FOR THE PLANNING COMMITTEE TO BE HELD ON 7 JULY, 2016

Application	Location	Item No.	Description
30 2016/00112/FUL	Eston Barn, Lon Cwrt Ynyston, Leckwith	1	Comments from neighbour outlining concerns
		2.	Comment from agent on behalf of applicant addressing neighbour concerns
		3.	Comment from Councillor Christopher Williams supporting neighbours
42 2016/00176/FUL	Overway, 12 Park Road, Penarth	4.	Comment from Highway Authority
		5.	Comment from Penarth Town Council supporting application
		6.	Comment from neighbour supporting application
	2016/00112/FUL	2016/00112/FUL Eston Barn, Lon Cwrt Ynyston, Leckwith	2016/00112/FUL Eston Barn, Lon Cwrt Ynyston, Leckwith 2. 2. 2016/00176/FUL Overway, 12 Park Road, Penarth 4. 5.



COMMITTEE DATE: 7 July 2016

Location: Eston Barn, Lon Cwrt Ynyston, Leckwith

Proposal: 2 no. wooden framed balconies to rear of property

From:

Mr Ali Tabai, Ty Llaeth, Lon Cwrt Ynyston, Leckwith, Cardiff, CF11 8DR (Via Cllr Chris Franks)

Summary of Comments:

The neighbour has produced a list of complaints in relation to the application site, including the following elements that are all stated as unauthorised - 2 balconies; change of a window to double patio door; erection of outhouses for keeping commercial materials; erection of an office in the garden for commercial use; burning of waste; business of short term room letting (www.estonbarn.co.uk); running 2 commercial business from the property (sign making and domestic cleaning company)

The neighbour states that the impact of the above on surrounding properties includes constant traffic, noise and pollution, security issues, and loss of privacy.

Officer Response:

All issues have previously been raised within the comprehensive objection submitted on behalf of the neighbour by a planning consultant. Consequently, all issues have been considered within the application report.

Action required:

No additional action is required at this time.





Online registration on Vale Glamorgan website

Owner:

Mr Jeff Taylor

Name & add of property:

Eston Barn, Lon Cwrt Ynyston, Leckwith, Cardiff, CF11 8DR

Ref no: P/DC/HIK/ENF/2015/0150/PC

List of Complains:

1- Erection of an unauthorised large balcony at the back of the above property overlooking private back garden.

- 2- Unauthorised change of a window to a large double patio door at the back of the property to gain access to the above balcony.
- 3- Erection of an unauthorised 2nd balcony at the side of the above property overlooking private back garden
- 4- Erection of an unauthorised of several outhouses for keeping commercial materials.
- 5- Erection of an unauthorised office in the garden for commercial use.
- 6- Business of short term room letting,

The property can only be used as a single private residential dwelling only. This business is causing security issues, heavy traffic including vans & car, noise and parking problems

Name of business: Web: www.estonbarn.co.uk

7- Running 2 commercial business form the property

The property can only be a single private residential property. It is now used for running of 2 commercial limited businesses with machinery, staffs, vans causing constant traffic, noise and pollution.

Business 1: Taylor Made Signs Ltd, web: www.taylormadesigns.co.uk, Signe making company

Business 2: Tenant Turnaround Ltd, Yellow pages, Domestic Cleaning company

Details:

Lon cwrt Ynyston is a leafy quite and residential estate with 5 houses. It meant to be used for us & our children to enjoy however we are all Harassed duo to the selfishness of one individual who has no respect for regulation or authority. He just changes things to what he wants and starts building without any discussion, notice or application for planning.

- 1- We have complicity lost the privacy of our private back garden. The balcony is approximately 2 m of the ground, 7 m wide & 3 m deep. (Photo 1& 2)
- 2- The stairs to the first floor/balcony from the road is opposite our bedrooms. It is used by Mr Taylor and his guests/staff as a private entry to his divide section of the house. It over look our private back garden and it is noisy at night.

- 2- The Eston Barn has been divided internally to create a private area for Mr Taylor and the rest for individual room rental. They are let to 5 separate individuals. Traffic, noise and the large number of unknown people arriving all the time has caused distress for every other house hold.
- 3- A constant traffic has destroyed our safe and quite environment because a printing and cleaning company are being run from what should be a residential premise. His staffs that drives his company vans park their cars and some time for even a long period.



Davies, Helen

From:

C FRANKS <

Sent: To: 10 June 2016 10:53 Robinson, Victoria L

Subject:

Fw: Seeking your support email 1 of 3

Hi,

As discussed,

Chris

On Friday, 3 June 2016, 10:35, Ali Tabai <

wrote:

Dear Councillors

My Name is Ali Tabai and I reside with my family at Ty Llaeth, Lon Cwrt Ynyston, Leckwith, Cardiff, CF11 8DR.

I have already written to you seeking your support and involvement to consider the planning application at Eston Barn (2016/00112/FUL/HD) to be considered through the planning committee.

My family and rest of residence desperately seeking your further support about our complaint made to the Glamorgan Council planning department in March 2015 (Ref No: P/DC/HIK/ENF/2015/0150/PC).

Our complaint is about the unauthorised commercial usage and operation from the unauthorised buildings and balconies at Eston Barn. As a result of our complaint the above planning application has just been submitted which only cover 1 out of 5 reported problems.

However frustratingly the planning department openly admits, that duo to their lack of resources they cannot handle our case properly & efficiently and as a result Mr Taylor's (applicant from Eston Barn) unauthorised commercial operation and buildings has continued.

Furthermore the planning department is not pressing for one application to be submitted to cover all the required planning for several out buildings, Balconies and change of use to commercial. therefore only the above application has been submitted which only deals with small part of the unauthorised buildings, namely balconies, and the planning committee will never get the opportunity to see the bigger picture and consider accordingly.

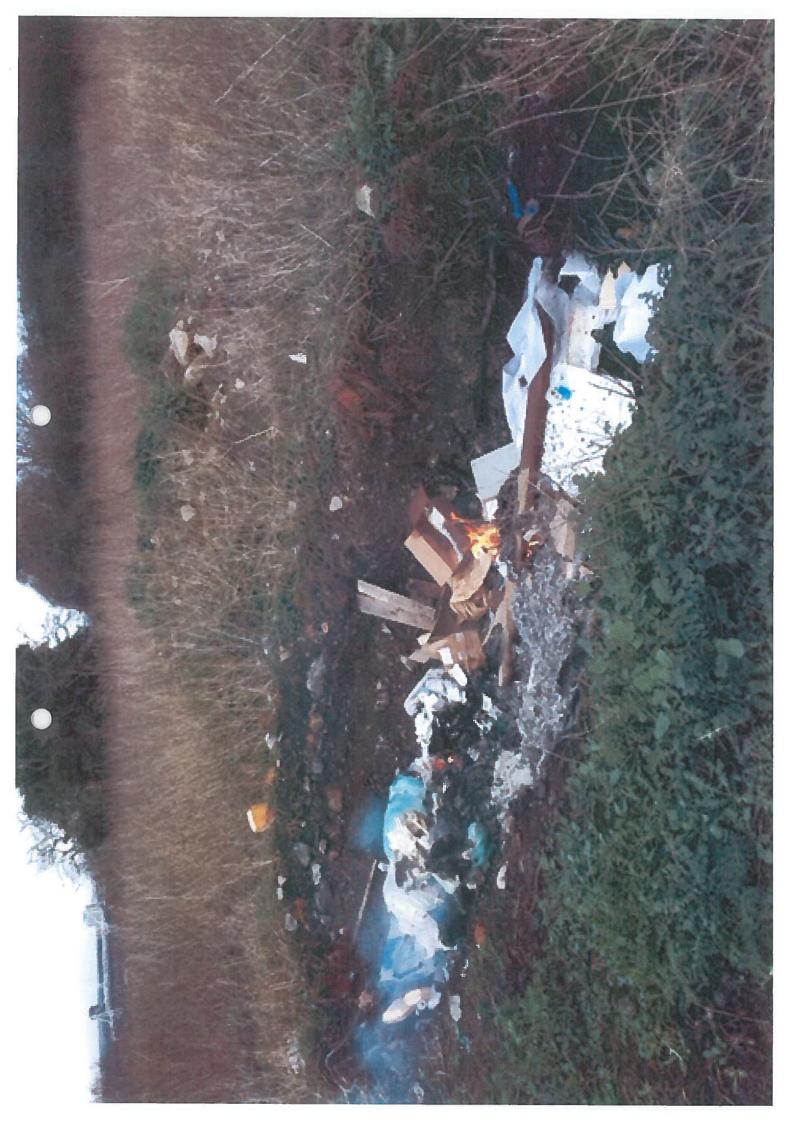
The unauthorised activities by Mr Taylor at Eston Barn have completely destroyed our privacy, security and comfort at our homes in an area that meant to be a small residential rural hamlet. Please see attached the list of complaint registered at Glamorgan Council and few photos to give you an idea of the problems we are facing.

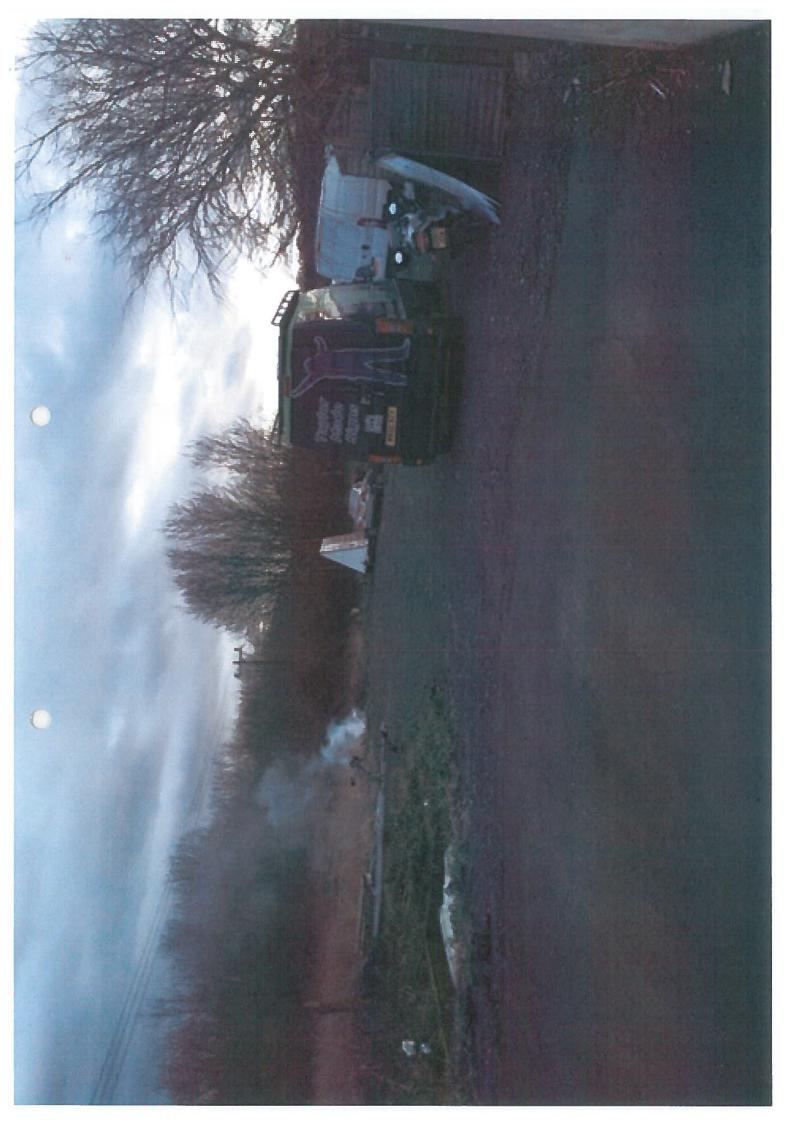
Thank you in advance and look forward to hearing from you.

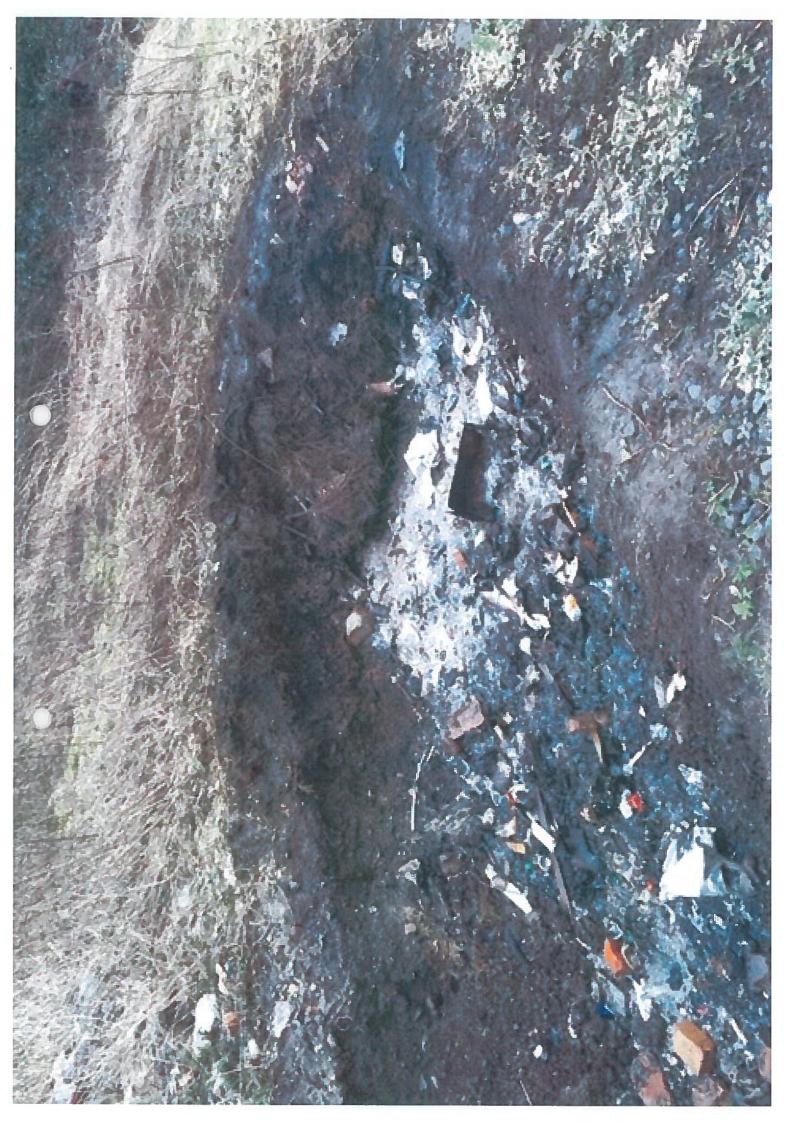
Yours sincerely

Ali Tabai











COMMITTEE DATE: 7 July 2016

Location: Eston Barn, Lon Cwrt Ynyston, Leckwith

Proposal: 2 no. wooden framed balconies to rear of property

From:

Kevin Jones – Agent for applicant

Summary of Comments:

The agent provides a response to the objection letter dated 27th May 2016 by Asbri Planning on behalf of Mr Ali Tabai (neighbour). The main points raised are as follows:

- There was no deliberate intention on the part of the applicant to breach planning controls
- The balconies and decking structures were not thought of as permanent extensions
- That visibility of the balconies from outside of the site is very limited
- Applicant has made every effort to co-operate with Enforcement Officers
- There is no sub-division of the property into separate dwelling units
- Business activities operated from the property are of such a scale as to not require any planning consent
- The objector's photographs show pictures of the same, single van parked in different locations. The van itself is of a size and type which is often seen in many residential locations where people quite legitimately work from home
- Business operated in this low key way for many years without complaint from any other neighbours living within the converted buildings at Ynyston Farm.
- Plan inaccuracies have subsequently been clarified
- Impacts upon neighbour privacy and amenity as a result of overlooking are not the case as demonstrated in the photographs provided.

The response also states that "The objector goes on to allege and draw attention to a number of what he terms 'unauthorised activities' being investigated by the Council. We ask that you clearly define for your Members the material considerations in dealing with this application for the new balconies only. It is our understanding that the objector is the only complainant and instigator of such enforcement investigations which have no bearing on the decision in this application."

Finally, the response requests a change to proposed condition 1 recommended by the officer. This condition states that the pergola above balcony 1 and the canopy above balcony 2 should be removed within 6 weeks of any permission being granted. The applicant requests that this is changed to 'within 6 months' to allow planting designed to grow around the structures to be moved outside of the growing season.

Officer Response:

The main points raised have already been considered in the report. Consideration of an amended timescale for the removal of the pergola and canopy is not considered to be unreasonable, though 6 months is unlikely to be necessary. The condition could be amended to ensure that a timescale for removal (supported by evidence for the requested timescale) must be submitted within two weeks, and this must be agreed by the LPA, and then removal of the pergola and canopy are carried out to the agreed timescale.

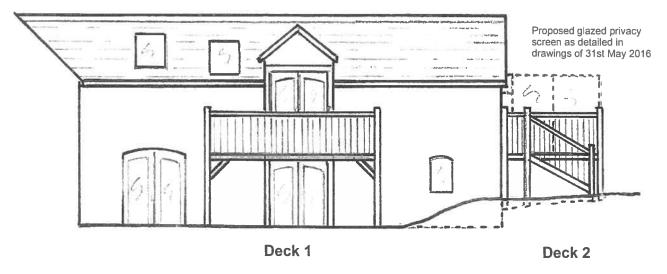
Action required:

No additional action is required at this point.



Eston Barn. 2016/0112.

Proposed Amendments to Deck 1. Scale 1:100 @A4 (portrait). 16/06/2016.



Deck 1 currently existing to have pergola roof removed and existing uprights reduced. Deck and balustrades to remain. Both decks are the subject of a Landscape Planting scheme.

Proposed Elevation facing South S East Within the Applicants Garden.

lute rep - Agent



Kevin H. Jones. Chartered Town Planning Consultant.

Helen Davies,
Assistant Planner – Development Management,
Planning and Transportation Service,
Vale of Glamorgan Council,
Civic Offices,
Holton Road,
Barry,
CF63 4RU

Your Ref: 2016/0112/FUL

5th July 2016.

Dear Helen,

Retrospective planning application 2016/0112/FUL for the retention of timber balconies/decking at Eston Barn, Ynyston Farm, CF11 8DR

Further to our previous correspondence, I write in response to the objection letter dated 27th May 2016 by Asbri Planning on behalf of Mr Ali Tabai.

My client, Mr Jeff Taylor (the applicant) and I believe the objection letter presents an inaccurate picture of the development at Eston Barn which we seek to address. We ask that you draw attention to this response in your Planning Committee of 7th July 2016 when you present your report to Members.

Whilst this application is retrospective, there was no deliberate intention on the part of the applicant to breach planning controls. The balconies and decking structures were not thought of as permanent extensions to the property in the way that the planning authority have considered them, as their addition has not required any substantial building work or

Office 22, Sandfields Business Centre, Purcell Avenue, Port Talbot SA12 7PQ.



significant alterations to the existing building. The applicant has a deep love of horticulture passed on to his from his parents. The aim of the balconies and decking structures was to create an area from which to enjoy his garden and also through providing a structure against which significant planting has been undertaken replicate a 'countryside look' he has seen at various horticultural shows.

Site Context.

The objector draws attention to the elevated nature of Ynyston Farm stating that 'the buildings are also visible in the landscape from a wide area, particularly the eastern elevations of buildings including that associated with the application proposals'. However, the objector fails to define a public location from where he considers the application site would be highly visible and, more importantly, he fails to define the location, or even general area where he believes that the application proposals can be clearly seen from to cause any detrimental visual impact in the wider landscape.

Whilst the application site does occupy an elevated position, views into the site from the wider landscape are few. My client's balconies are designed to face into his garden area which is surrounded by a good boundary wall so that much of the balcony structure to Deck 2 (the only balcony partially visible from Ty Llaeth) is hidden behind the wall and Deck 1 is completely concealed from the east by the existing barn building. It should also be noted that the first floor level of Eston Barn and the Deck structures appear somewhat lower than one would normally expect. The ground level of the extended and converted barn is lower than the ground level outside. The 1st floor level which accesses out onto the balconies is partly contained within the roof space of the building which results in the height and prominence of the new balconies being reduced.

East of the application site there is an area of flat scrub land, beyond which the land drops steeply into the River Ely, the side of the River gorge being substantially tree covered. We have travelled extensively the area between the A4160, Penarth Road and the A4232, Grangetown Link Road and are unable to see the site from this area. If such a vantage point did exist where the site could be seen, then the distances involved would be such that the addition of any alterations in the form of my client's balconies would not be discernible.

The objector goes on to allege and draw attention to a number of what he terms 'unauthorised activities' being investigated by the Council. We ask that you clearly define for your Members the material considerations in dealing with this application for the new balconies only.

It is our understanding that the objector is the only complainant and instigator of such enforcement investigations which have no bearing on the decision in this application.



My client has made every effort to co-operate with Council Enforcement Officers, who have been to inspect the premises on various occasions. There is no sub-division of my client's home into separate dwelling units and his business activities operated from his home are of such a scale as to not require any planning consent. The objector's photographs at his appendix 2 show pictures of the same, single van parked in different locations. The van itself is of a size and type which is often seen in many residential locations where people quite legitimately work from home without it being considered a breach of planning control. My client has operated his business in this low key way for many years without complaint from any of his other neighbours living within the converted buildings at Ynyston Farm.

Planning History.

The objector draws attention to the planning history of Eston Barn and lists a number of planning applications. The objector quotes from a previous planning officer report which gives the view that the barn should not be extended further.

In response we would echo the officers report to Committee in noting that the previous applications have all been approved and, therefore, (with the exception of the current balconies being considered), all is as it should be with the development. It is also pointed out that very little weight can be placed upon out of context comments from a previous officer report. Clearly, no such report can impose a moratorium upon future development of the site.

Application Details.

The objector alleges a number of inaccuracies in the plans, including that provided by Vale of Glamorgan to the applicant (location plan) in order to register his application. During the course of negotiations with officers and the amended decking plans submitted, we believe we have clarified these issues. However, as indicated in the officers report, the application is retrospective and, therefore, there can be no doubt in assessment of the impact of the development because the decks are in existence.

Relevant Planning Policies and Guidance.

The objector alleges our application to be contrary to adopted planning policies ENV4 and ENV8 and the SPG on the conversion of rural buildings.

We have considered these policies carefully, including the basis or reasoned justification behind these policies which is in essence the protection of the Vales rural landscape character.

As indicated earlier in this letter, the balconies as constructed have no impact upon the wider landscape, having little impact outside of the applicants own garden. The



balcony/decking structures themselves are not extensions in the normal consideration as they make no substantial permanent physical alteration to the building in the way a traditional built extension would do. Their fixings to the building is limited, their constructional weight largely self-supporting on their own 'legs' and the size and scale of both decks is relatively small compared with the overall size and scale of buildings forming the converted barn complex.

Impacts upon neighbour privacy and amenity as a result of overlooking are not the case. As demonstrated in the photographs provided in my letter of 15th June 2016, taken by holding the camera above the privacy screen, there is no direct vision into the garden or dwelling of the neighbour at Ty Llaeth.

Conclusion.

It is our view that the development of balconies/decking structures as erected are in compliance with adopted planning policy ENV4, ENV8 and the adopted, but somewhat aging, Supplementary Planning Guidance Note on Rural Barn Conversions.

The applicant has, in addition, been very willing to co-operate with the planning and enforcement officers of the Local Authority at every turn, allowing access to investigate the numerous incorrect allegations of breached planning controls and both negotiating and agreeing to the amendments suggested by officers.

The applicant is a keen gardener and member of the RHA. His intention when erecting the two decks was not to breach planning control, but simply to create an elevated area from which to enjoy his garden and views, and as a structure on which to 'plant' against, various climbing plants and vines he wished to grow and enjoy.

Members of committee will see on their site visit, the substantial planting undertaken by the applicant and hopefully form an impression of what these decking structures will appear like in the future as this planting matures. Whilst the proposed amendment of the removal of the pergola roof is agreed by our previous letter of the 15th June 2016 we ask for your consideration as to the timing of this as required by the suggested planning condition within the Officer report (currently indicated as within 6 weeks of permission).

The applicant feels that he can save the majority of his planting and effect an alternative means of supporting his plants to grow against the balcony structures and building through repositioning, provided that this work could be done outside of the growing season. If the time for compliance could be altered to 6 'months' as opposed to weeks, all altercations could be accomplished during the dormant winter period so as to maximise the potential survival of the existing planting.



We therefore ask that your Committee agrees your officer's recommendation to approve planning permission for the balcony decking structures, amending proposed condition 1 as requested.

Yours Sincerely,

Kevin Jones. pgDip Town Planning. M.R.T.P.I. Chartered Town Planner.





COMMITTEE DATE: 7 July 2016

Location: Eston Barn, Lon Cwrt Ynyston, Leckwith

Proposal: 2 no. wooden framed balconies to rear of property

From:

Christopher Williams, Elected Member

tel / ffôn: mob / syı

Summary of Comments:

Comments supporting neighbour's concerns

Officer Response:

Mr Tabai is the neighbour at Ty Llaeth. The issue of privacy in relation to the balconies have been fully considered in the application report.

Enforcement have spoken to Mr Williams with regard to other potential issues and there is an open enforcement case relating to complaints raised by Mr Tabai. Further evidence has been requested and is awaited.

Action required:

No additional action is required as a result of this comment, at this time.



Robinson, Victoria L

From:

Williams, Chris J (Cllr)

Sent:

21 June 2016 16:22

To:

Planning

Subject:

Eston Barn (2016/00112/FUL/HD)

FAO Helen Davies,

Hi Helen, I visited Mr Tabai at Lon Cwrt Ynyston today and understand from our earlier telecon' we are simply seeking to deliberate on the above planning app'.

I shall be sending the Committee a letter in support of Mr Tabai's objections.

Could you please advise me regarding our obligations with regard to the apparent change of use of the property from Residential to Commercial and the possible burning of hazardous waste on the land?

Christopher Williams
Elected Member
Democratic Services
Vale of Glamorgan Co

Vale of Glamorgan Council / Cyngor Bro Morgannwg

tel / ffôn: (mob / syn

e-mail / e-bost:

Visit our Website at www.valeofglamorgan.gov.uk Ewch i'n gwefan yn www.bromorgannwg.gov.uk

Find us on Facebook / Cewch ddod o hyd i ni ar Facebook Follow us on Twitter / Dilynwch ni ar Twitter

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

Consider the environment. Please don't print this e-mail unless you really need to. Ystyriwch yr amgylchedd. Peidiwch ag argraffu'r neges hon oni bai fod gwir angen.

Robinson, Victoria L

From:

Williams, Chris J (Cllr)

Sent:

22 June 2016 11:37

To:

Planning

Cc:

Johnson, Fred T (Cllr)

Subject:

Eston Barn (2016/00112/FUL/HD)

FAO Ms Helen Davies Dear Helen,

I have visited the above site yesterday at the request of Mr Tabai of Ty Llaeth.

I cannot attend a site meeting, if that is scheduled, for July 7th, or the Planning meeting, presumably on the same day, due to previous commitments but I should like to support Mr Tabai's objections as I consider the balconies, already constructed, are an intrusion on Mr Tabai's privacy.

Christopher Williams
Elected Member
Democratic Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn:
mob / syr
e-mail / e

Visit our Website at www.valeofglamorgan.gov.uk Ewch i'n gwefan yn www.bromorgannwg.gov.uk

Find us on Facebook / Cewch ddod o hyd i ni ar Facebook Follow us on Twitter / Dilynwch ni ar Twitter

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

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COMMITTEE DATE: 7 July 2016

Location: Overway, 12, Park Road, Penarth

Proposal: Detached two storey house with integral garage

From:

Council's Highway Development team

Summary of Comments:

Request access and crossover be relocated to achieve min distance of 2m from telegraph post. In addition details of crossover not in accordance Council's standards.

Officer Response:

Condition 4 re: further details of access already proposed.

Action required:



Vale of Glamorgan Highway Authority Observation Sheet

Planning Application Ref:	2016/00176/FUL
Observations By:	Paul D Harrison
Date:	24 June 2016
Location:	Overway, 12, Park Road, Penarth
Proposal:	Detached two storey house with integral garage and separate small single room reptile building
Case Officer:	Mrs. Y. J. Prichard

Further to reviewing amended details in relation to the above, it is noted that the proposed access and associated crossover will be located immediately adjacent to an existing telegraph post within the footway. As a result, the access and crossover are required to be relocated a minimum distance of 2.0m away from the telegraph post and shown on a amend plan.

In addition, it is noted that the the proposed crossover will be constructed from a bound gravel material, edged with block paving and granite sets with a radii at the southern kerb line. However, this is not in accordance with the council's standard for a vehicle crossover and as a result, this is required to be removed from the submitted drawings.





Vale of Glamorgan Highway Authority Observation Sheet

Planning Application Ref:	2016/00176/FUL
Observations By:	Paul D Harrison
Date:	18 March 2016
Location:	Overway, 12, Park Road, Penarth
Proposal:	Detached two storey house with integral garage and separate small single room reptile building
Case Officer:	Mrs. Y. J. Prichard

Further to reviewing the development in relation to the above, I would comment that the highway observations provided in relation to the previous planning application (reference 2015/01004/FUL) at the site are still applicable to the current proposals.



COMMITTEE DATE: 7 July 2016

Application No.:2016/00176/FUL Case Officer: Mrs. Y. J. Prichard

Location: Overway, 12, Park Road, Penarth

Proposal: Detached two storey house with integral garage

From:

Penarth Town Council

Summary of Comments:

Supports the application

Officer Response:

Action required:

Penarth Town Council

Mrs V.L. Robinson - Oper. Man. Develop & Build. Control

Vale of Glamorgan Council The Dock Office Barry Dock

Barry Dock Barry CF63 4RT Emma Smith - Town Clerk

West House Stanwell Road Penarth CF64 2YG

Telephone 02920 700721 Fax 02920 712574

Case Officer:

Date 24/06/2016

Application No :16/00176/FUL

Type: OFF.DEL.

Status: 0 New Application

Date Received: 02/06/2016

Applicant: Jones/Evans Mr S & Mrs R

65 Stanwell Road Stanwell Road PENARTH Agent/Architect: Studio114

Morgan Arcade CARDIFF

Location: Overway, 12 Park Road

Park Road PENARTH Parish:

N.G.R. :

Road Class:

Proposal: Detached two storey house with integral garage and separate small single room reptile building.

TOWN AND COUNTRY PLANNING ACT 1990 - LOCAL COUNCIL OBSERVATIONS

Penarth Town Council have considered the Application No 16/00176/FUL and observations thereon are as follows:

THAT the Committee supports the application.

Signed

Town Clerk

on behalf of : Penarth Town Council

Dated:

ed: 24/6/16

West, Ben

From:

Emma Smith

Sent:

24 June 2016 10:03

To:

Planning

Subject:

Penarth Town Council - Planning Committee Observations

Attachments:

SKM_C3110160624095800.pdf

Please find attached, last night's committee observations.

Thank you.

D.E.E.R

RECEIVED

ACTION BY: YJP/JMC

NO: 27

ACK:

RECEIVED

2 4 JUN 2016

Regeneration and Planning



Emma Smith
Town Clerk/Clerc Y Dref

PENARTH TOWN COUNCIL CYNGOR TREF PENARTH

West House, Stanwell Road, Penarth CF64 2YG
Ty'r Gorllewin, Heol Stanwell, Penarth CF64 2YG
Tel/Ffôn: (029)2070 0721 Fax/Ffacs:(029) 2071 2574
E-Mail/E-Bost:enquiries@penarthtowncouncil.gov.uk
www.penarthtowncouncil.gov.uk

Please ask for/Cysyllter â; E-mail/E-bost acalder@penarthtowncouncil.gov.uk

My Ref/Cyf:

Your Ref/Eich Cyf:

Mrs V.L. Robinson Vale of Glamorgan Council The Dock Office Barry Dock Barry CF63 4RT

24th June 2016

Dear Mrs Robinson,

Please find enclosed, the Observation Reports for the Planning Applications numbered as follows:

16/00600/LBC 16/00176/FUL

Yours sincerely,

Emma Smith Town Clerk



COMMITTEE DATE: 7 July 2016

Application No.:2016/00176/FUL Case Officer: Mrs. Y. J. Prichard

Location: Overway, 12, Park Road, Penarth

Proposal: Detached two storey house with integral garage

From:

Neighbour at Ground Floor Flat 8 Park Road

Summary of Comments:

Support for application, noting proposed building appropriate for this part of Conservation Area

Officer Response:

Action required:

West, Ben

From:

Planning

Sent:

23 June 2016 12:32

To:

Planning

Subject:

New comments for application 2016/00176/FUL

New comments have been received for application 2016/00176/FUL at site address: Overway, 12, Park Road, Penarth

from Mr Duncan Cantlay

Address:

Ground Floor Flat,8 Park Road,Penarth,,CF64 3BD

Comments:

I have looked at the additional amendments to the above Application .

I support this Application and am of the opinion that the proposed building is appropriate for this part of the Conservation Area.

Duncan Cantlay

Case Officer:

Mrs. Y. J. Prichard

D.E.E.R

RECEIVED

ACTION BY: YSP/5~C

NO: 3

ACK:

RECEIVED

2 3 JUN 2016

Regeneration and Planning