

Ewenny Priory Estate  
Geraint John Planning Ltd, Sophia House, 28 Cathedral Road, Cardiff., CF11 9LJ

### **Land off Abbey Road, Ewenny**

The erection of five detached dwellings, access arrangements, landscaping and associated works as 'enabling development' to facilitate the restoration of the Ewenny Priory.

### **SITE AND CONTEXT**

The application site is land at Abbey Road, Ewenny, which is a parcel of land at the north west of Ewenny/Corntown, adjacent to the defined settlement boundary. The site is broadly L-shaped and measures 90m in depth back from Abbey Road, by a maximum of 160m in width, when measured across the frontage of Abbey Road. It should be noted that the site does not have a frontage of 160m with the highway, rather part of its width is sited behind the curtilage of the dwelling known as Ewenny Isaf.

The site is adjoined by the highway and Ewenny Isaf to the north, by the gardens of dwellings on Wick Road to the south/west and by fields to the south east and east. There is an existing field gate access onto Abbey Road, towards the eastern end of the frontage of the site. The plan below shows the application site and its relationship to the surrounding land:



The site also lies within a Green Wedge as defined by Policy ENV3 of the Vale of Glamorgan Unitary Development Plan 1996-2011.

The surrounding residential areas are characterised by a mix of traditional and more modern properties, predominantly detached but with some semi detached properties further along Wick Road. Abbey Road as a whole is largely rural in character, but is punctuated with dwellings, whereas there is a more consistent linear form to Wick Road.

### DESCRIPTION OF DEVELOPMENT

The application is in outline (with all matters reserved), for five detached dwellings which are proposed as 'enabling development', to facilitate the repair and restoration of Ewenny Priory House and associated outbuildings. Enabling development is development that would normally be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved. The key public benefit to significant places is usually the securing of their long-term future.

While all matters are reserved, an indicative layout has been submitted, shown on the plan below:



The indicative access point is at the point of the existing field gate, at the right hand side of the frontage. The submissions have quoted scale parameters for the dwellings of between 7m and 8.5m high.

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

This application has been submitted alongside application 2012/00912/OUT which proposes the demolition of stables and the construction of a single dwelling at The Stable, Corntown Road, Corntown. That application is also proposed as enabling development to facilitate the repairs to Ewenny Priory House and the outbuildings, and much of the supporting information submitted with this application is shared with that application. Members are advised that since the enabling development case is made as a whole across the two applications, it would be appropriate for the two applications to be considered together at Planning Committee.

#### PURPOSE OF THE REPORT

This planning application was reported to planning committee on the 31<sup>st</sup> July 2014, at which time Members resolved to approve the application subject to a legal agreement. The report to that committee meeting is attached to this report as Appendix A, however, for ease of reference, a resolution to approve the application subject to the following matters being controlled by legal agreement was made:

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

A late representation was made by the applicant to the July Planning Committee, requesting the amendment of one of the above clauses. The applicant sought a change to the requirement that dwellings could not be constructed until the repair works have been carried out. The applicant advised that the more onerous restriction on the commencement of constructing the dwellings would undermine the viability of the proposal and would prevent the repair works from taking place.

The proposed alteration to the resolution was discussed by Members at the Planning Committee meeting, however, it was resolved to approve the application subject to the recommendation as originally made.

The purpose of this report is to provide Members with further information that has been received from the applicant since the last meeting.

### The Applicant's Proposal

As noted above, it is the applicant's contention that restricting the construction of the dwellings until after the repair works have been completed would undermine the viability of the development. The applicant's agent has advised that this is because such a requirement would affect the value of the land that a prospective purchaser would be prepared to pay, such that the receipt for the land would then not cover the cost of the repair works.

Consequently, the applicant's agent has made further representations since the last planning committee, which are attached as Appendix B. In essence, the applicant is proposing a phased approach, whereby there would be a requirement for the repair works to be undertaken alongside the construction of the dwellings. While the email is attached in full as an Appendix, it states the following:

*"As explained, there are other pressures on undertaking the restoration work in any event (brought about by the involvement of other statutory bodies etc). Notwithstanding this, we would be agreeable to documenting (in detail) the timeline of works (which have already been quantified in detail of course as part of the planning application) - such that it can be clearly seen and is transparent as to what works of restoration will be done, and by when, to the Priory. Clearly a considerable amount of work has already been undertaken in advance of securing any permission, and as such the benefits of the scheme (restoration of the Priory) is already a considerable step ahead of any potential detriment (the housing development). By programming the remaining works (funded by the sale of the land) over the same time period of promotion of the housing development would mean that the Priory restoration works would take place at the same time/in parallel (and indeed may well be completed before) the housing development begins on-site in earnest.*

*We have estimated that the timeframe for the remaining restoration works would extend over a circa 24 month (two-year) period - with all works having been completed in this timeframe. We would be able to quantify what works would be undertaken on a yearly basis (or six month period if deemed necessary/more appropriate) - providing a measure of what was undertaken on site (capable of being monitored and enforced - in the same way as any section 106 obligation would be). In addition we could agree to providing a yearly/half yearly reporting and updating exercise - so that the Authority could be informed as to what works had been undertaken/any reordering of works that has and needed to come about going forward - which might come about as a result of a number of factors: certain matters becoming a greater priority/weather dependent etc. This would put in a positive obligation on us to declare what has been undertaken, and for the Authority to be aware of how matters were progressing.*

*The construction of any of the new dwellings shall not be commenced until the phasing plan has been approved by the Council.*

*Clearly drawing on funds from any protected account could only come about as a result of evidencing this (production of receipts/invoices/work commissioned etc). This would mean that a further accounting of progress can be monitored through this.*

*Altogether these measures would ensure that there is a positive obligation on us to undertake the restoration work, and a clear ability for you to monitor and enforce this - such that it will be possible to ensure the delivery of the restoration works as part of the process. By the time any prospective purchaser of the enabling (housing) development site mobilises, obtains reserved matters approval, and gets on-site / begins construction etc I would suggest that the restoration works will be very well advanced (over and above the extensive works already undertaken). This again would mean that the benefits of this would remain a considerable step ahead.*

*Accordingly I hope and trust that this form of an arrangement - which of course would need to be documented in much more detail as part of dialogue between us (possible if delegated authority was given to Officers to progress) is agreeable and allows you to progress matters. We would hope that the principles of this arrangement could be re-reported to Members at the next meeting, allowing the detail to be documented in the interim / in parallel."*

It is clear that the above proposal would require further detail to be agreed as to the exact nature of how the phasing is set out, therefore, this proposal does not provide specific detail as to the rate at which the works would be carried out versus the construction of the new dwellings. Members are invited to consider whether such a phasing plan would give sufficient comfort in terms of the ensuring the repairs to the Priory House and outbuildings are undertaken in an appropriately timely manner. Members are also requested to consider, if the proposed amendment to the resolution is considered acceptable in principle, whether the detail of such a phasing plan can be delegate to officers or whether any further detail would need to be considered and agreed by Planning Committee.

Consequently, it is considered that the following resolution, offered to Members, would give scope for a phased plan to be agreed as per the applicant's suggestion:

- The dwellings shall only be constructed in accordance with a phasing plan, which shall also provide details of the phasing of the repairs to the listed buildings. The phasing plan shall be agreed in writing prior to the commencement of the construction of any of the new dwellings.
- Any surplus money from the sale (over and above the valuation contained in the application documents) is legally restricted such that it can only be used as a maintenance fund for buildings at Ewenny Priory (in accordance with a scheme/details to be agreed with the Local Planning Authority).

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

Subject to Members agreeing the above resolution, a recommendation to approve would be made, subject to the following conditions:

APPROVE subject to the following condition(s):

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

Reason:

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

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

Reason:

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

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

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

Reason:

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

4. This consent shall relate to the amended site location plan and indicative layout plan received on the 19 March 2013.

Reason:

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

5. The reserved matters details referred to in condition 1 above shall provide for a maximum of 5 dwelling houses, of a size that complies with the height parameters of between 7m and 8.5m, as agreed in an email submitted by Geraint John Planning Associates, on 16 July 2014.

Reason:

In order for the reserved matters application development to comply with the assessments carried out at outline stage, because the development has only be justified on the basis of 5 dwellings and in order to ensure compliance with Policy ENV27 of the Unitary Development Plan and Cadw guidance Conservation Principles for the sustainable management of the historic environment in Wales.

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

Reason:

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

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

15. Prior to the commencement of the construction of any of the dwellings hereby approved, a comprehensive Heritage Management Plan shall be submitted to and approved in writing by the Local Planning Authority, which shall include (but not be limited to):
  - a phasing plan for the implementation of the repair and renovation works set out in the Alwyn Jones Baseline Condition Survey Report October 2013;
  - a maintenance plan to demonstrate how the buildings will be maintained in perpetuity;

- a public access plan, to detail the areas and buildings at the priory that will be publically accessible, the timings of when they will be accessible and how that public access will be managed, regulated, provided and advertised;
- a 'statement of involvement' of a RIBA registered architect to be appointed and retained throughout the duration of the repair works to the buildings at the priory and the involvement of Cadw throughout the duration of the repair works.

Reason:

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

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

Reason:

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

17. Prior to the commencement of development, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority, which shall include details of light spill within the site and outside the site (including onto Abbey Road) and an assessment of the impact of lighting on bats in the area within and around the application site (including bats using Abbey Road as a foraging/commuting route and any mitigation required to manage the impacts). The development shall at all times thereafter be carried out in accordance with the approved scheme and mitigation.

Reason:

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

**NOTE:**

1. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.
2. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.
3. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

