

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 7 July 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:

2015/0683/BN	A	44, Porthkerry Road, Rhoose	Demolition of double garage and erection of annexe
2016/0008/PV	A	2, Heol yr Ysgol, St. Brides Major	Single storey rear extension
2016/0132/BR	AC	7, Cowper Close, Penarth	Double storey side extension
2016/0233/BR	AC	The Grange, Trepit Road, Wick	Convert existing outbuilding into Granny Annexe
2016/0308/BR	AC	59, the Verlands, Cowbridge CF71 7BY	Single storey extension to the rear and double height extension to the side
2016/0478/BR	AC	Llanerch Vineyard, Hensol	Single storey extension to existing kitchen to incorporate food storage, refrigeration & work space
2016/0485/BR	AC	Huckleberry, Sutton Lane, Ogmore-By-Sea	Single Storey Extension to enlarge kitchen and Garden room. Extension and alterations to roof and first floor bedroom
2016/0493/BR	AC	Automasters, Broad Street, Barry, Vale of Glamorgan CF62 7AH	New Car Paint Spraying Booth enclosed in a metal clad weatherproof structure.

2016/0494/BR	AC	36, Glyndwr Avenue, St Athan	2 Storey extension
2016/0496/BR	AC	1, Porlock Drive, Sully	Proposed first floor bedroom extension
2016/0503/BR	AC	8, Charteris Close, Penarth	single storey rear kitchen/utility room extension
2016/0513/BR	AC	12, Sunnycroft Lane, Dinas Powys CF64 4QQ	Proposed two storey rear extension and internal alterations comprising kitchen, dining room, bedroom and bathroom
2016/0514/BR	AC	Stable Block, Adjacent to Daisy Cottage, Stalling Down, St. Hillary	Conversion of existing stable block into domestic dwelling.
2016/0517/BR	AC	42, Westbourne Road, Penarth	Partial demolition of an existing house, with internal alterations to accommodate an internal lift.
2016/0518/BR	AC	5, Court Close, Aberthin.	Internal alterations with new first floor layout. Refurbishment and creation of workroom in existing garage area and new pitched roof.
2016/0520/BR	AC	Long Acre, Lane from Hensol Cottage to the Old Barn, Pendoylan.	Demolition of existing dwelling with erection of replacement dwelling at site.
2016/0521/BR	AC	1, Clevedon Avenue, Sully CF64 5SX	Loft conversion to provide two bedrooms, playroom and bathroom
2016/0522/BN	A	42, Westbourne Road, Penarth. CF64 3HF	create a firewall between attached property within the roof space
2016/0525/BR	AC	45, Lewis Road, Penarth	Re-construction of a single storey rear extension
2016/0526/BR	AC	Murmur y Coed, 4, Cherry Close, Penarth	Single storey extension to enlarge kitchen.

2016/0528/BN	A	4, Ashby Road, Sully	Single storey extension to enlarge kitchen
2016/0530/BN	A	65, Cornerswell Road, Penarth	Construction of detached music room in rear garden
2016/0532/BN	A	3, Marine Parade, Penarth	Re-Roof
2016/0533/BN	A	92, Pontypridd Road, Barry	Single storey rear in-fill extension
2016/0534/BN	A	13, Ludlow Street, Penarth	Two rooms into one
2016/0535/BN	A	The Moorings, Highlight Lane, Barry	Extension to dormer and single storey side extension
2016/0536/BN	A	13, Ashgrove, Dinas Powys	Single storey side & rear extension
2016/0537/BN	A	22, Cowbridge Street, Barry	Garage conversion & porch extension
2016/0539/BN	A	Highlands, Pound Lane, Wenvoe	Replacement roof covering
2016/0540/BR	AC	Llwynhelig Farm, (Penllyn Estate Farm), Cowbridge	Change of use from offices to veterinary surgery
2016/0541/BR	AC	Fontygary Leisure Complex	Single storey function suite & internal alterations to toilet and kitchen area
2016/0542/BN	A	3, Melrose Street, Barry	Re-roof
2016/0543/BN	A	The Salt House, Church Street, Cowbridge	Alterations to existing property
2016/0544/BN	A	212, Holton Road, Barry	New powder coated aluminium shopfront, new stall riser, new fascia & shop sign. New external security shutter with shutter housing behind fascia
2016/0545/BN	A	245, Holton Road, Barry	New powder coated aluminium shopfront, new stall riser, new fascia & shop sign. New external security shutter with shutter housing behind fascia

2016/0546/BR	AC	Gladstone Junior & Infants school, Gladstone Road, Barry	Replacement of existing gas fired boiler plant with new gas fired boiler plant with new flue outlets. Removal of existing steel chimney & roofing over aperture
2016/0547/BR	AC	The Dock Offices, Vale of Glamorgan Council, Subway Road, Barry	Removal of the existing basement & second floor gas fired boiler plant & control systems and the supply & installation of a new gas fired boiler plant (Basement) & standalone containerised biomass boiler plant & control
2016/0549/BN	A	8, Ffordd y DDerwen, Ystradowen	Open up to install new lintel on rear of property & two rooms into one
2016/0552/BR	AC	9, Hensol Villas, Pontyclun	Single storey extension on the side and rear and first storey extension over new kitchen
2016/0553/BN	A	1, Charles Place, Barry	Form new door opening and install lintels.
2016/0554/BN	A	11, Winsford Road, Sully	Knock two rooms into one
2016/0555/BN	A	32, Evelyn Street, Barry	Remove dividing wall between lounge and dining room to create one living space.
2016/0558/BN	A	54, Cornerswell Road, Penarth	Loft conversion with dormer to provide additional habitable space.
2016/0562/BN	A	188, Redlands Road, Penarth	Single storey extension to enlarge kitchen/dining
2016/0565/BN	A	9, Lakehill Drive, Cowbridge	Garage conversion
2016/0574/BN	A	18, Ty Pica Drive, Wenvoe	To widen 4No. doorways in bungalow and fit new concrete lintels above

2016/0577/BN	A	19, Westgate, Cowbridge	Two rooms into one with taking out chimney breast. Remove external on front elevation and changing all windows
2016/0578/BN	A	8, Dros Y Mor, Penarth	Install through floor lift in the hall travelling up to landing.
2016/0580/BN	A	25, Castle Road , Rhoose	Single storey extension
2016/0582/BR	A	4, Winston Road, Barry	Fit wider doorway to front entrance and form opening in first floor for a through floor lift
2016/0589/BN	A	47, Cae Canol, Penarth	Single storey extension
2016/0590/BN	A	6, Owain Close, Penarth	Installation of beam to load bearing wall and set of patio doors
2016/0597/BN	A	9, Cae Stumpy, Cowbridge	FD30 to kitchen
2016/0600/BN	A	Royal Cafe, 1, Paget Road, Barry Island, Barry	Removing old roof, fascias and guttering. Replace with new slates, fascia's, guttering and re-pointing of chimneys
2016/0602/BR	A	1, Park Crescent, Barry	Full renovation
2016/0603/BN	A	23, Cudd Y Coed, Barry	Single storey extension with pitched roof

(b) Building Regulation Applications - Reject

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

2016/0531/BN	R	33, Dyserth Road, Penarth	Replacement of lower half of bay window including footings. Rear extension.
2016/0551/BN	R	81, Brookfield Avenue, Barry	Two storey extension with balcony

2016/0585/BN	R	Dial Yr Hydref, The Lanes, off Colhugh Street, Llantwit Major	Two storey and single storey extension to existing property including detached sectional garage
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(c) The Building (Approved Inspectors etc.) Regulations 2000

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

2016/0071/AI	A	24, Fontygary Road, Rhoose	Single storey attached garage
2016/0072/AI	A	Gwenolfan, Trerhyngyll	Single storey rear extension
2016/0073/AI	A	11, Runcorn Close, Barry	Two storey extension and associated works
2016/0074/AI	A	15, Speedwell Drive, Rhoose	Proposed structural openings
2016/0075/AI	A	Barry Biomass, David Davies Road, Barry	Construction of Biomass Renewable Energy Plant, turbine / office and welfare building
2016/0076/AI	A	90, Plymouth Road, Penarth	Single storey rear extension
2016/0077/AI	A	29, Clive Place, Penarth	Single storey rear extension and conversion of 3 No. link garages to one single outbuilding with WC facility
2016/0078/AI	A	1, Robin Hill, Dinas Powys	Single storey extension, first floor extension, internal alterations
2016/0079/AI	A	33, Druids Green, Cowbridge	Single storey front porch extension
2016/0080/AI	A	Flat 3, 12, Royal Buildings, Penarth	Proposed replacement glazing, formation of structural opening and new partition walls
2016/0081/AI	A	160, Port Road East, Barry	Replacement single storey ground floor rear extension

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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

2008/01559/1/N MA	R	Great House Farm, Llandough, Cowbridge	Non Material Amendment - Change of roof material to single storey section to a standing seam composite roof system. Planning Permission ref. 2008/01559/FUL: Change of use to holiday accommodation at Barn, Great House Farm, Llandough
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2010/00566/1/N MA	A	Cottage Farm, Michaelston-Le-Pit	Non-Material Amendment - Removal of Conditions 9, 10 and 11 of original consent, which relate to the Code for Sustainable Homes. Planning permission ref. 2010/00566/FUL: Demolish existing office/stables. Construct one detached dwelling/office
2013/00862/3/N MA	A	Plot 64, Ocean View, Ogmore by Sea	Non-Material Amendment - Alteration of approved dwelling to include rear conservatory extension. Planning permission ref.2013/00862/RES: Demolition of existing buildings and redevelopment of site for residential purpose at Ogmore Residential Centre
2014/00347/1/N MA	A	Bryncoed, Graig Penllyn	NMA - Alteration of elevation treatment. Removal of bungalow roof and creation of first floor accommodation and minor extensions; conversion of unused outbuilding to gym



2014/00484/2/N MA	A	Phase 1, Westhaven, Barry Waterfront, Barry	Non-Material Amendment - Amendment to distribution of the approved external materials. Specifically substitution of the render treatment approved in respect of plots 100-102 for the approved brick- the PD Edenhall Bedford Blend. Planning permission 2014/00484/RES: Development of site known as West Pond for residential development and associated infrastructure works, parking, servicing and landscaping (Amendment to layout as permitted by applications 2009/00946/OUT and 2012/00733/EAR including changes in house type, alteration to affordable housing provision and increase in number of dwellings up to 139) - Amended by 2015/00361/NMA (NMA)
2014/00942/1/N MA	A	Rear of 22, Romilly Road, Barry	To adjust front elevations shopfront-to remove dormer windows to front elevation/adjust roof and introduce 2 velux rooflights. Amendment to two storey retail unit
2014/01108/1/N MA	A	Ogmore by Sea Caravan Park, Main Road, Ogmore by Sea	NMA-Relocate play equipment north of existing location. Redevelopment of caravan site for residential development
2014/01441/2/N MA	A	Site at Tresilian Wood, Dimlands Road, St. Donats, Llantwit Major	Relocate two shower and toilet units

2015/00057/1/N MA	A	Glen Cottage, 39, Eastgate, Cowbridge	Non-Material Amendment - To install four Velux windows in the roof of the detached single storey garage/store/family room to rear of the garden area. Planning permission ref. 2015/00057/FUL: Proposed kitchen extension to existing dwelling and proposed detached garage/store/family room to rear garden (in place of existing garage)
2015/00234/FUL	R	17, Eastgate, Cowbridge	Two storey extension to rear
2015/00299/1/N MA	R	14, Llandaff Close, Penarth	Non-Material Amendment - Slope of existing roof to remain to rear and alterations to size of ground floor extension. Planning permission ref. 2015/00299/FUL: Single storey extension to rear of the property, roof angle adjusted to rear of property to allow for rooms within loft area, new flat roof porch and associated works. Dormers to be formed within the roof

2015/00566/1/N MA	A	Site of Former Adult Training Centre, Woodlands Road, Barry	Non Material Amendment - Rewording of Condition 11 from: Surface water flows from the development shall only communicate with the public combined sewer through an attenuation device that discharges at a rate not exceeding 11 l/s to: Surface water flows from the development shall only communicate with the public combined sewer through an attenuation device that discharges at a rate not exceeding 13 l/s. Planning Permission ref 2015/00566/FUL: Erection of thirty residential units (Class C3) comprising twenty four one bedroom units and six two bedroom units, erection of bin/cycle store, amendment to existing access on Belmont Street, landscaping, car parking and associated works
2015/00580/OUT	R	Land adjacent to April Cottage, Drope Road, Drope	Construction of detached dwelling adjacent to April Cottage
2015/01202/FUL	A	Plot 6, Craig Yr Eos Avenue, Ogmore By Sea	Proposed new build house
2015/01338/1/N MA	A	56, Queens Road, Penarth	Non Material Amendment - Reduce hieght of side visibility panels on rooftop from 1.8m high to 1.7m high
2015/01352/OUT	A	Llanover Street, Barry	Proposed new dwelling

2015/01496/FUL	A	Pleasant View Farm, Sigginstone	Existing roof structure to be removed and a new roof, together with extension to existing roof at western end of barn installed. Addition of pitched roof to small room at eastern section of barn (refer to drawings). Render finish to existing brick and blockwork. Replacement of all new doors and windows
2016/00001/FUL	A	Cliff Farm, Llancarfan	New garage and demolish existing stables to construct new stables
2016/00036/FUL	A	Wild Rose Cottage, Duffryn Lane, St Nicholas	Extension of existing garage and construction of a 2 bedroom retirement dwelling for family members (Granny annexe)
2016/00094/FUL	A	11, Seaview Drive, Ogmore By Sea	Rebuild of house after fire damage
2016/00095/FUL	R	5, Paget Place, Penarth	Single storey side extension
2016/00109/FUL	A	1, Richardson House, Hensol Castle Park, Hensol	Replacement of existing conservatory
2016/00141/LBC	A	Springbank Nursing Home, College Road, Barry	Internal alterations to ground floor rooms
2016/00161/FUL	A	Glenree, 38, Robins Lane, Barry	Two storey side extension to existing house
2016/00180/FUL	A	Llantwit Major Rugby Football Club, Boverton Road, Llantwit Major	Two storey extension

2016/00182/RES	A	Site known as South Quay, Barry Waterfront, Barry	Development of site known as South Quay (Parkside) for residential development and commercial and associated infrastructure works, parking servicing and landscape (26 dwellings)
2016/00210/FUL	A	Llaneinydd, School Lane, St. Nicholas	Detached single storey garage
2016/00211/FUL	A	Land at Rhiwau, Old Port Road, Wenvoe	Renewal of application 2011/00140/FUL - Alterations to Old Port Road
2016/00231/FUL	A	Plot 96, Sutton Chase, Off Somerset View, Ogmore By Sea	Proposed alteration of approved dwelling to include rear conservatory extension
2016/00258/FUL	R	Court Farm, Bonvilston	Proposed 3 No. detached dwellings
2016/00287/FUL	A	62, Wenvoe Terrace, Barry	Decking raised to 180cm high to the height of back door of property and storage access underneath decking.
2016/00296/FUL	A	47, Arcot Street, Penarth	Conversion of existing garage/outbuilding for ancillary residential use
2016/00300/FUL	A	Cilmeri, The Downs, St. Nicholas	Single storey rear extension to provide new sitting room
2016/00311/FUL	A	April Rise, Church Lane, Welsh St. Donats	Alterations to the existing dwelling, conversion of existing garage with first floor extension over plus single storey entrance porch extension to the front
2016/00314/FUL	A	Flat 2, Rectory Court, Rectory Road, Penarth	Replacement windows and alteration works

2016/00330/FUL	A	2 Trehill Cottages, A48 St Nicholas, St Nicholas	Erection of a detached single garage with pitched roof to rear south west side of property. Plus glazed/bricked enclosure of existing porch footprint to west entrance of property
2016/00342/LAW	A	8, Plassey Square, Penarth	Lawful development for proposed rear dormer and rooflights
2016/00344/FUL	A	13, Maes y Ffynon, Bonvilston	Two storey side and rear extension
2016/00348/FUL	A	1, Park Crescent, Barry	Conversion of existing empty dwelling into 7 person HMO together with the rebuilding of the existing garage
2016/00352/FUL	A	2, Glascoed Cottages, Sully Road, Penarth	To form new dormer to front first floor bedroom
2016/00354/FUL	A	14/16, Regency Close, Llantwit Major	Erection of joint front porch 14/16
2016/00361/FUL	A	Land at Maes y Fro, Llysworney	Agricultural barn, crushed stone area and revised gate details
2016/00362/FUL	R	34, Cambrian Avenue, Llantwit Major	First floor extension
2016/00365/FUL	A	6, Croft Terrace, Cowbridge	Demolition of dilapidated ground floor wc, first floor bedroom extension and external enhancement
2016/00366/FUL	A	9, The Green, Leckwith	Proposed ground floor gym room extension and first floor bedroom with ensuite. Attic space study
2016/00367/FUL	A	Rhos Dawel, Trehnygyll	Alterations and two storey rear extension

2016/00368/FUL	A	The Bungalow, Jubilee Lane, Penarth	First floor front extension rear dormer raising of ridge height and alterations
2016/00372/FUL	A	29, Southey Street, Barry	Two storey extension to rear and side of property. New dropped kerb to front of property to provide access to driveway
2016/00374/FUL	A	2, Springfield Rise, Barry	Orangery style conservatory to the rear of the dwelling
2016/00375/FUL	A	2, St. Cyres Close, Penarth	Remodelling house with single storey extension
2016/00376/FUL	A	64, Celtic Way, Fontygary, Rhoose	First floor extension
2016/00377/LAW	A	32, Ravenshoe Road, Barry	Single storey rear extension
2016/00379/FUL	A	11, Clive Place, Penarth	Demolition of existing rear and part side garden walls. Construction of new double garage with access from rear lane
2016/00383/FUL	A	Ruthin Fawr Farm, St. Mary Hill	New vehicular access into existing farm
2016/00385/FUL	A	Ty Hafan, Hayes Road, Sully	Removal of the existing entrance screen, doors and low level wall and create an enlarged entrance porch
2016/00386/FUL	R	Dimlands Road, St. Donats	Construction of detached four bedroom dwelling house with integral double garage, plus associated driveway

2016/00388/FUL	A	Craigwen, Barren Hill, Penmark	Two storey extension infilled between main house and garage, retrospective consent for the removal of trees and the retention of 1.2m timber fence on top of existing garden wall and outbuilding
2016/00389/RES	A	Land West of Port Road, Wenvoe	Appearance, Layout, Scale
2016/00390/FUL	A	McDonalds Restaurants Ltd., Ty Verlon Industrial Estate, Barry	Refurbishment and reconfiguration of the restaurant to include a 36.4 Sqm extension for an additional drive thru booth and fast forward lane. The installation of aluminium cladding to the roof and associated works to the site. Changes to kerblines. New fascia signage
2016/00392/FUL	A	2, Hastings Avenue, Penarth	Side and rear single storey extension to extend kitchen/form breakfast room/utility room/shower wet room and open rear porch
2016/00393/FUL	A	16, Yr Efail, Treoes	Front porch alteration/extension and rear/side extension both single storey
2016/00394/FUL	A	26, Tordoff Way, Barry	Erection of outhouse within rear garden
2016/00396/FUL	A	293, Barry Road, Barry	Replacement of current conservatory and outside wc with single storey block and render structured room and wc/shower
2016/00400/LAW	A	158, Westbourne Road, Penarth	Ground floor extension



2016/00401/FUL	A	52, Plas Taliesin, Portway Marina, Penarth	Proposed single storey side extension to kitchen, new balcony and windows
2016/00403/FUL	A	25, Castle Drive, Dinas Powys	Single storey bedroom and kitchen extension
2016/00404/FUL	A	6, Gaspard Place, Barry	Removal of existing timber shed and erection of replacement masonry outbuilding
2016/00406/FUL	A	31, Clive Place, Penarth	Demolition of an existing single garage and concrete driveway to the rear of 31 Clive Place. Construction of a single storey double garage
2016/00413/FUL	R	80, Victoria Road, Penarth	First floor bedroom extension above existing garage
2016/00414/FUL	A	48, Porthkerry Road, Rhoose	To form new front and rear elevation dormers and raise ridge line to accommodate three new bedroom to first floor internal alterations
2016/00416/FUL	A	Enzian, Colwinston	Replacement of defective flat roof with tiled pitched roof over existing attached garage and utility room
2016/00417/FUL	A	32, Arlington Road, Sully	Single storey rear extension
2016/00418/FUL	A	44, Westbourne Road, Penarth	To replace brown wooden framed windows (installed in the 1980's) with high quality white uPVC sash windows. These will have the look of the original Victorian sash windows
2016/00419/FUL	R	New House at Trevithyn Farm, Llancarfan	First floor side extension and single storey rear and front extensions

2016/00420/FUL	A	41, Grove Terrace, Penarth	2 Storey rear extension plus associated works
2016/00422/FUL	A	13, Ewbank Close, Barry	Two storey side extension and single storey rear extension to provide additional bedroom and living room with enlarged kitchen and dining space
2016/00423/FUL	A	38, Heol-y-Fro, Llantwit Major	Proposed two storey side extension, single storey rear extension and construction of porch on front elevation
2016/00425/FUL	A	12, Commercial Road, Barry	Conversion of a 3 no. bedroom 2 storey terraced house into 2 no. 1 bedroom flats (1 no. at ground floor & 1 no. at first floor)
2016/00426/FUL	A	284, Holton Road, Barry	To sub divide existing ground floor restaurant, to retain cafe/shop fronting, with former servery/kitchen converted to a one bedroom flat
2016/00428/FUL	A	5, Main Avenue, Peterson Super Ely	Single storey extension to side of existing house
2016/00431/RG3	A	St. Nicholas Church in Wales Primary School, St. Nicholas	Proposed canopy to the front/south elevation
2016/00432/FUL	A	17, Tair Onen, St. Hilary	Demolition of existing single storey detached garage & construction of rear single storey kitchen extension
2016/00433/FUL	A	81, Brookfield Avenue, Barry	Two storey extension including balcony
2016/00434/FUL	A	Curnix Farm, Cuckoo Mill Lane Jct Moulton to Jct at Penmark, Moulton	Proposed replacement dwelling with ancillary garage/store and home office

2016/00435/FUL	A	43, Bedford Rise, Boverton, Llantwit Major	Single storey front extension
2016/00437/FUL	A	4, Heol Pantycelyn, Barry	Proposed double storey side extension and proposed single storey rear extension
2016/00438/FUL	R	8, Pontypridd Road, Barry	Proposed 1.5 Storey Dwelling to rear of 8 Pontypridd Road
2016/00440/FUL	A	The Salt House, Church Street, Cowbridge	Proposed garage conversion and minor alteration, new summer house
2016/00441/FUL	A	15, Cory Crescent, Peterston Super Ely	Demolition of existing conservatory and timber decking area. Construction of new single storey rear extension forming new kitchen/dining area, W.C shower room and garden room
2016/00442/FUL	R	Land to rear of 13, St. Peters Road, Penarth	Proposed detached dwelling
2016/00443/LAW	A	7, Mountjoy Avenue, Penarth	Construction of a single storey utility and shower room to the side elevation
2016/00446/FUL	A	3, Woodland Place, Penarth	To the front, proposed part removal of boundary wall to form a new cross over to provide on site parking space. To the rear, demolition of the redundant single storey outbuilding and first floor fire escape above to form a proposed single storey rear and side extension together with a new window to rear elevation of first floor bedroom

2016/00450/ADV	A	McDonalds Restaurants Ltd., Ty Verlon Industrial Estate, Barry	Refurbishment and refurbishment and reconfiguration of the restaurant to include a 36.4 Sqm extension for an additional drive thru booth and fast forward lane. The installation of aluminium cladding to the roof and associated works to the site. Changes to kerblines. New fascia signage
2016/00452/FUL	A	61, Norwood Crescent, Barry	Single storey rear extension for disabled accommodation
2016/00453/FUL	A	34, Conway Drive, Barry	Proposed extension to side elevation replacing single storey car port. Small extension to rear and new French doors to rear elevation roof with small balcony with glazed hand rail
2016/00455/FUL	A	Woodside, Park Road, Dinas Powys	Conversion and refurbishment of existing garage/coach house into ancillary accommodation, single storey side extension (east), side garage extension (west), roof configuration and new front entrance gates and boundary
2016/00457/FUL	A	David Davies Road, Barry	Erection of CCTV camera - 6m high lattice structure
2016/00463/FUL	A	7, Pinewood Close, Llandough	Single storey rear extension
2016/00464/FUL	A	Former Royal British Legion Club (first and second floor), Station Approach, Penarth	Change of use of first and second floors from British Legion (sui generis) to Office (B1)

2016/00465/HR	A	Land behind Coed Marsarnen, Colwinston	Remove 6.0 metre section of hedge
2016/00469/FUL	A	Sycamore House, 5, Boverton Park, Boverton, Llantwit Major	Proposed conversion and extension of existing detached garage outbuilding into residential annexe to main house
2016/00472/FUL	A	9, Archer Road, Penarth	Removal of rear conservatory and lean to, and construction of new single storey extension
2016/00473/FUL	A	Twyn Andrew, Old Port Road, Wenvoe	Demolition of existing detached garage and construction of a new detached garage
2016/00477/FUL	A	34, Fairfield Crescent, Llantwit Major	Proposed single storey side extension
2016/00484/OBS	B	Bristol Channel, North East of Culver, Area 472	New aggregate dredging area
2016/00499/FUL	A	The Lodge, City	Improve vision splay to driveway
2016/00513/FUL	A	118, Colcot Road, Barry	Two storey side to rear extension
2016/00520/PNT	A	Railway Terrace Garage, Railway Terrace, Penarth	Proposed upgrade to the existing telecommunications installation and associated works
2016/00526/FUL	A	7, Cowper Close, Penarth	Amendment to original planning application. Proposed two obscured glazed windows
2016/00528/FUL	A	7b, Broadway, Cowbridge	Conversion of single garage to living space. No extension
2016/00536/FUL	A	5, Smithies Avenue, Sully	The erection of a garden store within the rear garden

2016/00550/PNA	R	Germonds Farm, Watery Lane, Welsh St Donats	New steel framed portal building
2016/00552/LAW	A	80, St. Davids Crescent, Penarth	Proposed dormer loft conversion to create a habitable room
2016/00584/PNA	A	Land between Pop Hill and Cross Common Road, Dinas Powys	To provide a dry track, marked B to C only on the site edged red plan, during autumn/winter months for tractors and trailers
2016/00592/OBS	N	Land off Parc Crescent, Waterton Industrial Estate, Bridgend	Change use to caravan storage compound including security fencing

Agenda Item No.

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THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 7 July, 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2015/00543/OUT  
Appeal Method: Written Representations  
Appeal Reference No: 16/3149474  
Appellant: Ms. Paula Bailey,  
Location: Church Farm, Cowbridge Road, Ystradowen  
Proposal: Residential development comprising the erection  
of up to 25 dwellings together with associated  
access, services and landscaping (outline)  
Start Date: 1<sup>st</sup> June 2016

L.P.A. Reference No: 2016/00021/HH  
Appeal Method: Written Representations  
Appeal Reference No: T/16/516202  
Appellant: Mrs Emma Watson  
**Location:** **35 & 37, Westward Rise, Barry**  
Proposal: High Hedge between 35 & 37, Westward Rise,  
Barry  
Start date: 9<sup>th</sup> June 2016

L.P.A. Reference No: 2016/00268/TPO  
Appeal Method: Written Representations  
Appeal Reference No: T/16/516207  
Appellant: Sheila & Allan David  
**Location:** **Kendall, 6, Church Road, Wick**  
Proposal: Removal of Pine tree T13, TPO 2, 1976  
Start date: 14<sup>th</sup> June 2016

L.P.A. Reference No: 2016/00021/HH  
Appeal Method: Written Representations  
Appeal Reference No: T/16/516211  
Appellant: Mr Tim and Mrs Nia Cule  
**Location:** **35 & 37, Westward Rise, Barry**  
Proposal: High Hedge between 35 & 37, Westward Rise,  
Barry  
Start date: 9<sup>th</sup> June 2016

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(b) Enforcement Appeals Received

None

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(c) Planning Appeal Decisions

L.P.A. Reference No: 2015/01379/TPO  
Appeal Method: Written Representations  
Appeal Reference No: T/16/516170  
Appellant: Mr. J. G. Thomas  
**Location: Y Fron Oleu, Michaelston le Pit**  
Proposal: Fell Ash tree  
Decision: Appeal Dismissed  
Date: 14 June 2016  
Inspector: Iwan Lloyd  
Council Determination: Delegated

**Summary**

The Inspector considered the main issues to be the amenity value of the Ash tree, the impact of felling the tree on the amenity of the area and whether the proposal is justified.

The Inspector notes that the tree is a notable feature from both close and distant views and can be seen as an important feature framing the context of the house and its large garden, which contribute to the property's designation as a positive building within the conservation area appraisal. He noted that the tree contributes significantly to the appearance of the conservation area and has high amenity value representing a dominant and recognisable feature. In conclusion, they state that the tree has a high amenity value, is in good health and its felling would be harmful to the amenity of the conservation area.

The Inspector notes the appellant's case for felling relates to concerns with regard to falling wood onto the parking area during high winds. Whilst understanding the appellant's concerns the Inspector notes that they are not convinced that falling debris poses an unacceptable risk to occupiers of the appeal property. Overall, they conclude that insufficient justification has been provided to fell the protected tree.



L.P.A. Reference No: 2015/01071/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 16/3147073  
Appellant: Mr. Brian Williams,  
**Location:** **Plemont, Cross Common Road, Dinas Powys**  
Proposal: Amendments to planning approval number 2014/00990/FUL (construction of rear facing loft conversion extension)  
  
Decision: Appeal Allowed  
Date: 6 June 2016  
Inspector: Aidan McCooey  
Council Determination: Delegated

## Summary

The Inspector considers that the main issue is the effect of the development on the character and appearance of the area and the property itself.

The Inspector notes that the dwelling falls within a mixed street scene and that planning permission 2014/00990/FUL was granted for extensions including a dormer extension. They note that the dormer constructed does not comply with the approved drawings which indicated the dormer to be set in from the boundary, eaves and ridge, whilst that built was flush with the gable end and rear wall. The LPA considered that the extension was poorly designed and caused demonstrable harm to the character and appearance of the area.

The Inspector considered that views of the dormer were limited to a short stretch of road to the west where not masked by mature trees. In considering the difference between that approved and built the Inspector considers that the difference was not significant and that the side view blends in with the host property and does not therefore appear incongruous. He considers that this single view of the extension is not so unacceptable to warrant refusal of planning permission.

The Inspector also notes that given the variety within the street scene and variation in levels that the appeal property appears subservient in the streetscene, and therefore the finish and appearance of the extension do not have a significant effect on the character and appearance of the area.

In conclusion, the Inspector considers that the dormer as built is acceptable in terms of its scale and design given limited views of the works. As such he considers that the development complies with ENV27 of the UDP and allowed the appeal.

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)  
Decision: Appeal Dismissed  
Date: 2 June 2016  
Inspector: Janine Townsley  
Council Determination: Delegated

## Summary

The Inspector considers the main issues in relation to this appeal to be the effect of the proposed development on the character and appearance of the area; the effect of the proposed development of prospective occupants and occupiers of No. 20 Queens Road and No. 8 Cliff Street with reference to outlook and amenity space; and the effect on highway safety.

The Inspector notes that the previous appeal at the site was dismissed by virtue of the loss of a gap in the built frontage which contributes to the character of the area. She notes that the appellant has amended the scheme to provide a break in the frontage although considers that given the modest size of the gap, that the proposals and adjacent buildings would be read as continuous built form. As a consequence, she remains of the view that the development would have an unacceptable effect on the amenity and character of the local environment.

The Inspector notes that whilst the amenity space provision has been amended from the previous appeal, the level of amenity space to serve the dwelling and the flats would fall below that required by the Council's adopted Amenity Standards SPG. She also indicates that the access from the ground floor flat to the amenity space via a bedroom would undermine the quality of the private amenity space offered by virtue of overlooking.

Whilst the Inspector did not consider that the proposals would result in unacceptable overshadowing of 8 Cliff Street, the proposed flats or 20 Queen's Road, she did however consider that the proposals would be unacceptably overbearing on the neighbouring properties, particularly 20 Queen's Road and 8 Cliff Street given the higher ground level and proximity. She also considers that the external staircase to the side of 8 Cliff Street would result in an unacceptable loss of privacy within the proposed amenity space to serve the proposed flats and the rear amenity space of 20 Queens Road. The Inspector therefore considers that the proposals would result in an overbearing impact and loss of privacy.

The Inspector considers that given the existing pressure for on-street parking within the area that the increased demand for parking caused by the proposals could not be met and could lead to indiscriminate parking that could

impact upon the free flow of traffic to the detriment of highway safety contrary to the provisions of UDP policies.

L.P.A. Reference No:	2015/01106/FUL
Appeal Method:	Written Representations
Appeal Reference No:	16/3142720
Appellant:	Mr. Robert Norris
<b>Location:</b>	<b>Pentwyn House, Church Road, Llanblethian</b>
Proposal:	Proposed separation of Pentwyn House and self-contained granny annexe into two separate dwellings, Pentwyn House and Pentwyn Cottage
Decision:	Appeal Allowed
Date:	26 May 2016
Inspector:	Ms. P. Davies
Council Determination:	Delegated

### **Summary**

The Inspector considered that the main issue would be whether the proposal would be an acceptable form of development within the countryside.

The Inspector notes that the site is physically distinct from the built up edge of Llanblethian, although notes it forms part of a small group of buildings including a public house and considers that the appeal site is not particularly remote or isolated in the context of the countryside proper.

The Inspector considers that the proposal does not involve any significant external alterations or built form. Whilst she notes that a three bedroom independent dwelling would invariably increase activity at the site, she does not consider that this would cause any serious harm to the character of the wider countryside setting. She also notes that the appeal site benefits from an existing shared access, parking for 2 cars and a defined garden curtilage and considers that any additional visual intrusion in this regard would be negligible.

The Inspector considers that the proposals would not involve new built form and it would have a close visual and physical relationship with the existing dwelling. As such she considers that the new dwelling would be assimilated with the existing uses and buildings without material harm to the character or appearance of the area. Therefore she considers that the proposals represent a sensitive addition to the existing group in a countryside location.

With regard to sustainability the Inspector notes the close proximity of the site to Cowbridge and that there is a bus stop and post box close to the property which would assist in reducing journeys by car. Given these factors and the existing private transport associated with the annex, she does not find conflict with relevant local or national policy.

In conclusion therefore the Inspector considers that the proposals amount to an acceptable form of development that would not cause any material harm to the character or appearance of the area and would comply with relevant planning policies.

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(d) Enforcement Appeal Decisions

None

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(e) April 2016 - March 2017 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
<b>Planning Appeals</b> (inc. tree)	<b>W</b>	3	2	<b>5</b>	-
	<b>H</b>	-	1	<b>1</b>	-
	<b>PI</b>	-	-	-	-
<b>Planning Total</b>		3 (50%)	3 (50%)	<b>6</b>	-
<b>Enforcement Appeals</b>	<b>W</b>	-	-	-	-
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Enforcement Total</b>		-	-	-	-
<b>All Appeals</b>	<b>W</b>	3	2	<b>5</b>	-
	<b>H</b>	-	1	<b>1</b>	-
	<b>PI</b>	-	-	-	-
<b>Combined Total</b>		3 (50%)	3 (50%)	<b>6</b>	-

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 : 7 July 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. TREES

(a) Delegated Powers

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

**Decision Codes**

A - Approved

R - Refused

E Split Decision

2016/00290/TPO	A	58, Stanwell Road, Penarth	Fell Sycamore tree
2016/00461/TPO	A	Ogney Brook House, Colhugh Street, Llantwit Major	Lateral reduction and removal of deadwood to Beech tree
2016/00462/TPO	A	27, Samson Street, Llantwit Major	Acer Pseudoplatanus - Fell and replant

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 7 July 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

9. PLANNING APPLICATIONS

Background Papers

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

**2016/00112/FUL** Received on 26 April 2016

Mr. Jeff Taylor Eston Barn, Lon Cwrt Ynyston, Leckwith, Cardiff, CF11 8DR  
Kevin H. Jones Office 22, Sandfields Business Centre,, Purcell Avenue,  
Sandfields,, Port Talbot. SA12 7PT,

**Eston Barn, Lon Cwrt Ynyston, Leckwith**

2 no. wooden framed balconies to rear of property

**SITE AND CONTEXT**

The application site relates to an existing barn conversion, which is part of a small courtyard barn conversion complex. The site is served by a private road which provides access to the application site and the other properties in the complex. The site is in the countryside to the east of Leckwith and is also within the Cwrt-Yr-Ala Basin special landscape area.

**DESCRIPTION OF DEVELOPMENT**

The application is for the retention of two timber balconies to the rear of the property. Balcony 1 projects from the south facing side of the rear wing, and is approximately 5m wide by 2.3m deep. Balcony 2 projects from the east facing, gable end of the rear wing, and is approximately 6m wide by 2.5m deep. They are each surrounded by an open rail balustrade, to a height of approximately 1.4m above the deck. In addition, there are steps to the side of balcony 2 providing access from the balcony to the garden. The balconies are both at the same first floor level, though due to a change in ground levels the height from the ground to the deck is greater for balcony 1 than for balcony 2.

A present, the north facing side of balcony 2, which is at the boundary and faces towards the neighbouring property of Ty Llaith, has a wooden 'privacy screen' to a height of approximately 1.8m above the deck level, across the depth of the balcony. In addition, a pergola has been added over the full extent of balcony 1 and an open canopy has been added over the door that provides access to balcony 2.

Photographs of the balconies are shown below:

Balcony 1



Current privacy screen

Balcony 2



View from outside site through gate to east



## PLANNING HISTORY

- 2003/00780/FUL - Planning permission in excess of that already granted for two dormers, one door to match existing, two double velux and 1m. additional length - Approved 14/11/2003
- 2002/00903/FUL - Bedroom/Living room/Shower room/Dressing room extension (2 storey) - Approved 06/09/2002
- 1999/01372/FUL - External open porch - Approved 14/01/2000
- 1999/00311/FUL - Construction of outdoor swimming pool, amendments to conversion and part rebuilding of barn - Approved 23/04/1999
- 1998/01285/FUL - Conversion of barn to dwelling - Approved 28/01/1999

The site also has an enforcement history, relating to unauthorised business use and construction not in accordance with plans, in addition to the construction of two balconies without permission. The balconies are the subject of this application.

## CONSULTATIONS

Michaelston Le Pit with Leckwith Community Council and Dinas Powys ward members were consulted on 10 May 2016. Community Council responded on 20 May saying that 'the council has no objection in principle to this application, provided any impact on neighbours is taken into consideration'.

## REPRESENTATIONS

The neighbouring properties were consulted on 10 May 2016. A site notice was also displayed on 11 May 2016. A detailed response was received on 27 May from a planning consultant, on behalf of the residents of the neighbouring property of Ty Llaeth. In summary, the response states that:

- There are unauthorised activities on the site, including subdivision of the living accommodation, a series of wooden structures along the western boundary where business activities are carried out, and the parking of commercial vehicles. Balcony 2 when first constructed included external steps to allow direct access from the road, providing a separate entrance to a subdivided dwelling [These steps had been removed at the time of the site visit for this application].
- A new doorway opening involving a double patio door has been created at first floor level on the eastern elevation to gain access to the balcony.



- The site plan and the scale of the plans is inaccurate and insufficiently detailed, providing no information regarding the privacy screen.
- The balconies represent features which compromise the integrity of a traditional rural building and alter the character of the building to the detriment of visual amenity. This is in conflict with ENV4, ENV8 and related Supplementary Planning Guidance.
- The balcony looks directly over the whole of the garden of Ty Llaeth contrary to local and national policy on amenity, and the current screen is temporary in appearance and further detracts visually.

A copy of the full detailed comments is included in the application file.

## REPORT

### Planning Policies and Guidance

#### **Unitary Development Plan:**

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18<sup>th</sup> April 2005, and within which the following policies are of relevance:

#### *Policy:*

- ENV 1 – DEVELOPMENT IN THE COUNTRYSIDE
- ENV 4 – SPECIAL LANDSCAPE AREAS
- ENV 8 - SMALL SCALE RURAL CONVERSIONS
- ENV 27 – DESIGN OF NEW DEVELOPMENTS
- HOUS 7 - REPLACEMENT AND EXTENSION OF DWELLINGS IN THE COUNTRYSIDE

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, January 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.

### **Other relevant evidence or policy guidance:**

- Welsh Government Circular 016/2014 - The Use of Planning Conditions for Development Management

### **Technical Advice Notes:**

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

- Technical Advice Note 12 – Design (2016)

### **Supplementary Planning Guidance:**

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

- Amenity standards (2006)
- The conversion of rural buildings (2006)

### Issues

The site is an existing barn conversion in the countryside, and within a Special Landscape Area (SLA), so needs to comply with the relevant criteria of the following policies:

- ENV1 (Development in the countryside) allows for development under various conditions, with criteria (iv) stating that development within the delineated

countryside will be granted when approved under other policies. In this case, the relevant other policies would be HOUS7 & ENV8.

- HOUS7 (Replacement and extension of dwellings in the countryside) state that development will be permitted where it is proportionate in size (i), and compatible with any existing related structures and the surrounding landscape (v).
- ENV 4 (Special landscape areas) permits development where it would not adversely affect the landscape character, landscape features or visual amenities of the special landscape area.
- ENV 27 (Design of new developments) requires development to complement or enhance the local character of buildings and open spaces (i), meet the council's approved standards of amenity (ii), and minimise any detrimental impact on adjacent areas (iv).
- ENV 8 (Small scale rural conversions) requires that development retains architectural or historic features (i), and does not unacceptably alter the appearance and rural character of the building (iv).

In summary, the criteria relevant to this application stipulate that the development must:

- Ensure the scale and design is compatible with existing related structures and the surrounding landscape
- Not unacceptably alter historic features or the rural character of the building
- Not adversely affect the visual amenities of the SLA
- Not impact negatively on the amenity of neighbours.

Consequently, in assessing the application against the relevant policies, the main considerations are:

- Scale, design and visual impact on the character of the property and any impact on the special landscape area
- The amenity and privacy of occupiers of neighbouring properties.

***Scale, design and visual impact on the character of the property, including any impact on the special landscape area***

The scale of the balconies is proportionate to the dimensions of the extended barn, and the use of timber as the construction material is compatible with the stone barn and its surrounding rural location. The main balcony structures (deck, pillars, steps and balustrade) are considered to be simple and low key in their design and therefore not incongruous in a rural setting, within a complex of converted barns.

However, there is currently a pergola over balcony 1 and an open canopy over the door that provides access to balcony 2. These additional elements are considered to add to the overall bulk of the balcony structures and to detract from the simplicity of the barn. The Supplementary Planning Guidance 'The conversion of rural buildings' supports ENV8 and provides design guidance. It states that "*As a general rule the treatment of areas around a converted [rural] building should be kept simple....Lamp standards, pergolas and obvious clothes drying areas, for example should be avoided*". To mitigate this issue, the applicant has agreed to remove the canopy and pergola and this can be secured by condition. It is considered that this would simplify the overall structures, reduce their visual impact and ensure the balconies do not unacceptably detract from the character of the extended barn.

In relation to design, the SPG also recommends that primary elevations are altered little, and that new openings are best avoided. The balconies do not alter the primary elevation, being constructed to a rear and side elevation, and make use of openings granted under previous consent.

Similarly to the considerations relating to the pergola and canopy, the current 'privacy screen' on balcony 2 is also considered to detract from the simplicity of the extended barn. The design and materials of the screen are poor quality and have a detrimental visual impact on the side of the barn and the visual amenity of the neighbouring property of Ty Llaith. Removal of the current screen would mitigate this issue and can be secured by condition. The need for a replacement screen and impact upon neighbours in terms of privacy will be considered in the next section.

The Conversion of Rural Building SPG also states that "*Proposals to extend converted buildings are likely to detract from the character and amenity of the existing buildings and surrounding countryside, accordingly proposals to extend existing converted buildings are likely to be resisted*". However, it should be acknowledged that the barn has already been extensively extended under previous applications and the balconies are attached to the extended portion of the building rather than the original barn. Consequently, the balconies do not interfere with any architectural or historic features of the original barn, over and above the impact already created by the approved extension.

Visibility of the balconies from outside of the application site is limited. The barn is accessed by a private road and is approximately 200m from the public highway, and there are no public rights of way in close proximity to the site. Apart from the other properties within the barn conversion complex, the closest other neighbour is over 300m away. The site borders an area of open countryside to the east and sits at an elevated position, with the land sloping away from the site. However, the site is set back from the ridge and bounded by a mix of wall, fencing, hedging and gates, all approximately 2m in height, and the balconies are set back from the eastern boundary by a minimum of 11m. As the result, visibility of the balconies from the open area to the east will be very limited.

Balcony 1 is within the L of the main building and faces into the garden of the application site, so is largely screened from external view. Balcony 2 will be visible to some extent from outside the application site, but only from the end of the private road and the property to the north, at Ty Llaith. The impact of the balconies on Ty Llaith is considered in the next section.

On balance, it is considered that the scale, siting, design, materials, and external appearance of the balconies are compatible with the extended barn and the surrounding countryside and therefore their retention without the pergola, open canopy over the door, or privacy screen as built, would not cause unacceptable detriment to the rural character of the barn, or adversely affect the visual amenities of the special landscape area. The balconies therefore meet the relevant requirements of ENV1, ENV4, ENV8, ENV27 and HOUS8. This is however conditional on the removal of the pergola, canopy and wooden privacy screen.

In this regard, in addition to any recommendation to Committee, Members are asked to authorise the service of an Enforcement Notice to ensure the removal of the pergola, canopy and wooden privacy screen to safeguard the character and visual amenities of the barn, the wider countryside and special landscape area.

### ***The amenity and privacy of occupiers of neighbouring properties***

Balcony 1 will not impact on neighbouring amenity as it is set within the L of the barn and faces into the application site. Whilst balcony 2 will be visible from the neighbouring dwelling at Ty Llaith to the north, they will be separated by the shared private road and there is a distance of approximately 11m from the balcony to the boundary of Ty Llaith. As a result, balcony 2 is not considered to be overbearing or overshadowing on neighbouring properties.

A present, the north facing side of balcony 2, which is at the boundary and faces towards Ty Llaith, has a wooden 'privacy screen' to a height of approximately 1.8m above the deck level, across the depth of the balcony. As discussed in the previous section, the current screen is considered to have a detrimental visual impact, so its removal will need to be secured by condition. The applicant has provided details of a proposed replacement privacy screen. However, with the aim of keeping the structures as simple as possible, whilst maintaining neighbouring privacy, careful consideration needs to be given to the need for a screen.

Paragraph 5.9 of the Amenity standards SPG states that *'The positioning of windows, roof terraces and balconies which look directly or have the appearance of looking directly into habitable rooms of surrounding properties or allow clear views of private rear garden areas are not acceptable.'* In considering issues of privacy, policy 4 of the SPG states that a minimum distance of 21m must be provided between opposing principal windows of dwellings (a principal window is more than 1m wide, in a living room, dining room, bedroom or kitchen).

There is a principle window in the side of Ty Llaith, however, it already faces a principle window in the side of the application property, at a distance of approximately 12m, so the recommended amenity standards are already compromised. Whilst the balcony is not a window, the same standards can be applied when considering privacy issues. The balcony would be approximately 16m from the window in the side elevation of Ty Llaith, at an angle of approximately 40 degrees. The SPG allows for the minimum distance to be reduced from 21m to 12m where the angle of view is 40 degrees, so the balcony can meet the recommendations with regard to its distance from a principle window.

The balcony and the boundary with the garden at Ty Llaith are separated by a distance of between 11m and 18m, across the shared private road. The photographs below (provided by the applicant) illustrate the view from the balcony towards the side elevation and garden of Ty Llaith, and supplement the information gathered from on-site observations and measurements from digital mapping systems. The top of the current 1.8m privacy screen is shown in the photographs to provide scale and perspective.



Due to the limited height of the deck of balcony 2, the height of the existing boundary wall at Ty Llaeth, and the separation distance across a shared private road, it is considered that the balcony does not provide clear views into the rear garden at Ty Llaith and so does not have a detrimental impact on neighbouring privacy or amenity. This would be the case even if no privacy screen was in place.

In summary, the balconies meet the council's approved standards of amenity, as set out in the amenity standards SPG, and a screen is not required on balcony 2 in order to ensure the privacy of the neighbouring property.

One final consideration concerns the privacy of the application site itself. Whilst it is considered that the current privacy screen needs to be removed to mitigate its visual impact, and that a replacement screen is not required to maintain neighbouring privacy, the applicant may choose to erect a replacement screen to protect their own privacy. Details of this would need to be submitted to and approved by the Local planning Authority prior to its installation on site, but this can be secured by condition.

### ***Comments from consultant on behalf of neighbours at Ty Llaeth***

A number of issues were raised in the consultation response. These are summarised below along with how each issue has been considered:

- Unauthorised activities at the site – These are being considered separately as part of a current enforcement case and do not impact directly on the determination of this application.
- New doorway opening in the eastern elevation - Application 2003/00780/FUL granted approval for a large window at first floor in the eastern elevation. Whilst it is acknowledged that this is currently a door rather than a window, the size, shape and location of the opening remains as per the approved plans, and the change from a window to doors is not considered to have a detrimental visual impact. The same can be said of the first floor doors in the southern elevation.

- Plan inaccuracies – The scale of some of the original plans is inaccurate if printed at A4, but were drawn to correct proportions. However, the decking plan and additional plans providing details of the proposed replacement privacy screen are accurately scaled. In addition, as the application is for retention, photographs, on site assessments and use of a digital mapping system have ensured accurate measurements and assessment of the impact of the balconies.
- The balconies conflict with ENV4, ENV8 and related Supplementary Planning Guidance – Compliance with policy and guidance has been considered fully in the report.
- Balcony 2 impacts on privacy at Ty Llaeth – This has been considered fully in the report.

Taking all of the above issues into consideration, retention of the balconies is considered to be acceptable, provided the pergola, canopy and wooden privacy screen are removed.

### RECOMMENDATION

#### APPROVE subject to the following condition(s):

1. Within 6 weeks of this permission, the pergola above balcony 1, the canopy above balcony 2, and the wooden screen to the side of balcony 2, shall be removed and the development shall be so maintain thereafter.

Reason:

To simplify the balcony structures, reduce their visual impact and ensure they do not unacceptably detract from the character of the extended barn, and to ensure compliance with Policies ENV 4 (Special landscape areas), ENV 8 (Small scale rural conversions) and ENV27 (Design of new developments) of the Unitary Development Plan.

2. Notwithstanding the submitted plans, if the applicant wishes to install a replacement privacy screen to balcony 2, details shall be submitted to and approved in writing by the Local Planning Authority, prior to installation on site and the screen shall thereafter be erected in accordance with the approved details.

Reason:

In the interests of visual amenity and in accordance with Policies ENV 4 (Special landscape areas), ENV 8 (Small scale rural conversions) and ENV27 (Design of new developments) of the Unitary Development Plan.

## REASON FOR RECOMMENDATION

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

Having regard to policies ENV 1 (Development in the countryside), ENV 4 (Special landscape areas), ENV 8 (Small scale rural conversions), ENV 27 (Design of New developments), and HOUS 7 (Replacement and extension of dwellings in the countryside), of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and the Council's Supplementary Planning Guidance on Amenity Standards, it is considered that the balconies are of a suitable design and scale to preserve the character of the property and the surrounding area in this countryside and special landscape area location, as well as preserving the amenity and privacy of neighbouring properties, and is therefore considered to be acceptable.

### **Enforcement action**

1. That in the event that the Committee agree to the following recommendation and the owner fails to comply with the requirements of this consent, the Director of Legal, Public Protection and Housing Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
  - (i) The removal of the pergola from 'balcony 1', the canopy above 'balcony 2' and the wooden screen to the side of 'balcony 2'.
2. In the event of non-compliance with the above Notice, authorisation is also sought to take such legal proceedings as may be required.

### **NOTE:**

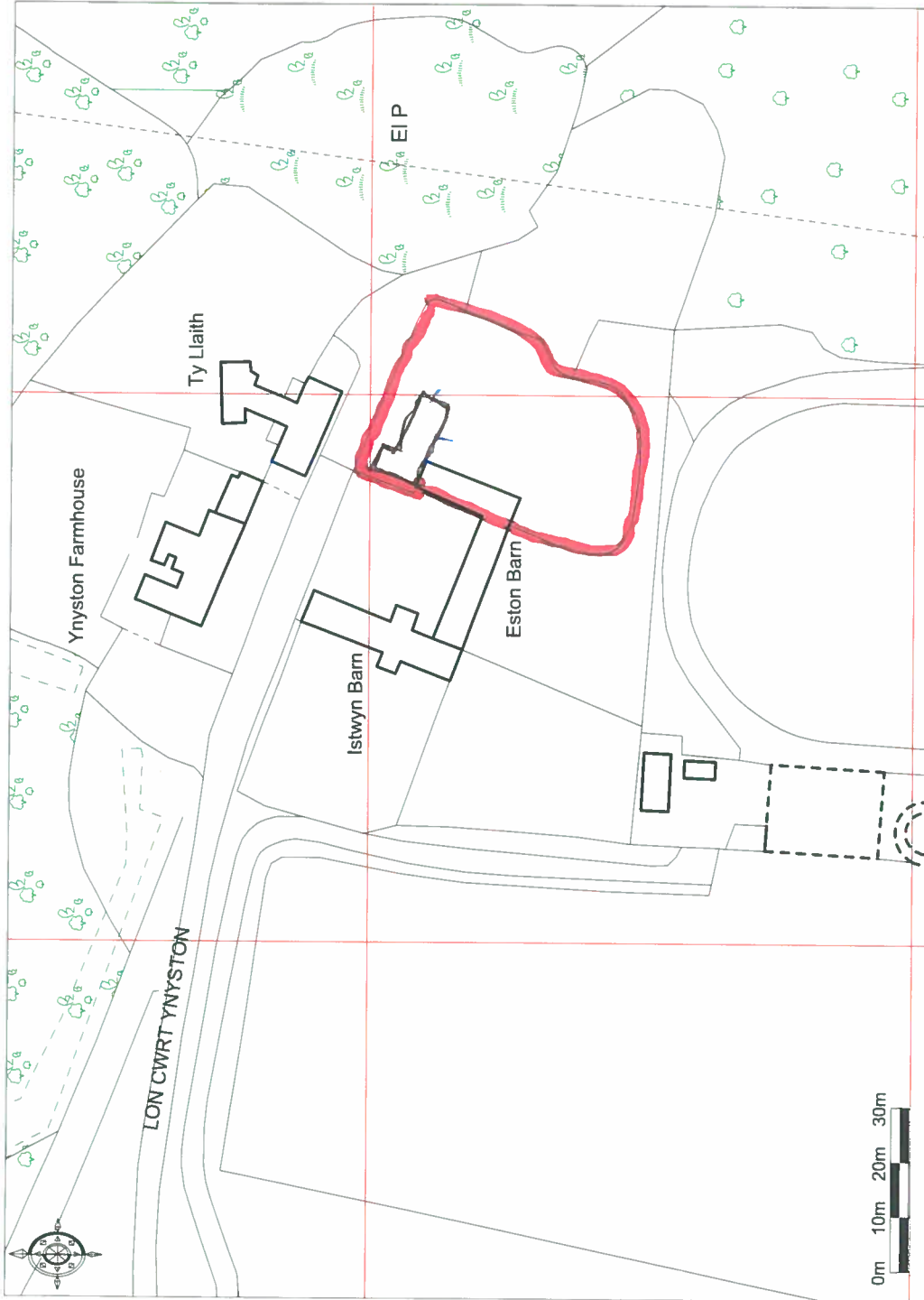
**Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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



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Regeneration  
and Planning

1600112FUL

Eston Barn, Lon Cwrt Ynyston, Leckwith, Vale of Glamorgan  
Mr Jeff Taylor

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**2016/00176/FUL** Received on 26 February 2016

Mr Stephen Jones & Mrs Rebecca Evans 65, Stanwell Road,, Penarth,, Vale of Glamorgan,, CF64 3LR  
Ms. Carolyn Merrifield Studio 114,, Creative Quarter,, Morgan Arcade,, Cardiff,, CF10 1AF

### **Overway, 12, Park Road, Penarth**

Detached two storey house with integral garage

#### **SITE AND CONTEXT**

The application site comprises a vacant, relatively spacious residential plot, which was formerly occupied by a two storey dwellinghouse with attached double garage and associated outbuildings. The property has a single vehicular access onto Park Road in the south west corner of the site.

The site lies within both the Penarth Conservation Area and the residential settlement boundary for Penarth as defined in the Unitary Development Plan.

#### **DESCRIPTION OF DEVELOPMENT**

This is a revised application for the construction of a replacement dwelling following previous planning permissions, including the most recent granted under application reference 2015/01004/FUL. This application has been amended since being reported to planning committee back in May 2016. This report is in respect of the amended plans received on 26 May 2016.

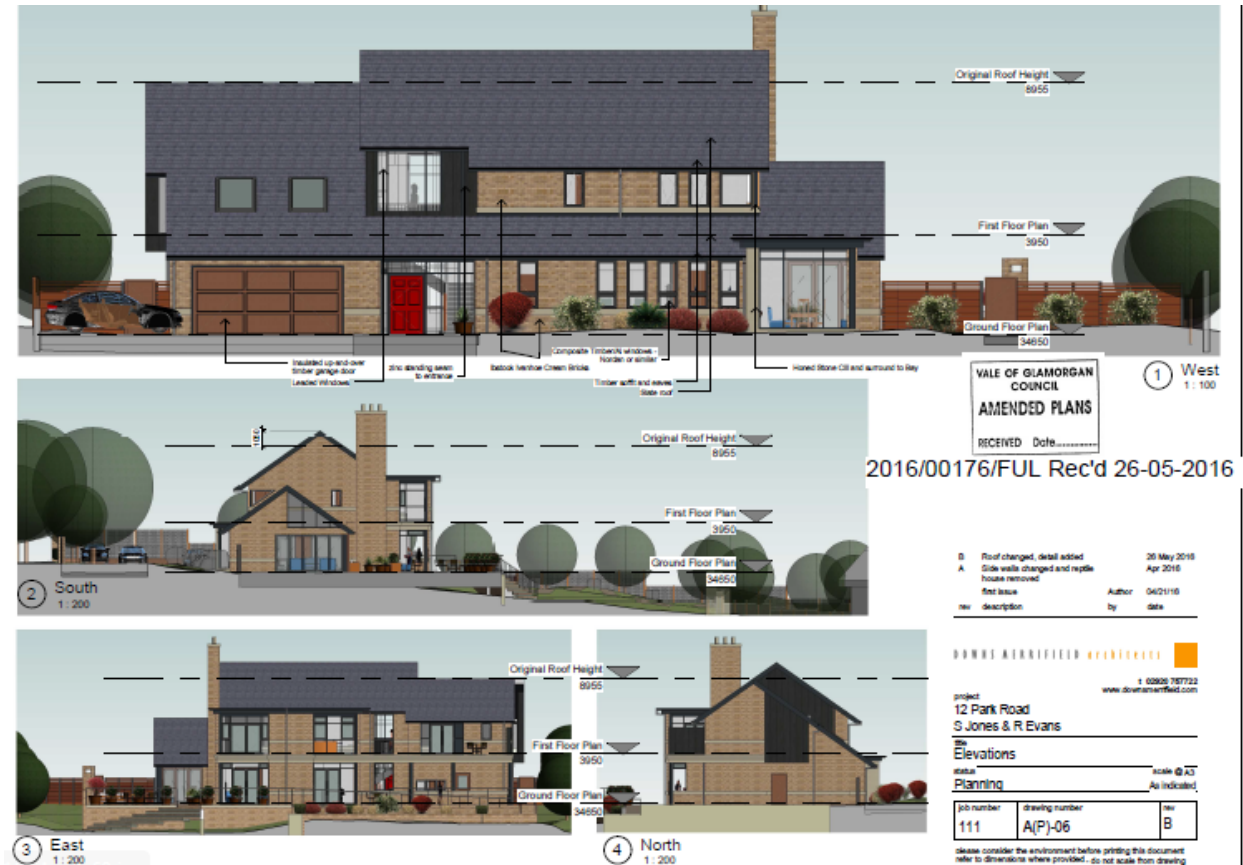
In contrast to the two most recent approvals, which envisaged an overtly contemporary design, the current proposal has purportedly been based on the existing buildings on Park Road, as well as the Arts and Crafts movement and the Houses of Frank Lloyd Wright. The proposed pitched gabled roof dwelling will be predominantly two storeys, with a single storey wing on the south side elevation, a storey and a half on the north elevation, a projection to the front, and a flat roofed two storey element on the rear east elevation, plus a raised terrace area to the rear. The accommodation will include:-

- Ground floor – entrance hall, living room, music room, kitchen/dining area, utility room, plant room, w.c., and double garage. A stairway plus a lift will give access to the upper floors.
- First floor – 3 No. bedrooms with en-suite facilities, and a further bedroom/study. The master bedroom and study will have access to a balcony on the east rear elevation.

The main footprint of the dwelling will measure approximately 23.5m x 12.9m at its largest dimensions. The external terrace will project out from the rear elevation of the building by approximately 4.2m extending to 10m to the south and running beyond the full width of the main building for approximately 29.6m. The overall height of the building will vary with the ground levels, being approximately 9.4m on the front elevation to the road, and approximately 11.2m at the rear from the

lowest ground level on the southern side.

The detailed design will include full height glazing at first floor over the entrance, a flat roofed bay window on the front elevation, projecting feature on the north side elevation, full height external chimney stack, and external finishes of brickwork, stone cill surround to front bay, a stone plinth, composite timber windows, and a slate roof.



The proposed dwelling will be sited approximately 4m from the northern boundary with the neighbour at 'Pinefield' 16 Park Road. At the opposite side, the proposed single storey wing will be sited approximately 9.8m at its nearest, whilst the main two storey body of the dwelling will be sited approximately 13m from the boundary with 'Tanglewood' 11 Park Road. On its frontage the proposed dwelling will be set back approximately 10m from the boundary with the road, with an on-site forecourt parking/manoeuvring area on the northern boundary to the front of the proposed garage. Two entrances will allow for an in/out access arrangement. The one entrance will be positioned in a similar location to the existing vehicular access which is towards the south western corner of the plot, with an entirely new entrance created to the north western side. Both access points will measure approximately 4m in width, and will be enclosed by automatic gates. The southern access will also provide for a separate pedestrian gate.

As regards the landscaping of the site, the proposed layout shows an indicative plan but no details are provided.

The application is accompanied by a Design and Access Statement (DAS); and Addendum to the DAS; and a Heritage Statement.

## PLANNING HISTORY

2000/01296/TCA - Fell one crab apple - Approved 19 December 2000.

2012/00572/CAC - Demolition of existing dwelling and outbuildings - Withdrawn 23 October 2012.

2012/00599/FUL - Construction of a detached dwelling and associated works (proposed 12B) - Withdrawn 23 October 2012.

2012/00600/FUL - Construction of a detached dwelling and associated works (proposed 12A) - Withdrawn 23 October 2012.

2013/01099/FUL - Demolition of existing dwelling and associated outbuildings and construction of two detached dwellings and associated works - Approved 14 March 2014 subject to conditions, including, schedule of finishes; further details of new access to plot 12B; on-site parking/turning to be implemented before occupation; further details of landscaping; removal of pd rights for extensions and outbuildings; no additional windows; details of levels; minimum Code for Homes requirements; foul and surface water to discharge separately; ecologist to oversee demolition in line with ecology report; and demolition works to be undertaken outside of the bird breeding season.

2013/01100/CAC - Demolition of existing dwelling and associated outbuildings and construction of two detached dwellings and associated works - Approved 14 March 2014 subject to conditions, including, no demolition works undertaken before a contract for the carrying out of the works for redevelopment of the site has been entered into in accordance with planning permission 2013/01099/FUL; ecologist to oversee demolition in line with ecology report; and demolition works to be undertaken outside of the bird breeding season.

2014/01355/FUL - One replacement dwelling, including all external works and access from the highway - Approved 29 January 2015 subject to conditions, including, materials; further details of access; further details of canopy, bin/cycle store; implementation of on-site parking/manoeuvring; tree protection; removal of pd for extensions and outbuildings; no extension of the roof terrace and no additional windows; details of levels; separate discharge of foul and surface; toolbox talk from ecologist; and demolition outside bird nesting season.

2014/01356/CAC - Demolition of existing buildings and one replacement dwelling, including all external works and access from the highway - Approved 29 January 2015 subject to conditions, including, no demolition before contract for works for redevelopment; tool box talk from ecologist; demolition outside the bird nesting season.

2015/01004/FUL - One replacement dwelling, including all external works and access from the highway. Revision of 2014/01355/FUL - Approved 21 October 2015 subject to conditions, including, materials; further details of access; further details of canopy, bin/cycle store; implementation of on-site parking/manoeuvring; tree protection and landscaping; removal of pd for extensions and outbuildings; details of the screening and no extension of the roof terrace, plus no additional windows; details of levels; and separate discharge of foul and surface.

## CONSULTATIONS

**Penarth Town Council** – Comments on initial scheme - “That the application be approved.”

The Town Council were re-notified of amended plans on 2 June 2016. No comments have been received to date.

**Ward Member Cllr C Williams** – Comments on initial scheme - No comment at this time.

Comments on amended scheme – Support the application.

**Dwr Cymru/Welsh Water** – Have requested that their standard ‘Conditions and Advisory Notes’ be attached to any consent relating to the means of foul, surface water and land drainage. Further advice is also referred to in relation to the new legislation relating to communication with the public sewerage system and contacting them at an early stage regarding the presence of sewers and drains that may not be recorded on their maps.

**The Council’s Highway Development team** – Comments on initial scheme - 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. The previous comments noted:-

“Further to reviewing the above, an amended site layout plan is required to be submitted, accurately showing the existing tree and telegraph post located along the adjacent highway to the north of the site, in relation to the proposed access. In addition, the access shall not be located within a distance of 2.0m of the telegraph post or adjacent to the existing tree, where the route system would be adversely affected.

Furthermore, the proposed access is required to be provided at a minimum width of 3.66m and all gates are required to be set back at a distance of 5.0m into the site from the adjacent highway.

Finally, pedestrian visibility splays of 2.4m x 2.4m are required to be provided either side of the proposed accesses. Within the visibility envelopes, no obstructions including boundary, walls (inclusive of piers), fencing etc. shall be greater than 900mm in height above the carriageway channel edge and any planting will be located at the rear of the visibility envelope and not be greater than 600mm in height.”

The Council’s Highway Development team were re-notified of amended plans on 2 June 2016. No comments have been received to date.

## REPRESENTATIONS

The occupiers of neighbouring properties were notified of the initial scheme on 8 March 2016. In addition the application was advertised on site and in the press on 17 and 24 March 2016 respectively. The occupiers of the ground floor flat 8 Park Road submitted representations in support of the application.

The neighbours were re-notified of amended plans on 2 June 2016. No comments have been received to date.

## REPORT

### Planning Policies and Guidance

#### **Unitary Development Plan:**

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18<sup>th</sup> April 2005, and within which the following policies are of relevance:

#### *Strategic Policies:*

POLICIES 1 & 2 - THE ENVIRONMENT.

POLICY 3 - HOUSING.

POLICY 8 - TRANSPORTATION.

#### *Policy:*

POLICY ENV11 - PROTECTION OF LANDSCAPE FEATURES.

POLICY ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT.

POLICY ENV20 - DEVELOPMENT IN CONSERVATION AREAS.

POLICY ENV27 - DESIGN OF NEW DEVELOPMENTS.

POLICY ENV28 - ACCESS FOR DISABLED PEOPLE.

POLICY HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT.

POLICY HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA - POLICY HOUS 2 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) (PPW) provide the following advice on the weight that should be given to policies contained with the adopted development plan:

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

*sustainable development (see section 4.2).'*

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

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

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

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

### **Planning Policy Wales:**

National planning guidance in the form of Planning Policy Wales (Edition 8, 2016) (PPW) is of relevance to the determination of this application, in particular, Chapter 3-Making and Enforcing Planning Decisions, including paragraph 3.1.6; Chapter 4-Planning for Sustainability, including paragraphs 4.1.1, 4.3.1, 4.4.3, and 4.11-Promoting sustainability through good design; Chapter 5-Conserving and Improving Natural Heritage and the Coast, including paragraph 5.1.1; Chapter 6-Conserving the Historic Environment, including paragraphs 6.1.1, 6.1.2, 6.5.17 and 6.5.18; and Chapter 9-Housing, including 9.3.3 and 9.3.4.

### **Technical Advice Notes:**

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

- TAN12 - Design, including paragraph 2.6, 4.3, 4.5, 4.8, 5.6 and 5.11 with 5.11.3, stating:-

*"The design of housing layouts and built form should reflect local context, including topography and building fabric. Response to context should not be confined to architectural finishes. The important contribution that can be made to local character by contemporary design, appropriate to context, should be acknowledged. To help integrate old and new development and reinforce hierarchy between spaces consideration should be given to retaining existing landmarks, established routes, mature trees and hedgerows within housing areas as well as introducing new planting appropriate to the area."*



## **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 SPG.
- Trees and Development SPG.
- Penarth Conservation Area SPG.
- Penarth Conservation Area Appraisal and Management Plan.
- Model Design Guide for Wales including paragraph 1.1 and objective 5- Character and context. This recognises that design is important as it directly affects the social, economic and environmental well-being of places.
- Parking Standards.

## **Other relevant evidence or policy guidance:**

Welsh Office Circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas (as amended By Circular 1/98-Planning and Historic Environment: Directions).

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

Members will recall that the application was first reported to Planning Committee on 12 May 2016 where it was deferred for a Committee site visit. It should also be noted that since the Committee in May further negotiations have been undertaken with the applicants and their agents and an amended scheme was received on 26 May 2016. The following report is now based on the revised scheme. A site visit has been arranged to take place on 7 July 2016 in advance of Planning Committee that evening.

In assessing the proposal against the above policies and guidance, it is noted that the planning history of the site is material to the determination. There have been a number of applications for the residential redevelopment of the site, including three approvals. The current proposal seeks consent for a single dwelling on the site, with the demolition of the original dwelling having already been undertaken. Thus it is considered that in assessing this latest revised scheme, the principal issues remain, the impact on the character of this part of the Penarth Conservation Area; the effect on neighbouring and residential amenity; and the impact on highway safety.

## Design and impact on the Conservation Area

In relation to the principle of development, it has already been noted that the site lies within the residential settlement boundary for Penarth as defined in the UDP. Policy HOUS2 of the UDP allows for new residential development within the settlement boundary but this is not without qualification and is subject to the residential development criteria of policy HOUS8. Criterion (i) of HOUS8 requires that the scale, form and character of the proposed development is sympathetic to the environs of the site. The Council's SPG on Amenity Standards also has policies relating to design and the impact on amenity, including policies 1 and 3, which highlight the need to respect existing character. This is in line with national guidance, with paragraph 9.3.4 of Planning Policy Wales (PPW) stating:

*"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."*

As with the previous applications, the principal issue will be the impact on the setting of this part of the Penarth Conservation Area and whether it serves to preserve or enhance that character

It is recognised that the likely impact of the development on the Conservation Area requires special consideration, and carries substantial weight in the determination of the application. Paragraph 6.4.6 of PPW recognises that the character or appearance of conservation areas must be a major consideration in any application. As such, the effect of the development on the character and appearance of the conservation area and its setting is more than a material consideration to be weighed in the general balance.

Of particular relevance is the duty imposed on the Council under Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, 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. Recent case law indicates that such impact requires special consideration, and carries substantial weight in the determination of the application. Relevant policies include ENV17 and ENV20 of the UDP which seek to protect the built and historic environment and ensure that development preserves or enhances the character of conservation areas. This is supported by national guidance including PPW which states at paragraph 6.5.17:-

*"Should any proposed development conflict with the objective of preserving or enhancing the character or appearance of a conservation area, or its setting, there will be a strong presumption against the grant of planning permission. In exceptional cases the presumption may be overridden in favour of development deemed desirable on the grounds of some other public interest. The Courts have held that the objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed."*

The Penarth Conservation Area Appraisal and Management Plan identifies the site as being within the Esplanade and Gardens Character Zone, an area acknowledged as a particularly important part of the Penarth Conservation Area, with some of the Conservation Areas best buildings, as well as some of the worst. The Appraisal states:-

*“The townscape in this area has been greatly altered by modern development which fronts the eastern edge of Marine Parade, and between Park Road and Bridgeman Road. On the unaltered, lower density detached plots in the area, the relationship between each house and its surrounding garden is important to the remaining character.”*

It is noted that the current scheme represents a considerable departure from the approach in the previous applications. Although it still proposes a single dwelling, (as opposed to the two originally approved), the design is entirely different from the overtly contemporary dwelling of the most recent approvals. In considering the previous applications there have been concerns over the scale and massing of any replacement dwelling. The former dwelling on the site dated back to the early 1950s and was constructed by the Loveridge sisters, descendants of J.J. Neale, who established Skomer Island as a nature reserve. The house was considered to be of modest size and scale, and an unassuming building that sat comfortably within its curtilage and the wider Conservation Area. The schemes that have been deemed unacceptable in their impact have been considered to be excessive in scale and massing. Indeed in assessing the most recent application for a revision to the earlier approval for the contemporary flat roofed design, it was recognised that the changes did detract from the original scheme, with the revised roof heights serving to increase the overall bulk and mass of the building. However, it was determined that this was not to such a degree that the revised scheme would have an unacceptable impact on the Conservation Area.

In assessing the details of the current scheme, the Council's Conservation Officer submitted an objection to the initial plans, with the view that the proposal would cause harm to the character and appearance of the Conservation Area. Of particular concern were the shallow pitched, hipped roofs and the mass of the proposed building. By maintaining a similar footprint/floor area to the recent approvals for the flat roofed design, and adding a pitched roof, this will necessarily result in a significant increase in the bulk and massing of the building. In contrast the massing of the 2013 scheme was broken by a significant gap between the two buildings, whilst the 2014/2015 applications are much lower (as a result of having a flat roof) albeit with some elements projecting above the flat roof. A further concern highlighted by the Conservation Officer related to the external finishes, in particular the significant amount of brick. Whilst brick is used within this part of the conservation area on more recent developments, this is, on the whole, as a material for detailing and not a primary construction material.

The scheme has subsequently been amended and an addendum to the DAS highlights how the changes have sought to overcome these concerns, and outlines the main changes at 9, which include:-

- A steeper pitched gable roof;
- A small area of flat roof at the rear to ensure a reduction in scale;

- A reduction in total brickwork by omitting the low level walls and reptile house; and
- Omission of the low level stonework and retention of the honed stone bands and detailing to limit the palette of materials and simplify the scheme.

It is considered that these changes have served to reduce the overall bulk and massing of the building, and the form of the proposed building is now more in keeping with the context of the area. Criterion (i) of policy ENV20 requires that new development should reflect the scale, design, layout, character, materials and setting of those buildings that establish the character of the area. In addition paragraph 5.6.2 of TAN12 notes:-

*“In areas recognised for their landscape, townscape, architectural, archaeological and/or historic value, such as National Parks, Areas of Outstanding Natural Beauty, World Heritage Sites and conservation areas, the objective of sustaining character is particularly important and context appraisals should reflect this. The general aspects of the “character” objective of good design should be pursued but more detailed information may be needed in relation to key issues.....”*

As regards the landscaping of the site, along with the relationship between each house and its surrounding garden, the Penarth Appraisal also recognises the importance of the tree lined streets to the character of the area. In the case of the application site, the existing street trees to the front of the house were originally supplemented by the tree coverage within the front garden. This has now largely been removed following the previous planning permissions and a separate consent to remove a Cedar tree issued on 28 July 2015. It is noted that the Council originally sought to retain the trees on the site because of their contribution to the street scene and the wider character of the conservation area. However, it has been accepted that an appropriate landscape scheme could provide replacement planting.

The amended scheme has still not provided a detailed landscaping scheme for the site. However, further details of the new access points, including cross-over details and elevational details of the front boundary treatment have now been submitted. Whilst this has been submitted to avoid the need to impose the previous condition relating to the access points, it is noted that an arboricultural assessment of the likely impact on the street trees has not been provided. As such a condition relating to landscaping and an assessment of the likely impact on the street trees will still be required.

Accordingly it is considered that the amended scheme now represents a more sensitive less incongruous form of development in a relatively prominent part of the Penarth Conservation Area. The size, scale and design of the proposed dwelling now generally reflects the established character and appearance of the Conservation Area, and is no longer considered to be an unsuitable replacement for the original dwelling. As such it is considered that the amended scheme will serve to preserve the character and appearance of this part of the Penarth Conservation Area in accordance with local policy and national guidance, including ENV17, ENV20, HOUS2 and HOUS8 of the UDP and PPW and TAN12.

### Neighbouring and residential amenity

In terms of the likely impact on the residential amenity of the neighbouring occupiers, there was some concern with the initial scheme, in particular a balcony on the side south elevation. It was considered that its open nature and size would allow direct views of the neighbouring house at 11 Park Road, albeit at some distance. This balcony has been omitted from the amended scheme, and the remaining balcony continues to be well screened in relation to the opposite side neighbour at 16 Park Road.

As for the level of private amenity space available to serve the new dwelling, the proposed amendments have no impact on this element of the development. The proposal can still provide for more than the minimum standards indicated in the Council's SPG on Amenity Standards.

### Highways

On the issue of highways it is noted that the Council's Highway development team have not yet commented on the amended plans. However, they did indicate on the initial plans that the highway observations provided in relation to the previous planning applications (reference 2014/01355/FUL and 2015/01004/FUL) are still applicable to the site. In assessing the previous applications some of these requirements were considered unreasonable and unacceptable when considering the impact on the conservation area. In particular the need to set the electric gates 5m back within the site, and the pedestrian visibility splays of 2.4m x 2.4m. It was determined that these requirements would result in a frontage enclosure that would detract from the character of the Conservation Area, and it was determined that consideration of the impact on the character of the Conservation Area should take precedent. However, it was determined that their concerns over the likely impact on the street trees were valid, and remain so with the current application, particularly as the arboricultural assessment has yet to be submitted.

In relation to the proposed access points Highways requested an amended layout requiring a clearance of 2m from the telegraph pole and the avoidance of the root system of the street tree. It is noted that the additional site access plans submitted with the amended scheme do not show a 2m clearance to the telegraph pole. As such, and without the highway comments, it is considered necessary to re-impose the previous Condition 4 relating to the access on any new permission, as the Lime trees are an important feature in the street scene and a significant part of the character and appearance of the conservation area, as is the requirement to ensure highway safety.

### Other issues

On the issue of demolition, it has already been noted that the original house has now been demolished. The previous Conservation Area Consents were all issued subject to a condition requiring that the demolition shall not be undertaken before a contract for the carrying out of the works for redevelopment of the site has been entered into in accordance with the proposals approved under the accompanying planning application. The reason for this condition was to ensure that the demolition only occurred as the immediate precursor to redevelopment, having

regard to the location of the site in the Penarth Conservation Area, and to accord with advice in Welsh Office Circular 61/96 and Policies ENV20-Development in Conservation Areas and ENV21-Demolition in Conservation Areas of the adopted Unitary Development Plan. On this point the submitted DAS indicates that the applicants did enter into a contract with contractors Knox and Wells Ltd to construct the new dwelling approved under 2015/01004/FUL. However, the DAS goes on to note:-

*“The client’s change of heart on the previous scheme caused work to be halted on the construction drawings and tender process. The current plans are to negotiate a second stage tender price with Knox and Wells Ltd, with the view to them starting in the Summer, provided planning permission is granted for this application.”*

It is noted that the timescales highlighted at Section 3 of the DAS clearly now differ from those that accompanied the 2015 application. It should be noted that the wording of the condition requires the Council’s agreement of the phasing and timing of the works and that such works should then be carried out in accordance with the approved timetable.

Finally on the issue of drainage, again Welsh Water has no objections subject to appropriate conditions relating to the means of foul, surface water and land drainage of the site.

In view of the above the following recommendation is made.

## 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:-

- Location Plan, Dwg. No. A(P)00, received 18 February 2016;
- Site Plan, Dwg. No. A(P)-01 rev B, amended plans received 26 May 2016;
- Ground Floor Plan, Dwg. No. A(P)-02 rev B, amended plans received 26 May 2016;
- First Floor Plan, Dwg. No. A(P)-03 rev B, amended plans received 26 May 2016;
- 3D view, Dwg. No. A(P)-04 rev B, amended plans received 26 May 2016;

- Perspectives, Dwg. No. A(P)-05 rev B, amended plans received 26 May 2016;
- Elevations, Dwg. No. A(P)-06 rev B amended plans received 26 May 2016;
- Site Sections, Dwg. No. A(P)-07, amended plans received 26 May 2016;
- Site Access, Dwg. No. A(P)-08, amended plans received 26 May 2016;
- Design and Access Statement received 26 February 2016;
- Design and Access Addendum, received 1 June 2016; and
- Heritage Statement, received 20 April 2016.

Reason:

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

3. Before their use on site a full schedule of external finishes (including samples and a panel on-site of the brickwork), for the house, boundary treatment and hard surfacing of on-site car parking and turning facilities, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the agreed details.

Reason:

In the interests of visual amenity and the character and appearance of the Penarth Conservation Area in accordance with Policies ENV20-Development in Conservation Areas, ENV27-Design of New Development and HOUS8-Residential Development Criteria of the Unitary Development Plan.

4. Notwithstanding the submitted plans no works to alter the existing or provide additional entrances to the site from the highway shall commence until further details of the proposed new access and alterations to the existing access, and their associated vehicular crossovers, along with full details of the new gates and any other alterations to the existing front boundary, are submitted to and approved in writing with the Local Planning Authority. The details shall provide for a maximum width of access of 4m; an arboricultural report on the adjacent street tree and measures for its protection; and the precise siting of the adjacent telegraph pole which shall be relocated at the developer's expense should it be deemed to interfere with highway visibility. The development shall be implemented thereafter in accordance with the approved details.

Reason:

In the interests of highway safety, visual amenity and the character and appearance of the Penarth Conservation Area in accordance with Policies ENV11-Protection of Landscape Features, ENV20-Development in Conservation Areas, ENV27-Design of New Development and HOUS8-Residential Development Criteria of the Unitary Development Plan.

5. The proposed on-site car parking/turning areas for the dwelling hereby permitted, as indicated on Dwg. No. A(P)-01 rev B, Site Plan, amended plan received 26 May 2016, shall be fully implemented before the first beneficial occupation of the dwelling. The parking/turning areas shall thereafter be retained and maintained at all times for the parking and manoeuvring of motor vehicles associated with the use of the house hereby permitted.

Reason:

To ensure an adequate level of car parking to serve the development in the interests of highway safety in accordance with Policies TRAN10-Parking and ENV27-Design of New Developments of the Unitary Development Plan.

6. Notwithstanding the submitted plans before the first beneficial occupation of the dwelling hereby permitted further details of the proposed landscaping of the site shall be submitted to and agreed in writing with the Local Planning Authority. The proposed landscaping scheme shall include provision for replacement tree planting with full details of the siting, species and specimen size, and 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 first 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:

In the interests of visual amenity and the character and appearance of the Penarth Conservation Area in accordance with Policies ENV11-Protection of Landscape Features, ENV20-Development in Conservation Areas and ENV27-Design of New Developments 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 or re-enacting that Order with or without modification) the dwelling hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

Reason:

In the interests of visual amenity and the character and appearance of the Penarth Conservation Area in accordance with Policies ENV20-Development in Conservation Areas, ENV27-Design of New Development and HOUS8-Residential Development Criteria of the Unitary Development Plan.



8. 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 dwelling hereby approved without the prior written consent of the Local Planning Authority.

Reason:

To control the scale of development in the interests of visual amenity and the character and appearance of the Penarth Conservation Area in accordance with Policies ENV20-Development in Conservation Areas, ENV27-Design of New Development and HOUS8-Residential Development Criteria of the Unitary Development Plan.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, or any Order revoking or re-enacting that Order, no windows other than those expressly authorised by this permission shall be inserted in either side elevation of the dwelling hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To safeguard the privacy of neighbouring occupiers in accordance with Policies HOUS8-Residential Development Criteria and ENV27-Design of New Developments of the Unitary Development Plan.

10. The implemented drainage scheme for the site should ensure that all foul and surface water discharges separately from the site and that surface and land drainage 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.

#### REASON FOR RECOMMENDATION

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

Having regard to Policies ENV11-Protection of Landscape Features, ENV17-Protection of Built and Historic Environment, ENV20-Development in

Conservation Areas, ENV27-Design of New Developments, ENV28-Access for Disabled People, HOUS2-Additional Residential Development, HOUS8-Residential Development Criteria, HOUS11-Residential Privacy and Space, TRAN10-Parking, Strategic Policies 1 and 2-The Environment, 3-Housing and 8-Transportation of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance, including Amenity Standards, Trees and Development, Penarth Conservation Area, and the Penarth Conservation Area Appraisal and Management Plan; and national guidance contained in Planning Policy Wales, TAN12-Design and Welsh Office Circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas, it is considered that this revised proposal represents an acceptable form of residential redevelopment of the site that would not detract from the visual amenity of the area and would preserve the character and appearance of this part of the Penarth Conservation Area. The proposal will also not cause any significant harm to the neighbouring and general residential amenities of the area, or highway safety.

**NOTE:**

- 1. Please note that this site lies within a Conservation Area. Under the Town and Country Planning Act 1990 a person who wishes to carry out work to trees must give the Local Planning Authority six weeks notice in writing of their intentions. Work to the trees must not be carried out during this period without permission, if you do you could be liable to prosecution. You may also be required to plant a replacement tree. There are exceptions to this rule and it would be advisable to check with the Local Planning Authority before undertaking works to trees within the Conservation Area.**
- 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. Dwr Cymru Welsh Water (DCWW) have advised that some public sewers and lateral drains may not be recorded on their maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. You should therefore contact the DCWW Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Please note that under the Water Industry Act 1991 DCWW has rights of access to its apparatus at all times.**
- 4. The developer is advised to follow the Vale of Glamorgan Council's Advisory Notes for Demolition and Construction Sites which can be obtained from the Pollution Control team, Tel. 01446 709105 or email: [regserv@valeofglamorgan.gov.uk](mailto:regserv@valeofglamorgan.gov.uk).**

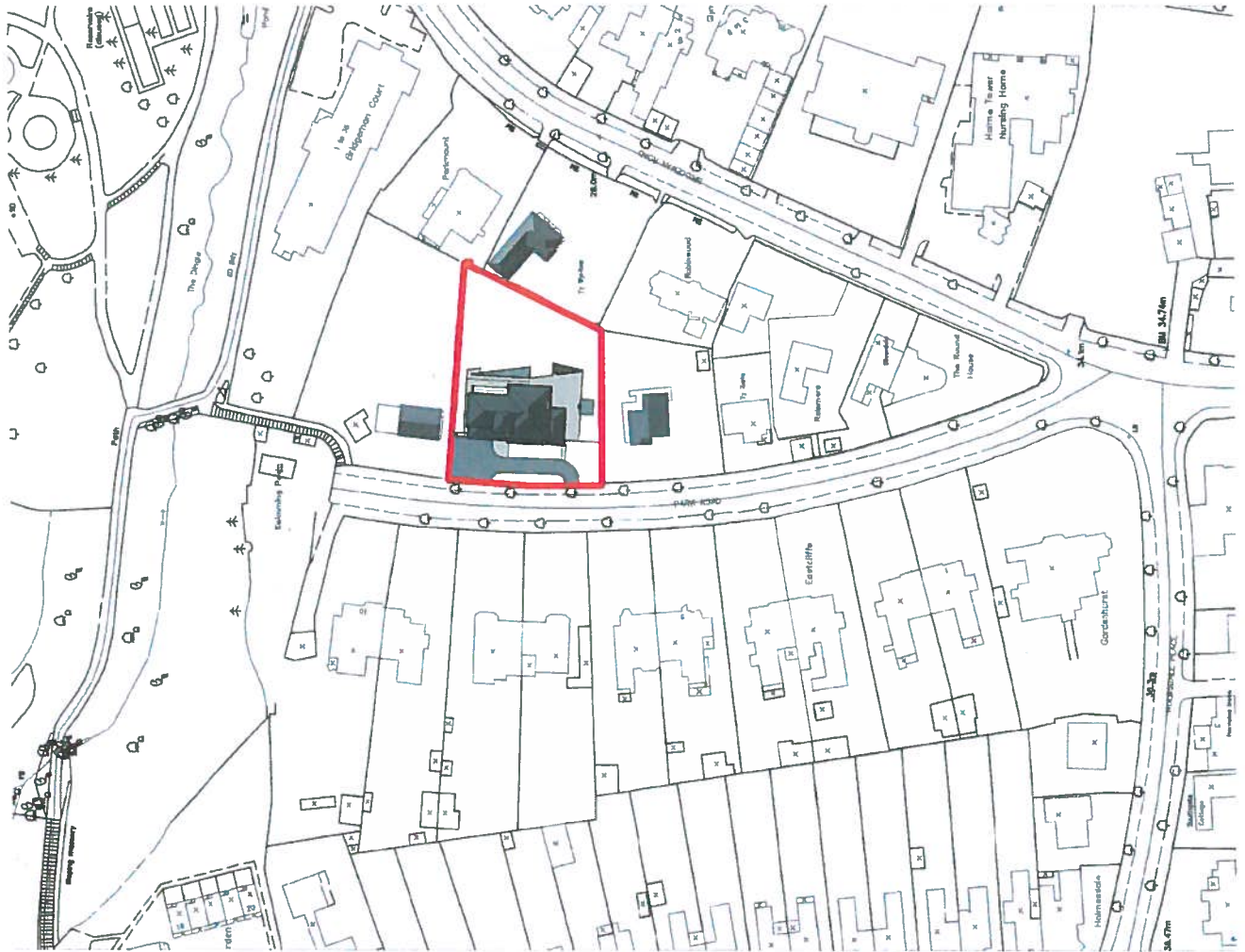
**Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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

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

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

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

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 rev description by date

**DOWNS HERRIFIELD ARCHITECTS**

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project 12 Park Road  
 S Jones & R Evans

title Location Plan

status scale @ A3  
 Planning 1 : 1250

job number	drawing number	rev
111	A(P)00	

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1 Site location plan  
 1 : 1250