings, and the development shall be carried out in full accordance with the approved details.

Reason:

To ensure that the visual amenity of the area and residential amenity are safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

4. All means of enclosure associated with the development hereby approved shall be in accordance with the schedule and details contained on plan A010 D, or an alternative schedule of enclosures, details of which shall be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure shall be implemented in accordance with the approved details prior to first beneficial occupation of the dwelling that those enclosures relate to, and so maintained at all times thereafter.

Reason:

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

5. The landscaping scheme for the site shall be in accordance with the details shown on plan A010 D, or an alternative landscaping scheme, details of which shall be submitted to and approved in writing by the Local Planning Authority, prior to the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner.

Reason:

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

6. 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.

7. Surface water flows from the development shall only communicate with the 225mm surface water sewer.

Reason:

To prevent hydraulic overloading of the Public Sewerage System, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

8. Notwithstanding the submitted plans and prior to their use in the construction of the dwelling hereby approved, further details and samples of the external materials to be used on the dwellings shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out and maintained at all times in accordance with the approved details.

Reason:

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

9. None of the dwellings hereby approved shall be brought into beneficial use until such time as the parking area(s) to serve that dwelling have been laid out in full accordance with the layout shown on plan A002 A, and the parking areas shall be so retained at all times thereafter to serve the development hereby approved.

Reason:

In the interests of highway safety and to ensure compliance with Policies ENV27 and HOUS8 of the Unitary Development Plan.

10. Construction works associated with the development hereby approved shall be limited to between 0800 and 1800 on Mondays to Fridays, 0800 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

Reason:

In the interests of residential amenity and to ensure compliance with Policies ENV 27 and ENV 29 of the UDP.

NOTE:

- 1. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
- 2. The proposed development site may be crossed by a public sewer. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Dwr Cymru Welsh Water.**

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.

Notes:
Do not scale this drawing. Check all dimensions on site. Any discrepancies to be reported back to the Architect for clarity.



Client: V&A of Glamorgan Vale Regeneration



Project: Residential development at Francis Road, Barry

Job Number: L524

Date: 10 06 2016

Drawn by: MM

Dwg No: A001

Site location plan

Revision:

Scale: 1:1250 @ A3

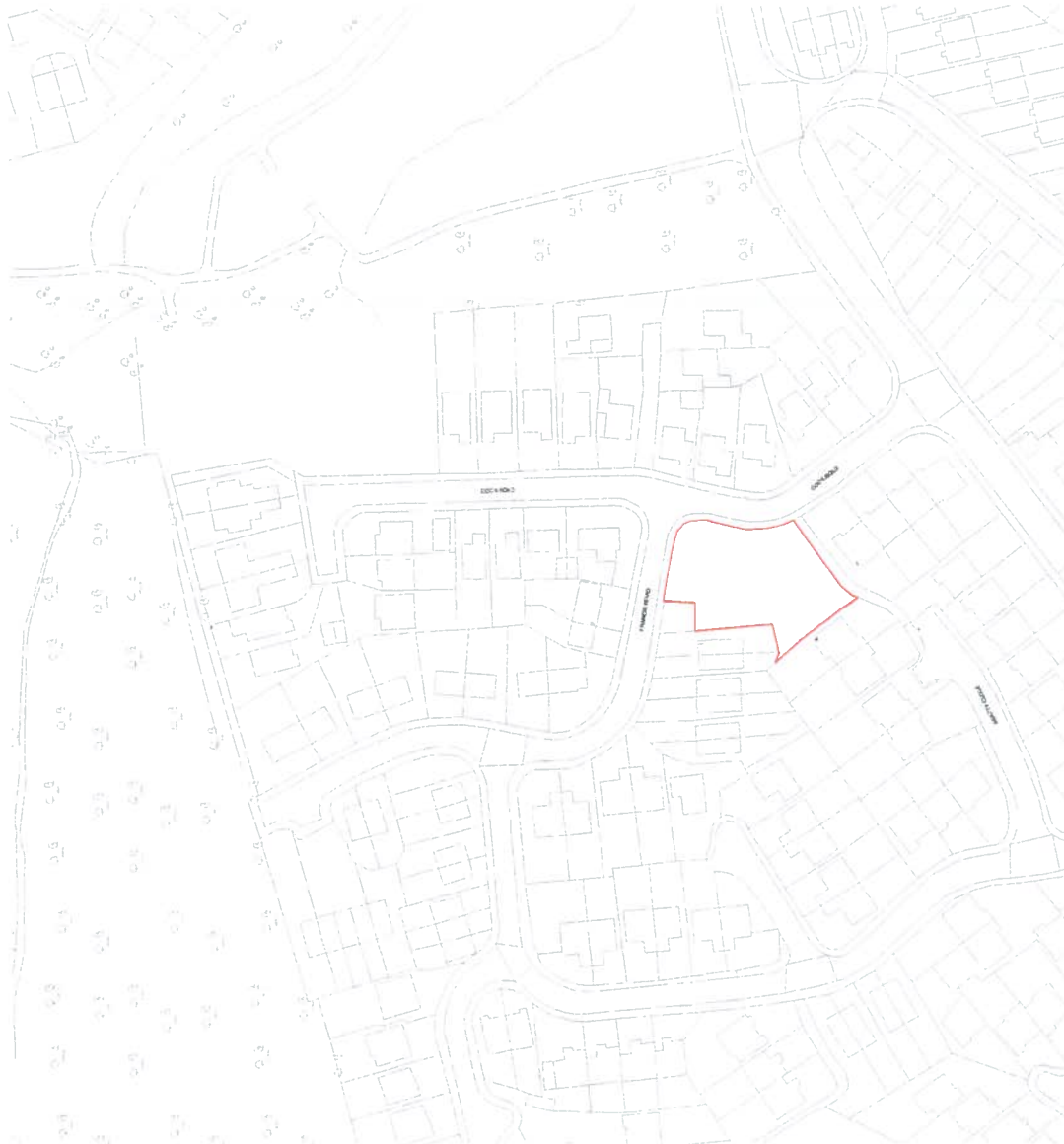
Drawing Status:

PLANNING

2



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