

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 3 MARCH, 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

1. BUILDING REGULATION APPLICATIONS AND OTHER BUILDING CONTROL MATTERS DETERMINED BY THE DIRECTOR UNDER DELEGATED POWERS

(a) Building Regulation Applications - Pass

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

2015/1692/BR	AC	2, Cardiff Road, Dinas Powys	New detached domestic dwelling
2016/0090/BR	AC	Rose cottage, Llancadle, Vale of Glamorgan	Single storey rear extension
2016/0096/BR	AC	Maslin Park, Plymouth Road, Barry. CF62 5TZ	Supply and installation of a Changing Room Extension comprising of extended changing facilities to the previously supplied and installed Changing Rooms.
2016/0100/BN	A	1, Dingle Dell, Penarth	Garage conversion
2016/0101/BR	AC	13, Brookside, Dinas Powys	Single storey rear extension
2016/0106/BN	A	5, Lakeside, Barry	Proposed construction of a new orangery style extension to the rear of the property, including the demolition of an existing conservatory.
2016/0107/BR	AC	7, Marine Drive, Barry	New drainage to serve level access shower & form new opening in shower room wall.
2016/0109/BN	A	73, High Street, Barry	Renovation
2016/0112/BN	A	10, Lloyd Avenue, Barry	Re-roof

2016/0113/BN	A	SCN Properties Ltd, Units 8F & 8G, Atlantic Trading Estate, Barry	Construction of new mezzanine floor
2016/0114/BN	A	5, Spitzkop, Llantwit Major	Disabled adaption - Converting the separate W/C and bathroom into one room. The wall dividing the existing rooms is to be demolished.
2016/0117/BN	A	5, Cowslip Drive, Cogan	Installation of catnic
2016/0118/BN	A	1, Regent Street, Barry	Replacement of shop front & residential dwelling above commercial premises, including new windows, shutters, roof & brickwork.
2016/0119/BN	A	1, Upper Cosmeston Farm , Penarth, CF64 5UB	Conversion of one half of the double garage to a dining room and installation of bi folding doors at the back of the house.
2016/0121/BR	AC	78, Millfiled Drive, Cowbridge CF71 7BR	2 Storey side extension
2016/0123/BN	A	141, Port Road West, Barry	New dwelling to create semi-detached house.
2016/0124/BN	A	The Stables, Llysworney, Cowbridge	Internal modifications to kitchen/lounge and hallway. New ensuite to Master Bedroom with new windows.
2016/0125/BR	AC	High Winds, Sully Road, Penarth. CF64 2TP	Single storey extension storey above existing ground floor garage and internal improvements.
2016/0126/BN	A	Croes Leiky, St Brides, Super Ely	Replace single storey extension with new single storey extension.
2016/0127/BN	A	5, Clos Tyniad Glo, Barry	Garage Conversion
2016/0129/BN	A	136, Plassey Street, Penarth	Removal of chimney breast and wall at rear of property.

2016/0130/BN	A	30, Victoria Road, Penarth	Single storey flat roof extension with associated steelwork.
2016/0131/BR	AC	10, Millfield Drive, Cowbridge	Two storey extension to include playroom / bedroom with en-suite.
2016/0133/BN	A	21, Sycamore Close, Dinas Powys	Single storey rear extension 3.4m x 8.3m
2016/0136/BR	AC	4, Belle Vue Terrace, Penarth	General renovation, knock-through to join rooms on ground floor, loft conversion
2016/0137/BN	A	6, Manorbier Close, Dinas Powys	Side extension
2016/0139/BR	AC	5, Washington Buildings, Stanwell Road, Penarth	Re position stud walls, remove suspended ceiling and replace with fire rated ceiling board , fit gas supply and combi boiler and re-wire throughout
2016/0140/BR	AC	Court Road Depot, Barry Road, Barry	Breaking out of existing foundation & constructing new foundation with erection of single storey store building.
2016/0141/BR	AC	15, The Verlands, Cowbridge	Part single storey / part two storey extension.
2016/0142/BN	A	The Old Rectory, St Brides - Super - Ely	Proposed sewage treatment tank.
2016/0143/BN	A	8, Village Farm, Bonvilston	Conversion of garage to study.
2016/0144/BN	A	Ty Twyn, Mill Road, Dinas Powys	External wall repair, loft conversion and retaining wall replacement.
2016/0146/BN	A	6, Torbay Terrace, Rhoose	Installation of steel beam to rear ground floor
2016/0148/BN	A	4, Ael-y-Bryn, Peterston Super Ely. CF5 6LL	External Upgrade of property with 90mm Insulated Render

2016/0149/BN	A	16, Borough Close, Cowbridge	External Upgrade of property with 90mm Insulated Render
2016/0150/BN	A	31 Borough Close, Cowbridge	External Upgrade for property with 90mm Insulated Render
2016/0151/BN	A	15 East View, Llandow	External Upgrade of property with 90mm Insulated Render
2016/0152/BN	A	46 Glyndwr Avenue, St. Athan	External Upgrade of property with 20mm Insulated Render
2016/0153/BN	A	40, Trebeferad, Boverton	External Upgrade of property with 90mm Insulated Render
2016/0154/BN	A	39 Trebeferad, Boverton	External Upgrade of property with 90mm Insulated Render
2016/0156/BN	A	14 Broadway, Cowbridge	External Upgrade of property with 90mm Insulated Render
2016/0157/BN	A	22 Broadway, Cowbridge	External Upgrade of property with 90mm Insulated Render
2016/0160/BN	A	23, Canon Street, Barry	Full re-roof
2016/0161/BN	A	8, Grange Close, Wenvoe	single storey extension to existing kitchen with pitched roof to create utility room
2016/0162/BN	A	4, Washington Chambers, Stanwell Road, Penarth	Conversion to 2 bed flat
2016/0163/BN	A	13, Holmes Street, Barry	Fit three windows to kitchen, toilet and hall.
2016/0165/BN	A	13, Fferm Goch, Llangan	External Upgrade of property with 90 mm Insulated Render with 20mm upgrade on out house
2016/0167/BN	A	250, Barry Road, Barry	Re-pointing to brickwork and concrete repairs

2016/0168/BN	A	1, Ash Grove, Barry	Demolition of existing walls and roof, underpinning to foundations, new brick and block walls and metal tile roof
2016/0169/BN	A	16, Coldbrook Road East, Barry	Underpinning to foundations, new brick and block walls and new metal tile roof
2016/0170/BN	A	5, Downs View Close, Aberthin	single storey extension
2016/0173/BN	A	53, Cornerswell Road, Penarth	Re-Roof
2016/0174/BN	A	35, Plymouth Road, Penarth	Installation of steel beams, piers and foundations
2016/0175/BN	A	139, Greenacres, Barry	Single storey extension to rear of house, with a single storey utility room from kitchen,
2016/0176/BN	A	19, Fairfield Crescent, Llantwit Major	Garage conversion
2016/0177/BR	AC	Mill Court, Windmill Close, Wick	Single storey extension to rear of property
2016/0179/BN	A	3, Brookfield Avenue, Barry	Change conservatory roof to tiled roof.
2016/0180/BN	A	Flaxaland Fach, Walterston, Llancarfan	Re-roof with slate.
2016/0182/BN	A	1, The Rise, Barry	Re-pointing to brickwork & concrete repairs.
2016/0183/BN	A	286, Barry Road, Barry	Re-pointing & concrete repairs.
2016/0184/BN	A	260, Barry Road, Barry	Re-pointing to brickwork and concrete repairs.
2016/0185/BN	A	2, The Rise, Barry	Re-pointing to brickwork & concrete repairs.
2016/0187/BN	A	10, The Rise, Barry	Re-pointing to brickwork & concrete repairs.

2016/0188/BN	A	344, Barry Road, Barry	Re-pointing to brickwork & concrete repairs
2016/0189/BN	A	350, Barry Road, Barry	Re-point to brickwork & concrete repairs.
2016/0190/BN	A	360, Barry Road, Barry	Re-pointing to brickwork & concrete repairs.
2016/0203/BN	A	10, Merevale, Dinas Powys	Erection of rear single storey extension, garage conversion with internal alterations and a new roof
2016/0206/BN	A	1, Georges Row, Dinas Powys	Re-roof
2016/0207/BN	A	3, Georges Row, Dinas Powys	Re-Roof
2016/0210/BN	A	Owls Lodge, Bonvilston	1st Floor extension.

(b) Building Regulation Applications - Reject

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

2016/0110/BN	R	218, Redlands Road, Penarth	Single storey front extension
2016/0134/BN	R	53, St Nicholas Road, Barry	Widening of door opening, installation of 2 x windows and repairing of kitchen floor.
2016/0135/BN	R	12, Gelyn y Cler, Barry	Loft conversion with dormer & rear kitchen extension

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

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

2016/0009/AI	A	14, Somerset Road East, Barry	Internal alterations and associated works
2016/0010/AI	A	14, Penarth Portway, Penarth	Proposed single storey rear extension (works to include material alterations to structure, controlled services, fittings and thermal elements)

2016/0011/AI	A	22, Baroness Place, Penarth	Loft conversion and associated works
2016/0012/AI	A	Chapel Cottage, Chapel Lane, Peterston Super Ely	Detached Sunday School Hall
2016/0013/AI	A	4, Clos Ffawyddden, Ystradowen	Conversion of garage to living room and associated works
2016/0014/AI	A	Fferam Annwfn, Sully Road, Penarth	Two storey extension and replacement roof structure to include dormers

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 3 MARCH, 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. PLANNING APPLICATIONS DETERMINED BY THE DIRECTOR UNDER DELEGATED POWERS

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

Decision Codes

A - Approved	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

2015/00240/OUT	A	The Television Centre, access to ITV Wales Television Studios, Culverhouse Cross	Variation of Condition 7 of 2013/01152/OUT - Demolition of existing buildings and redevelopment of site for residential purposes
2015/00387/FUL	A	Rear of 9, Station Road, Rhose	Demolition of existing coach house on land to the rear of 9, Station Road Rhose and the construction of new detached two storey two bed dwelling house

2015/00399/LBC	A	Llwyn Celyn, 77, High Street, Cowbridge	Application to replace existing failed window frames to top floor rear elevation only.
2015/00593/FUL	R	Madison, Pond Street - Jct Pond Cottage to Jct B4268, Llysworney	Demolition of the existing single two storey dwelling and the erection of three new separate two storey dwellings
2015/00766/FUL	A	Ffream Annwfn, Sully Road, Penarth	Ground floor extension/remodelling of existing bungalow including rise in roof height to provide first floor accommodation
2015/00872/FUL	A	28, Llys Dwynwen, St. Ilydys Fields, Llantwit Major	Single storey side extension with atrium roof
2015/01020/FUL	R	Land at Llanmaes	Agricultural shed
2015/01073/FUL	A	Glebe Farm, St Hilary	Refurbishment and extension of barn, including new roof with increased ridge, plus solar panels to rear field, for mixed small-scale horticultural activities
2015/01080/FUL	R	Brynheulog, St. Andrews Road, Wenvoe	Proposed construction of hay barn
2015/01183/FUL	A	Cambria House, Penarth Road, Penarth	Change of use to mix of B1 offices and D2 Leisure/Sports Area, to include internal sports pitches, sports facilities, car parking provision, ancillary bar area, community cafe and conference rooms and sport shop etc.
2015/01187/FUL	R	First Floor Flat, 25A, High Street, Cowbridge	Replacement of 3 wooden windows with UPVC double glazed units. New units to match original design

2015/01212/FUL	A	The Hawthorns, Llansannor	Retention of erection of and extension to an agricultural (barn) outbuilding, and associated excavations near boundary with Argoed Ganol
2015/01259/FUL	A	Tynytwod Cottage, Sandy Lane, Ystradowen	Variation of condition 1 of planning permission 2010/01305/FUL to provide further 5 year period
2015/01270/FUL	A	Penycae, 11, Beach Road, Penarth	Replacement of defective garage doors with iron gates and replacement of all existing house windows
2015/01322/FUL	R	21, Victoria Road, Penarth	Proposed new two bed dwelling including demolition of existing buildings
2015/01327/FUL	A	46, Clos yr Wylan, Barry	Retrospective consent for orangery
2015/01334/FUL	A	Ty Isha, 30, Wick Road, Ewenny	Removal of Condition 13 (Foul and Surface Water Drainage) of planning permission 2013/00472/FUL
2015/01343/FUL	O	Units 5 and 6, Sutton Road, Llandow	Proposed office building and associated works
2015/01349/FUL	A	34, Cross Street, Barry	Conversion of dwelling into two, two bedroom flats

2015/01354/FUL	A	Renishaw Plc., Miskin Business Park, Miskin	The proposal is for the installation of a roof mounted renewable energy solar photovoltaic electricity generation plant to supply zero carbon electricity to the Renishaw Factory. The proposed system capacity is 923.82kWp. The power generated will be used on site and will displace the equivalent amount of imported electricity
2015/01357/CAC	R	21, Victoria Road, Penarth	Proposed new two bed dwelling including demolition of existing buildings
2015/01371/FUL	A	88, Shakespeare Avenue, Penarth	Demolition of two small extensions to rear of building to be replaced with a single larger extension and minor internal alterations
2015/01383/FUL	A	23, Maillards Haven, Penarth	Single storey extension to front to provide sun room
2015/01386/FUL	A	5, Fonmon Road, Fontygary, Rhoose	Single storey rear extension comprising of sun lounge and shower room, lean to roof
2015/01391/FUL	A	Long Acre, Pendoylan	Demolition of existing and erection of replacement dwelling
2015/01392/FUL	A	81, Lavernock Road, Penarth	First floor extension to rear and loft conversion complete with associated works to existing roof
2015/01397/FUL	A	43, Chamberlain Row, Dinas Powys	Single storey rear extension
2015/01399/FUL	A	Owls Lodge, Bonvilston	Proposed additional storey to side extension

2015/01400/FUL	A	7, Elizabeth Avenue, Barry	Conversion of existing four bedroom dwelling to create two number two bedroom self contained flats
2015/01409/FUL	A	31, Porth y Castell, Barry	Roof extension including raised ridge height, dormer additional and a first floor rear extension
2015/01413/LAW	A	Bryn Sych Farm, Morfa Lane, Llantwit Major	Certificate of Lawfulness for use of dwelling as Children's home for four residential children
2015/01416/FUL	A	68, Bron Awelon, Barry	Proposed demolition of garage two storey extension to enlarge kitchen and dining room, additional bedroom to first floor and roof conversion with dormer to form bedroom with en-suite
2015/01418/FUL	A	Land opposite Forest Farm, Cowbridge Road, Talygarn	Proposed stable and store room
2015/01419/FUL	A	1, Station Approach, Penarth	Change of use is from A2 to part A1 (Retail in the front of the ground floor shop) and part D1 for glass lessons to be offered in the rear room of the ground floor
2015/01423/FUL	A	Beach Road, Sully	Temporary alterations to sea defence proposals at the foreshore Swanbridge, Sully (New application Dec 2015)
2015/01424/FUL	A	Greytops, Llysworney	Construction of a single storey extension to the rear of the existing property

2015/01429/FUL	A	41, Stanwell Road, Penarth	Demolish existing single storey lean-to kitchen. Construct new, larger, single storey flat roof extension
2015/01430/FUL	A	23, Heol Gylfinir, Barry	The erection of a shed in the backgarden
2015/01431/LAW	A	16, Broad Street, Barry	Ground floor - restaurant and associated areas First and second floors - Two flats
2015/01432/FUL	A	16, Broad Street, Barry	Reconfigure the upper parts of the property to provide 1 x studio, 1 x 2 bed (4 person) and 1 x 2 bed (3 person)
2015/01433/FUL	A	Old Post Office, Llanmaes	Two storey extension to rear. Existing roof to rear revised. New replacement windows
2015/01434/FUL	A	3, East Walk, Barry	First floor residential extension over existing ground floor residential extension
2015/01437/FUL	A	Vale Street Post Office, 113, Park Crescent, Barry	Proposed change of use from A1 Retail to A2 Professional Office use, with external shop front alterations
2015/01438/FUL	A	Sea Murmur, 26, Main Road, Ogmore by Sea	Proposed roof alterations and additions, to include Master bedroom and new en suite bathroom with feature glazing to rear elevation
2015/01443/FUL	A	9, Clare Drive, Cowbridge	Single storey front and rear extension to existing house
2015/01446/FUL	R	42, Stanwell Road, Penarth	Proposals for building alterations to existing dormer roof extension

2015/01450/FUL	A	25, Cudd y Coed, Barry	Rear extension, replace windows and render exterior
2015/01462/FUL	A	Mon Repose, Pleasant Harbour, East Aberthaw	Proposed alterations and additions to existing detached garage, to form a work studio and wash down facilities, in lieu of previous planning approval under reference 2014/01546/FUL
2015/01463/FUL	A	20, Shakespeare Avenue, Penarth	Single storey kitchen/dining room and garage extension to a domestic dwelling
2015/01465/FUL	A	The Stable Yard, The Old Rectory, St. Brides Super Ely	Proposed detached dwelling
2015/01468/FUL	A	1, Yr Efail, Treoes	first floor extension forming two bedroom enlargement
2015/01469/FUL	A	1, Robin Hill, Dinas Powys	Build over existing single storey side extension to create additional bedroom. Single storey extension to rear elevation to accommodate remodelled kitchen/dining room
2015/01471/FUL	A	28, Clos y Fulfran, Barry	Single storey extension and general alterations and remodelling
2015/01475/FUL	A	The Folly, Church Road, Llanblethian	Replacement porch, single storey extension and raised planting beds to the rear garden
2015/01479/FUL	A	36, Sycamore Crescent, Barry	Two storey side extension above existing garage and lean to extension to front
2015/01480/LAW	A	18, Trem y Don, Barry	Single storey rear and side extensions. Loft conversion including roof extensions

2015/01485/FUL	A	5, Hastings Avenue, Penarth	First floor rear and single storey side extensions
2015/01486/FUL	A	Tumblers Chase, St Hilary	2-storey side extension to provide new double garage, cloak room and gym on ground floor and new play room, home office and bathroom on first floor
2015/01489/FUL	A	19, Spencer Drive, Llandough	Single storey rear extension
2015/01497/FUL	A	Greenfields, Ewenny Road, St. Brides Major	Proposed demolition of existing garage and single storey extension and replacement with single storey duo pitch extension
2015/01504/FUL	A	10, The Verlands, Cowbridge	Demolition of existing porch and 2 storey wing of house with restricted headroom on first floor and replacement with new 2 storey wing with hipped roof. Partial rebuild of existing single storey flat roofed rear extension

Agenda Item No. _____

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 3 MARCH, 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2015/01056/FUL
Appeal Method: Written Representations
Appeal Reference No: 15/3140616
Appellant: Mr. Owen Bull,
Location: **6, The Square, Dinas Powys**
Proposal: First floor extension over existing ground floor building, to comprise a room arrangement as shown on the drawing
Start Date: 3 February 2016

L.P.A. Reference No: 2015/00403/FUL
Appeal Method: Written Representations
Appeal Reference No: 16/3143379
Appellant: Mr. D. Dowdswell
Location: **8, Cliff Street, Penarth**
Proposal: Proposed two bedroom house including new self contained access to first floor flat (Flat 2)
Start Date: 12 February 2016

L.P.A. Reference No: 2015/01106/FUL
Appeal Method: Written Representations
Appeal Reference No: 16/3142720
Appellant: Mr. Robert Norris
Location: **Pentwyn House, Church Road, Llanblethian**
Proposal: Proposed separation of Pentwyn House and self contained granny annexe into two separate dwellings, Pentwyn House and Pentwyn Cottage
Start Date: 11 February 2016

(b) Enforcement Appeals Received

None

(c) Planning Appeal Decisions

L.P.A. Reference No: 2014/00863/OUT
Appeal Method: Public Local Inquiry
Appeal Reference No: 15/3010121
Appellant: Taylor Wimpey PLC
Location: Land south of Port Road West, Weycock Cross, Barry
Proposal: Residential development of up to 200 No. dwellings and associated works
Decision: Appeal Dismissed
Date: 1 February 2016
Inspector: V. Hirst
Council Determination: Committee

Summary

Members will recall that the appeal was called in to be determined by the Welsh Ministers. Accordingly, the Inspector appointed to determine the appeal prepared a report to set out both the Council's and the appellant's case, as well as her conclusions and recommendations having considered each case.

The inspector considered the main issues to be:

- *whether the current development plan policies are out dated or have been superseded;*
- *whether the proposal provide an appropriate site for housing having regard to the current development plan and its effect on the green wedge;*
- *whether there are other material considerations that would justify granting permission in particular with regard to housing supply and the sustainable credentials of the development; and*
- *if allowing the appeal would predetermine decisions about the scale, location or phasing of new development which ought properly to be taken into account in the LDP context.*

Whether the current development plan policies are out dated or have been superseded:

Whilst the Inspector found it evident that the UDP set a level of housing for a period up to 2011 and the Council cannot currently demonstrate a five year housing supply, she did not find that this results in the current development plan policies being outdated or superseded. She noted that the policies are not time sensitive and that the general principles of the relevant policies, including identifying settlement boundaries and green wedges, are consistent with current national policy advice in respect of managing the location of new housing.

The Inspector agreed that the LDP has limited weight at this time, but nonetheless it continues to restrict development in the countryside in line with national policy. She was of the view that any boundary changes to settlement boundaries or green wedge designations should be properly considered through the LDP examination process and in the light of the Council's overall housing requirements and strategy.

In concluding on this matter, the Inspector did not find policies ENV 1, ENV 3, HOUS 2 or HOUS 3 to be either outdated or superseded.

The appropriateness of the site for housing – Development Plan and Green Wedge:

On this point the Inspector summarised her conclusions and found that proposal fails to accord with the principles of the adopted development plan and national policy as it proposes development outside any defined settlement boundaries, within the countryside on greenfield land and within a green wedge. She was of the view that the development of this land would be harmful to the open nature of the green wedge, and be prejudicial to the purpose of the designation. She noted that PPW provides a presumption against inappropriate development in green wedges, only allows such development in very exceptional circumstances, and requires substantial weight to be given to any harmful impact. Accordingly, she stated that *“the harm I have identified weighs heavily against the development”*.

In terms of other material considerations, the Inspector considered these as follows:

Housing supply:

The inspector noted the agreement that, in view of the provisions of the new TAN 1, the Council cannot demonstrate a 5 year housing supply and the need to increase supply should be given considerable weight when dealing with this proposal provided that the development would otherwise comply with development plan and national planning policies. The Inspector found that the proposal would not conform with the policies of the development plan and the objectives of PPW in relation to the harm to the green wedge. As such she did not consider that the lack of a 5 year housing supply in this instance outweighs this policy objection and would not represent the very exceptional circumstances required by PPW to allow inappropriate development within the green wedge.

Sustainability:

With specific regard to the sustainability objectives and principles in PPW, the Inspector noted that the appeal site meets a number of the objectives for sustainable development set out in PPW. However, she noted that the use of this site on the edge of Barry would constitute an incursion into the open countryside and would result in the irreversible and permanent loss of a greenfield site outside any defined settlement boundary. Whilst she agreed

with the appellant that PPW seeks to balance and integrate the key policy objectives to maximise sustainable development options she considered the development of this greenfield site weighs heavily against its other commendable sustainable credentials. As such, the Inspector did not find the sustainable credentials of the development to be of sufficient weight to outweigh the harm identified.

Prematurity:

The Inspector agreed with the Council's view that permitting this development would have an impact on this important settlement and would have implications for a wider area in the way that the scale, location and phasing of new development should be provided and which ought to be considered through the LDP process (as set out in PPW guidance on prematurity). However, she did not find that the proposal would be so prejudicial to the LDP to justify the dismissal of the appeal on this ground alone.

Other matters:

The Inspector was satisfied that the issues of noise could be adequately addressed by way of a condition on any planning permission granted, as all parties had agreed, and that this did not amount to a reason for refusal.

The Inspector was satisfied that the concerns raised by elected representatives, local residents and other organisations were addressed under the main considerations or through recommended conditions. She acknowledge the considerable objection to the scheme on highway grounds, but on the evidence before her she was of the view that the proposal would give rise to any significant highway safety concerns.

The inspector was also satisfied with the section 106 obligations.

In light of the above considerations, the Inspector recommended that the appeal be dismissed.

In the Minister's decision letter, he concurred with the all of the Inspector's conclusions and dismissed the appeal.

L.P.A. Reference No:	2015/00470/OUT
Appeal Method:	Public Local Inquiry
Appeal Reference No:	15/3134308
Appellant:	Walters Land (Barry) Ltd
Location:	Land at Walters Farm, Weycock Cross, Barry
Proposal:	Development of up to 200 residential homes (Use Class C3) along with associated parking, access, public open space and landscaping and including the demolition of existing buildings
Council Determination:	Committee

Summary

Appeal withdrawn.

L.P.A. Reference No:	2015/00689/OUT
Appeal Method:	Public Local Inquiry
Appeal Reference No:	15/3135189
Appellant:	Trehill Homes Ltd
Location:	Land South of A48 and West of Old Rectory Drive, St. Nicholas
Proposal:	Outline application for residential development and associated works (approximately 62 dwelling).
Council Determination:	Committee

Summary

Appeal withdrawn.

(d) Enforcement Appeal Decisions

None

(e) April 2015 - March 2016 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals <small>(incl. tree appeals)</small>	W	22	2	24	3
	H	3	2	5	-
	PI	1	-	1	3
Planning Total		26 (87%)	4 (13%)	30	6
Enforcement Appeals	W	-	-	-	-
	H	1	1	2	-
	PI	2	-	2	-
Enforcement Total		3 (75%)	1 (25%)	4	-
All Appeals	W	22	2	24	3
	H	4	3	7	-
	PI	3	-	3	3
Combined Total		29 (85%)	5 (15%)	34	6

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 : 3 MARCH, 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

2015/01379/TPO	R	Y Fron Oleu, Michaelston le Pit	Fell Ash tree
----------------	---	------------------------------------	---------------

2015/01404/TPO	A	Ashgrove, Walston Road, Wenvoe	Fell front ash, reduce rear ash by 20%
----------------	---	-----------------------------------	---

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 3 MARCH, 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. TREES

(b) General

**TO CONFIRM TREE PRESERVATION ORDER NO. 12, 2015
FOR TREES ON LAND AT WICK ROAD, ST. BRIDES MAJOR**

SITE, CONTEXT AND TREE DESCRIPTION

The trees are located on the edge of a small field north west of the Kings Hall and the residential barn conversions, close to the B4524 (Wick Road). In a semi-rural location adjoining the south eastern edge of the settlement of St. Brides Major. This field in particular, (and another immediately adjacent field to the north west) are included within the St. Brides Major Conservation Area. Five mature Limes border Wick Road with two very mature Beech, close to the Limes but growing behind them, at each side boundary of the field. Continuing from the front edge of the site as it turns into eastward 'side' boundary of the field there three more Limes and a Sycamore, all mature. The three Limes and Sycamore either sit on or just outside the site boundary. As all the trees lie within the conservation area they are statutorily protected albeit giving the authority a limited control in respect of work to or removal of the trees.

TREE HISTORY

There is no record of notifications to the authority for Work to Trees in a Conservation Area.

REPRESENTATIONS

OBJECTIONS

A letter dated 29th October, 2015, from Mr L S Dunwiddy, the owner of the site which was accompanied by a Landscape Strategy plan (by EDP – Drawing No. EDP2911/04a dated 27th August, 2015) and Tree Survey (by Treescene dated 30th October, 2014) has been received objecting to the tree preservation order (TPO).

A summary of the reasons for objecting to the order is as follows:

- (1) *The trees lie in the St. Brides Major Conservation Area and have protected status by virtue of their location whereby unlawful tree work is subject to similar controls as trees to which a TPO applies – as such, the authority should view serving a TPO on these trees as not expedient. There is no medium or long-term risk to the trees on the Order being cut down or pruned without seeking the authority’s approval.*
- (2) *The planning application submitted for affordable housing is made by ‘a charitable housing association whose vision and values represent an obligation to the environment, and are committed to the good arboricultural management of the site.*
- (3) *Following the LPA’s policies and guidance with regard to submitting a planning application, a tree survey was carried out that has identified most of the trees as being of ‘C’ quality with fair to poor physiological condition. The Landscape Strategy which proposes a scheme that ‘will improve general amenity as well as provide a successional tree stock’.*
- (4) *The Arboricultural Impact Assessment concludes that the condition of many of the trees on the site is currently declining and that the development proposal would allow significant new tree planting providing long-term landscape amenity benefits.*

IN SUPPORT –

Three letters of support from residents of the converted barn properties adjacent to the site. Two of which state that the trees are an integral part of the local bio-diversity, of importance to the landscape with obvious intrinsic amenity value and, furthermore, they support a large bird population and considerable bat population, as well as helping to reduce traffic noise.

The third letter in support states, in summary:

‘highly supportive of ...any..order which seeks to Preserve and Enhance the special qualities of the Area (St. Brides Conservation Area). ...the presence of mature trees and open spaces plays a vital role in helping to consolidate its rural character, which is very properly reflected in the wording of the adopted Appraisal and Management Plan (by the Vale authority, 2009)... .’

The St. Brides Major Conservation Area is a valuable County asset so any steps in this age of increasing pollution and environmental vandalism which can be taken to halt or reverse the destruction of such assets should be vigorously supported. Not granting a TPO would bring into question the whole logic and rationale of having designated Conservation Area... .’

REPORT

It is important to clarify the level of protection afforded to trees within conservation areas given the statement [at (1) above] made by the objector. While the penalties for unlawful tree work to trees in conservation areas is the same as for a tree protected by TPO, the specifics of the work to trees in conservations areas, such as the reason for, the amount and standard of tree surgery is not subject to the same level of control.

Someone wishing to prune or remove a TPO'd tree has to make a formal application to the Planning authority and careful liaison at the start of the process can ensure a professional tree surgeon is employed at the outset to make the application on behalf of the tree owner. Negotiations can achieve more modest levels of tree work that are tailored to the specimen and ensure that good arboricultural practices are employed such as timing the work as appropriate to a species (for example, Walnut trees are best pruned in late summer or early autumn because the sap bleeds profusely at other times and weakens the tree).

As with planning applications, conditions can be attached limiting the extent of tree work, when it should be carried out and the methods to be used as well as legally requiring the tree owner to use a professional practitioner. Furthermore, the authority can insist upon replacement trees being planted in predetermined locations and also upon the provision of specific reports when assertions are made regarding the need for the work. For example, an owner may want a tree removed because he/she thinks it may be diseased or perceives it is unstable. An arboricultural report can provide the tree owner (and the authority) with some assurance

Trees in conservation areas may be subject to enforcement action with equal legal penalties when unlawful work is carried out, however, seeking the authority's agreement to do works to such a protected tree requires only that a person formally notify the council of their intentions allowing six weeks for an assessment of the tree. If the assessment finds the tree does not meet enough criteria to merit the service of a tree preservation order, the authority is limited to confirming by letter that it has no objection to the proposal and that work can proceed. None of the controls of the level and standard of the tree work can be imposed by condition and neither can reports be sought, or replacment trees be enforced.

Statement (1) asserts that the authority should consider the serving of the TPO on trees within a conservation area 'as not expedient' because of the protected status already conferred by their location, however, it is clear that there are differences between the two types of status and the level of protection afforded. Moreover, it is a nationally established practice to assess existing trees for their worthiness for protection by preservation order at the lodging of a planning application, to prevent the unnecessary removal or loss of quality trees within a council's area. In respect of the application (planning reference 2015/01157/FUL), for development of the field with housing, the existing trees are a significant material consideration located right at the roadside and by virtue of this location, crucial to the local and wider visual amenity. These reasons for protecting the trees by tree preservation order are reflected in the guidance from central government, (The Guide to Law and Good Practice – DETR May 2000).

This objector claims in statement (2) that the developer is a charitable organisation whose vision and values represent an obligation to the environment and that they are committed to good arboricultural practices, however, the tree preservation order will stand in perpetuity whereas the landownership may very possibly change over time. The vision, values and commitments do not necessarily stay with any new owner.

Statement (3)

As regards the tree survey's categorisation of the existing trees on the site being mostly 'C' grade and of fair to poor physiological quality, it should be remembered that this survey has been prepared at the request of the applicant, Newydd Housing Association. Some of the trees referred to in the survey have not been included in the tree preservation order – the Elm trees for example, because of the likelihood of them being or becoming afflicted with Dutch Elm disease. Whilst it is acknowledged that some of the trees may not be of 'feature tree' quality and may exhibit some structural anomalies it should be remembered that these same trees have stood the test of many decades without anyone approaching the authority with a view to their removal.

A 'C' grade does not preclude trees from being considered suitable for retention by a preservation order. (Even a trees with a 'U' categorisation, the lowest quality, can be worthy of retention under this survey method if they have 'identifiable conservation, heitage or landscape value' – B.S. 5837:2012 Trees in Relation to design, demolition and construction – Recommendation). These trees are dominant on the local streetscene and with the presence of the nearby village pond, they make a considerable contribution to the rural aspect of the conservation area. They are of even more importance in this regard when one considers the main built area of St. Brides Major is approximately 50 metres around the bend in the road. See photograph (b) below.



(a) View along Wick Road (to south east/Llantwit Major) from the junction for Southerndown with the protected trees at centre of picture.



(b) View (north west) showing pond on left and protected trees at centre of the picture, demonstrating how properties beyond are 'hidden' by the trees.



(c) O.S. extract of the main junction for Southerndown on B4265, and illustrating how the main built area of the village of St. Brides Major, lies beyond the trees (on roadside/paddock beyond Wildeflower Cottage).

The objector further argues that the current scheme will ensure a good standard of tree planting with variety and 'successional tree stock' which will improve the amenity which is to be applauded. Certainly, the new planting will be of far more value to amenity *in combination* with the existing mature trees on the site. However, new planting alone usually means very small trees with a 60 to 80mm/3 - 3 + half inch diameter with negligible canopy amounting to no visible impact and little ecological value for many years.

CONCLUSION

It is considered that the trees concerned contribute to the immediate area and to the St. Brides Major Conservation Area. The specimens are very mature and their crowns contain some of the usual symptoms of having lived for many decades such as, dieback in the crown; heavy end weighted limbs; and even some limb loss but they are not necessarily beyond remedial treatment. Even if the developer intends to retain all but one or two it is easier to ensure (and enforce) that the trees are tended with good arboricultural care in the future with a tree preservation order in effect, and thus they can be safely retained continuing to serve as a valuable feature in the landscape and an important habitat for local wildlife.

RECOMMENDATION

(1) THAT the Order be confirmed.

Contact Officer – Margaret Krzemieniewski, Tel: 01446 704742

Officers consulted

Not applicable.

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 3 MARCH, 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

7. ENFORCEMENT ACTION

LAND AND BUILDINGS AT PLEMONT, CROSS COMMON ROAD, DINAS POWYS

Background

1. This report relates to the erection of a dormer extension to the rear of the dwellinghouse known as Plemont, Cross Common Road, Dinas Powys.
2. The dwelling is a semi-detached property, located in a residential area and bound to the rear by open countryside. The architectural character of the area is relatively mixed, with a number of house designs and ages.
3. Planning permission was granted for extensions and alterations to the dwelling in October 2014, which include the provision of a dormer extension on the rear elevation of the property.

Details of the Breach

4. Following an initial site inspection it was noted that dormer extension on the property did not accord with the details submitted as part of the 2014 approval. The 2014 approval included a dormer that was set off the eaves and ridge of the property, as well as being set in from the sides of the dwelling. *Figure 1* illustrates the approved plans.

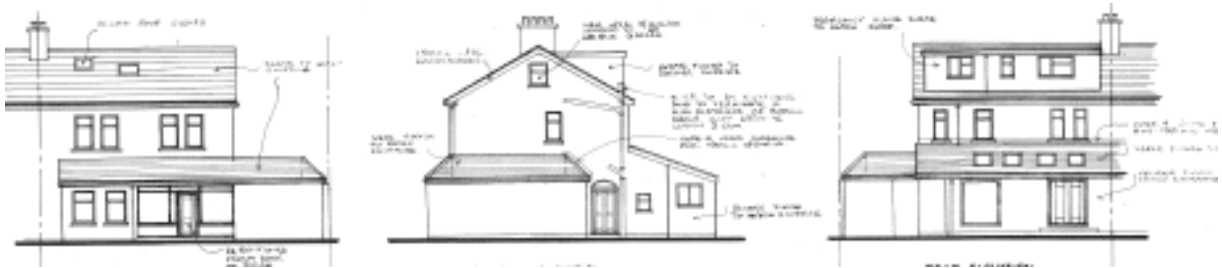


Figure 1: Approved alterations (including dormer extension) 2014/00990/FUL

5. The dormer extension erected on the dwelling goes above and beyond that granted planning consent, covering almost the entire rear elevation of the property. *Figure 2* illustrates the dormer extension as implemented.



Figure 2: Development subject to section 73A application

6. The dormer extends from the side gable across almost the full width of the roof (set in approximately 0.25 metres from the neighbouring property). It is set off the ridge by 0.1 metres but has not been set in at the rear or side eaves.
7. The development extends beyond the scope of the planning permission and would not amount to permitted development as defined by the Town and Country Planning (General Permitted Development) Order (Amendment) (Wales) Order 2013. As planning permission has not been granted for the works, the development is unauthorised and represents a breach of planning control.

Action Pursued to Date

8. The owner of the property was advised that the works did not benefit from planning permission and in an effort to retain the development submitted a retrospective application for the works. The owner was advised that the works were unacceptable and that the retrospective application was unlikely to receive a favourable recommendation. That application was refused. No appeal has been submitted in respect of the matter. The owner has been advised that works need to be carried out to secure compliance with the approved scheme or that the property needs to be returned to its original condition prior to the breach occurring.

Planning History

9. The following planning history is relevant to the site:

2015/01071/FUL Amendment to planning approval number
2014/00990/FUL.

REFUSED October 2014 for the following reason:

The dormer extension, by reason of its scale, design and prominent siting in the street scene, represents an unacceptable and poorly designed addition which appears as a visually dominant feature within the street scene and does not have any regard to the character and appearance of the dwelling or the surrounding street scene. It is, therefore, contrary to Policy ENV27 - Design of New Developments of the Vale of Glamorgan Adopted

Unitary Development Plan 1996-2011 and Technical Advice Note 12 on 'Design'.

2014/00990/FUL Car Port, Single storey rear and loft conversion extension

APPROVED October, 2014

Policy

10. 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:
 - **ENV27 – Design of New Development**
11. In addition to the adopted Unitary Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The Following SPG is of relevance to this appeal:
 - Amenity Standards
12. Planning Policy Wales (Edition 8, 2016) advises that where development plan 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. It is for the decision-maker to determine whether policies in the adopted Development Plan are out of date or have been superseded by other material considerations and this should be done in light of the presumption in favour of sustainable development.
13. In this case, the relevant material considerations are considered to be as follows:
 - Technical Advice Note 12: Design (2009)

Reasons for Serving an Enforcement Notice

14. The principal issues to consider in this matter are the impact of the development on the visual amenity of the street scene and the impact the development has on the amenity of the occupiers of the neighbouring property.
15. The development as implemented creates a full height, three storey elevation to the rear of the property across almost the full width of the property. The 'dormer' extension is considered to represent an unacceptable and poorly designed addition to the dwelling. The development is considered to result in a visually dominant feature that is unsympathetic and incongruous within the context of the property. As such the development is considered to cause demonstrable harm to the character and appearance of area. Criterion (i) of Policy ENV27, Design of New Development seeks to ensure that new developments have regard to the context of the local built environment and

that new development will complement or enhance the local character. Paragraph 6.16 of TAN12 states that “the appearance and function of proposed development, its scale and its relationship to its surroundings are material considerations in determining planning applications and appeals. Development that does not address the objectives of good design should not be accepted”. Given the above consideration and conclusion in respect of the impact of the development, it is considered that the development fails to meet the requirement good design and fails to respond to the existing character of the area.

16. The development subject to this application can be compared with a similar form of ‘dormer’ development that has not only been refused permission but also dismissed at appeal. In the appeal decision relating to the unauthorised dormer extension at Railway Terrace, Penarth (PINS reference 14/2211774) the Inspector agreed with the Council’s view on the harm of such developments. In that case the appointed Inspector placed considerable weight on the harm that was caused by the failure of the appellant to set the development off the ridge and eaves of the property. Members will recall that similar enforcement action was pursued in that case as proposed in this case.

Conclusions

17. Having regard to Policy ENV27 Design of New Development and the guidance provided in Technical Advice Note 12, the extension and alterations as built are considered to adversely the visual amenity of the host property and wider street scene.
18. In view of the issues identified in the paragraphs above, it is considered expedient to pursue action to remedy the harm identified.

Resource Implications (Financial and Employment)

19. Any costs involved in drafting and issuing Notices, attending enquiries and undertaking monitoring work can be met within the departmental budget. There are no employment issues.

Legal Implications (to include Human Rights Implications)

20. If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).
21. The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.

Equal Opportunities Implications (to include Welsh Language Issues)

22. None.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
 - (i) Removal of the dormer extension from the roof slope of the rear elevation of the Dwelling and the removal of the resultant waste material from the Land.
 - (ii) Carrying out of the necessary works to make good the exposed section of the roof slope so as to reinstate the roof slope.

Or:

 - (iii) The carrying out of the works necessary to alter the dormer so that it accords with the scheme of development approved by virtue of planning permission reference 2014/00990/FUL.
- (2) In the event of non compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- (1) The dormer extension by reason of its scale, design and prominent siting in the street scene, presents an unacceptable and poorly designed addition which appears as a visually dominant feature within the street scene and does not have any regard to the character and appearance of the dwelling or surrounding street scene, and is therefore contrary to Policy ENV27 – Design of New Development of the Vale of Glamorgan Adopted unitary Development Plan.

Background Papers

Enforcement File Ref: ENF/2015/0197/INT

Contact Officer - Mr. M. Williams, Tel: 01446 704859

Officers Consulted:

All relevant Chief Officers have been consulted on the contents of this report.

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 3 MARCH, 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

7. ENFORCEMENT ACTION

LAND AND BUILDINGS AT 1, OLD PORT ROAD, WENVOE, CARDIFF

Background and Details of Breach

1. Members will recall the previous report to committee (attached as Appendix A) regarding the means of enclosure that has been erected at the above-mentioned site. The means of enclosure, which is currently in an unfinished condition, consists of a solid brick wall of breeze block construction. The section of wall to the east of the dwelling has the benefit of planning permission reference 2013/00148/FUL, but has not been completed in accordance with the approved scheme. The section of new breeze block wall to the south and west of the dwelling has been erected upon an existing retaining wall along the boundary of the property shared with the footway and highway at the junction of Port Road and old Port Road. The wall has been partly finished with a stone facing. This section of new enclosure does not have the benefit of planning permission. Finally, the work has been undertaken to construct a section of timber fencing above the block wall along the boundary of the site to the west, south and east of the dwelling. Again, this is incomplete and does not have the benefit of permission. As the footway adjoining the enclosure to the west and south of the site is sloping, the resulting height of the new boundary enclosure is estimated to range from between approximately 3 and 4 metres when measured from the level of the adjoining footway.
2. The previous report advised members that, if completed in facing brick the breeze block wall would be considered visually acceptable within in context, but the timber section above the wall was considered to be excessive and visually unacceptable. Accordingly, authorisation was granted to serve an enforcement notice requiring the completion of the solid brick wall in facing brick and the removal of the timber fencing above.
3. However, since seeking authorisation, the Council's Highway Engineer has raised concerns with regard to the stability of the means of enclosure erected above the existing retaining wall and the potential risk to highway and footway users. As noted above, the new solid brick wall and fence has been constructed on top of an existing retaining wall along the boundary to the site. That retaining wall supports the higher ground level within the site and also supported the hedgerow along the boundary that has been removed by the current owner of the site. With the addition of a substantial structure on top of the existing retaining wall, the Council's Highway Engineer is concerned that it has not been demonstrated that the historic retaining wall was originally

designed or has been improved in a manner that would allow it to adequately support the additional thrust (weight) resulting from the new wall and fence.

4. The Enforcement Officer has advised the developer of the Highway Engineer's concerns and has requested that the necessary structural details be submitted to the Council to adequately demonstrate the stability of the enclosure erected, as part of an application for planning permission for the retention of the enclosure. Despite some contact with the developer and an agent employed by the developer, neither the necessary application nor structural details have been submitted.

Policy

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

- **ENV27** – Design of New Development

Reasons for Serving an Enforcement Notice

6. In addition to the visual amenity issues identified in the original report (Appendix A) the Highway Engineer's concerns have resulted in a further objection to the unauthorised development.
7. In view of the age of the existing retaining structure and former boundary hedgerow arrangement, it is likely that the existing retaining wall has not been designed and constructed in order to support the additional thrust resulting from the new wall and fence. The property owner has been given the opportunity to provide evidence to the contrary or to demonstrate that works have been undertaken to improve the existing retaining wall so that it can accommodate the additional development. Nothing has been submitted.
8. Without the necessary evidence to demonstrate that the new means of enclosure can be adequately supported by the existing retaining wall, it must be assumed that there is potential for the existing retaining wall to fail, resulting in a potential risk to the safety of users of the highway. Accordingly, a precautionary approach is considered appropriate in this case and it must be assumed that the unauthorised development will potentially have a detrimental impact on the adjoining highway, in conflict with UDP policy ENV27.
9. In view of the findings above, and in addition to the authorisation granted previously by committee, it is recommended that formal action is pursued that will now require the complete removal of the new means enclosure erected above the existing retaining wall, as opposed to the completion of this enclosure in appropriate facing stone or render. Such action may necessitate the erection of a light weight enclosure (possibly timber) at an adequate distance within the site in order to protect the safety of the occupiers of the dwellinghouse.

Conclusions

- (a) In view of the issues identified in the paragraphs above, it is considered expedient to pursue the action recommended.

Resource Implications (Financial and Employment)

- (b) Any costs involved in drafting and issuing Notices, attending enquiries and undertaking monitoring work can be met within the departmental budget. There are no employment issues.

Legal Implications (to include Human Rights Implications)

- (c) If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).
- (d) The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.

Equal Opportunities Implications (to include Welsh Language Issues)

- (e) None.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
- (i) the completion of the section of the enclosure to the east of the dwelling to accord with the 2013/00148/FUL permission, which will include the blocking up of the existing gap in compliance with this scheme;
 - (ii) the complete removal of the remaining new section of solid block wall erected to the south and west of the dwelling;
 - (iii) the erection of an appropriate means of enclosure away from the boundary of the site in order to overcome any impact on the safety of the occupiers of the dwelling resulting from the works required above (ii).
 - (iv) the complete removal of the timber fencing erected above the new solid brick wall to the east, west and south of the dwelling.
- (2) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- (1) By virtue of its highly visible location, the enclosure in its current, incomplete condition is poorly designed, incongruous and detrimental to the amenity of the general area, contrary to policy ENV27: Design of New Development of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and the advice on good design contained in Technical Advice Note 12: Designs.
- (2) Without the necessary evidence to demonstrate that the new means of enclosure to the west and south of the dwelling can be adequately supported by the existing retaining wall, a precautionary approach is appropriate in this case and it is assumed that the unauthorised development will cause a potential risk to users of the highway adjoining the site, in conflict with UDP policy ENV27.

Background Papers

Enforcement File Ref: ENF/2011/0151/INT

Contact Officer - Mrs. Justina M. Moss, Tel: 01446 704690

Officers Consulted:

All relevant Chief Officers have been consulted on the contents of this report.

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING

Agenda Item No. _____

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 12 MARCH 2015

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

7. ENFORCEMENT ACTION

LAND AND BUILDINGS AT 1, OLD PORT ROAD, WENVOE, CARDIFF

Background

1. In April 2011 it was noted that a gap had been created in the existing hedgerow of the property known as 1, Old Port Road, Wenvoe, with the intention of creating a means of access onto Port Road (the A4050). At a later date it was also noted that the hedgerow had been removed in its entirety and had been replaced by a wall of block construction around the perimeter of the property.
2. No.1, Old Port Road is the former Police Station and sits at the roundabout junction of Port Road and Old Port Road. The site is occupied by a large, extended detached dwelling set in a large garden. The property is bound on the eastern side by Port Road (A4050 linking Barry to Culverhouse Cross) and on the western side by Old Port Road, Wenvoe. There are further detached dwellings and the Wenvoe Conservation Area to the north of the site.
3. Prior to the carrying out of the works subject to this breach, the boundary of the property was formerly defined by a hedgerow along Port Road and a low stone retaining wall and hedgerow along the Old Port Road boundary.

Details of the Breach

4. As mentioned above, this property was first brought to the Council's attention in April, 2011, following the removal of a section of the existing hedgerow. Whilst the gap has been blocked up with timber fence panels, the owner of the property was contacted in view of the Council's concerns that a means of access would be created onto Port Road. Such an access would be particularly hazardous to highway users in view of its location on the bus stop and close to a busy roundabout. The owner of the property explained that this gap in the hedgerow was a temporary measure in order to bring materials onto the site for the construction of extensions to his property. The site was, subsequently monitored and the access never observed in use.

5. In addition to the works above, the hedgerow around the eastern, southern and western boundary of the site was eventually removed in its entirety. Whilst the low stone wall was retained on the Old Port Road boundary, a block wall measuring approximately 2 metres in height was constructed above the low stone wall and around almost the entirety of the boundary of the site with the adjoining highways, including around the rear of the bus stop on Port Road. The block wall did not fill the gap that had originally been created in the hedgerow; this was still stopped up with timber fence panels. In addition to this, a pedestrian access had been created onto Port Road, to the left of the gap. Whilst part of the block wall had been faces in stone, to match the original low stone wall, the majority of the wall remained as unfinished block.
6. Finally, and more recently, a section of timber fencing and fence post have been constructed above a section of the block wall to a height that is estimated to exceed 3 metres when measured from the adjoining highway.
7. As noted from the planning history below, planning permission (reference 2013/00148/FUL) has been granted for the retention and completion of the section of enclosure adjacent to Port Road. The approved scheme permits the retention of the block enclosure to the rear of the bus stop and the completion of the remainder of the enclosure, up to the pedestrian access, in block with a facing stone. As noted above, this section of the enclosure has not been completed in accordance with the approved scheme. The remainder of the new enclosure that measures above one metre in height is unauthorised and in breach of planning control.

Action Pursued to Date

8. As mentioned above, the owner was contacted following the initial works to create the gap in the hedgerow. During a discussion the owner advised of the intention to remove the hedgerow and construct a new means of enclosure. The owner was advised that the Council would prefer the retention of the hedgerow, but would not be in a position to prevent its removal. The owner was, however, advised that planning permission would be required for the construction of a means of enclosure above 1 metre high. The hedgerow was removed and the enclosure currently on site today was constructed without an application having been submitted or permission obtained.
9. Whilst an application was subsequently submitted and approved (2013/00148/FUL) for the retention and completion of the section of the enclosure adjacent to Port Road (as noted above), this section has not been completed as approved and the remainder of the enclosure is still unauthorised.

Planning History

10. The site benefits from the following planning history:
- **2013/00148/FUL:** Police House, 1, Old Port Road, Wenvoe - Wall to east side of house (Port Road) - Approved 18/04/2013
 - **2012/01233/FUL:** 1, Old Port Road, Wenvoe, Cardiff - Rear and side extension, with detached garage - Approved 13/03/2013
 - **2009/00688/FUL:** 1, Old Port Road, Wenvoe - Erection of a pigeon loft (Retrospective consent) - Approved 16/04/2010
 - **2007/01241/TCA:** Police House, 1, Old Port Road, Wenvoe - Remove various trees on west side of property - Finally Disposed of 14/09/2007
 - **2006/00749/FUL:** Police Office, 1, Old Port Road, Wenvoe. - Renewal of temporary planning permission for change of use of domestic accommodation to office use, and ancillary storage and the removal of the condition that limits the use of the building by the Princes Trust only - Approved 04/08/2006

Policy

11. The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP), which was formally adopted by the Council on 18th April 2005, and within which the following policies are of relevance:
- **ENV27 – Design of New Development**
12. Planning Policy Wales (Edition 7, July 2014) advises that where development plan 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. It is for the decision-maker to determine whether policies in the adopted Development Plan are out of date or have been superseded by other material considerations and this should be done in light of the presumption in favour of sustainable development.
13. In this case, the relevant material considerations are considered to be as follows:
- Technical advice note 12: Design (TAN12)

Reasons for Serving an Enforcement Notice

14. Since the works to remove the hedgerow and construct a new means of enclosure have commenced (some 3 to 4 years ago), the enclosure to this property has remained in an unfinished and, therefore, unsightly appearance. Attempts have been made during this time to complete the block construction in stone work to match the existing, but these works have not been completed. In fact some sections of the new stonework have recently been removed.

15. The enclosure, being adjacent to the highway, is a highly visible structure. In its current, incomplete condition it is considered to be poorly designed and detrimental to the amenity of the general area, contrary to UDP Policy ENV27 and the advice on good design contained in TAN12.
16. In addition to the findings above, the height of enclosure is considered to be excessive, especially if it were not finished in facing stone or some other appropriate material, it would be considered poorly designed as it forms a solid and monotonous structure along a significant length of the boundary serving the property. Nevertheless, the enclosure forms the boundary to the private garden serving 1, Old Port Road. As such, the occupiers of that property are entitled to the private enjoyment of the rear garden. Accordingly, when considered within the context of the major traffic route of Port Road, the retention of an appropriately finished means of enclosure to the height of the current block construction, would be considered acceptable, on balance.
17. With regard to the recent addition of a timber fence section above the block wall, it is considered to be an excessive and particularly odd addition to the existing unauthorised enclosure. As existing, and if completed, this addition is incongruous within the setting and harmful to the character and amenity of the surrounding area.
18. In the light of the findings above, it is recommended that formal action is pursued to require the completion of the section of the enclosure to the east of the dwelling to accord with the 2013/00148/FUL permission, which will include the blocking up of the existing gap in compliance with this scheme. Formal action will also require the completion of the remainder of the block enclosure in appropriate material, either stone work or smooth painted render, and the removal of the sections of timber fencing above the block enclosure.

Conclusions

19. In view of the issues identified in the paragraphs above, it is considered expedient to pursue the action recommended.

Resource Implications (Financial and Employment)

20. Any costs involved in drafting and issuing Notices, attending enquiries and undertaking monitoring work can be met within the departmental budget. There are no employment issues.

Legal Implications (to include Human Rights Implications)

21. If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).
22. The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.

Equal Opportunities Implications (to include Welsh Language Issues)

23. None.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
 - (i) The completion of the section of enclosure to the east of the dwelling with facing stone, including the removal of the timber fencing panels in the gap in the block wall and the stopping up of the gap in block with a stone render.
 - (ii) The completion of the remainder of the enclosure in appropriate material, either stone work or smooth painted render.
 - (iii) The removal of the section of timber fencing above the block enclosure.
- (2) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- (1) By virtue of its highly visible location, the enclosure in its current, incomplete condition it is poorly designed, incongruous and detrimental to the amenity of the general area, contrary to policy ENV27: Design of New Development of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and the advice on good design contained in Technical Advice Note 12: Designs.

Background Papers

Enforcement File Ref: ENF/2011/0151/INT

Contact Officer - Mrs. Justina M. Moss, Tel: 01446 704690

Officers Consulted:

All relevant Chief Officers have been consulted on the contents of this report.

ROB THOMAS
DIRECTOR OF DEVELOPMENT SERVICES

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 3 MARCH, 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

7. ENFORCEMENT ACTION

LAND AND BUILDINGS AT SITE OF FORMER QUARRY, LECKWITH ROAD, LLANDOUGH

Background

1. A complaint was received by the Local Planning Authority in October 2014, regarding the potential breach of conditions of the planning permission granted for the residential development of the former quarry site, Leckwith Road, Llandough.
2. The site is on the south side of Leckwith Road and is currently a development site for 25 residential units. The access to the site off Leckwith Road is currently used for construction traffic, but will also be the vehicular access for the new residential units.

Details of the Breach

3. As noted above and in the planning history, planning permission has been granted for the development of the site with 25 residential dwellings. The decision notice is attached at Appendix A. There have been a number of issues with regard to the development involving breaches of various conditions of the permission for the site. These have mainly related to ecology and highway matters. Officers are currently pursuing all outstanding matters and some attempts have been made by the developer to seek a resolution to the various breaches of planning control. These attempts have included the submission of non material amendment applications and planning applications to vary conditions of the permission, as set out in the planning history below.
4. This report relates specifically to the requirements of condition 3 of the 2013/00632/FUL permission relating to the implementation of traffic calming measures on the highway adjoining the site. The condition requires the submission of a scheme for traffic calming along Leckwith Road and Penylan Road and the implementation of the approved scheme. The traffic calming works should have been completed before the commencement of the development. The condition reads as follows:

3. No development works, including works for site clearance and land fill, shall commence on site until a scheme for traffic calming measures along Leckwith/Penlan Road has been completed. The scheme shall be in accordance with full details, including engineering details, to be submitted to and agreed in writing with the Local Planning Authority.

5. The necessary scheme of traffic calming has been submitted to the Local Planning Authority in an attempt to discharge the requirements of the condition. The same details are understood to have been submitted to the Local Highway Authority and a section 278 agreement has been made (under the relevant highways legislation) in order for the developer to carry out the necessary traffic calming works in the highway. However, not only has the development commenced prior to the submission of these details, but the development has been nearly completed without the necessary traffic calming works having been completed. Accordingly, the breach of planning control subject of this report consists of the failure of the developer to have approved and to implement a scheme of traffic calming prior to the commencement of the development in accordance with condition 3 of the 2013 permission.

Action Pursued to Date

6. Following the initial investigation of this matter, an application for planning permission was submitted in September, 2014, for the variation of condition 3 so as to allow the clearance of the site and land fill to commence before the completion of the traffic calming measures (2014/00949/FUL). The determination of this application has been delayed due to a number of difficulties, including incorrectly completed forms and the on-going issues with regard to the breach of other conditions of the original planning permission.
7. To elaborate on this second problem, it should be noted that, whilst the application seeks to vary condition 3 of the 2013 permission, if permission were granted this would supersede the entirety of the 2013 permission, including all of the conditions of that permission. The new permission would be a stand-alone permission. Accordingly, any permission granted would not only have to deal with the proposed variation to condition 3, but should also be subject to a number of other conditions that would duplicate those of the 2013 permission in order to ensure a satisfactory form of development. However, the development has progressed and various breaches of a number of conditions of the 2013 permission have been identified. Furthermore, an additional application has been made to vary another condition (condition 23) of the 2013 permission (application reference 2015/00819/FUL). There are a number of matters still to be resolved before that 2015 application can be determined.
8. In light of the above, the outstanding matters at the site must be resolved prior to the determination of the 2014 application that relates to condition 3. This application must also be determined concurrently with the 2015 application. Accordingly, the 2014 application is not likely to be determined imminently. In the meantime the development is near completion and, whilst some works have been undertaken in preparation for implementation in full of the traffic calming measures, the developer has not completed these works.

Planning History

9. The following planning history is relevant to the site:
- **2015/00819/FUL**: Site of former Quarry, Leckwith Road, Llandough - Removal of Condition 23 of planning permission 2013/00632/FUL for the control of Japanese Knotweed and Virginia Creeper - Not yet determined.
 - **2014/01292/NMA** : Site of the former quarry, Leckwith Road, Llandough - Removal of Conditions 25, 26 and 27 of planning permission 2013/00632/FUL - Approved 04/12/2014
 - **2014/00949/FUL** : Site of the former quarry, Leckwith Road, Llandough - Vary Condition 3 of planning permission 2013/00632/FUL, residential development, to allow for site clearance and land fill to commence on site before the completion of traffic calming measures - Not yet determined
 - **2013/00632/FUL** : Site of former quarry, Leckwith Road, Llandough - Construction of 25 residential units and associated works - Amended by 2014/01292/NMA - Approved 13/02/2014

Policy

10. 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:
- **ENV27 – Design of New Developments**
 - **HOUS8 – Residential Development Criteria – HOUS2 Settlements**
11. Criterion (iv) of policy ENV27 requires that new development minimises any detrimental impact on adjacent areas, which would include any adjoining highway. Policy HOUS8, which was considered to permit the development subject of this report (by virtue of the 2013 permission) requires at criterion (ii) that development does not have an unacceptable effect on the amenity and character of the existing or neighbouring environments of, amongst other matters, traffic congestion.
12. Also of relevance is the guidance provided in Technical Advice Note 18: Transport, which in general requires new development to make provision for safe environment for all road users. In particular, paragraphs 5.14 to 5.17 provide guidance on the use of traffic management and its benefits.

Reasons for Serving an Enforcement Notice

13. As noted from the requirements of condition 3, when granting planning permission for the residential development the Council were of the view that the traffic calming measures should be implemented at the earliest opportunity in the course of the development (i.e. prior to the commencement of any works on site). Whilst it is unfortunate that the developer has not complied with the requirements of the condition, it is still essential that the traffic calming measures are now implemented. Whilst the developer has been urged to voluntarily resolve this matter and complete the traffic calming works, the development continues without the necessary works being undertaken. This breach of planning control results in a risk to highway safety on the highway adjoining the site, in conflict with UDP policies ENV27, HOUS8 and the guidance provided in TAN 18. Accordingly, it is essential that the Council ensure that this breach of planning control does not continue.
14. In light of the findings above, it is considered expedient to issue a Breach of Condition Enforcement Notice to require the completion of the traffic calming measures within a specified time period.
15. A Breach of Condition Enforcement Notice is considered appropriate in this case as the requirements of condition 3 cannot now be met and your officers would wish to require the implementation of the traffic calming measures as set out in the Highway agreement.

Resource Implications (Financial and Employment)

16. Any costs involved in drafting and issuing Notices, attending enquiries and undertaking monitoring work can be met within the departmental budget. There are no employment issues.

Legal Implications (to include Human Rights Implications)

17. If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).
18. The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.

Equal Opportunities Implications (to include Welsh Language Issues)

19. None.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
 - (i) The completion of the agreed traffic calming measures on Leckwith Road and Penlan Road.

- (2) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- (1) The failure to comply with the condition 3 of the 2013/00632/FUL and the continued failure of the developer to carry on with the development without completing the agreed traffic calming measures on Leckwith Road and Penlan Road is considered to represent a risk to highway safety on the adjoining highway network in conflict with policies ENV27 – Design of New Developments and HOUS8 – Residential Development Criteria – HOUS2 Settlements of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 as well as the guidance provided in Technical Advice Note 18: Transport.

Background Papers

Enforcement File Ref: ENF/2014/0309/PC

Contact Officer - Mrs. J. Moss, Tel: 01446 704690

Officers Consulted:

All relevant Chief Officers have been consulted on the contents of this report.

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

Town and Country Planning Act 1990
Planning and Compulsory Purchase Act 2004
The Town and Country Planning (Development Management Procedure) (Wales)
Order 2012

FULL PLANNING PERMISSION

Agent:
Asbri Planning Ltd.,
1st Floor, Westview House,
Oak Tree Court,
Cardiff Gate Business Park,
Cardiff,
Glamorgan.
CF23 8RS

Applicant:
Charles Church (East Wales) Ltd

Construction of 25 residential units and associated works at Site of former quarry, Leckwith Road, Llandough

The Council in pursuance of its powers under the above mentioned Act and Order hereby **GRANTS PERMISSION** for the carrying out of the proposed development as described above and in accordance with the application and plans registered by the Council on 8 July 2013 subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the plans and documents registered on 8 July 2013 other than where amended by the following plans and documents:- Site Plan Proposed Drwg. No. LRL/PL/01 Rev F, Landscape Proposals Drwg. No. L.01 Rev B, Site Plan Preliminary External Levels Drwg. No. S.7220-02 Rev B, Site Sections Sheet 1 Drwg. No. S.7720-04 Rev B, Site Sections Sheet 2 Drwg. No. S.7220-05 Rev B received 10 December 2013; Site Edged Red Location Plan received 9 January 2014; amended Ecological Assessment received 30 August 2013; and Archaeological Evaluation received 2 October 2013.

Reason:

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

3. No development works, including works for site clearance and land fill, shall commence on site until a scheme for traffic calming measures along Leckwith/Penlan Road has been completed. The scheme shall be in accordance with full details, including engineering details, to be 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 HOUS8-Residential Development Criteria of the Unitary Development Plan, and TAN18-Transport.

4. No development works, including site clearance and land fill, shall commence until details of the provision of parking for construction traffic and the routes for construction vehicles, and means of defining and controlling such traffic routes, have been submitted to and approved in writing by the Local Planning Authority. The construction works and deliveries shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interest of highway safety and to maintain the effective operation of the local highway network, in accordance with Policies ENV27-Design of New Developments and HOUS8-Residential Development Criteria of the Unitary Development Plan and TAN18-Transport.

5. Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering details of the access and road layout with sections, street lighting and surface water drainage, have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure that the proposed access is constructed in accordance with the Highway Authority's standards for adoption in the interests of highway safety and in accordance with Policies ENV27-Design of New Developments; and HOUS8-Residential Development Criteria of the Unitary Development Plan.

6. Further details of the proposed pedestrian access from the western side of the site to the adjacent public open space, including levels and any necessary ramps or retaining work, shall be submitted to and agreed in writing with the Local Planning Authority. The pedestrian access shall be implemented before the first beneficial occupation of any of Plots 16 to 23, and shall be retained and maintained thereafter at all times, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure adequate permeability through the site with the provision of pedestrian access to the adjacent public open space in accordance with Policies ENV27-Design of New Development and HOUS8-Residential Development Criteria of the Unitary Development Plan and TAN12-Design.

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 of the area in accordance with Policies HOUS8-Residential Development Criteria; and ENV27-Design of New Developments of the Unitary Development Plan.

8. Notwithstanding the submitted plans further details of the side elevations of Plots 10 & 11, which shall provide for habitable room windows overlooking the communal parking area, shall be submitted to and agreed in writing with the Local Planning Authority. The dwellings shall be implemented thereafter in accordance with the approved details and the windows shall be retained and maintained at all times unless otherwise agreed in writing with the Local Planning Authority.

Reason:

In the interests of the security of the communal parking area in accordance with Policy ENV27-Design of New Developments of the Unitary Development Plan.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) the dwelling(s) 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 and neighbouring amenity, as the site is a restricted one with levels differences with existing properties, in accordance with Policies ENV27-Design of New Developments and HOUS8-Residential Development Criteria 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 and neighbouring amenity, as the site is a restricted one with levels differences with existing properties, in accordance with Policies ENV27-Design of New Developments and HOUS8-Residential Development Criteria of the Unitary Development Plan.

11. Notwithstanding the submitted plans further details of the proposed car parking spaces (including garages), as indicated on the amended Site Plan, Drwg. No. LRL/PL/01 Rev F received 10 December 2013, in particular their allocation to each property, shall be submitted to and agreed in writing with the Local Planning Authority. The parking spaces shall be implemented in accordance with the approved details 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 HOUS8-Residential Development Criteria; ENV27-Design of New Developments; and TRAN10-Parking of the Unitary Development Plan.

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

Reason:

To ensure that adequate off-street parking and garaging facilities are retained for the associated dwellings in accordance with Policies HOUS8-Residential Development Criteria; ENV27-Design of New Developments; and TRAN10-Parking of the Unitary Development Plan.

13. Notwithstanding the submitted plans further details of the proposed landscaping of the site, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, and of additional tree planting, together with measures for their protection in the course of development, shall be submitted to and agreed in writing with the Local Planning Authority. The landscaping scheme shall pay particular regard to appropriate screening on the boundaries with the existing properties, especially to the south and east where retaining works are proposed. The proposed scheme of tree protection shall be fully implemented on site prior to the commencement of any site clearance or landfill works and shall thereafter be so retained on site for the duration of the development unless the Local Planning Authority gives written consent to any alteration to the timing of such protection scheme's implementation or duration.

Reason:

In the interests of visual and neighbouring amenity in accordance with Policies ENV27-Design of New Developments and HOUS8-Residential Development Criteria of the Unitary Development Plan.

14. 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 in accordance with Policies ENV11-Protection of Landscape Features and ENV27-Design of New Developments of the Unitary Development Plan.

15. Notwithstanding the submitted plans, before the commencement of development, further details of all means of enclosure including retaining walls, and works associated with the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. The details shall pay particular regard to the quality of the means of enclosures relating to the proposed retaining work and public aspects of the development. 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, as the site is a restricted one with levels differences with existing properties, in accordance with Policies ENV27-Design of New Developments and HOUS8-Residential Development Criteria of the Unitary Development Plan.

16. The development hereby permitted shall be implemented in accordance with the submitted levels details, including the amended plans Site Plan Preliminary External Levels Drwg. No. S.7220-02 Rev B, Site Sections Sheet 1 Drwg. No. S.7720-04 Rev B, Site Sections Sheet 2 Drwg. No. S.7220-05 Rev B received 10 December 2013, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

In the interests of visual and neighbouring amenity, as the site is a restricted one with levels differences with existing properties, in accordance with Policies ENV27-Design of New Developments and HOUS8-Residential Development Criteria of the Unitary Development Plan.

17. No development shall commence until a scheme for the comprehensive and integrated drainage of the site has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include details of how full water, surface water and land drainage will be dealt with, along with details of the location of the culverted watercourse that crosses the site, and how the existing flows along this watercourse will be maintained.

Reason:

To ensure the effective drainage of the site in the interests of public health and the environment in accordance with Policy ENV29-Protection of Environmental Quality of the Unitary Development Plan.

18. Before the commencement of development, a scheme for the investigation of the site for ground conditions, soil and groundwater contamination and landfill gas, shall be submitted to and agreed in writing with the Local Planning Authority. From the results of the investigation the Local Planning Authority shall approve any measures deemed necessary to render the development safe, along with a timetable of implementation for said works.

Reason:

In the interests of public health and safety in accordance with Policy ENV26-Contaminated Land and Unstable Land of the Unitary Development Plan.

19. The development hereby permitted shall be implemented in accordance with the amended Ecological Assessment by David Clements Ecology Ltd, including all recommendations, received 30 August 2013, unless otherwise agreed in writing with the Local Planning Authority.

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.

20. No works involved in the development hereby permitted, which shall include site clearance and land fill, shall be carried out during the bird nesting season between early March and the end of August, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

In the interests of wildlife protection 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.

21. Before the commencement of development, including site clearance and land fill, a scheme for the protection of reptiles, which shall include but not be limited to a methodology for site clearance and post development monitoring, shall be submitted to and approved in writing with the Local Planning Authority and the development shall be implemented thereafter in accordance with the agreed details, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

In the interests of wildlife protection 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.

22. Before the commencement of development full details of a lighting scheme with respect to bats shall be submitted to and approved in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

In the interests of wildlife protection, in particular the flight corridor for bats, 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.

23. Before the commencement of development, including site clearance and land fill, full details of a scheme to address the issue of Japanese Knotweed and Virginia Creeper, which shall include measures to ensure these species are not propagated or allowed to spread as a result of the development, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

Reason:

In the interests of the environment and to address Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).

24. Before the commencement of development, including site clearance and land fill, an ecological mitigation plan detailing all on site mitigation shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include, but not be limited to, details of planting, habitat creation, habitat enhancement, habitat retention, species clearance areas and receptor sites and details of biodiversity enhancement on the site.

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.

25. Each new dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1 - Dwelling Emission Rate' in accordance with the requirements of Code for Sustainable Homes: Technical Guide November 2010. The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason:

To ensure the development attains the sustainable building standards required by Planning Policy Wales and TAN22 - Planning for Sustainable Buildings.

26. Construction of any dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010.

Reason:

To ensure the development attains the sustainable building standards required by Planning Policy Wales and TAN22 - Planning for Sustainable Buildings.

27. Prior to the occupation of the individual dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010.

Reason:

To ensure the completed development attains the sustainable building standards required by Planning Policy Wales and TAN22 - Planning for Sustainable Buildings.

Reason for Granting Planning Permission

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV1-Development in the Countryside, ENV3-Green Wedges, ENV4-Special Landscape Areas, ENV7-Water Resources, ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features, ENV16-Protected Species, ENV17-Protection of Built and Historic Environment, ENV18-Archaeological Field Evaluation, ENV27-Design of New Developments, ENV26-Contaminated Land and Unstable Land, 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, TRAN10-Parking, REC3-Provision of Open Space within New Residential Development, REC6-Children's Play Facilities, REC10-Development of Allotment Land, and Strategic Policies 1 & 2-The Environment, 3-Housing, and 8-Transportation of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Amenity Standards, Design in the Landscape, Biodiversity and Development, Sustainable Development, Affordable Housing, Planning Obligations, Model Design Guide for Wales and Manual for Streets 1 and 2; and national guidance contained in Planning Policy Wales, TAN1-Joint Housing Land Availability, TAN2-Planning and Affordable Housing, TAN5-Nature Conservation and Planning, TAN12-Design, TAN16-Sport, Recreation and Open Space, TAN18-Transport, and TAN22-Planning for Sustainable Buildings; it is considered that, based on the material considerations outlined within the report, the proposal represents an acceptable and sustainable form of residential development, that justifies a departure from the development plan. 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 and archaeology. The proposals therefore comply with the relevant national planning policies and supplementary planning guidance.

NOTE:

- 1. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
- 2. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
- 3. Please note that there is a possibility that badgers may be present on the site. Where any species listed under Schedules 2 or 5 of the Conservation of Habitats and Species Regulations 2010 is present on the site, or other identified area, in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place unless a licence to disturb any such species has been granted by the Welsh Assembly Government in accordance with the aforementioned Regulations.**
- 4. The attention of the applicant is drawn to the fact that a public sewer runs through the site and may be affected by the development.**
- 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).**

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.

Dated: 31 March 2014

A black rectangular redaction box covering the signature of the Director of Development Services.

Director of Development Services

**IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES
ATTACHED TO THIS FORM.**

NOTES

Notification to be sent to an applicant when a Local Planning Authority refuse planning permission or grant it subject to conditions.

Appeals to the Welsh Government:

- If you are aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Welsh Government under Section 78 of the Town and Country Planning Act 1990 (as amended).
- If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff CF10 3NQ.
- The Welsh Government can allow a longer period of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Welsh Government need not consider an appeal if it seems that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any Development Order and to any directions given under a Development Order.
- In practice, the Welsh Government does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by them.

Purchase Notices:

- If either the Local Planning Authority or the Welsh Government refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonable beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a Purchase Notice on the Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).

PLEASE NOTE: THIS NOTICE RELATES ONLY TO A PLANNING DECISION AND DOES NOT RELATE TO OTHER LEGISLATION INCLUDING ANY LEGISLATION UNDER:

BUILDING REGULATIONS
LISTED BUILDING LEGISLATION
HIGHWAY LEGISLATION

IF PLANNING CONSENT HAS BEEN GRANTED IT IS ADVISABLE TO ESTABLISH WHETHER ANY OTHER FORM OF CONSENT IS REQUIRED AND TO OBTAIN SUCH CONSENT BEFORE COMMENCING DEVELOPMENT

Please quote the application number in all correspondence.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 14 JANUARY 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.

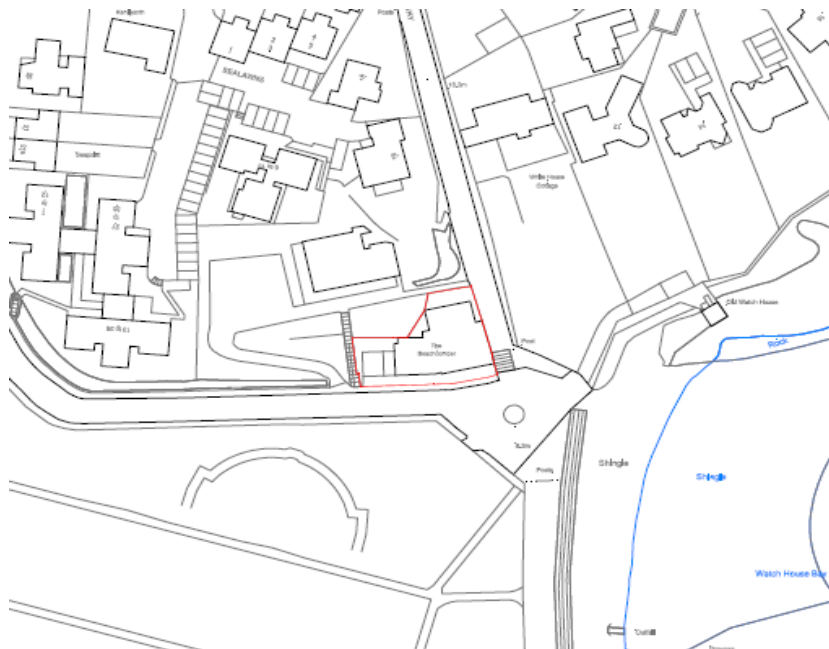
Jeff White Motors Limited, C/o Agent.
Geraint John Planning Limited, Sophia House,, 33, Cathedral Road,, Cardiff.,
CF11 9HB

The Beachcomber, Lakeside, Barry

Proposed demolition and redevelopment of The Beachcomber, Barry for seven residential flats and associated ancillary works

SITE AND CONTEXT

The application site is the Beachcomber, Lakeside, Barry. It is a detached, two storey dwelling that is located within the settlement boundary of the town and Barry Marine Conservation Area. The plan below shows the location of the site:



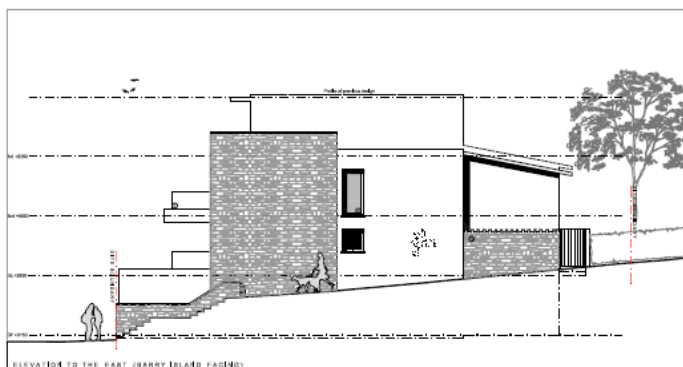
The site lies adjacent to a bungalow to the rear (18 Cold Knap Way), the curtilage/drive to that bungalow to one side and a pedestrian footpath to the other side. The site lies adjacent to a roundabout at the end of Lakeside and opposite the Knap gardens. White House Cottage (also referenced as Cole Farm), a Grade II* listed building, lies approximately 40m to the north and just the other side of the pedestrian footpath. Further listed buildings, the Rocket Station and Watchtower, lie to the east of the site. The photo below shows the existing dwelling:



The dwelling is identified as a positive building in the Barry Marine Conservation Area Appraisal and Management Plan.

DESCRIPTION OF DEVELOPMENT

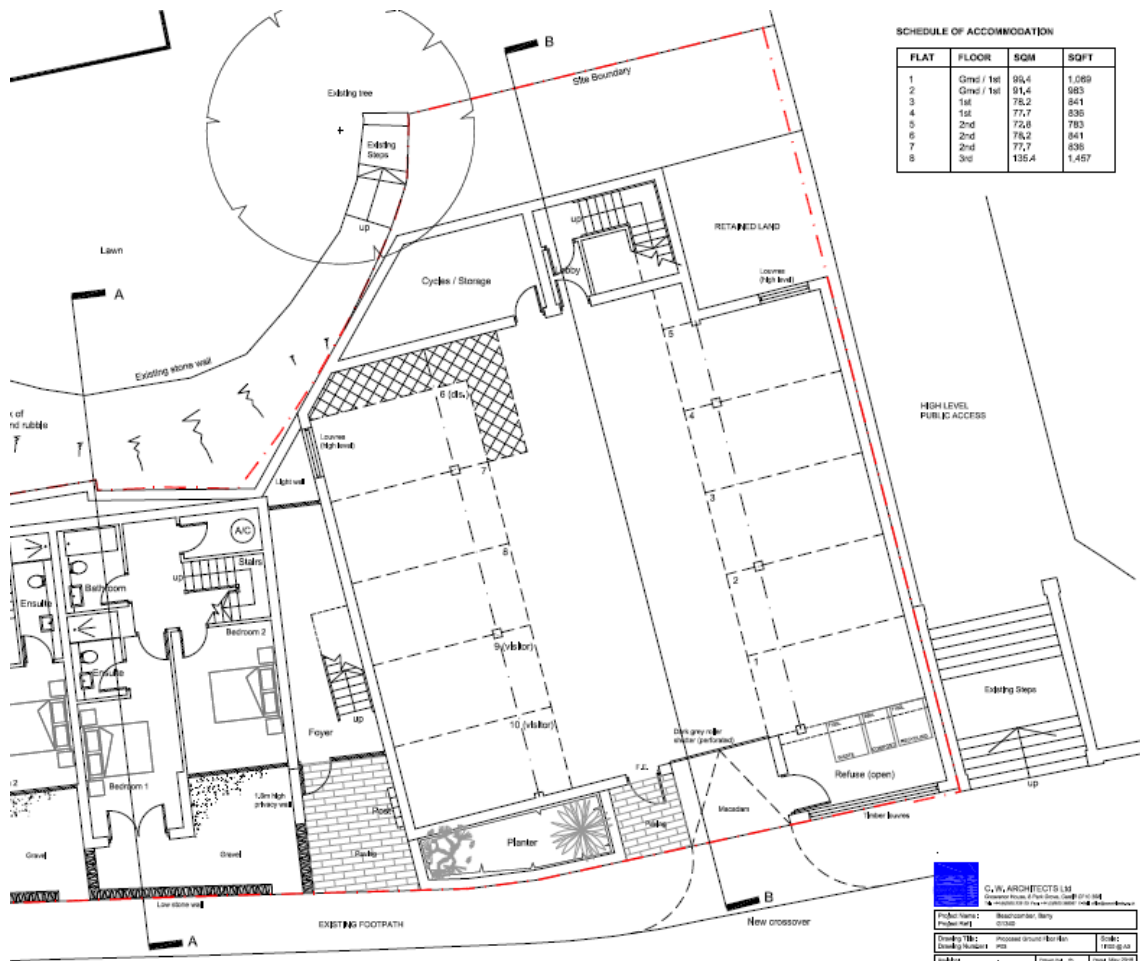
The application proposes the demolition of the existing dwelling and its replacement with a three storey building, comprising 7 apartments (each with two bedrooms). The proposed building is modern in appearance, with a flat roof and large areas of glazing on the front elevation. There is a series of balconies proposed on the front elevation and the proposed materials comprise render, natural stone and timber cladding. The plan below shows the proposed front elevation and the side elevation that would face onto the pedestrian footpath.



- MATERIALS KEY:
- 1 Smooth polished sand cement render
 - 2 Horizontally laid timber cladding
 - 3 Rough coursed natural stone
 - 4 Double glazed powder coated aluminium frame windows and doors
 - 5 Timber louvre
 - 6 Timber cladding (weathered)
 - 7 Toughened glass balustrade
 - 8 Flat roof

REV A: 15/10/2018 - 100 days on site
 REV A: 15/10/2018 - Revised floor levels and window levels
 Copyright © 2018 CVA Architects Ltd. All rights reserved.
 CVA ARCHITECTS LTD
 14, The Old Rectory, 100, Barry Road, Barry, South Wales, CF64 1JG
 Project Name: Barry Marine Conservation Area
 Project Ref: 0234

The proposed building would measure approximately 8m high by approximately 31m wide by approximately 11m deep (excluding the rear stairwell). The plans of the existing building indicate that it is 6.2m high. Vehicular access is proposed from the highway, leading to an undercroft parking area of ten spaces, see plan below:



The application initially proposed 8 apartments, with the 8th unit being located on a fourth floor, on the right hand side of the building. However, this unit has now been omitted, following concerns being raised with the applicant due to the scale and impacts of that larger building.

PLANNING HISTORY

2015/01165/CAC : The Beachcomber, Lakeside, Barry - Proposed demolition and redevelopment of The Beachcomber, Barry for eight residential flats and associated ancillary works- Application undetermined.

2010/01354/FUL : Land adjacent Beachcomber, Lakeside, The Knap, Barry - Erection of detached three bedroom dwelling with integral garage - Withdrawn

1990/01053/FUL : 'The Beachcomber', The Knap, Barry - Extension to swimming pool to accommodate leisure facilities - Approved

1990/00154/FUL : 'The Beachcomber', Lakeside, The Knap, Barry - Erection of security guardrailing to flat roof - Refused

1988/01193/FUL : The Beachcomber, Lakeside, The Knap, Barry - Proposed first floor dormer extension - Refused

1986/00609/FUL : Beachcomber, Lakeside, Cold Knap, Barry - First floor extension - Refused

1985/00054/FUL : Beachcomber, The Knap, Barry - New tiled pitch roof over existing flat roof of house - Refused

CONSULTATIONS

Barry Town Council have objected to the original and amended plans on the grounds that the development would be an overdevelopment of the site and would be overbearing/unneighbourly to the bungalow behind.

Highway Development- objection on the grounds of insufficient parking and inadequate access width.

Highways and Engineering- No objection subject to a condition relating to surface water disposal.

The Director of Legal and Regulatory Services (Environmental Health) has raised no objection subject controls over hours of working.

Glamorgan Gwent Archaeological Trust (GGAT)- No representations received in writing, however, they have confirmed verbally that there is no objection.

Local ward members- Councillor William has objected on the following grounds:

- Inadequate parking provision
- Additional traffic and congestion
- Exacerbation of parking problems in the wider area
- The development would be overbearing to the neighbouring properties and would block out light
- Loss of privacy
- Adverse impact on the conservation area and on the setting of listed buildings
- There is no social decline in the area

Dwr Cymru Welsh Water (DCWW)- no objection subject to a condition requiring further detail of the drainage scheme to be submitted and approved, and DCWW advise that a public sewer crosses the site.

The Council's Ecology Officer- no representations received.

Waste Management- no objection.

Natural Resources Wales (NRW)- No objection subject to compliance with the recommendations in the submitted ecology report. NRW have also stated that the development would not adversely impact on the favourable conservation status of any protected species.

REPRESENTATIONS

The neighbouring properties were consulted and the development has been advertised on site and in the press. Neighbouring properties were re-consulted twice in respect of amended plans, most recently in January 2016 in respect of the most recent set of proposals.

Twenty five letters of objection were received in respect of the original plans, ten further letters were received following the first re-consultation on amended plans, and five further objections have been received following the second re-consultation. The grounds of objection are summarised as follows.

- Adverse impact on the character of the conservation area.
- Adverse impact on the setting of local listed buildings
- Adverse impact on the character of the coast.
- Inadequate parking and pressure for on street parking.
- Development is too far from public transport.
- Disruption from the construction process.
- Noise and pollution.
- Loss of privacy to neighbours.
- Overbearing on neighbours.
- Loss of light.
- Congestion.
- Obstruction to emergency access vehicles.
- Overdevelopment and over scaled building.
- Loss of views.
- The development will be a deterrent to visitors coming to the area.
- Adverse impact on property value.
- Possible impact on the stability of other properties.
- The modern design would be out of keeping with the area.
- The development would conflict with the Council's Conservation Area Management Plan.
- The lease on 18 Cold Knap Way restricts the construction of buildings higher than the ground level of 18 Cold Knap Way.
- Insufficient amenity space for residents.
- Inappropriate density of development.

Two sample letters are attached as Appendix A

One letter of support has been received.

Alun Cairns MP objected to the original plans, citing harmful impact in respect of parking and the height of the building.

Jane Hutt AM has submitted a letter (in respect of the original plans) highlighting the concerns of neighbours relating to the height of the building, parking problems, disruption during the construction process, impact on protected species and impact on the character of the conservation area and listed buildings. (Both letters are attached as 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 18th April 2005, and within which the following policies are of relevance:

Strategic Policy:

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 3 - HOUSING

POLICY 8 – TRANSPORTATION

POLICY 11 - SPORT & RECREATION

Policy:

POLICY ENV 16 – PROTECTED SPECIES

POLICY ENV 17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT

POLICY ENV 18 – ARCHAEOLOGICAL FIELD EVALUATION

POLICY ENV 19 – PRESERVATION OF ARCHAEOLOGICAL REMAINS

POLICY ENV 20- DEVELOPMENT IN CONSERVATION AREAS

POLICY ENV 21- DEMOLITION IN CONSERVATION AREAS

POLICY ENV 27 – DESIGN OF NEW DEVELOPMENTS

POLICY ENV 29 – PROTECTION OF ENVIRONMENTAL QUALITY

POLICY HOUS 2 - ADDITIONAL RESIDENTIAL DEVELOPMENT

POLICY HOUS 8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY

HOUS 2 SETTLEMENTS

POLICY REC 3 – PROVISION OF OPEN SPACE WITHIN NEW

RESIDENTIAL DEVELOPMENTS

POLICY REC 6 – CHILDREN'S PLAYING FACILITIES

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. 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 5 of PPW deals with Conserving and Improving Natural Heritage and the Coast, and the following paragraphs are of relevance:

5.5.11 The presence of a species protected under European or UK legislation is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat^{32 33 34}. Local planning authorities should advise anyone submitting a planning application that they must conform with any statutory species protection provisions affecting the site concerned, and should consult Natural Resources Wales before granting permission. An ecological survey to confirm whether a protected species is present and an assessment of the likely impact of the development on a protected species may be required in order to inform the planning decision.

5.5.12 Developments are always subject to the legislation covering European protected species³⁵ regardless of whether or not they are within a designated site. New developments for which development works would contravene the protection afforded to European protected species require derogations from the provisions of the Habitats Directive. A derogation³⁶ may only be authorised if there is no satisfactory alternative and if the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. The development works to be authorised must be for the purposes of preserving 'public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'³⁷. Derogations are granted by a licence issued by Natural Resources Wales³⁸. Local planning authorities are under a duty to have regard to the requirements of the Habitats Directive in exercising their functions. To avoid developments with planning permission subsequently not being granted derogations in relation to European protected species, planning authorities should take the above three requirements for derogation into account when considering development proposals where a European protected species is present.

Chapter 6 of PPW deals with Conserving the Historic Environment noting paragraphs:

6.1.1 It is important that the historic environment – encompassing archaeology and ancient monuments, listed buildings, conservation areas and historic parks, gardens and landscapes – is protected. The Welsh Government's objectives in this field are to:

- preserve or enhance the historic environment, recognising its contribution to economic vitality and culture, civic pride and the quality of life, and its importance as a resource for future generations; and specifically to;
- protect archaeological remains, which are a finite and non-renewable resource, part of the historical and cultural identity of Wales, and valuable both for their own sake and for their role in education, leisure and the economy, particularly tourism;
- ensure that the character of historic buildings is safeguarded from alterations, extensions or demolition that would compromise a building's special architectural and historic interest; and to
- ensure that conservation areas are protected or enhanced, while at the same time remaining alive and prosperous, avoiding unnecessarily detailed controls over businesses and householders.

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.

6.5.9 Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.

Chapter 9 of PPW is of relevance in terms of the advice it provides regarding new housing, including:

9.1.1 The Welsh Government will seek to ensure that:

- previously developed land (see definition at Figure 4.3) is used in preference to greenfield sites;
- new housing and residential environments are well designed, meeting national standards for the sustainability of new homes and making a significant contribution to promoting community regeneration and improving the quality of life; and that
- the overall result of new housing development in villages, towns or edge of settlement is a mix of affordable and market housing that retains and, where practical, enhances important landscape and wildlife features in the development.

9.1.2 Local planning authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. (Affordable housing is defined in 9.2.14.) Local planning authorities should promote:

- mixed tenure communities;
- development that is easily accessible by public transport, cycling and walking, although in rural areas required development might not be able to achieve all accessibility criteria in all circumstances;
- mixed use development so communities have good access to employment, retail and other services;
- attractive landscapes around dwellings, with usable open space and regard for biodiversity, nature conservation and flood risk;
- greater emphasis on quality, good design and the creation of places to live that are safe and attractive;
- the most efficient use of land;
- well designed living environments, where appropriate at increased densities;
- construction of housing with low environmental impact (see 4.12); reducing the carbon emissions generated by maximising energy efficiency and minimising the use of energy from fossil fuel sources, using local renewable and low carbon energy sources where appropriate; and
- 'barrier free' housing developments, for example built to Lifetime Homes standards.

9.2.3 Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan. This means that sites must be free, or readily freed, from planning, physical and ownership constraints, and economically feasible for development, so as to create and support sustainable communities where people want to live. There must be sufficient sites suitable for the full range of housing types. For land to be regarded as genuinely available it must be a site included in a Joint Housing Land Availability Study.

9.3.1 New housing developments should be well integrated with and connected to the existing pattern of settlements. The expansion of towns and villages should avoid creating ribbon development, coalescence of settlements or a fragmented development pattern. Where housing development is on a significant scale, or where a new settlement or urban village is proposed, it should be integrated with existing or new industrial, commercial and retail development and with community facilities.

9.3.2 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.

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.

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 5- Nature Conservation and Planning (2009)
- Technical Advice Note 12 – Design (2014)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)

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:

- Sustainable Development
- Amenity Standards
- Barry Development Guidelines
- Biodiversity and Development
- Planning Obligations

The development has also been assessed against the Barry Marine 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 is expected to commence in January 2016.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.6.2 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.

Other relevant evidence or policy guidance:

- 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, which 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

The main issues involved in the assessment of the application are:

- The principle of the development
- Scale, form, design and impact on the character of the conservation area/street scene.
- Impact on the setting of the listed building.
- Impact on neighbours.
- Highway safety and parking.
- Amenity space provision.
- Ecology issues.
- Drainage and flood risk.
- Public open space.

The principle of the development

The application site lies within the settlement boundary of the town and therefore new residential development is acceptable in principle (by Policy HOUS 2 of the UDP), but subject to the detailed criteria contained within policy HOUS 8 of the UDP.

The building is not listed, however, it lies within the Barry Marine Conservation Area and, consequently, Conservation Area Consent (CAC) is required for its demolition. A CAC application has also been submitted and that is reported alongside this full application. Within the Barry Marine Conservation Area Appraisal and Management Plan (CAAMP) the existing dwelling is identified as a positive building.

Within the CAAMP, it is noted that *Positive buildings are those which make a positive contribution to the special architectural or historic interest of the Conservation Area* and consequently, the following recommendation is made within the CAAMP:

Recommendation:

In accordance with Government guidance contained within Circular 61/96, the Council will adopt a general presumption against the demolition of 'positive' buildings with proposals to demolish such buildings assessed against the same broad criteria as proposals to demolish listed buildings. Any application for the demolition of a positive building will therefore need to be justified as to why the building should not be retained.

However, the Council's Conservation Officer has considered the development and advised:

I note the existing building is identified as a 'positive' building within the CAAMP which ordinarily would result in a strong presumption against its demolition, however, I have considered the architectural and historic merits of the building and consider its inclusion is likely to have been a drafting error. I therefore, do not object in principle to the demolition of the building subject to an appropriate scheme being acceptable.

It should be stressed that this view is not reached simply because of the external condition of the building or the colour it has been painted (a neighbouring objection specifically references this), rather it is considered that it is not of the architectural merit or historical interest that would typically warrant a building being identified as 'positive' in a CAAMP.

Notwithstanding the views of the Council's Conservation Officer the CAAMP does not state that positive buildings cannot be demolished, rather that the demolition would need to be justified. In light of the above, it is considered that the development (and demolition) is not unacceptable in principle, and the direct impacts of this are considered below and in the CAC report.

Scale, form, design and impact on the character of the conservation area/street scene.

Impact on the street scene and conservation area (excluding listed building issues)

The existing house is two storeys in height with a flat roof and consequently it appears relatively low lying within the wider street scene. Nevertheless, it is located in a prominent position at the end of Lakeside and is open to wide ranging views from the surrounding public gardens and along the highway. As noted above, the Beachcomber is identified as a positive building in the CAAMP, however, while it has a relatively distinctive appearance, the Council's Conservation officer has concluded that it's inclusion as a positive building is likely to be a drafting error. The building is in a relatively poor condition, however, more fundamentally it is considered that it does not contribute significantly (and positively) to the character of the conservation area due to the relative lack of architectural merit or historical importance.

Policy ENV 21 of the UDP states (at point ii) that the demolition of an unlisted building within a conservation area will be permitted where full planning permission has been granted for the new development. While the application clearly proposes the replacement of the building with another, it is also necessary to consider the impact of the building's demolition in terms of how the resultant space would affect the character of the area, should a newly permissioned building not be subsequently constructed.

The site is located at the end of Lakeside and, while it is prominent in this position, there is an irregular pattern of development in this part of the conservation area and it is considered that the removal of the building would not cause harm to the conservation area by virtue of the space it would leave behind (subject to how the site is restored). I.e. it would not be harmful to a characteristic pattern of development that contributes to the conservation area.

It is, therefore, considered that the demolition of the building is acceptable and that the acceptability of the application rests upon the impact of the proposed replacement.

The application initially proposed a building that was four storeys in part, however, concerns were raised to the applicant in respect of the building being over scaled in this context, the impact on the setting of White House Cottage and the impact on residential amenity. Consequently the scheme has been amended and the proposed building is now three storeys in height.

The building is very contemporary in design, however, it is considered that this does not render it unacceptable in principle. There is very little consistency to the built form along the street and the buildings within the conservation area as a whole display a wide range of architectural styles and designs. Further along Lakeside, there are relatively traditional dwellings of varied design and no. 21 (next to the larger blocks of flats) has recently been remodelled/renovated such that it now has a much more modern appearance.

Between the site and no. 21 Lakeside (and to the rear of the site behind 18 Cold Knap Way) there are four-storey blocks of flats which dominate the street scape and much of the Beachcomber's visual context. To the right hand side (east of the site) the built form is again more traditional, comprising White House Cottage and the houses in street called 'Whitehouse'.

It is considered that in such a varied street scene, a more appreciably modern building would not appear incongruous in principle and would add to the variety of architectural styles. The design itself presents a particularly engaging frontage towards Lakeside and the pattern of balconies and recesses would result in an appreciable depth to this main elevation. The right hand half of the building would turn at a slight angle from the left hand half and these two distinct sections would be separated by a full height recessed section. In addition to creating more interest to the shape of the building, this would assist in visually breaking up the full extent of the building's width. The side elevation would be prominent from the footpath to the east of the site, however, its overall expanse has been broken up with a change in materials, glazing and a stepped roof line, and it is considered that this elevation would not adversely impact upon the character of the area.

The plans indicate a building that would be predominantly rendered with smaller areas of timber cladding and stone, and while the design is more contemporary than the surroundings, it is considered that the materials would still give a successful degree of continuity with the more traditional parts of the conservation area.

In terms of its scale, the development would be clearly larger than the existing building, both in height and width. However, while it would be wider than the surrounding buildings, as noted above the design of the front elevation would successfully mitigate and break up much of the massing and width of the building.

The development would be three storeys in height, but it would still sit below the ridge of 18 Cold Knap Way (to the rear) and, from the majority of wider view points within the gardens and along the promenade, it would sit well below the roof lines of White House Cottage and the dwellings on Whitehouse. The building would be significantly lower in height than the four storey blocks of flats to the rear.

The building would be higher than the existing and consequently more prominent from a range of points within the conservation area, however, the design and pattern of glazing would nevertheless result in a building that has a distinct horizontal emphasis. It should also be noted that while it provides three storeys of accommodation, it is only approximately 2m taller than the existing building, just over 8m to the top (i.e. not dissimilar in height to a traditional pitched roof two storey house).

Furthermore, while the development would mask parts of the dwellings behind from viewpoints close to the site, it would still have a sense of subservience from the majority of wider views since it would sit visibly lower than those buildings to the rear. It is, therefore, considered that its actual height (only 8m to the top) and its relationship to the dwellings behind would result in a building that does not appear over scaled or visually intrusive in this context and would not be harmful to the character of the surrounding area.

The location and size of the building are also such that the development would not impact upon significant views (as identified in the CAAMP) and would not significantly interfere with public views of the coast and the natural environment within the conservation area. Objections have been received in respect of the impact on Watchtower Bay, however, it is considered that the development is of a size and siting that would not dominate the coastline and would not look incongruous in the context of the nearby natural environment.

The development would, therefore, comply with Policies ENV 20, ENV 27 and HOUS 8 of the UDP in terms of its scale, form, design and impact on the character of the conservation area.

Impact on the setting of listed buildings

As noted above, concerns were raised with the applicant in respect of the impact of the original proposal on the setting of the Grade II* listed White House Cottage. This was due to the extent of positions within the conservation area where the fourth storey would mask views of the listed building.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states as follows:

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

In addition, there is relevant caselaw, namely the Court of Appeal decision regarding Barnwell Manor (February 2014) within which the court held that the effect of Section 66(1) quoted above was that the desirability of preserving the setting of listed building should be given considerable importance and weight.

While the proposed development would affect some wider views of this listed building from parts of the public gardens, the existing building already has this effect and it is considered that the proposed development would not significantly increase the proportion of the gardens from which views of the listed building would be affected. Views of it would also remain unaffected from along the promenade and from along the footway that runs along the east edge of the gardens towards the site. Having regard to the proportion of the surrounding area from which the listed building would still be visible, and the distance between the proposed development and the listed building, it is considered that the development would not detract from its setting and would not unacceptably impinge upon the openness around it.

There are further Grade II listed buildings to the east of the site, namely the old Rocket station and Watchtower, however, these are both sited over 40m from the site and their relationship to the new building is such that public viewpoints of them would not be adversely affected by the development. It is acknowledged that the development would be larger than these neighbouring listed buildings, however, it is considered that the distance between them is sufficient to ensure that a building of this size would not dominate them in a way that would affect their character or setting.

In reaching this conclusion, special regard has been given to the desirability of preserving the setting of the buildings, since this is a matter which must be given considerable importance and weight when balancing the respective issues. In conclusion, having had special regard to the impact on the setting of the listed buildings, the development is considered to accord with policies ENV 17, ENV 20 and ENV 27 of the UDP, and the advice within PPW, Circular 61/96 and Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Conclusion on design and conservation area issues

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, to ensure that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In this case, while the building is larger and would be more prominent within the conservation area than the existing dwelling, it is considered to be of a high standard of design and of a scale that is compatible with the surrounding built, historic and natural environments. It is, therefore, considered that the development would enhance the character of the conservation area, in compliance with the above duty, and in compliance with Policies ENV 20, ENV 27 and HOUS 8 of the UDP, and the guidance contained in PPW, Circular 61/96 and Technical Advice Note 12.

Housing need

Planning Policy Wales (paragraph 9.2.3) states that Local Planning Authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.

Members will be aware that Technical Advice Note 1 (TAN1) has been updated and a key change to the revised TAN1 guidance is that the use of a JHLAS to evidence housing land supply is now limited to only those Local Planning Authorities (LPAs) that have in place either an adopted Local Development Plan or an adopted UDP that is still within the plan period. Previously, LPAs without an up-to-date adopted development plan were able to calculate housing land supply using a 10 year average annual past build rate. However, under the current TAN1 guidance the use of the past build rates methodology, which was based on the past performance of the building industry, is not accepted and those LPAs without an up-to-date development plan are unable to demonstrate a housing land supply for determining planning applications.

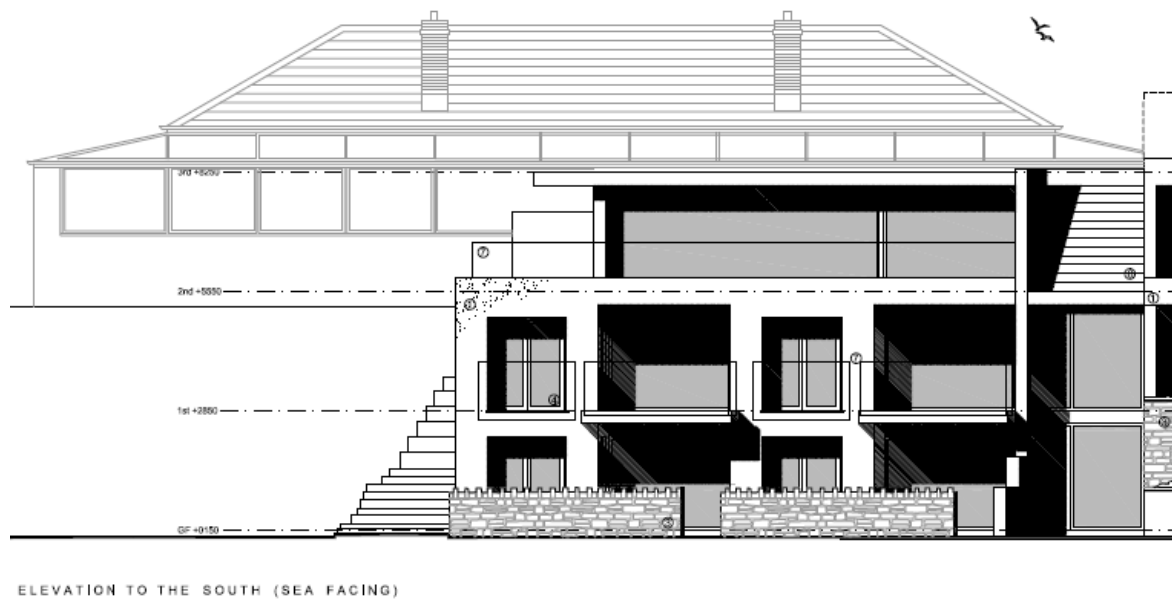
Notwithstanding the above position, a development of 7 units would not make a significant contribution to strategic housing supply, however, it would nevertheless represent a minor windfall contribution (when the Council has an adopted LDP). In this regard, the positive impact on the Council's potential housing supply is considered to be a factor that weighs in favour of the development, albeit one which significant weight cannot be attributed to.

Impact on neighbours

A significant number of public objections have been received to the development, however, it is considered that the potential impacts on residential amenity are essentially limited to 16 and 18 Cold Knap Way and White House Cottage.

The garden area to the south of 16 Cold Knap Way would be approximately 15m from the application site and a further 3m away from the building. The part of the development nearest to this neighbouring garden would be the rear stairwell, however, that is only just over 4m wide. The remainder of the rear elevation would be set a further 4m back away from the neighbour. This part of the development would alter the longer distance views that the neighbour currently has, however, it is considered that the scale and siting of the development would be such that it would not appear as overbearing from this garden (or from the dwelling) and would not unreasonably impact upon the amenities of no. 16 in this regard. The immediate outlook at the boundary from this garden would still be across the garden of no. 18 and it is considered that the development would not unreasonably impinge upon the openness that the garden of no. 16 has. The kitchen and bedroom windows at second floor on the rear elevation would be over 20m from the rear boundary of their garden and in excess of 30m from the house. It is therefore considered that the privacy of this dwelling would not be unacceptably impacted upon.

The neighbour dwelling that would be most impacted upon by the development is no. 18 Cold Knap Way, the bungalow directly to the rear of the site. There is an enclosed porch/veranda across the frontage of this bungalow from which there are relatively unobstructed views in a wide arc of the Knap gardens and the sea. The development would be sited just over 13m from the front of this enclosed porch and it would be approximately 3m in height when measured from the ground level just outside the front of the bungalow. The porch is approximately 24m wide and the proposed development would lie directly in front of approximately 14m of that width- see plan extract below:



The development would clearly affect the scope of long range views that would be available from this dwelling and, while it is understandable that this would be objectionable to the occupier, it is established that loss of view is not a planning matter and the Council cannot seek to preserve the views that an individual may benefit from. However, notwithstanding this, it should be noted that the occupiers of the bungalow would in any case continue to benefit from views of the Knap gardens and the sea from the left hand side of the porch and unrestricted views from their garden to the left hand side of the dwelling. It is considered that the impact of the proposal, in terms of views, would not unacceptably impact upon the living conditions within the dwelling.

The fundamental issue is whether the development would unacceptably impact upon the residential amenities and living conditions of the occupiers by virtue of being overbearing/neighbourly, or by causing overshadowing or a loss of natural daylight.

As noted above, a gap of over 13m would be preserved between the two buildings and the proposed development would present an elevation of essentially single storey height across part of the frontage of the bungalow. While this would alter and, to a degree enclose, the immediate outlook of this neighbour, it is considered that the separation distance and scale of the building as viewed from this property are such that the development would not be fundamentally overbearing. A proportion of the front boundary would be enclosed, however, a significant proportion of the frontage and the side garden would retain an open aspect, such that the occupier's outlook would not be unreasonably dominated by the development.

It is also considered that the separation distance and relatively modest height of the development (above ground level to the rear) would ensure that the development would not unacceptably impact upon this neighbour in terms of overshadowing or loss of natural daylight. It is acknowledged that the development would have an impact on this neighbour to a degree, however, it is considered that the impact would not be so severe as to warrant refusing planning permission.

In terms of privacy between the development and the bungalow itself, there are kitchen and bedroom windows on the rear elevation serving flat 6 and these are at angles of approximately 50 degrees and 60 degrees respectively to the porch frontage on the bungalow. The distance between the windows and the porch would be between 12m and 13m and it is considered that this complies with the Council's Amenity Standards Supplementary Planning Guidance. The rear courtyards serving flats 3 and 4 are at a lower level than the neighbour (first floor) and a screen wall would protect the neighbour from views from the terrace serving flat 5 (second floor).

The stairwell would be approximately 3m from the boundary with the side garden to the east of no. 18, with the main rear elevation approximately 4m further away (7m in total). This would also alter the outlook from this side garden, however, it is considered that there would not be fundamentally overbearing impacts. The bedroom window serving flat 7 would be a reasonable distance from the garden and, while it is at a height broadly equivalent to the level of that garden (i.e. not direct overlooking from a raised position) views towards the garden would also be partially obscured by the rear stairwell.

With regard to White House Cottage, the new building would be approximately 6.5m from the side of the bottom part of the garden and over 40m from the dwelling itself. It is considered that the development would not appear as overbearing to this neighbour and would not unacceptably overshadow that property. There are two kitchen windows on the side elevation facing towards this neighbour and, given their height and proximity to the rear garden, it is considered that they should both be obscurely glazed. The plans indicate only the first floor window being obscurely glazed, however, it is considered that the second floor window is at a height that also necessitates obscure glazing. It is considered that this would preserve the privacy and amenity of this neighbour. Privacy screens would also preserve the privacy of this neighbour and prevent any direct sideways views from the balconies.

Objections have been received from farther afield than these properties, however, it is considered that the scale and siting of the development are such that there would not be unacceptable impacts on occupiers of any other properties in terms of privacy or in terms of the development being overbearing.

Amenity Space

Each of the flats would be served by a private area of amenity space. The second floor flats would be served by relatively large roof terraces and balconies, the first floor flats would be served by large balconies to the front and courtyards to the rear, and the ground floor/first floor duplex units would be served by balconies and ground floor gardens. While the units would not be served by 20m² of outdoor amenity space per person, this requirement from the SPG generally relates to communal gardens and it is considered that the provision of private spaces would result in a higher quality of amenity for the residents. Each unit would be served by relatively generous areas of outdoor space (more than is typically provided for flats) that would meet the outdoor functional and relaxation needs of the occupiers. The space would also not be unacceptably overlooked and the occupiers would benefit from a sufficient level of privacy.

The development would therefore comply with the aims of Policies ENV 27 and HOUS 8 in terms of amenity space provision.

Public Open Space

The advice in Planning Policy Wales and TAN16: Sport, Recreation and Open Space (2009) requires local planning authorities to ensure that all new developments make adequate provision for public open space and recreational facilities to meet the needs of future occupiers. In particular, paragraph 4.15 of TAN 16 states that planning obligations can be used to provide or enhance existing open space and that this will be justified where the quantity or quality of provision for recreation is inadequate or under threat, or where new development increases local needs.

UDP Policy REC3 requires new residential developments to make provision for public open space at a minimum standard of 2.40 hectares per 1000 population (0.6-0.8 hectares for children's playing space and 1.6-1.8 hectares for outdoor sport). This equates to 24² per person or 55.68sqm per dwelling (based on the average household size in the Vale of Glamorgan being 2.32 persons per dwelling). The Council applies this policy to all residential developments of 5 or more dwellings, in addition to the basic amenity space requirements necessary to meet the immediate amenity needs of occupiers (e.g. private garden space) as outlined in the approved Amenity Standards SPG.

However, given that the site cannot practically accommodate this, it is considered that it would be reasonable to require a financial contribution for off-site provision in this case. The Council's Planning Obligations SPG supports this stance and states that *"where it is impractical to provide open space and / or recreational facilities on site or where existing open space provision is deficient in quality in the immediate locality, the Council may be willing to accept alternative provision i.e. off site contribution payments. This will be the exception rather than the norm, and is only likely to apply on smaller sites (i.e. 15 or less units) or particularly constrained sites."*

Nevertheless it is necessary, in line with the tests laid out in the CIL Regulations, to consider whether the contribution is necessary to make the development acceptable (in addition to being directly related to the development and fairly and reasonably related in scale and kind to the development).

The Council's Draft Local Development Plan Public Open Space background paper shows that there is a deficit in Baruc ward of outdoor sport areas, amenity green space and children's play space. While the site is in close proximity to the Knap and Parade Gardens, there is nevertheless a deficiency in POS serving Baruc ward as a whole and the proposed development would result in a larger population and therefore a greater deficiency than at present.

It does not suffice purely to rely on the proximity of existing space if there is a deficit in the ward to serve the new development and furthermore, it is considered that the areas of space in question are used by a much larger population than from within just the ward itself (i.e. they are more strategic areas of open space that are 'destinations', as opposed to locally serving parks). The development, which does not make on site provision, would therefore be placing a greater burden of use on existing areas that are already insufficient in size to serve the population. It is considered that the only reasonable option to mitigate the impacts of the development in these circumstances is to improve the quality of the open space via a financial contribution.

The Council's current Planning Obligations SPG sets out a financial contribution that has been calculated on the basis of the average cost per person to provide recreational facilities. While the SPG requires £1100 per person, this SPG came into force on the 6th January 2016, well after the application was submitted. It is therefore considered reasonable and appropriate to consider the application based on the SPG that was relevant at the time of submission and throughout the vast majority of negotiations on the application. The previous SPG required £1000 per person and this has been agreed by the applicant on the basis of assuming an average of 2 persons per unit (£14,000 in total). This is considered reasonable, given the size and nature of the units, and necessary to mitigate the impacts of the development.

Given the location of the site and the nearest parks, it is considered that in order to satisfy the CIL tests, the money should be spent at the Knap gardens and/or Parade gardens, which are those areas of open space that are most likely to serve the development, due to their proximity. It is considered that a contribution of £14,000 spent in these locations would satisfy the above referenced CIL tests.

Highways/transport issues (including parking provision)

The development would be served by a vehicular access from Lakeside and the highways engineer has raised no objection with regard to visibility along the highway. It is considered that adequate visibility would be available to drivers exiting the site, such that these vehicular movements would not present a danger to highway or pedestrian safety.

A concern has been raised in respect of the width of the access which, at 3m wide, would not enable vehicles to pass side by side at the entrance. However, the development is only serving 7 flats and it is considered that incidents of vehicle conflict would be extremely infrequent. Even in such instances, it is considered that a vehicle having to wait inside the car park would not cause harm to highway safety and a vehicle having to wait on the highway would not have a demonstrably harmful affect in terms of highway safety or the free flow of traffic (on what is a lightly trafficked part of the road).

The development would be served by 10 spaces, which equates to one per unit plus three visitor spaces. The highways engineer has raised concerns in this respect and has advised that the Council's parking guidelines would require 2 spaces per unit plus 2 for visitors. However, the parking guidelines 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 and rail links, a local shop, cafes, the parks, a children's nursery, a bowls green and tennis courts, the development would score sufficient points to apply a relaxation, meaning one space per unit would comply with the standards. Given that the development would provide one per unit plus three for visitors, 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.

In addition to this, the highway outside the site is double yellow lined and there is no available on street parking in very close proximity to the site. While there is considered to be sufficient parking within the site in any case, it is considered that this is likely to be a deterrent to purchasers who would want space to park two vehicles on a daily basis. It is also considered that 3 visitor spaces for 7 units is sufficient provision.

It is considered that the development would not prevent safe access to the residential properties served from the end of Lakeside and would not result in a number of traffic movements that would cause congestion within the wider highway network. The road is relatively lightly trafficked and the number of vehicle movements associated with the development can be accommodated within the wider highway network without demonstrably impacting on highway safety or the free flow of traffic. It is also considered therefore that the development would not cause obstruction to emergency services vehicles. Safe pedestrian access would also be provided to the flats and parking area, from the existing footway.

The development would, therefore, be served by an adequate and safe access, sufficient parking and safe pedestrian facilities, in compliance with Policies ENV 27 and HOUS 8 of the UDP.

In terms of public transport, the site is within short walking distance of a regular bus route (hourly services) and walking distance (albeit further) of a train station and an even more frequent bus service. It is considered that the site is sustainable in these respects and that occupiers would not be wholly reliant on the private motor vehicle.

Ecology

The application is accompanied by a bat report which records that the existing building is being used by common pipistrelle bats. The report therefore recommends two permanent bat boxes and notes that a European Protected Species licence will be required.

As a competent authority under the Conservation of Habitats and Species Regulations 2010 ('habitat regulations'), the Local Planning Authority must have regard to the Habitats Directive's requirement to establish a system of strict protection and to the fact that derogations are allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, 6.3.6). The three tests are:

- Test i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- Test ii) There is no satisfactory alternative.
- Test iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

If the tests cannot be satisfied, then refusal of planning permission may be justified. A proportional approach can adapt the application of the tests, i.e. the severity of any of the tests will increase with the severity of the impact of derogation on a species / population.

In terms of Test 1, it is considered that the proposed development is in the public interest, due to the contribution it would make towards meeting housing need in the area and given that it would enhance the character of the conservation area.

In terms of Test 2, it is considered that the above public benefits could not be met through the retention of the building and consequently, there is no satisfactory or practicable alternative to the development.

In terms of Test 3, Natural Resources Wales have advised that subject to the measures/recommendations in the report being adhered to, there is no objection and, therefore, the development would not be detrimental to the maintenance of the population of the protected species.

On this basis, there is no ecological objection to the development and it is considered that subject to those conditions, the proposal would satisfy the requirements of Policy ENV 16 of the UDP.

Drainage

The application forms indicate that foul sewerage would be disposed of via the mains sewer and Dwr Cymru Welsh Water (DCWW) have raised no objection to this, subject to a condition requiring further detail of the drainage scheme to be submitted and approved.

The forms also suggest surface water would be disposed of via the mains sewer and, while DCWW have not raised an objection to this, their suggested condition requires full details of surface water drainage to be submitted and approved. The Council's Drainage Engineer has advised that the site is not located in Development Advice Map zones at risk of tidal or fluvial flooding, and NRW maps indicate there is a very low risk of surface water flooding across the site.

The Council's engineer has advised that infiltration techniques should be the primary method of surface water disposal prior to any other method being considered and should infiltration techniques not be viable, Welsh Water should then be consulted in order to advise on connecting to the public sewer. The engineer has therefore requested a condition which requires the applicant to submit full details of surface water disposal and details of the future management of the system. It is considered that a condition requiring the above will ensure that the site is drained appropriately and without increasing flood risk in the area. The development would comply with Policies ENV 7, ENV 27 and HOUS 8 in this regard.

Other neighbour objections

It is likely that there would be a period of disruption during the construction process, however, regrettably that is an unavoidable consequence of many applications and the refusal of proposals on those grounds would be a fundamental barrier to a significant number of developments. A condition requiring a Construction Environmental Management Plan to be agreed is recommended and this would minimise construction impacts (and control hours of construction).

Impact on property value is not a planning matter which can have bearing on the outcome of the application and the objection regarding the lease on 18 Cold Knap Way is outside of the planning process. There has been no evidence submitted to demonstrate that the development would de-stabilise neighbouring properties and it is considered that the development would not be a deterrent to visitors.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies 1, 2, 3, 8,11, ENV 16 – PROTECTED SPECIES, ENV 17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT, ENV 18 – ARCHAEOLOGICAL FIELD EVALUATION, ENV 19 – PRESERVATION OF ARCHAEOLOGICAL REMAINS, ENV 20- DEVELOPMENT IN CONSERVATION AREAS, ENV 21- DEMOLITION IN CONSERVATION AREAS, ENV 27 – DESIGN OF NEW DEVELOPMENTS, POLICY ENV 29 – PROTECTION OF ENVIRONMENTAL QUALITY, POLICY HOUS 2 - ADDITIONAL RESIDENTIAL DEVELOPMENT, POLICY HOUS 8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS, POLICY REC 3 – PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENTS, POLICY REC 6 – CHILDREN'S PLAYING FACILITIES and TRAN10 – PARKING of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the Council's Supplementary Planning Guidance, and the advice within Planning Policy Wales (8th Edition), Technical Advice Notes 1, 5, 12, 16, 18, Welsh Office Circular 13/97 - Planning Obligations, Welsh Office Circular 61/96 - Planning and the Historic Environment: Historic Buildings and Conservation Areas (as amended) and Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the proposed development is considered acceptable in terms of the principle, impact on the character of the conservation area, impact on the setting of listed buildings, impact on residential amenity, highway safety, parking, the free flow of traffic, amenity space provision, ecology issues, public open space provision and drainage.

RECOMMENDATION

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

- Pay a contribution of £14,000 towards the enhancement of public open space at the Knap gardens and/or Parade gardens
- The Legal Agreement will include the standard clause requiring the payment of a fee to monitor and implement the legal agreement (in this case 20% of the planning application fee).

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the following plans:

- P100, P01, P02, P03, P04 received on the 19th November 2015
- P05B, P06B, P07B, P08B, P09C received on the 14th January 2016
- P10A received on the 15th February 2016.

and the development shall at all times thereafter be carried out in accordance with the above plans, unless any other condition of this planning permission requires otherwise.

Reason:

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

3. Prior to the commencement of development, details (including sections) of the finished levels of the application site and building 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 and to ensure the development accords with Policies ENV27 and HOUS8 of the Unitary Development Plan.

4. 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.

5. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995 or any Order amending, revoking or re-enacting that Order no fence, wall or means of enclosure (other than those approved by details submitted in respect of conditions of this planning permission) shall be erected, constructed, improved or altered on site without the prior consent of the Local Planning Authority.

Reason:

To ensure visual amenity is safeguarded and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

6. Prior to their use in the construction of the development hereby approved, a schedule and samples of all proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out and maintained in accordance with the approved samples.

Reason:

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

7. Prior to the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner; a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason:

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

8. 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.

9. Prior to their use in the development hereby approved, further details and samples of all elements of hard landscaping/hard surfacing, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out and at all times thereafter maintained in accordance with the approved details.

Reason:

In the interests of visual amenities and to ensure compliance with Policies ENV27 and HOUS8 of the Unitary Development Plan.

10. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, the associated access and turning areas, have been laid out in full accordance with plan P03 hereby approved, 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.

11. Prior to the commencement of development, a Construction and Environmental Management Plan to include such matters as the control of noise, vibration, dust and other deposits (and to include proposed hours of working during the development construction phase) shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented throughout the course of the construction phase of the development.

Reason:

To safeguard the amenities of neighbouring properties and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

12. The Development shall at all times be carried out in accordance with the recommendations within the document entitled `Celtic Ecology Bat Survey Report September 2015`.

Reason:

In the interests of ecology and to ensure compliance with Policy ENV 16 of the Unitary Development Plan.

13. Prior to the commencement of development, the local planning authority shall be provided with a copy of the licence issued by Natural Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 (as amended) authorising the specified activity/development to go ahead.

Reason:

In the interests of ecology and to ensure compliance with Policy ENV 16 of the Unitary Development Plan.

14. Prior to the commencement of development, full details of a scheme for the comprehensive drainage of the site shall be submitted to and approved in writing by the Local Planning Authority, and the scheme shall include an assessment of the potential to dispose of surface and land water by sustainable means. The approved drainage scheme shall be implemented prior to the first beneficial occupation of any of the flats and at all times thereafter the development shall be maintained/drained in accordance with the approved details.

Reason:

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

15. The following windows shall be glazed using 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 flat they are serving), and be so maintained at all times thereafter:
 - The two windows in the side elevation facing eastwards, as shown on Plan P07B.
 - The bathroom window serving flat 6 and the second floor stairwell window.

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.

16. Prior to the first beneficial occupation of flats 4 or 7 (as shown on plans P04 and P05B), details of 1.8m high privacy screens to be erected at the eastern side of the balconies shall be submitted to and approved in writing by the local planning authority. The approved screens shall be erected prior to the first beneficial occupation of the flat that they relate to and shall be so retained at all times thereafter.

Reason:

In order to protect the privacy of the neighbouring property and to ensure compliance with Policies ENV 27 and HOUS 8 of the UDP.

17. Prior to the first beneficial occupation of flat 5 (as shown on Plan P05B) the 1.8m high privacy wall to the rear of the outdoor terrace (as shown on this plan) shall be erected/constructed in full. This privacy wall shall be so retained at all times thereafter.

Reason:

In order to protect the privacy of the neighbouring property and to ensure compliance with Policies ENV 27 and HOUS 8 of the UDP.

NOTE:

1. **Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**

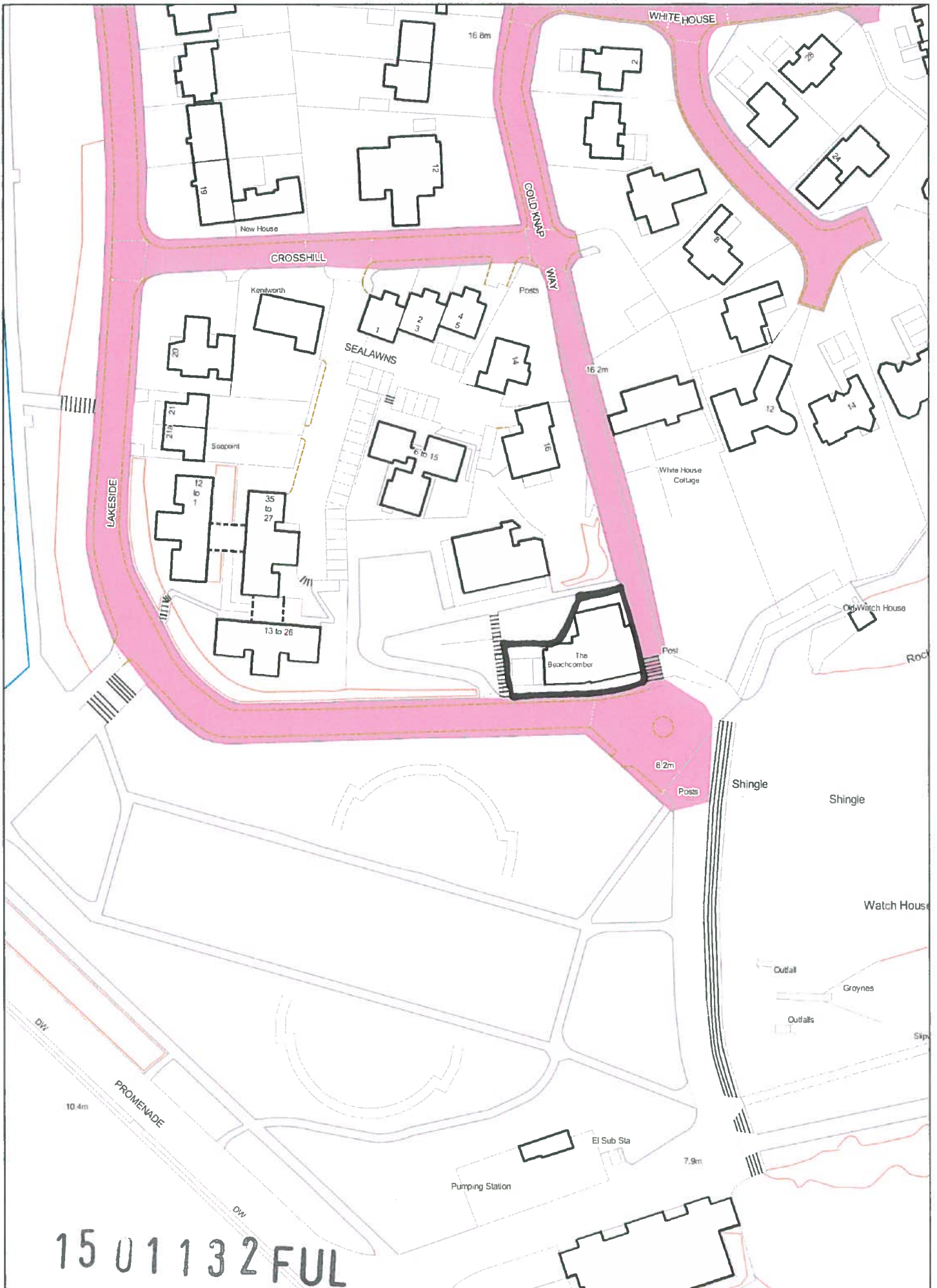
- 2. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
- 3. The developer should be made aware that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built.**
- 4. The attention of the applicant is drawn to the fact that a public sewer runs through the site and may be affected by the development.**

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.



15 01 13 2 FUL

17 February 2016

© Crown copyright and database rights
2016 Ordnance Survey 100023424

1:1,140

© Hawlfraint y Goron a hawliau cronfa ddata
2016 Arolwg Ordans 100023424

Appendix A - 2015/01132/FUL

Robert Dupe
18 Cold Knap Way
The Knap
Barry

Ian Robinson
Planning and Development
Vale of Glamorgan Council
Dock Office
Barry Docks
Barry

29 October 2015

Dear Sir,

I am the owner of 18 Cold Knap Way, The Knap, which stands directly above the Beachcomber. I am writing in relation to Application No.2015/01132/FUL.

The Beachcomber at present has no outside space save for the hard standing of the failed development on its western corner adjoining the steps to 18 Cold Knap Way, and a small forecourt to the front of the building. The rear of the premises has been increased in height by almost 3 feet without planning permission, and the side of the property encroaches and overhangs my land, and was the subject of litigation prior to the demise of the previous owner.

Should the council see fit to consent to planning permission for any development on the site, the I ask that the council strictly condition the development so that it is built on land belonging to the present owner only, does not cause dust problems during demolition, does not present noise problems during excavation of rock (especially early morning or after 4pm in the afternoon), and site materials and vehicles do not block the pavement and prevent pedestrian access.

Notwithstanding the above, I object to the proposal for development on the following grounds

1. The lease on my property contains a stipulation that at any time during the Lease no building will be erected in front of 18 Cold Knap Way which has a roof level higher than the ground level of the land fronting upon Cold Knap House, Barry. As the development is in a conservation area this stipulation should be conserved.
2. Paragraph 5.51 of the Planning statement states "***the site does not currently benefit from parking provision and therefore cars are often parked on the roads and pavements***". This statement is a clear misrepresentation of the truth. The Beachcomber has a hardstanding parking area for 2/3 vehicles, created by demolition of the garage by the previous owner, and has room for a further 2 parking spaces on the front forecourt. The developments Planning Statement confirms this in paragraph 2.9. This amounts to 2 parking spaces per existing flat. The proposed development provides 10 parking spaces in an enclosed garage for the occupants of 8 two bedroomed flats. This is clearly a reduction in parking provision for a development where the flats will be priced at such a level that it is unthinkable that the occupants would not possess their own transport. Also, the parking spaces are small and I question the ability to use all the spaces due to problems manoeuvring into each space. There are parking restrictions on all roads to the front of the proposed development.

3. The proposed development is considered an overdevelopment of the site, and unacceptable exploitation of the site for financial gain.
4. The addition of the penthouse apartment on top of the building and the extra floor would block views from 18 Cold Knap Way to The Old Harbour, or Watchtower Bay as it is also known, the Knap headland and Friars Point. This is totally unacceptable and has been strongly resisted in previous applications by the various owners of the Beachcomber. Any development above the existing roofline or on top of that roofline is strongly objected to and considered totally unacceptable. Paragraph 3.13 of the developments Planning Statement is rejected. The Beachcomber is the subservient site and has been since the outset. The arguments presented in paragraphs 5.34 and 5.35 are rejected, as is the consideration of the beachcomber as a "brownfield site".
5. **The height of the proposed building is unacceptable and would mean a loss of amenity to my property as the building would be overbearing when I was in the garden to the east or front of my property.**
6. The statements in paragraphs 5.36-5.38 in the developments Planning Statement are shameful. Affordable housing is a major objective in this country. The reference in paragraph 5.38 to the affordable units not benefitting from separate access smacks of an "upstairs /downstairs" attitude which should have been consigned to the past long ago. It is not acceptable to buy off the poor so that only the rich have access to desirable living areas, or to provide the affordable units in another area.
7. The proposed development does not comply with TAN 12 as it does not have appropriate density, nor does it protect privacy and amenity, and scant regard has been given to energy efficiency. One line on energy efficiency is clearly not enough to show what energy measures will be employed in the new development.
8. There is insufficient amenity space provided for the residents.

For these reasons I ask the council to reject and refuse the current application, and invite the applicant to reapply taking local residents concerns and planning concerns into account.

Yours,

Robert Dupe

Subject: Objection to Planning Applications 2015/01132/FUL/1R & 2015/01165/CAC/1R - For the attention of Mr I. Robinson

Dear Mr Robinson,

As I have had problems with getting the online form to work when using the Planning Portal, upon advice from Development Control, I am contacting you direct to register my objection to planning applications 2015/01132/FUL/1R & 2015/01165/CAC/1R.

The proposed development is in a conservation area and is popular with families using this area for access to the beach, old harbour and public amenity space including the slipway. It is also a haven for wildlife including European Protected Species.

It is claimed that the development, located at the end of a cul-de-sac, would reduce the impact from the additional traffic. On the contrary, heavy construction traffic/plant will cause severe disruption to Lakeside during the construction of the development due to the narrow width of the road and lack of any passing spaces. With many young children playing and riding bikes in the vicinity I believe this would be an accident waiting to happen.

Even after the development has been completed, the provision of ten parking spaces will be inadequate as this is insufficient for flat owners who have more than one car, and takes no account of visitor parking. Double yellow lines are already in place along Lakeside road which people ignore as a consequence of minimal parking enforcement undertaken by the Council. In this respect, the impact on an already crowded road space from additional owner and visitor parking could render the whole area in deadlock.

While the proposed development is an attractive design in isolation, the proposed 4 - storey height is a considerable increase in height compared with the existing building and would result in shadows and a lack of light, blighting surrounding properties and greatly reducing their desirability and value. The design is also contrary to the historic nature of the old harbour and Watch Tower Bay and is out of character.

Please note my email address for future email correspondence is carol.vanos@sky.com

Yours sincerely,

Andrew Van Os

11 Sealawns,

Crosshill

Barry

10/17/2015

Petherick, Mark

From: ENGLAND, Ross [REDACTED]
Sent: 19 October 2015 17:28
To: Petherick, Mark
Subject: Plannong Objection 2015/01132/FUL and 2015/01165/CAC

Dear Mark

Dear Mark

I am writing to you regarding planning application 2015/01132/FUL and application 2015/01165/CAC to make objections in support of local people.

The proposed development is likely to worsen parking issues in the Knap area as there are only 10 parking spaces included – one per flat. One car space per flat means that the amount of on street parking will necessarily be increased by the development due to multiple car ownership within families.

I must also raise concerns regarding the height of the development. At four stories high, it is significantly larger than most surrounding dwellings. There are concerns that this is out of character with the rest of the Knap area.

Thank you for taking these objections made on behalf of my constituents into account.

Yours,

Alun Cairns MP

Alun Cairns MP
 Vale of Glamorgan



p.s. Don't forget the Fair Funding for the Vale campaign to ensure our community does not continue to be short changed. You can sign the petition at www.aluncairns.co.uk



Alun Cairns MP / AS
 Vale of Glamorgan / Bro Morgannwg
alun.cairns.mp@parliament.uk
 House of Commons, London, SW1A 0AA
 T: 020 7219 7175
 29 High Street / 29 Y Stryd Fawr, Barry / Y Barri, CF62 7EB
 T: 01446 403814
www.aluncairns.com

UK Parliament Disclaimer: This e-mail is confidential to the intended recipient. If you have received it in error, please notify the sender and delete it from your system. Any unauthorised use, disclosure, or copying is not permitted. This e-mail has been checked for viruses, but no liability is accepted for any damage

Cynulliad Cenedlaethol Cymru
Bae Caerdydd
Caerdydd CF99 1NA
www.cynulliad.cymru

National Assembly for Wales
Cardiff Bay
Cardiff CF99 1NA
www.assembly.wales

Our ref: JH/CB/

Mark Petherick
Cabinet Officer
Vale of Glamorgan Council
Civic Offices
Holton Rd
Barry
CF63 4RU

566
WB

FAO: Cllr Lis Burnett

23 October 2015

Dear Lis

Re: 2015/01132/FUL-Proposed demolition and redevelopment of The Beachcomber, Lakeside, Barry for eight residential flats and associated ancillary works

I have been contacted by residents who live near 'The Beachcomber' with regard to the above proposal.

They have raised with me some concerns regarding this proposal which I would like to share with you.

Firstly, I am told that the proposed development is in a conservation area, which is popular with families and a haven for wildlife and European Protected Species.

Secondly, I understand that the development is regarded as being out of character for the area; the proposed 4 storey development would be considerably taller than existing buildings. Local residents also feel that the design is not in keeping with the historic nature of the old harbour and Watch Tower Bay.

Bae Caerdydd
Caerdydd
CF99 1NA
Cardiff Bay
Cardiff
CF99 1NA

Ffôn / Tel: 0300 200 7110
E-bost / Email: jane.hutt@assembly.wales

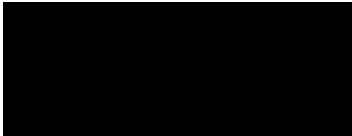
Finally, there are concerns regarding traffic and parking. The suggested provision of 10 parking spaces is regarded as insufficient for flat owners with more than one vehicle and does not allow for visitor parking. It is felt that the double yellow lines on Lakeside Road combined with additional vehicles from the development, will create a congested area.

Local residents have also shared their concerns about disruption during construction due to the narrow width of the road and lack of any passing spaces. They have fears over pedestrian safety during this time.

I would be grateful if their views could be accorded due consideration.

With very best wishes

Yours sincerely

A solid black rectangular box redacting the signature of Jane Hutt AM.

JANE HUTT AM (VALE OF GLAMORGAN)

Jeff White Motors Limited C/o Agent
Geraint John Planning Limited Sophia House, 33, Cathedral Road, Cardiff, CF11
9HB

The Beachcomber, Lakeside, Barry

Proposed demolition and redevelopment of The Beachcomber, Barry for eight residential flats and associated ancillary works

SITE AND CONTEXT

The application site is the Beachcomber, Lakeside, Barry. It is a detached, two storey dwelling that is located within the settlement boundary of the town and Barry Marine Conservation Area. The plan below shows the location of the site:



The site lies adjacent to a bungalow to the rear (18 Cold Knap Way), the curtilage/drive to that bungalow to one side and a pedestrian footpath to the other side. The site lies adjacent to a roundabout at the end of Lakeside and opposite the Knap gardens. White House Cottage (also referenced as Cole Farm), a Grade II* listed building, lies approximately 40m to the north and just the other side of the pedestrian footpath. Further listed buildings, the Rocket Station and Watchtower, lie to the east of the site. The photo below shows the dwelling:



The dwelling is identified as a positive building in the Barry Marine Conservation Area Appraisal and Management Plan.

DESCRIPTION OF DEVELOPMENT

This conservation area consent application proposes the demolition of the existing dwelling.

It should be noted that a further application, 2015/01132/FUL, proposes the construction of 7 apartments in place of the existing building, and this application is being reported to planning committee alongside this one. No specific site restoration scheme has been submitted, given that the applicant also seeks permission for the construction of a new building.

PLANNING HISTORY

2015/01132/FUL : The Beachcomber, Lakeside, Barry - Proposed demolition and redevelopment of The Beachcomber, Barry for eight residential flats and associated ancillary works - Currently undetermined.

2010/01354/FUL : Land adjacent Beachcomber, Lakeside, The Knap, Barry - Erection of detached three bedroom dwelling with integral garage - Withdrawn

1990/01053/FUL : 'The Beachcomber', The Knap, Barry - Extension to swimming pool to accommodate leisure facilities - Approved

1990/00154/FUL : 'The Beachcomber', Lakeside, The Knap, Barry - Erection of security guardrailing to flat roof - Refused

1988/01193/FUL : The Beachcomber, Lakeside, The Knap, Barry - Proposed first floor dormer extension - Refused

1986/00609/FUL : Beachcomber, Lakeside, Cold Knap, Barry - First floor extension - Refused

1985/00054/FUL : Beachcomber, The Knap, Barry - New tiled pitch roof over existing flat roof of house - Refused

CONSULTATIONS

Barry Town Council- Objection, on grounds relating to the overdevelopment of the site and impact on neighbours.

Environmental Health (Pollution)- No representations received.

Local ward members- Councillor William has objected on grounds relating to the size of the replacement building and impacts on the conservation area and listed buildings.

Ecology Officer- No representations received.

Natural Resources Wales (NRW)- No representations received, however, NRW raised no objection to the redevelopment of the site under application 2015/01132/FUL, subject to conditions requiring compliance with the submitted ecology report.

REPRESENTATIONS

The neighbouring properties were consulted and the development has been advertised on site and in the press.

Nine letter of objection have been received, on grounds relating to:

- Adverse impact on the character of the conservation area.
- Adverse impact on the setting of local listed buildings
- Inadequate parking and pressure for on street parking.
- Development is too far from public transport.
- Loss of privacy to neighbours.
- Overbearing on neighbours.
- Loss of light.
- Congestion.
- Overdevelopment and over scaled building.

It appears that the letters are essentially objecting to the redevelopment of the site with the building proposed under application 2015/01132/FUL, as opposed to purely the impact of demolishing the existing building.

One letter of support has been received, which states that the development would enhance the area.

Alun Cairns MP objected to the original plans, citing harmful impacts in respect of parking and the height of the building.

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:

Policy:

POLICY ENV 16 – PROTECTED SPECIES
POLICY ENV 17- PROTECTION OF THE BUILT AND HISTORIC ENVIRONMENT
POLICY ENV 20 – DEVELOPMENT IN CONSERVATION AREAS
POLICY ENV 21 – DEMOLITION IN CONSERVATION AREAS
POLICY ENV 27 – DESIGN OF NEW DEVELOPMENTS
POLICY ENV 29 – PROTECTION OF ENVIRONMENTAL QUALITY

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

Chapter 6 of PPW deals with Conserving the Historic Environment.

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 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 12 – Design (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:

- Barry Marine Conservation Area Appraisal and Management Plan (2009)

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 2.6.2 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:

- 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

Impact on the character of the conservation area

The principal issue for consideration is whether the loss of the building would preserve or enhance the character of the Barry Marine Conservation Area.

Within the Barry Marine Conservation Area Appraisal and Management Plan (CAAMP) the existing dwelling is identified as a positive building.

Within the CAAMP, it is noted that *Positive buildings are those which make a positive contribution to the special architectural or historic interest of the Conservation Area* and consequently, the following recommendation is made within the CAAMP:

Recommendation:

In accordance with Government guidance contained within Circular 61/96, the Council will adopt a general presumption against the demolition of 'positive' buildings with proposals to demolish such buildings assessed against the same broad criteria as proposals to demolish listed buildings. Any application for the demolition of a positive building will therefore need to be justified as to why the building should not be retained.

However, the Council's Conservation Officer has considered the development and advised:

I note the existing building is identified as a 'positive' building within the CAAMP which ordinarily would result in a strong presumption against its demolition, however, I have considered the architectural and historic merits of the building and consider its inclusion is likely to have been a drafting error. I therefore, do not object in principle to the demolition of the building subject to an appropriate scheme being acceptable.

Notwithstanding the views of the Council's Conservation Officer the CAAMP does not state that positive buildings cannot be demolished, rather that the demolition would need to be justified.

It should be stressed that the above view (in respect of a drafting error) is not reached simply because of the relatively poor external condition of the building or the colour it has been painted (a neighbouring objection specifically references this). Rather it is considered that, despite the quite distinctive appearance of the building, more fundamentally it does not contribute significantly (and positively) to the character of the conservation area due to the relative lack of architectural merit or historical importance. It is therefore considered that the demolition of the building would not be harmful to the conservation area in its own right.

Policy ENV 21 of the UDP states that the demolition of unlisted structures within a conservation area will be permitted where planning permission has been granted for the new development and as noted above, there is an application alongside this, for the redevelopment of the site.

However, while application 2015/01132/FUL clearly proposes the replacement of the building with another, it is also necessary to consider the impact of the building's demolition in terms of how the resultant space would affect the character of the area, should a newly permissioned building not be subsequently constructed.

The site is located at the end of Lakeside and, while it is prominent in this position, there is an irregular pattern of development and spaces in this part of the conservation area and it is considered that the removal of the building would not cause harm to the conservation area by virtue of the space it would leave behind (subject to how the site is restored). I.e. it would not be harmful to a characteristic pattern of development that contributes to the conservation area. It is also considered that the loss of the building would not adversely impact upon the setting of listed buildings in the area, namely White House Cottage to the north east and the old Rocket Station and Watchtower to the east.

It is, therefore, considered that the demolition of the building would not be harmful to the character of the conservation area (i.e. it would preserve it) and would accord with Policies ENV17, ENV20 and ENV21 of the Unitary Development Plan, the aims of the Council's Conservation Area Appraisal and Management Plan and the duty imposed by Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Ecology Issues

Ecology

The application is accompanied by a bat report which records that the existing building is being used by common pipistrelle bats. The report therefore recommends two permanent bat boxes and notes that a European Protected Species licence will be required.

As a competent authority under the Conservation of Habitats and Species Regulations 2010 ('habitat regulations'), the Local Planning Authority must have regard to the Habitats Directive's requirement to establish a system of strict protection and to the fact that derogations are allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, 6.3.6). The three tests are:

- Test i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- Test ii) There is no satisfactory alternative.
- Test iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

If the tests cannot be satisfied, then refusal of planning permission may be justified. A proportional approach can adapt the application of the tests, i.e. the severity of any of the tests will increase with the severity of the impact of derogation on a species / population.

In terms of Test 1, it is considered that the proposed development is in the public interest, due to the contribution it would make towards meeting housing need in the area and given that it would enhance the character of the conservation area.

In terms of Test 2, it is considered that the above public benefits could not be met through the retention of the building and consequently, there is no satisfactory or practicable alternative to the development.

In terms of Test 3, Natural Resources Wales have advised that subject to the measures/recommendations in the report being adhered to, there is no objection and, therefore, the development would not be detrimental to the maintenance of the population of the protected species.

On this basis, there is no ecological objection to the development and it is considered that subject to those conditions, the proposal would satisfy the requirements of Policy ENV 16 of the UDP.

CONCLUSION

The decision to recommend the granting of Conservation Area Consent for the demolition of the existing buildings 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 Policies ENV 16- Protected Species, ENV17 - Protection of the Built and Historic Environment; ENV20 - Development in Conservation Areas; and ENV21 - Demolition in Conservation Areas, ENV 27- Design of New Developments and ENV 29- Protection of Environmental Quality, contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 it is considered that the development would preserve the character and appearance of the Conservation Area, the setting of listed buildings and ecological interests.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The works 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 75 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. No demolition shall take place on site until either a contract for the redevelopment of the site in accordance with planning application reference 2015/01132/FUL has been entered into (and details of this submitted in writing to the Local Planning Authority) or a scheme for the clearance and restoration of the site has been submitted to and approved in writing by the Local Planning Authority, and the redevelopment or restoration of the site shall be commenced within three months of the demolition of the building unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of the character and appearance of this part of the Conservation Area in accordance with Policies ENV20 - Development in Conservation Areas; and ENV21 - Demolition in Conservation Areas of the Unitary Development Plan.

3. The Development shall at all times be carried out in accordance with the recommendations within the document entitled `Celtic Ecology Bat Survey Report September 2015`, other than where the recommendations relate to provisions for permanent bat boxes on the building proposed by planning application 2015/01132/FUL.

Reason:

In the interests of ecology and to ensure compliance with Policy ENV 16 of the Unitary Development Plan.

4. Prior to the commencement of development, the local planning authority shall be provided with a copy of the licence issued by Natural Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 (as amended) authorising the specified activity/development to go ahead.

Reason:

In the interests of ecology and to ensure compliance with Policy ENV 16 of the Unitary Development Plan.

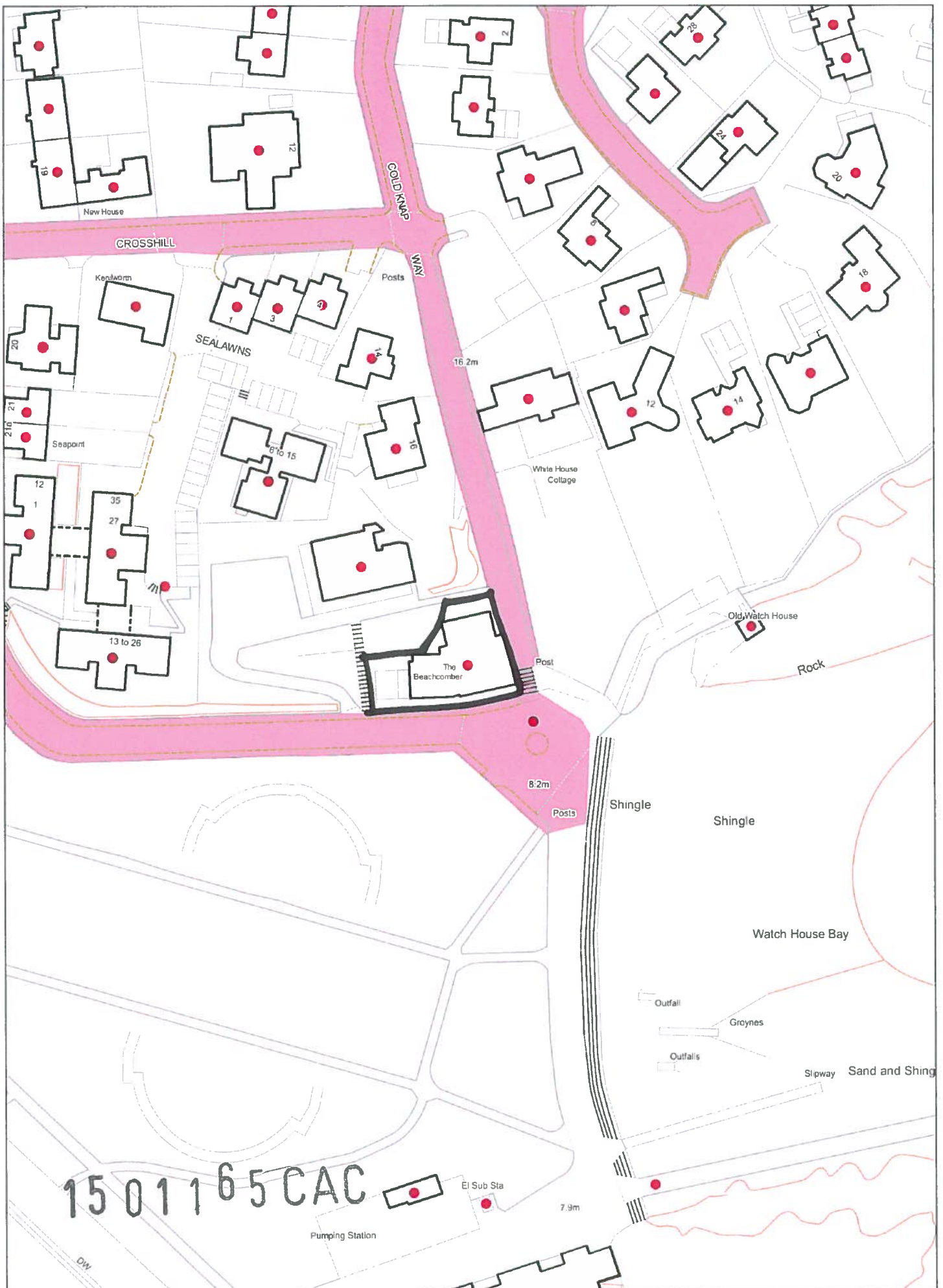
NOTE:

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

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

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

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



15 01 165 CAC

17 February 2016

© Crown copyright and database rights
2016 Ordnance Survey 100023424

1:1,072

© Hawfraint y Goron a hawiau cronfa ddiata
2016 Arolwg Ordnans 100023424

2015/01256/FUL Received on 9 December 2015

Mr. John Rosser 3, The Courtyard, Michaelston le Pit, Vale of Glamorgan, CF64 4HE

Mr. John Rosser Courtyard Architectural Services, 3, The Courtyard, Michaelston le Pit, Vale of Glamorgan, CF64 4HE

Land at rear of 11, Whitcliffe Drive, Penarth

Proposed new dwelling house

SITE AND CONTEXT

The site is the rear area of the garden of No 11 Whitcliffe Drive. This is a corner plot, with there being an access to the front via Whitcliffe Drive but also a vehicular access from Stanton Way to the side. Extensions are currently being built at No 11 Whitcliffe Drive (approved under application reference: 2012/01155/FUL), with there being a static caravan towards the rear boundary to serve as accommodation whilst the house is being renovated and extended.

There is a 2m fence around much of the garden boundaries, including along the boundary with Stanton Drive to the side. The site has been cleared of most trees and outbuildings with just a lawn and hardstanding area remaining.

The site is within the Settlement Boundary of Penarth, in an urban area characterised primarily by detached houses and bungalows.

DESCRIPTION OF DEVELOPMENT

The proposal is for a new dwelling in the rear section of the garden of 11 Whitcliffe Drive, fronting onto Stanton Way. The dwelling would be set back from the boundary with Stanton Way by approximately 5 to 7 metres. The footprint of the dwelling would be approximately 10m in width and 12m maximum depth. The dwelling would have a gable to the front and rear elevation, with the roof ridge running between these elevations. The eaves height of the proposed dwelling would be approximately 4m with a ridge height of 7.5m.



The roof is to be clad in mineral fibre slates with rendered walls. There is to be a balcony to the front elevation, facing Stanton Way. There is also a projecting section to the front elevation which includes the main entrance.

PLANNING HISTORY

- 2013/00260/FUL: Land to the rear of 11, Whitcliffe Drive, Penarth - Proposed dwelling - Approved 15/05/2013
- 2012/01155/FUL: 11, Whitcliffe Drive, Penarth - Extensions to existing property including remodelling of existing accommodation. New garage - Approved 21/12/2012
- 1997/00705/FUL: 11, Whitcliffe Drive, Penarth - 1.2 metre satellite dish - Approved 08/08/199

CONSULTATIONS

1. Penarth Town Council – Objects to the proposals as it is considered that the dwelling would be an incongruous form of over-development of a restricted site;
2. Highway Development – No objection subject to conditions requiring the widening of the vehicle cross-over across the footway; that the car parking for 11 Whitcliffe Drive be implemented as approved under application 2012/01155/FUL; and that pedestrian vision splays be provided at the access;
3. Plymouth Ward Member – Called to Planning Committee by Cllr Clive Williams due to representations he has received;
4. Dwr Cymru/Welsh Water – Required condition for drainage details to be attached;

5. Operational Manager (Highways and Engineering) – Site not in a flood zone. Stated that surface drainage should be through infiltration and not the main sewer. A condition requiring full drainage details are required.

REPRESENTATIONS

The neighbouring properties were consulted on 6 November 2015. A site notice was also displayed on the 14th December 2015. There have been 5 letters of objections, citing reasons such as:

- The dwelling as proposed is a significant enlargement over the approved dwelling
- Overdevelopment of the site
- Severe visual impact for the dwellings bordering the site
- Design is not in keeping with estate designs
- Roof form and height would have significant visual impact
- Lack of parking provision and consequential increase in on-street parking

Please refer to Appendix A for copies of 2 neighbour letters.

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:

Policy:

POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS
POLICY ENV29 – PROTECTION OF ENVIRONMENTAL QUALITY
POLICY HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT
POLICY HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY
HOUS2 - SETTLEMENTS
POLICY HOUS11 - RESIDENTIAL PRIVACY AND SPACE
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. 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, 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.

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 (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
- Parking Standards (Interactive Parking Standards Zones Map)

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 2.6.2 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

This application follows an approval for a single detached dwelling on the same site, to the rear of No 11 Whitcliffe Drive, with application 2013/00260/FUL. The proposed design and form of the dwelling now proposed differs from that approved.

As with the 2013 application, the site is situated within the settlement boundary of Penarth and therefore the principle of residential development is considered acceptable. The site would be considered an infill plot due to it being enclosed by existing built development. No 11 Whitcliffe Drive is on the corner of Stanton Way and Whitcliffe Drive, with the plot to the rear section of the garden and the proposed house to front Stanton Way. Though the adjacent properties at 11 Whitcliffe Drive and 23 Knowbury Avenue do not front Stanton Way, the bungalows opposite the entrance to the plot on Stanton Way do. The dwelling would be detached, which is the predominant type of dwelling for this residential area. Overall, there is no objection to the principle of a detached dwelling in this location, fronting Stanton Way.

It is noted that the existing house has been extended to the side with a new detached garage also being built. However, the existing plot for No 11 is very large in relation to other properties in the area.

Considering the amount of habitable space for the proposed dwelling, the size of the rear and front garden combined would be slightly under the standards set with the Supplementary Planning Guidance 'Amenity Standards', though only by a marginal amount. It is also noted that the majority of the garden area would be relatively private space to the rear of the dwelling, which is a suitable arrangement. It is, however, also noted that as with the 2013 approval, the remaining area of garden for No 11, if the proposed dwelling were to be built, would be less than the standards required with the Supplementary Planning Guidance. However, while there may be a deficit of resultant amenity space for the occupants of No 11, they would still have a relatively sizable area of garden to the rear for the occupants to enjoy. It is also important to recognise that for both existing and proposed dwellings, there will be significant open space areas within walking distance of the house, including the coastal path area. Thus this shortfall in amenity space would not be a justified reason for refusal in this instance.

The resultant plot coverage of the proposed dwelling would not be significantly different from some of the nearby neighbouring properties, such as some of those that front Stanton Way. Overall, the proposed dwelling, coupled with the extensions as built to No 11, would not result in an overdeveloped site within the context of the area, with sufficient amenity space for occupants and safeguards the amenity of the wider area.

Scale and Design

The proposals are for a 2 storey dwelling. There is a mix of houses and bungalows in the area, though some of the bungalows have been extended to include dormers in the roof, including on Stanton Way. For this proposal, amendments have been received to reduce the ridge and eaves height of the proposed dwelling from the amended design originally submitted with this application. This results in utilisation of some of the roof space for first floor accommodation with a reduced eaves height. This also allows for the lower ridge height, being less than a full two-storey house equivalent. As such, the proposed dwelling is not considered as over-scaled and is of a suitable height, being lower than adjacent houses either side, such as 11 Whitcliffe Drive and within the wider context.

The design and appearance of the house is considered suitable for the suburban surroundings. The choice of render and fibre slate tiles are considered acceptable and in keeping with the surrounding dwellings. The proposed balcony to the front elevation is acceptable as this is a feature on other properties in the area. The proposal includes a first floor section that projects out from the front elevation, which whilst it would be a distinctive feature would not have a detrimental impact to the character of the area.

Overall, the design, scale and form of the dwelling proposed is considered acceptable within this context and accords with policies ENV 27 and HOUS 8 of the adopted UDP.

Impact to neighbour amenities

The proposed dwelling is in an urban area and would be considered an infill development. However, this means that there are neighbouring properties to the boundaries of the site with potential for neighbour impact.

To the west of the plot are the houses of Knowbury Avenue. Objections have been received that state that the roof form and ridge height would have a detrimental impact to neighbour amenities. However, there is an approximate distance of 20 metres from the side boundary of the site to the rear of these neighbouring houses. With this length of garden it is considered that the proposed dwelling should not have a significant overbearing impact on these neighbours, with there being a significant distance between these neighbouring houses and the proposed dwelling.

Overshadowing has also been raised as an issue. It is considered that at certain times of the day (early-mid morning) there would be some overshadowing impact to the neighbouring gardens at Knowbury Avenue. However, the 7.5m ridge height of the house is approximately 6.6m from the boundary, with a roof slope that reduces in height to 3.75m at the eaves (which is set off 1.6m from the boundary) accordingly the overshadowing impact is limited. With this arrangement any shadowing impact should not be significant to any of the neighbouring properties along Knowbury Avenue, and should only occur for limited times of the day. Noting also the orientation of the site to the east of Knowbury Avenue would limit the extent of shadowing. Any shadowing would primarily be to the rear section of these neighbouring gardens and should not affect the houses due to the approximate 20 metre separation distances. Furthermore, there is only an en-suite rooflight at first floor level in the side elevation facing these dwellings and so this avoids any significant overlooking impact, with an obscure glazing condition considered reasonable for this rooflight.

The rear garden of No 10 Whitcliffe Drive is to the rear of the proposed dwelling, with a distance of approximately 11m from the proposed rear elevation to the boundary with this neighbouring property. This distance should ensure that there is no resultant overbearing impact or overshadowing from the proposed dwelling to this neighbour. Noting that No. 10 has a rear garden of approximately 27 metres (maximum) in length.

The first floor rear elevation of the proposed dwelling includes a bedroom window (the only habitable room window) facing towards the boundary with No 10 Whitcliffe Drive. However, there is a gap of approximately 11m between these first floor windows and the boundary with the rear section of the neighbour's garden, with the neighbour's house being over 21m from this window and also at an angle. There are also trees within this neighbour's garden that would partially screen overlooking from these windows. Overall, there are sufficient mitigating circumstances so that the overlooking of No 10 is minimised and would not be a justified reason for refusal.

It is considered that there would be some level of shadowing of the rear garden and overlooking towards No 11. Neither impact is considered to be to a significant level due to the orientation and separation distances. The proposals do include a balcony to the front elevation, though this would allow views towards the rear of No 11 Whitcliffe Drive. It would be at an angle and a distance of less than 20m. It is therefore considered that a balcony screen should be required to the side of the balcony to avoid any significant overlooking impact. This should be required by condition to ensure the neighbour's amenities are safeguarded. The distance from the balcony to the dwellings opposite would be over 20 metres across a road and so this distance would sufficiently mitigate any overlooking impact.

Overall, there would be some impact to the amenities of neighbouring occupiers of the adjacent properties, though for the reasons given above they are not considered to be significant and do not warrant refusal of the application.

Access and Parking

There is an existing vehicular access to the rear section of the plot, which is proposed to be widened. Two parking spaces are indicated to the front of the proposed house, which is considered sufficient in this sustainable urban location. There is a lack of potential turning space within the site and though Stanton Way is not a busy road and there is a wide pavement/verge to aid with visibility if reversing out of the plot. It has been recommended by the Highways Officer to require a pedestrian vision splay for vehicles exiting the site. However, while these comments are noted it is considered that the arrangement as illustrated is much the same as that previously approved in 2013 and that the vision splay may not be achievable without significant rearrangements of the access position. Furthermore, it is considered that in this circumstance the pedestrian vision splay for vehicles driving across the footway onto Stanton Way is not reasonably necessary for highway safety.

The access as proposed is considered suitable and the parking provision sufficient to serve the house and should not result in any significant increase for on-street parking.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV27 (Design of New Developments), HOUS8 (Residential Development Criteria), HOUS2 (Additional Residential Development), HOUS11 (Residential Privacy and Space) and TRAN10 (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: 062 PA/05 B, 062 PA/03 B, 062 PA/02 B, 062 PA/04 B all received 15 January 2016, 062 PD/01, Design and Access Statement, originally registered 28 October 2015.

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 implemented drainage scheme for the site should ensure that all foul and surface water discharges separately from the site and land drainage or surface water run-off shall not discharge, either directly or indirectly, into the public sewerage system.

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.

4. 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 062 PA/05B and the parking and access 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.

5. Prior to their use in the construction of the development, including any hard surface areas, hereby approved, a schedule 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, to ensure that the development does not cause or exacerbate flooding and to ensure compliance with Policies ENV27 and ENV29 of the Unitary Development Plan

6. 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 windows shall be inserted above ground floor level in the side elevations of the dwelling 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.

7. 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 rooflight windows in the side elevations of the dwelling hereby approved shall be glazed using 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 occupation of dwelling 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.

8. Prior to the first occupation of dwelling, details of a balcony screen, no less than 1.8 metres in height and to be positioned to the east side of the front balcony (accessed via bedroom 1), shall be submitted to and approved in writing by the Local Planning Authority. The screen shall be fixed in place in accordance with the approved details prior to the first occupation of the dwelling and shall thereafter be so retained at all times.

Reason:

To protect the amenities of neighbours, in accordance with policy ENV 27 of the Vale of Glamorgan Unitary Development Plan.

9. Notwithstanding the submitted details, all means of enclosure associated with the development hereby approved, including the sliding gate to the front boundary, shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.

Reason:

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

10. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the first beneficial occupation of the dwelling hereby approved.

Reason:

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

11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling 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.

NOTE:

1. This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.
2. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.

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

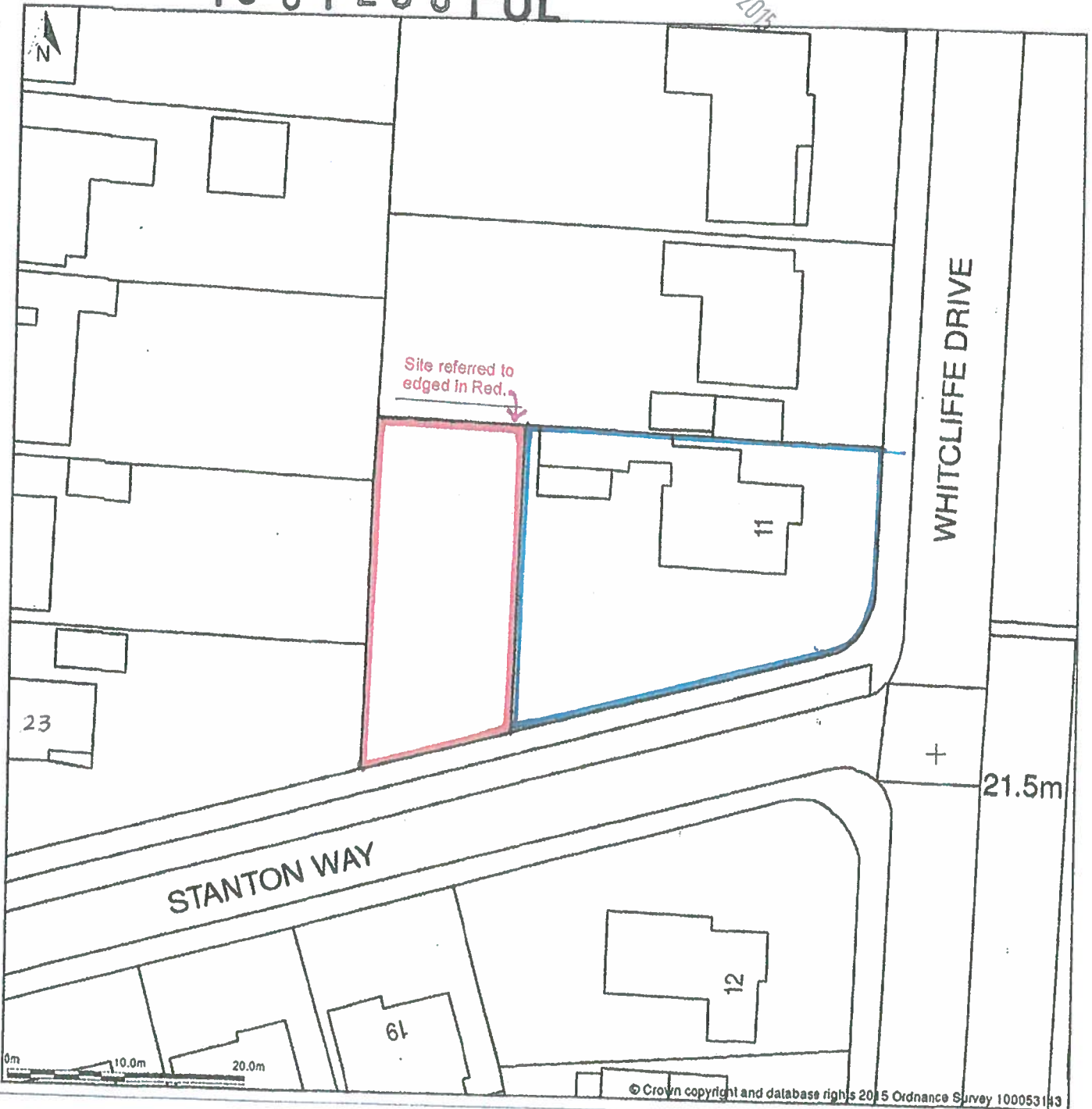
In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

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

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

15 01 256 FUL

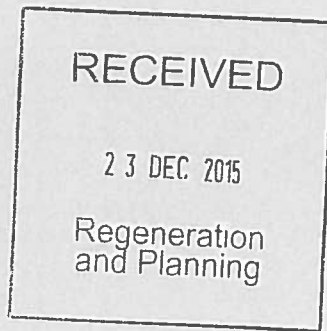
RECEIVED
28 OCT 2015



Proposed New House on Land to Rear of :- 11 Whitcliffe Drive : Penarth CF64 5RQ.	John Rosser RIBA Consultant Architect 3 The Courtyard Michaelston le Pit.
Site Location Plan.	
Scale : 1 : 500. Date : Sept 2015. Drwg No : 062 PD/01.	Planning Application.
Proprietor : Courtyard Architectural Services Limited.	Registered in Cardiff : 07208920.

2015/01256/FUL

22 December 2015



Appendix A

19 Knowbury Avenue

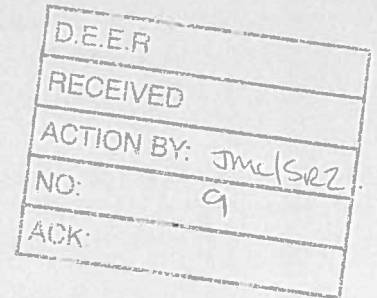
Penarth

Vale of Glamorgan

CF64 5RX

Email: tim.oconnell@talktalk.net

S. Rennie
Operational Manager
Development & Building Control
Vale of Glamorgan Council
Dock Office
Barry Docks CF63 4RT



Ref: P/DC/SR2/2015/01256/FUL

New planning application for development of former garden plot to the rear 11 Whitcliffe Drive/Stanton Way.

Dear Sir/Madam

With reference to your letter and change of design to the original planning consent we wish for your consideration to our objections.

We consider it is now an over development of what is an extremely small plot of land for the proposed substantial new size of dwelling and not in keeping with the original careful estate property designs and layout.

This design is now clearly a two story dwelling and not dormer bungalow which had previously been passed by delegated planning powers.

The new design will now pivot the higher proposed roof and present a single slab sided property facing my own and which is totally out of keeping with other surrounding properties.

The removal of the garage from the original approved plans may well lead to greater numbers of cars parking on the narrow road and is not negated by the small hard standing proposed for the front of the property. This may well lead to safety issues for emergency vehicles trying to access other homes further on due to Stanton Way being very narrow.

Lastly because of these proposals setting precedent for garden development in Penarth and the Vale of Glamorgan we consider it important as a matter for the full Council Planning Committee to consider and decide upon.

Yours faithfully

Timothy and Sally O'Connell

RECEIVED
23 DEC 2015
Regeneration
and Planning

2015/01256/FULL
Appendix A.

23 Knowbury Avenue
Penarth
Vale of Glamorgan
CF645RX

The Operational Manager
Development and Building Control
The Vale of Glamorgan Council
Dock Office
Barry Docks
CF63 4RT
Sir,

D.E.E.R
RECEIVED
ACTION BY: Jmc/SRZ
NO: 8.
ACK:

Re- Panning Application 2015/01256/FUL/SR2
Land at rear of 11 Whitcliffe Drive, Penarth

Thank you for your letter of the 10th December 2015 concerning the above application for the construction of a detached house in the rear garden of 11 Whitcliffe Drive, Penarth.

I am the owner/ occupier of number 23 Knowbury Avenue, Penarth, which is immediately to the west of the proposed building and I consider that the current size and design of the proposed property would adversely affect my property and not be in keeping with the scale, general character and style of the other houses in the area.

I object to the proposed application on the following grounds.

1. The proposed building is an over development of this small building plot.
2. The increase in roof height from that previously approved to 8 metres above ground will increase the over shadowing of my property which is only 1 metre from my home's boundary.
3. The turning of the roof design 180% from that previously proposed changes a broken roof line 1/2 metre lower to a solid block of wall and roof. This cannot be said to be in harmony, or in scale, with the other surrounding properties.
4. I commented in my letter concerning the 2013 Planning Application for buiding on the site that there would be an impact on on street parking. The 2015 Application removes the provision of a garage and therefore in my opinion further impacts on street parking issues.

I am prepared to attend a Vale of Glamorgan Council Planning Committee to make my case.

Mrs. J. Bishop-Jones

