

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 9 June 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:

2015/1670/BR	AC	Plot 4, Craig Yr Eos Avenue, Ogmere By Sea	New build house
2016/0439/BR	AC	5, Nash View, Pentre Meyrick, Cowbridge	Part 2 storey & part single storey rear extension
2016/0443/BR	AC	29, Cae Gwyn, Penarth	Single storey side extension to include garage conversion
2016/0448/BR	AC	3, Sycamore Avenue, St Athan	Loft Conversion (No Dormer and Re-roofing)
2016/0464/BN	A	14, Dudley Place, Barry	two rooms into one
2016/0465/BN	A	35, Cornerswell Road, Penarth	single storey & double storey extension, structural works & refurbishment to enlarge living area & kitchen
2016/0466/BN	A	34, Dyserth Road, Penarth	single storey extension to enlarge kitchen/dining area

2016/0467/BN	A	4, Rosebery Place, Penarth	Removal of modern conservatory at rear of property. Removal of uPVC windows and door in rear exterior wall, build up side and create 2.5 metre opening for double glazed hardwood framed French windows and fixed sides. Removal of uPVC windows to side wall and replacement with smaller hardwood framed double glazed windows.
2016/0468/BN	A	Canolvan, Windmill Lane, Cowbridge	Two rooms into one to enlarge kitchen/diner
2016/0469/BN	A	16, Beaufort Way, Rhoose	Garage conversion
2016/0471/BN	A	15, Gaen Street, Barry	Re-Roof
2016/0474/BN	A	1, Radcliffe Walk, Ystradowen	Through floor lift
2016/0475/BR	AC	43, Chamberlain Row, Dinas Powys	Single storey rear extension
2016/0477/BN	A	Flat 4, 294, Holton Road, Barry	Internal alterations to provide open plan apartment at second floor
2016/0479/BN	A	Greystones, Factory Road, Llanblethian	Garage conversion, master bedroom alterations, construction of detached garage, drive, boundary wall and gates. Bay window to living room. Dining room addition.
2016/0480/BN	A	19, Cora Street, Barry	11 DG windows and 2 doors, plus knock through of two rooms into one
2016/0481/BN	A	44, Ffordd Cwm cidid, Barry	2 rooms into 1
2016/0482/BN	A	8, Conybeare Road, Sully	Single storey extension retaining part existing garage to create new utility and playroom areas and provide new porch and single garage spaces.

2016/0489/BN	A	3, The Glades, Penarth	First floor and ground floor extensions, erection of retaining walls to create a first floor sun terrace with access via steps from master bedroom
2016/0495/BR	A	23, Smeaton Close, Rhoose	New gully to side of property to take new waste.
2016/0497/BN	A	8, Belle Vue Terrace, Penarth	Knock through a supporting wall and install support steels. Install windows across wall at rear of house and garage to the rear of the property.
2016/0498/BN	A	Stanwell School, Archer Road, Penarth	Removal and relocation of fire doors.
2016/0499/BN	A	9, Brecon Street, Llantwit Major	Re-roof
2016/0500/BN	A	23, Voss Park Drive, Llantwit Major	Internal alterations to form a WC and new window in bedroom area.
2016/0501/BN	A	41, Hewell Street, Penarth	Part demolition of unauthorised existing extension to rear of ground floor.
2016/0502/BN	A	68, Bron Awelon, Barry	Two storey extension with loft conversion
2016/0504/BN	A	9, St. Ambrose Close, Dinas Powys	Convert garage into a habitable room and change to roof configuration to construct a room upstairs.
2016/0506/BN	A	18, Trem y Don, Barry	Single storey rear extension, forming kitchen dining room.
2016/0507/BN	A	1, St. Lythans Road, Barry	Internal alterations - Upgrade area with new roof.

2016/0510/BN	A	Redway House, Redway Road, Bonvilston	Removal of internal walls to join kitchen and utility rooms together to make single space.
2016/0511/BN	A	6, St. Quentins Close, Cowbridge	Renovation & internal alterations.
2016/0512/BN	A	10, Carmarthen Close, Barry	Erection of granny annexe to side.
2016/0519/BN	A	12, Southesk Place, Barry	Single storey extension to the rear of the existing dwelling.
2016/0523/BN	A	1, Sandy Lane, Ystradowen	Garage conversion
2016/0524/BN	A	50, Ludlow Street, Penarth	Dormer loft conversion
2016/0527/BN	A	46, Fonmon Road, Rhoose	Re-roof and installation of velux roof-light
2016/0529/BN	A	Swn Y Coed, 3, Station Terrace, Wenvoe	Dormer loft conversion

(b) Building Regulation Applications - Reject

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

2016/0473/BN	R	45, Fontygary Road, Rhoose	single storey rear extension. Dormer loft conversion. Removal of existing pre-fabricated garage and construction of new
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(c) The Building (Approved Inspectors etc.) Regulations 2000

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

2016/0056/AI	A	6, Westbourne Road, Penarth	structural alterations, refurbishment & associated works
2016/0057/AI	A	Church Farm, Ystradowen	detached dwelling at Church Farm

2016/0058/AI	A	18, Maes y Ffynon, Bonvilston	Single storey rear extension and associated works
2016/0059/AI	A	46A, Salop Place, Penarth	Conversion of garage building to dwelling house, rear extension & associated works
2016/0060/AI	A	15, Clos Caradog, Penarth	single storey extension
2016/0061/AI	A	Y Beudy, Monkknash	Formation of structural opening in external wall
2016/0062/AI	R	4, Station Road West, Wenvoe	Proposed alterations to garage and associated works
2016/0063/AI	A	23, Cawnpore Street, Penarth	Proposed loft conversion at 3rd storey level
2016/0064/AI	A	99a, Plymouth Road, Penarth	Construction of a new dwelling and associated works
2016/0066/AI	A	Springbank Nursing Home, Neuadd Went, College Road, Barry	Internal alterations to ground floor rooms & associated drainage works
2016/0067/AI	A	11a, Cosmeston Drive, Penarth	Single storey rear extension
2016/0068/AI	A	39, Purdey Close, Barry	Conservatory extension & associated alterations
2016/0069/AI	A	67, Salop Street, Penarth	New dormer window and repair the existing loft floor and associated works
2016/0070/AI	A	25 & 27, St Brides Road, Wick	Two storey rear extension to No 25 and a single storey rear extension to No 27

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 9 June 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. PLANNING APPLICATIONS DETERMINED BY THE DIRECTOR UNDER DELEGATED POWERS

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

Decision Codes

A - Approved	O - Outstanding (approved subject to the approval of Cadw OR to a prior agreement)
C - Unclear if permitted (PN)	B - No observations (OBS)
EB - EIA (Scoping) Further information required	E - Split Decision
EN - EIA (Screening) Not Required	G - Approved the further information following "F" above (PN)
F - Prior approval required (PN)	N - Non Permittal (OBS - objections)
H - Allowed : Agricultural Condition Imposed : Appeals	NMA – Non Material Amendments
J - Determined by NAFW	Q - Referred to Secretary of State for Wales (HAZ)
L - Approved <u>AND</u> refused (LAW)	S - Special observations (OBS)
P - Permittal (OBS - no objections)	U - Undetermined
R - Refused	RE - Refused (Enforcement Unit Attention)
	V - Variation of condition(s) approved

2011/01227/1/N MA A The Swallows, Llancadle Variation of conditions 16 and 17 of 2011/01227/FUL to allow to commencement of Barn 2 - Demolition of three Dutch barns together with a stable block and the conversion of detached farm outbuildings to four domestic dwellings

2014/01025/1/N MA A Barn B, Sheepcourt Farm, Bonvilston Non Material Amendment - Alteration of material to section of extension. Minor rear and side extension to barn conversion

2014/01367/1/N MA	A	70, Holton Road, Barry	Amendment to condition 4 to allow the retrospective submission of fume extraction details. Change of use from A2 to A3. The property held an A3 use up until 2011 when the last occupier changed to A2 use
2015/00087/1/N MA	A	St. Nicholas House, St. Nicholas	Non Material Amendment - Amendment to dormer windows and small amendments to plan. Planning permission ref. 2015/00087/FUL: Conversion of St. Nicholas House and garage block into two semi detached dwellings
2015/00737/1/N MA	A	5, Byrd Crescent, Penarth	Non Material Amendment - Reduction in overall volume of the extension, amendment to design of 2 windows and amendment to design of velux windows. Planning Permission ref. 2015/00737/FUL: Two storey extension to the rear of existing property, providing ground floor kitchen/dining room, and first floor bedroom, en-suite and study
2015/00816/FUL	O	56, Redlands Avenue, Penarth	Demolish existing garage and construct new two bedroom dwelling
2015/01268/ADV	A	Coconuts Play Centre, Sully Moors Road, Barry	New signage including 2 No. on the building, and 1 No. at entrance to site

2015/01291/FUL	R	TB Davies (Cardiff) Ltd., Penarth Road, Penarth	Change of use from A1 (previous use was a retail warehouse) to Sui Generis (Proposed usage is a shop selling and displaying motor vehicles and service department). Demolition of existing single storey front office area. side extension and re-cladding of front and part side elevations. General internal alterations
2015/01297/FUL	A	The Old Post Office, St. Brides Road, St. Brides Super Ely	Two storey extension to rear and associated works
2015/01332/ADV	A	Land at Heol Fain, Wick	Signs
2015/01350/FUL	A	33, Dyserth Road, Penarth	Single storey rear extension
2015/01458/RES	A	Land at Barry Waterfront, South Quay Parkside, Barry	Reserved matters application for residential development (45 units)
2015/01478/1/N MA	A	Style Gardens, Port Road, Wenvoe	Non-Material Amendment - An amendment to the design of the roof for the proposed coffee shop extension. Planning permission ref. 2015/01478/FUL: Proposed alterations to the existing Style Garden Centre to include a single storey extension to the front of the Garden Centre to provide a new and improved entrance area; a single storey extension to the rear to accommodate an enlarged coffee shop and the erection of a canopy over the existing outdoor plant sales area at the rear of Garden Centre.

2016/00024/FUL	A	CF5 6ND - Land East of Hillfields Farm, Peterston super Ely	New build stables for ponies
2016/00028/FUL	A	22, Westgate, Cowbridge	Two storey rear extension with associated internal alterations. Replacement sash windows to front elevation
2016/00047/FUL	A	90, Wordsworth Avenue, Penarth	Erection of garage and create driveway and erection of fence along side garden wall
2016/00070/FUL	A	22, High Street, Barry	Alteration to shop front and retention of ATM
2016/00078/FUL	A	Mill Barns, Mill Road, Llantwit Major	Change of use and extension of existing barn to create residential dwelling
2016/00087/FUL	A	Central Garage Rank Start Ltd., Broad Street, Barry	Car paint spraying booth facility installed within a profiled sheet weatherproof lean-to structure with profiled sheet roof and walls complete with roller shutter access
2016/00088/LBC	A	Biglis Farmhouse, Argae Lane, St. Andrews Major	Hack off defective cement render
2016/00096/FUL	A	Llanerch Vineyard, Hensol	Proposed all year temporary use of marquee and ancillary building
2016/00128/FUL	A	Springfield Nursery, Sutton Road, Llandow	Variation of conditions 4, 8, 9 and 10 of application 2015/00422/FUL to modify pre-commencement conditions to allow phasing of development, to allow placement of accommodation on site
2016/00145/ADV	A	22, High Street, Barry	Alteration to shop front and retention of ATM

2016/00149/FUL	A	20, Pant Y Celyn Place, St Athan	Two storey side extension including garage on ground floor
2016/00166/LAW	R	3, Heol Tre Forys, Penarth	Construction of single storey extension to rear elevation
2016/00169/FUL	A	Lougher Moor, Morfa Lane, Llantwit Major	Proposed new stable block and horse walker
2016/00181/FUL	A	Ty Mawr, Llanbethery	The erection of a detached single storey dwelling
2016/00183/FUL	A	2, Stony Lane, Corntown	Construction of new entrance porch, demolition of existing garage, construction of two storey extension with pitched roof and five pitched dormers
2016/00187/RES	A	Biomass UK No. 2 Limited, David Davies Road, Woodham Road, Barry	Approval of the landscaping of the development condition 1 of the outline 2015/00031/OUT
2016/00189/FUL	A	Garden Cottage, Colwinston	Extension to existing dwelling
2016/00190/FUL	A	25 and 27, St Brides Road, Wick	Joint rear extension. Two storey to No. 25 and single storey to No. 27
2016/00191/FUL	A	17, Conway Drive, Barry	Conversion of existing garage to a ground floor bedroom and wet room
2016/00192/FUL	A	Alandale Guest House, 17, Plymouth Road, Penarth	Erection of a rear extension and replacement windows throughout

2016/00194/FUL	A	Dryslwyn House, Trepit Road, Wick	Application to regularise the construction of a rear terrace at Dryslwyn House, Wick. Pursuant to consent referenced 2013/01265/FUL to demolish existing house/garage. Construct replacement dwelling and garage
2016/00205/FUL	A	Greggs, 133, Holton Road, Barry	Installation of a new aluminium shopfront, roller shutter and new signage
2016/00206/FUL	A	10, Castle Close, Boverton, Llantwit Major	Erect bay window to front elevation
2016/00208/FUL	A	Y Berllan Fach, Dimlands Road, Llantwit Major	Proposed extensions to existing outbuildings
2016/00220/LAW	A	Swn y Coed, 3, Station Terrace, Wenvoe	Dormer loft conversion - designed to meet permitted development criteria
2016/00221/FUL	A	36, Glyndwr Avenue, St. Athan	Two storey rear extension
2016/00223/FUL	R	Anna Livia, Lane - Jct City to High Croft, City	Retention of area of new decking and railing
2016/00227/FUL	A	77, Hinchsliff Avenue, Barry	Two storey extension
2016/00232/LAW	A	Ty Capel, 63, Walston Road, Wenvoe	Proposed single storey flat roof extension to form new shower room to rear of building
2016/00234/LAW	A	2, Augusta Crescent, Penarth	Demolition of existing conservatories and building of single storey rear garden pavilion

2016/00238/FUL	A	207, Holton Road, Barry	Proposed alterations to front elevation. Remove existing shop front and install new residential facade at ground floor level
2016/00239/FUL	A	18, Marine Drive, Barry	Demolish existing dilapidated garage and rebuild new garage
2016/00241/FUL	A	Plot 97, Sutton Chase, Ogmore By Sea	Proposed alteration of approved dwelling to include rear conservatory extension
2016/00243/FUL	R	The Piggery, Logwood Hill, Peterston-super-Ely	Refurbishment reinstatement and extension of the piggery for agricultural purposes
2016/00245/FUL	A	Pennant Farm, Llancarfan	Construction of menage for exercising/training horses
2016/00246/FUL	A	Llancadle Solar Farm, Llancadle	Signal mast for DNO substation
2016/00250/FUL	A	8, Conybeare Road, Sully	Proposed single storey extension retaining the existing garage area converted into a playroom and utility room. New extension area to provide new single garage and entrance porch
2016/00252/FUL	A	30, Tathan Crescent, St Athan	Single storey porch extension to side elevation
2016/00253/FUL	A	Plot 15, Ocean View, Ogmore By Sea	Proposed alteration of approved dwelling to include rear conservatory extension
2016/00254/FUL	A	85, Jenner Road, Barry	Single storey rear extension and replacement of detached garage
2016/00259/ADV	A	Greggs, 133, Holton Road, Barry	New signage

2016/00260/FUL	A	Tynant, 6, Maes Y Felin, Llandow	Amendment to provide rear gable on approved first floor extension under reference 2010/01194/FUL
2016/00262/FUL	A	Elmlea, Abbey Road, Ewenny	Construction of dormers to single storey dwelling
2016/00263/FUL	A	5, Andrews Buildings, Stanwell Road, Penarth	Replacement of existing shop front to move the door from the central placement to the left face of the shop front. No change of use
2016/00264/FUL	A	15, Clos Cradog, Penarth	Demolition of existing conservatory and rebuild as day room
2016/00265/FUL	A	2, St Davids Crescent, Penarth	Proposed two storey side house extension and ground floor porch and front bay
2016/00271/ADV	A	Junction of Penlan Rise and Penlan Road, Llandough	One double advertising unit fully integrated into bus shelter
2016/00272/ADV	A	Adjacent to Barons Court Public House, Penarth Road, Penarth	One double advertising unit fully integrated into bus shelter
2016/00273/ADV	A	Adjacent to Car Sales/Snooker Centre, Penarth Road, Penarth	One double advertising unit fully integrated into bus shelter
2016/00274/ADV	A	Penarth Road, Opposite Snooker Centre, Llandough Hill, Penarth	One double advertising unit fully integrated into bus shelter
2016/00278/ADV	A	Opp Station Road East, Port Road, Wenvoe	One double advertising unit fully integrated into bus shelter
2016/00279/ADV	A	Adjacent Station Road East, Port Road, Wenvoe	One double advertising unit fully integrated into bus shelter

2016/00282/ADV	A	Opposite 194, Port Road East, Barry	One double advertising unit fully integrated into bus shelter
2016/00283/FUL	R	Gigman Barn, Jct St Athan Road to Jct Tre Aubrey Via Gigman Bridge, St Mary Church	Construct a single storey glazed orangery
2016/00286/FUL	A	(Plot 3), 36, Timbers Green, St Cannas, Llangan	Proposed rear conservatory extension
2016/00288/FUL	A	Brynarfor, 51, Craig yr Eos Road, Ogmore by Sea	Removal of conservatory and proposed erection of side extension
2016/00293/FUL	A	210, Holton Road, Barry	Install new powder coated aluminium shop front, new fascia and shop sign, new external security shutter with shutter housing behind fascia
2016/00295/FUL	A	Gwenolfan, Trerhyngyll	Rear single storey extension and adaption of entrance driveway
2016/00298/FUL	A	32a, Smithies Avenue, Sully	Alteration and extension to existing three bedroom residential, two storey dormer unit
2016/00299/FUL	A	13, Windsor Terrace, Penarth	Single storey rear side extension and install chimney with new steel cowl
2016/00302/FUL	A	Best One, 77, High Street, Barry	Installation of ATM with non-illuminated collar surround
2016/00303/FUL	A	Brynteg, Trerhyngyll	Replacement dwelling

2016/00306/FUL	A	9, Hickman Road, Penarth	Removal of existing single storey extension and replacement with improved single storey structure to meet current building regulations. Proposed extension is to house new kitchen and dining area. Existing rear wall is to be removed to create open plan area between the existing and proposed spaces.
2016/00307/FUL	A	Brynheulog, St. Andrews Road, Wenvoe	Proposed construction of menage
2016/00309/FUL	A	4, Clinton Road, Penarth	Attic roof conversion into a master bedroom and a rear dormer extension
2016/00310/FUL	A	67, Plymouth Road, Barry	Demolition of existing outhouse and construction of two storey side extension with driveway access from main road
2016/00312/FUL	A	5, Fferm Goch, Llangan	Demolition of single storey utility room and pantry. Erection of two storey rear extension. Erection of single storey front extension
2016/00315/FUL	R	56, Brook Street, Barry	To convert existing coach house to one bedroom self-contained residential unit - to introduce two Velux rooflights (or similar approved). To provide new waste/recycling and bicycle storage and cloth drying facilities

2016/00316/FUL	A	Briar Bank, 10, Beach Road, Penarth	Change of use of outbuildings ancillary to the main dwelling house to tourist / visitor accommodation, plus associated works
2016/00319/FUL	A	Ael y Castell, Porth y Green Close, Llanblethian	Loft conversion with new roof lights, amending windows to the south, addition of bathroom window to east, modifying roof for 75mm over rafter insulation, balanced flue for gas fire to west. Chimney removed. Modification to consent granted July 2015
2016/00322/FUL	A	10A, Seaview Drive, Ogmore by Sea	Demolition and replacement of a fire damaged dwelling
2016/00334/FUL	A	17A, Laburnum Close, Barry	Provision of veranda balcony to rear elevation from existing first floor bedroom
2016/00336/OUT	O	Land Off Old Port Road, Culverhouse Cross	Variation of Condition 7- Non Standard Approval Traffic Junction: to require junction improvements etc before the occupation of more than 75 units rather than 50 units as currently approved
2016/00341/FUL	A	Spring Meadows, Llandow	Variation of condition 2 of planning permission 83/1066 (amended application on site already approved in outline for a bungalow ref 80/2581)

2016/00346/FUL	A	11, Beach Lane, Penarth	Removal of existing stone faced concrete block parapet wall and replace with render finished concrete block & metal railings
2016/00356/FUL	A	24, Winsford Road, Sully	Single storey, pitched roof, rear kitchen extension
2016/00363/FUL	A	11, Downfield Close, Llandough, Penarth	Single storey extension to side and rear
2016/00370/FUL	A	54, Cornerswell Road, Penarth	Loft conversion comprising split level dormer to provide additional habitable space and WC with incorporation of rooflights to front elevation. Proposal includes removal of existing chimney stack to rear of property to facilitate dormer
2016/00380/FUL	A	39, Purdey Close, Barry	To erect a white uPVC framed conservatory to the front of the property
2016/00395/CAC	A	11, Beach Lane, Penarth	Removal of existing stone faced concrete block parapet wall and replace with render finished concrete block & metal railings
2016/00399/ADV	A	Best One, 77, High Street, Barry	Installation of ATM with non-illuminated collar surround
2016/00429/LAW	A	5, St. Teilo Close, Dinas Powys	Single storey side extension

Agenda Item No. _____

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 9 JUNE, 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2016/00003/FUL
Appeal Method: Written Representations
Appeal Reference No: 16/3148476
Appellant: Mr. G. Thelwell
Location: 14, Church Hill Close, Llanblethian, Cowbridge
Proposal: Remove Condition 2 to allow retention of 0.5m length of rear raised patio area longer than that authorised by consent 2014/00217 (4m rather than 3.5m)
Start Date: 4 May 2016

L.P.A. Reference No: 2014/01464/FUL
Appeal Method: Hearing
Appeal Reference No: 16/3149116
Appellant: Siteserv Recycling
Location: Site Serv Recycling Ltd., Hangars A & B, Llandow Trading Estate, Llandow
Proposal: Change of use of existing mixed Class B1 (Business), B2 (General Industrial), B8 (Storage and Distribution) warehouses known as Hangars A and B to a, waste transfer station, storage of municipal waste and ancillary offices (Sui Generis) and erection of a weighbridge and weighbridge office
Start Date: 5 May 2016

(b) Enforcement Appeals Received

None

(c) Planning Appeal Decisions

L.P.A. Reference No: 2015/00134/FUL
Appeal Method: Written Representations
Appeal Reference No: 15/3141034

Appellant: Mr Richard Nugent
Location: **2, Railway Cottages, Grove Road, Llandow**
Proposal: Demolition of a single garage and two garden sheds and the erection of a two storey two bedroom detached house on land currently used as a garden
Decision: Appeal Dismissed
Date: 4 May 2016
Inspector: Melissa Hall
Council Determination: Delegated

Summary

The inspector considered the principle issue in this case to be the effect of the proposed development on highway safety by virtue of the parking arrangement proposed.

The Inspector noted that the parking arrangement to serve both the existing and proposed dwelling would be for a shared parking area that would not allow for independent access to the furthestmost car parking spaces when the driveway spaces are in use. She noted that there was some disagreement over the number of spaces that should be provided for both the existing and proposed dwelling. Notwithstanding this, the Inspector noted the Council's contention that the site does not fall within an area well served by public transport and she also noted for herself that there were few opportunities for on-street parking in close proximity to the appeal site. In this context, she was of the view that a single space per dwelling would be insufficient to meet the needs of the occupants and a relaxation in the Council's parking standards could not be justified in this instance.

In addition to this, the Inspector considered the parking arrangement to be *'awkward and impractical'* in terms of its proximity to the new dwelling, which further added to her concerns regarding the inappropriate nature of the proposal.

All things considered, the Inspector was of the view that the development would conflict with the relevant UDP policies, SPG and national planning guidance insofar as it would fail to provide an efficient parking layout to serve the development which would be acceptable in highway safety terms.

L.P.A. Reference No: 2015/00903/FUL
Appeal Method: Hearing
Appeal Reference No: 15/3138835
Appellant: Mr. Leighton Fernandes,
Location: **Land at The Lawns, Cwrt y Ala Road, Michaelston le Pit**
Proposal: Construction of a replacement agricultural building
Decision: Appeal Allowed
Date: 9 May 2016
Inspector: Melissa Hall

Council Determination: Delegated

Summary

The appointed Inspector considered the main issues in this appeal to relate to the effect of the proposed development on the character and appearance of the area, which particular regard to the Cwrt yr Ala Basin Special Landscape Area.

The Inspector considered that the proposed building would be sited in a similar position, and whilst acknowledging that it would be materially larger in scale and massing, it was concluded that its simple form and materials would not jar with the character of the area particularly given the existing authorised development on the site. Weight was also given to supporting the economic argument in respect of the grant of planning consent, to enable the growth of the niche agricultural enterprise the Appellant undertakes.

In terms of impact on the Special Landscape Area, the Inspector concluded that the building would sit below the ground level of the track against a background of mature hedgerow, the rising valley side and an existing farm complex on higher ground. The Inspector suggested that the character of the area is mixed and thus the proposed development would sit satisfactorily in the landscape form. Weight was afforded to the fact that, whilst the development would be in an isolated location, it would replace the existing building and as such would not have additional adverse effect.

(d) Enforcement Appeal Decisions

None

(e) April 2016 - March 2017 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals <small>(inc. tree appeals)</small>	W	1	-	1	-
	H	-	1	1	-
	PI	-	-	-	-
Planning Total		1 (50%)	1 (50%)	2	-
Enforcement Appeals	W	-	-	-	-
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		-	-	-	-

All Appeals	W	1	-	1	-
	H	-	1	1	-
	PI	-	-	-	-
Combined Total		1 (50%)	1 (50%)	2	-

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 : 9 June 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

2016/00225/TPO	A	27, Pwll Y Min Crescent, Peterston Super Ely	T1 Pinus Sylvestris - Remove lowest limb and other maintenance work
2016/00268/TPO	R	Kendall, 6, Church Road, Wick	Removal of Pine tree T13, TPO 2, 1976
2016/00332/TPO	A	East Wing, Nash Manor, Nash, Cowbridge	Fell two Western Red Cedars (Thuja)

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 9 June 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

7. ENFORCEMENT ACTION

LAND AND BUILDINGS AT AND TO THE REAR OF TUDOR LODGE,
BONVILSTON

Background

1. This report relates to a number of breaches of planning control at the property known as Tudor Lodge and the land to the north and west of Tudor Lodge, Bonvilston.
2. Tudor Lodge itself is a large detached property within the settlement boundary of Bonvilston. The land to the north and west of the dwelling house is considered to fall within the open countryside. The land was also within the Boundary of the Bonvilston Conservation Area, although this has now been amended. The Boundary of the Conservation Area now falls along the rear boundary of the residential property at Tudor Lodge and the adjoining properties. Accordingly, the site abuts, but is not within the Conservation Area.

Details of the Breach

3. As noted above, there are a number of breaches of planning control at the site. The matters that are subject of this report are itemised as follows:

Breach of conditions - Access track and engineering works:

4. Planning permission was granted in December, 2013, for the retention of the access track and the raised ground levels to the rear of Tudor Lodge, by virtue of application reference 2013/00411/FUL. Permission was granted as the existing access to Tudor Lodge was not considered to be satisfactory in highway safety terms. Accordingly, a condition of the permission required the stopping up of the existing access. This permission was then superseded by the planning permission reference 2015/01158/FUL that granted an extension of time to the requirement to close up the existing access to the front of Tudor Lodge. There are a number of conditions attached to that permission that require compliance and the period for compliance with those conditions has now expired. These conditions and the related outstanding issues are listed as follows:

1. *Within two months from the date of this permission, the parking details shown on plan received on 30 September 2015 (entitled 'Tudor Lodge, Bonvilston Proposed Parking Arrangements') and approved on 10 December 2015 pursuant to the requirements of condition 2 of the planning permission reference 2013/00411/FUL, or an alternative scheme of parking that shall first have been submitted to and approved in writing by the Local Planning Authority, shall be implemented on site and shall thereafter be so retained at all times to serve the dwelling at Tudor Lodge, Bonvilston.*

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

5. The parking arrangements have not been implemented in accordance with the approved details. There is, therefore, a breach of this condition.

2. *No motor vehicles shall be parked within the application site boundary.*

Reason:

To protect the residential amenities and the visual amenities of the area of the neighbouring properties and to accord with Policies ENV27 and ENV29 of the Council's Approved Unitary Development Plan 1996-2011.

6. Motor vehicles have been observed parked on the land to the rear of the formal garden of Tudor Lodge, in breach of this condition.

3. *All constructions works, demolition works, bound surfacing, planting, seeding or turfing comprised in the approved details of landscaping shown on the plan approved by virtue of the 2013/00411/FUL planning permission (entitled 'Proposed Site Works Plan') or an alternative scheme of hard and soft landscaping that shall first have been submitted to and approved in writing by the Local Planning Authority, shall be carried out within three months from the date of this permission, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.*

Reason:

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

7. The landscaping works have not been undertaken in accordance with the approved scheme, including the removal of a low retaining wall, construction of a bound surface at the entrance to the site, construction of the double rutted arrangement for the remainder of the track, and the completion of all landscaping.

4. Notwithstanding the submitted details, within one month of the date of this permission details of the boundary treatment and entrance gates at the access to the site shall be submitted to the Local Planning Authority for the approval in writing of the Local Planning Authority. The approved details shall be implemented within two months of the written approval of those details.

Reason:

To protect the character and appearance of the area and adjacent Bonvilston Conservation Area in accordance with Policies ENV20 and ENV27 of the Council's Adopted Unitary Development Plan 1996-2011.

8. The necessary details of the entrance gates and wall have not been submitted in compliance with the requirements of this condition, and yet works have recommenced to construct tall pillars and a wall. The enclosure is in excess of one metre in height.

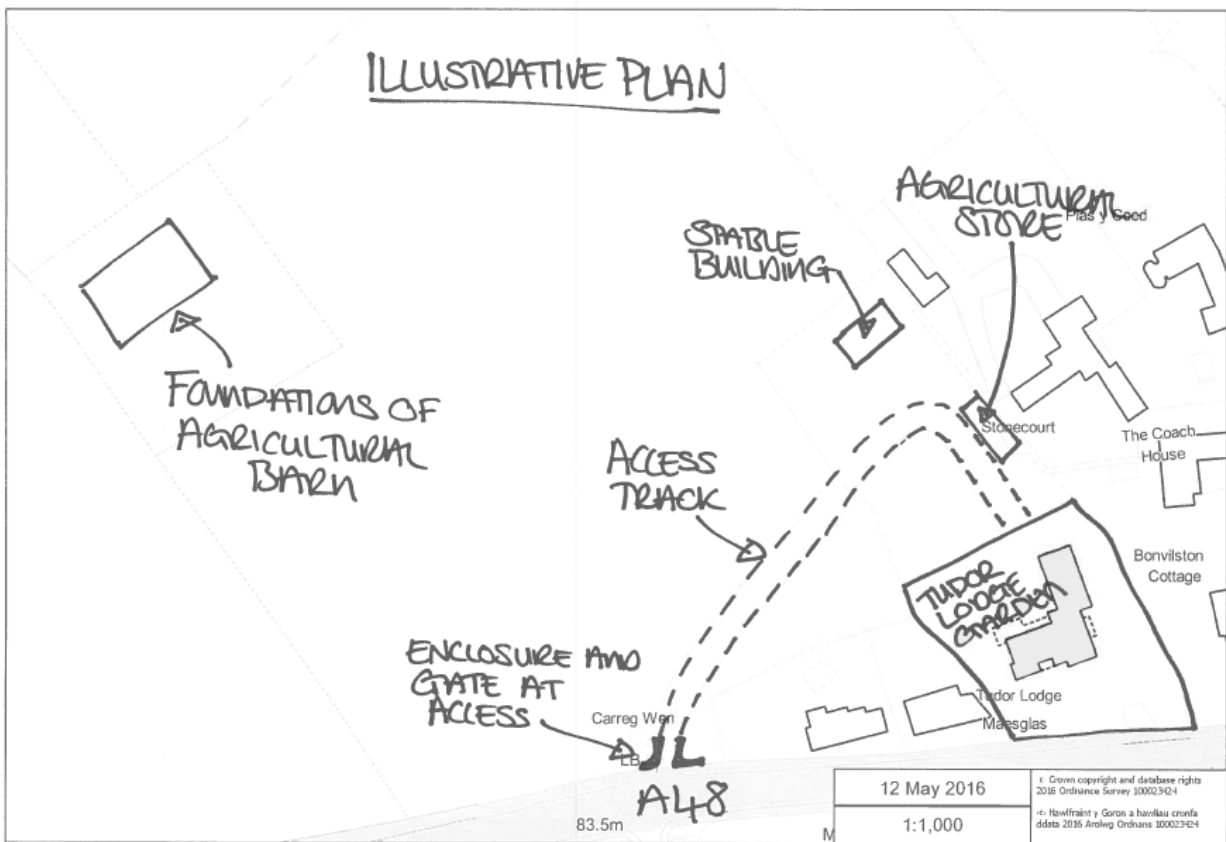
Agricultural Storage Building:

9. Planning permission was granted for an agricultural storage building by virtue of application 2013/00411/FUL. A building has been constructed on site, but has not been completed in accordance with the approved scheme. Whilst the footprint of the building is as approved, the elevations of the building do not accord with the approved scheme. The building has also been observed being use for domestic storage. Accordingly, this building is unauthorised.

Other Breaches at the site:

10. A stable building is currently under construction on land to the north of the dwelling, the location of which is indicated on the sketch plan below. Planning permission was granted by virtue of the 2015/00994/FUL application for the erection a new stable building. That application was subsequently amended by application 2015/00308/NMA. The building constructed on site does not accord with either of the approved scheme in terms of its footprint and finish the building is both deeper and wider that approved by approximately a metre. Accordingly, this building is unauthorised. Notwithstanding this, the owner has confirmed that he will submit an application for planning permission in an attempt to regularise the structure. As such, it is considered appropriate to monitor this development and await the submission of the amended scheme.

11. On a further matter, Members will recall that authorisation was sought and granted to serve an enforcement notice in respect of the use of the land to the rear of Tudor Lodge as domestic garden. Members are advised that this notice has not been issued due to the on-going building works that are taking place on the land in question. The situation will be monitored and the authorised enforcement notice will be issued, if appropriate.
12. On a final matter, it is understood that works have been undertaken to dig and lay foundations on land to the north west of Tudor lodge. As noted from the planning history, a planning application reference 2015/01119/FUL has been submitted to complete an agriculture barn on this land. The application is yet to be determined and, as such, the owner has been advised to cease all works until such time as the application has been determined. Again, this development will be monitored and referred to committee in the future, if necessary.



Action Pursued to Date

13. A series of correspondence has been sent to the owner of the property regarding the main issues identified above and the other breaches of planning control at the site. Despite this correspondence, the breaches of planning control still remain.

Planning History

14. There is significant planning history relating to this site. The planning history relevant to the matters referred to in this report is listed as follows:

Planning History relevant to the Access track and engineering works:

- **2015/01158/FUL:** Land to the North and East of Tudor Lodge, Bonvilston - Proposed resurfacing of existing access track and retention, the amendment of earthworks providing existing - to the rear of the property and stopping-up of existing residential access - Approved 10/12/2015
- **2014/00429/FUL:** Tudor Lodge, Bonvilston - The extension and improvement of existing wall at access, with a stone faced wall with stone piers at 2.0m - Refused 05/09/2014. An appeal was made against this decision. That appeal was dismissed on 22nd January, 2015.
- **2013/00411/FUL:** Land to the north and east of Tudor Lodge, Bonvilston - Proposed resurfacing of existing access track and retention, the amendment of earthworks providing existing - to the rear of the property, and stopping-up of existing residential access. - Approved 20/12/2013. A Breach of Condition Notice was issued in September, 2015, in respect of a number of conditions of this planning permission that had not been complied with. Whilst some details were submitted, the planning permission (and therefore the Notice) was superseded by the more recent 2015/01158/FUL permission referred to above.
- **2012/01259/FUL:** Tudor Lodge, Bonvilston - Retention of access track and upgrade of surface finish to give access to the rear field of Tudor Lodge - Withdrawn 22/01/2013
- **2012/01186/FUL:** Tudor Lodge, Bonvilston, Cardiff - Extension of existing wall at access, with a stone faced low wall with stone piers at approx. 2m centres and a close boarded timber infill fence - Refused 31/01/2013
- **2011/00248/FUL:** Tudor Lodge, Bonvilston - Retention and completion of a manège, ponds and access track. Construction of a boundary wall and amendment to a stable block previously approved by virtue of application reference 2008/01361/FUL - Refused 27/07/2011
- **2005/00724/FUL:** Land to rear of Tudor Lodge, Bonvilston - Fish pond in rear field - Withdrawn 02/03/2007

Planning History relevant to the Agricultural Storage Building:

- **2014/01280/FUL:** Tudor Lodge, Bonvilston, Cardiff - Change of use from current agricultural store to proposed chicken shed - Refused 14/01/2015
- **2014/01142/FUL:** Tudor Lodge, Bonvilston - Change of use from current agricultural store to proposed cow shed - Refused 23/12/2014
- **2014/00430/FUL:** Tudor Lodge, A48, Bonvilston - Change of use from agricultural store to domestic vehicle storage on ground floor with office/study space to roof space, plus dormers, roof extension and exterior alterations - Refused 05/09/2014

- **2013/00208/FUL:** Tudor Lodge, Bonvilston - Construction/retention of a timber clad single storey storage block to include equine related tack room and feed store, plus a store for field maintenance vehicles (tractor etc.) (NMA) - Approved 26/06/2013
- **2010/00623/FUL:** Tudor Lodge, Bonvilston - Proposed amendment to stable block as approved 2008/01361/FUL Drawing No 439/01A and removal of condition 7 in respect of access - Refused 12/08/2010
- **2008/01361/FUL:** Land to the rear of Tudor Lodge, Bonvilston - Proposed stable block and hay store - Approved 29/04/2009
- **2008/00461/FUL:** Tudor Lodge, Bonvilston - Proposed garden store & tractor shed to rear of property - Refused 29/08/2008
- **2005/00955/OUT:** Land to the rear of Tudor Lodge, Bonvilston - Erection of Stables - Refused 13/09/2005
- **2004/00809/FUL:** Land at rear of Tudor Lodge, Bonvilston - Erection of stables and feed store for four horses - Refused 17/09/2004
- **2004/00212/FUL:** Land to rear of Tudor Lodge, Bonvilston - Erection of stable block and stone piers and side wall to entrance gateway - Refused 26/03/2004
- **2003/01405/FUL:** Land to rear of Tudor Lodge, Bonvilston - Erection of stable block, access track and gateway - Withdrawn 20/11/2003 (case officer - ML)

Planning History relevant to the Stable Building:

- **2015/00308/NMA:** Tudor Lodge, Bonvilston - New stable/agricultural block - amendment to 2014/00994/FUL - Approved 23/04/2015
- **2014/00994/FUL:** Tudor Lodge, Bonvilston - New stable/agricultural block - Amended by 2015/00308/NMA - Approved 13/02/2015
- **2014/00568/FUL:** Tudor Lodge, Bonvilston - Erection of external sheep shed for water and feed storage - Refused 06/08/2014
- **2014/00031/FUL:** Tudor Lodge, Bonvilston, Cardiff - Erection of external sheep shed for water and feed storage - Approved 04/03/2014

Other relevant planning history:

- **2015/01119/FUL:** Land at Tudor Lodge, Bonvilston - Construction of agricultural barn/storage facility - Not yet determined
- **2014/00025/FUL:** Tudor Lodge, Bonvilston - The construction and replacement of an existing retaining wall due to collapse, the retaining structure will be of masonry blockwork and faced with natural stone for a height of 1.5m, the wall will be finished on top with 1.5m high close boarded fencing - Approved 04/03/2014
- **2012/01258/FUL:** Tudor Lodge, Bonvilston - Resurfacing of external ground with sandstone stable cobbles to create new hardstanding area and access for stables - Withdrawn 22/01/2013
- **2012/00436/FUL:** Tudor Lodge, Bonvilston - Replacement front boundary wall to height of 2.9 metres - Approved 22/08/2012

- **2012/00359/FUL:** Tudor House, Bonvilston (formerly Tudor Lodge) - Construction of two storey building, consisting of gym and one bedroom granny flat annex - Approved 28/11/2012
- **2009/00709/FUL :** Tudor Lodge, Bonvilston - Proposed summerhouse, formal landscaped garden, proposed improvements to eastern boundary wall and new walls and gates providing access to the rear of the site - Approved 30/09/2009
- **2008/01160/FUL:** Tudor Lodge, Bonvilston - Construct of front wall to boundary of property - Approved 08/10/2008
- **2005/00830/FUL:** Tudor Lodge, Bonvilston - Two storey extension and double garage with guest bedroom over - Approved 15/07/2005
- **2005/00308/FUL:** Tudor Lodge, Bonvilston - Gym, Sauna and shower extension to pool/proposed garden store/proposed conservatory/proposed first floor dressing room - Approved 15/04/2005
- **2003/01404/FUL:** Tudor Lodge, Bonvilston, St.Nicholas - Kitchen and dining room extensions and alterations including new roof and patio doors to swimming pool enclosure, conversion of garage to living room - Approved 31/10/2003

Policy

15. The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18th April 2005, and within which the following policies are of relevance:
 - **ENV1** - DEVELOPMENT IN THE COUNTRYSIDE
 - **ENV9** - DEVELOPMENT INVOLVING HORSES
 - **ENV10** - CONSERVATION OF THE COUNTRYSIDE
 - **ENV17** - PROTECTION OF THE BUILT AND HISTORIC ENVIRONMENT
 - **ENV27** - DESIGN OF NEW DEVELOPMENTS
 - **ENV29** – PROTECTION OF ENVIRONMENTAL QUALITY
16. The Council's approved Supplementary Planning Guidance (SPG) on Design in the Landscape is relevant to the matters considered in this report; as is the advice provided in Planning Policy Wales (Edition 8, 2016).

Reasons for Serving an Enforcement Notice

17. The main issues to consider in this report are the impact of the breaches of the conditions attached to the planning permission for the access track and engineering works and the impact of the unauthorised operational development on the open countryside and the surrounding area, part of which is within the Bonvilston Conservation Area.

Breach of conditions - Access track and engineering works:

18. The extent of the lawful domestic land associated with Tudor Lodge is that close to the rear of the property. The lawful use of the land upon which the access track, engineering works, stable building and agricultural store are located is for agriculture, albeit that permission has been granted to erect a

stable for equine use on the land. The land which accommodates these works has been enclosed and has been used in the past for domestic purposes. As mentioned above, authorisation has been sought and granted to serve an enforcement notice in respect of this use of the land. Notwithstanding this, both condition 1 and condition 2 of the 2015/01158/FUL planning permission were imposed as a further assurance that a domestic use of the land does not occur, resulting from the parking of vehicles on this land. Such a use of the land is an unacceptable encroachment of domestic activity into the open countryside, to the detriment of the character of the area, in conflict with UDP policies ENV1, ENV10, and ENV27 together with the general advice contained within PPW. Accordingly, it is considered appropriate to serve a Breach of Condition Enforcement notice to require compliance with the requirements of these conditions.

19. With regard to the requirements of condition 3, the details of the approved hard and soft landscaping scheme were intended to mitigate the detrimental visual impact and, therefore, harm that the access track and engineering works would cause to the appearance of the area. The unfinished appearance of the track is detrimental to the character of the area and the retaining walls that are still in place give the area of the raised ground level an overly engineered appearance that is overtly domestic. The failure to comply with this condition has also resulted in a detriment to the appearance of the area that is contrary to the policies and guidance mentioned in the paragraph above.
20. The final matter in this section of the report relates to the means of enclosure and access gate at the entrance to the site with the A48. As noted from the planning history, details of a means of enclosure and gate have previously been submitted to the Council with two separate planning applications (2012/01186/FUL and 2014/00429/FUL), both for 2 metre high enclosures and gates that were domestic in their appearance. An appeal made against the 2014 refusal was dismissed for the reason that the enclosure proposed would change the character of the site from agricultural to domestic. It was considered that such a change would detrimentally affect the character and appearance of the site and would fail to maintain or improve features of the countryside. In addition to this, the Inspector confirmed in her decision that permitted development rights granted under The Town and Country Planning (General Permitted Development) Order 1995 (as amended) would only allow for the construction of a one metre high means of enclosure in this location.
21. The enclosure now being constructed on site is, in part, 2 metres high and, as such, is considered to be both unauthorised and to have the detrimental effect described by the appeal Inspector. The unauthorised means of enclosure is, therefore, considered to be unacceptable and contrary to UDP policies ENV1, ENV10 and ENV 27 as well as advice provided in the Council's SPG on Design in the Landscape and PPW. It is, therefore, considered expedient to pursue this unauthorised development and the breach of condition 4 of the 2015/01158/FUL permission. In doing so it is recommended that, instead of requiring the submission of details of the enclosure and gate, the Enforcement Notice require that the existing enclosure is amended to the permitted height of one metre, resulting in a low stone wall the height and material of which are more in keeping with other traditional field boundaries.

Agricultural Storage Building:

22. Planning permission was granted for an agricultural storage building by virtue of application 2013/00411/FUL. A building has been constructed on site, but has not been completed in accordance with the approved scheme. Whilst the footprint of the building is as approved, the elevations of the building do not accord with the approved scheme in that the openings on the front elevation are larger than approved, the building has been constructed with a door in the rear elevation and the building has not been finished in accordance with the approved scheme. In addition to this, the building has also been observed being use for domestic and non-agricultural storage. In view of the discrepancies between the approved scheme and the building constructed on site, the building is considered to be unauthorised.
23. In regard to the harm caused by this breach of planning control, whilst the building has a shape and size that reflects the approved scheme, its current appearance is that of a domestic garage. The use to which the building has been put, as previously observed, further adds to these concerns. In addition to this, as the building has the appearance of a domestic garage and has been constructed to domestic standards (with a double skin). If the building were to become lawful it is understood from case law that its lawful use would be for the purposes for which it is designed. In this case it could be argued that the building has been designed for domestic purposes.
24. It is also important to note that the permission granted for the agricultural storage building is subject to a condition restricting its use to an agricultural store and for no other agricultural purpose, including the keeping of animals. This condition was imposed in view of the proximity of the building to the adjoining domestic dwelling. If the building were to remain and become lawful, the Council could not enforce this condition.
25. It is considered expedient to serve an enforcement notice in this case to require the removal of the building. If the building is an unacceptable encroachment of domestic development into the open countryside that has a detrimental impact on the character of the area, in conflict with UDP policies ENV1, ENV10, and ENV27 together with the general advice contained within PPW. In addition to this, the inability of the Council to control the use of the building may also have an unacceptable effect on the amenities of the adjoining occupiers, contrary to policies ENV27 and ENV29.

Resource Implications (Financial and Employment)

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

Legal Implications (to include Human Rights Implications)

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

Equal Opportunities Implications (to include Welsh Language Issues)

29. None.

Wellbeing of Future Generations (Wales) Act 2015

30. Under the 2015 Act the Council not only have a duty to carry out sustainable development, but must also take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act, in recommending the service of an Enforcement Notice, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
31. The development subject of this report is considered to cause unacceptable harm for the reasons set out above. The need to protect the character and appearance of the area and the amenity of the adjoining occupiers is not considered to be outweighed by the short term needs of the owner of the site.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
 - (i) The provision of the parking spaces within the garden of Tudor Lodge, including any necessary works to enable vehicular access by a domestic vehicle to these parking spaces, in compliance with the parking scheme approved by virtue of planning permission reference 2015/01158/FUL.
 - (ii) The cessation of the use of the land to the rear of Tudor Lodge for the parking of motor vehicles.
 - (iii) The completion of the hard and soft landscaping scheme on the land to the north and west of Tudor lodge, approved by virtue of planning permission reference 2015/01158/FUL.
 - (iv) A reduction in height of the means of enclosure erected at the entrance to the site from the A48 to 1 metre, the reduction of the pillars on this enclosure to a height that would accommodate a five bar agricultural

type gate and the construction of a five bar timber or metal agricultural type gate.

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

Reason for Recommendation

- (1) The breaches of conditions 1, 2, 3 and 4 of planning permission reference 2015/01158/FUL are considered to result in an unacceptable encroachment of domestic activity and development into the open countryside, to the detriment of the character and appearance of the area, in conflict with policies ENV1 - Development in the Countryside, ENV10 – Conservation of the Countryside and ENV27 - Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 as well as Planning Policy Wales (Edition 8) and the Council's supplementary planning guidance on Design in the Landscape.
- (2) The unauthorised building results an unacceptable encroachment of domestic development into the open countryside, to the detriment of the character and appearance of the area. Furthermore, the use of the building, if it were to become lawful and used for the keeping of animals, would also have an unacceptable effect on the amenities of the adjoining occupiers. The building is, therefore, in conflict with policies ENV1 - Development in the Countryside, ENV10 – Conservation of the Countryside and ENV27 - Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 as well as Planning Policy Wales (Edition 8) and the Council's supplementary planning guidance on Design in the Landscape.

Background Papers

Enforcement File Ref: ENF/2014/0161/PRO

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

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

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 9th June, 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

7. ENFORCEMENT ACTION

THE TURNER HOUSE ART GALLERY, PLYMOUTH ROAD, PENARTH

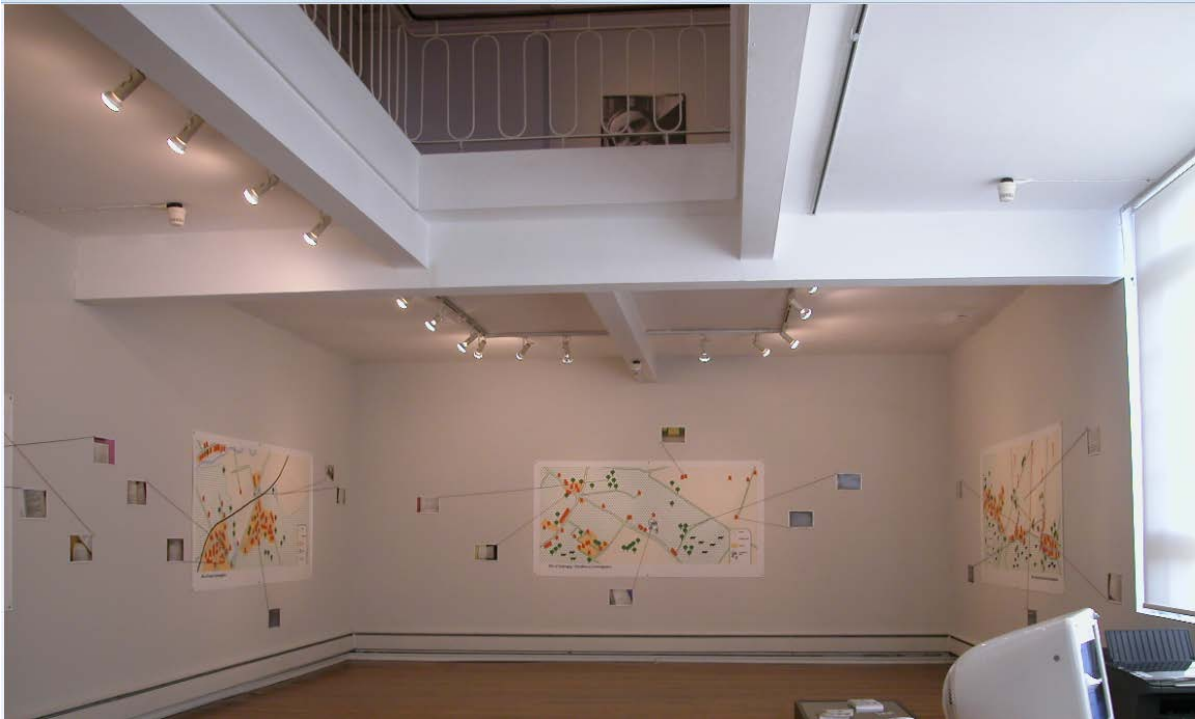
Background

1. A complaint was received by the Local Planning Authority in November 2014, regarding an internal alteration at Turner House Art Gallery, Plymouth Road, Penarth. The building was Grade II listed in January, 1993.

Details of the Breach

2. The roof of the building had a roof light feature and at first floor there was a light well that allowed light from the roof light feature to filter down to the ground floor. This feature is described in the listing description with the upper gallery being treated as a continuous balcony to the lower gallery. This feature is shown in the photographs below:





3. Both the light well and the balustrade were fixed features of the fabric of the building and, as such, were part of the listed building for the purposes of the Planning (Listed Building and Conservation Areas) Act 1990.
4. The light well has recently been filled in and the 1940's wrought iron balustrade, also noted in the listing description, has been removed. These works are considered to affect the character of the building as one of special architectural or historic interest and, as such, are works that would have required the consent of the Council under the provisions of section 7 of the 1990 Act. As the necessary consent has not been granted, the works to fill in the light well and remove the balustrade are a breach of section 9 of the 1990 Act.

Action Pursued to Date

5. A series of correspondence has been sent to the owner and occupier of the gallery to advise of the breach of planning control that has occurred and to request that works are voluntarily undertaken to reinstate the light well and balustrade. To date the necessary works have not been undertaken. It is understood that the owners/occupiers of the building have retained the balustrade, which is in storage.

Planning History

6. The following planning history is relevant to the building, although none is specifically relevant to the breach that has occurred:
 - **2010/00740/FUL:** Turner House, Plymouth Road, Penarth - Take down and rebuild parts of the boundary wall to the Turner House Gallery - Approved 15/09/2010

- **2005/00564/FUL:** Turner House Gallery, 1, Plymouth Road, Penarth - Provision of new lift and toilet facilities for disabled visitors and staff - Refused 13/01/2006
- **2005/00563/LBC:** Turner House Gallery, 1, Plymouth Road, Penarth - Construction of rear extension to provide a lift for disabled access to first floor and an accessible toilet - Refused 17/02/2006
- **2005/00246/LBC:** Turner House Gallery, Plymouth Road, Penarth - Formation of a new ramp from pavement to main entrance to facilitate access by wheel chair users - Approved 29/04/2005
- **2005/00202/FUL:** Turner House Gallery, Plymouth Road, Penarth - Formation of a new ramp from pavement to main entrance to facilitate access by wheel chair users - Approved 31/03/2005
- **1999/00210/LBC:** Turner House Art Gallery, Plymouth Road, Penarth - To install two external CCTV cameras on building - Approved 21/04/1999
- **1999/00209/FUL:** Turner House Gallery, Plymouth Road, Penarth - To install two external CCTV cameras on building - Approved 26/03/1999

Legislation and Guidance

7. Section 7 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 (the Act) establishes the requirement for consent to undertake works affecting Listed Buildings. Section 9 of the same Act identifies contraventions of Section 7 as an offence. In addition Welsh Office Circular 61/96 – Planning and the Historic Environment: Historic Buildings and Conservation Areas sets out guidance relating to Listed Buildings. Also of relevance is the Vale of Glamorgan Adopted Unitary Development Plan (1996 – 2011), which was formally adopted by the Council on the 18 April 2005 as the Development Plan for the area.

Reasons for Serving an Enforcement Notice

8. It is understood that the light well and balustrade were not part of the original building as constructed and resulted from alterations undertaken to the building in the 1940's. Nevertheless, these alterations are important to the history of the building, being undertaken to facilitate its use as an art gallery. These alterations are also important as they were undertaken as part of the comprehensive alterations to the building by notable architects, T Alwyn Lloyd and Partners. Accordingly, these features make a significant contribution to the character and appearance of the interior of the building. In view of the special architectural and historic interest of the light well and balustrade, their preservation is desirable. As such, if an application for listed building consent had been made to remove these features, it would have been recommended that consent should not be granted in view of the duty imposed under section 16 of the 1990 Act.
9. Accordingly, it is considered expedient to serve a listed building enforcement notice to require the reinstatement of the light well and balustrade in line with the guidance provided in Welsh Government Circular 61/96.

Resource Implications (Financial and Employment)

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

Legal Implications (to include Human Rights Implications)

11. If a Listed Building Enforcement Notice is served, the recipient has a right of appeal under Section 38 of the Listed Building and Conservation Area Act 1990.
12. S9(1) Planning (Listed Buildings and Conservation Areas) Act 1990 creates an offence if s7 of the Act is contravened. Section 7 provides:

Subject to the following provisions of this Act, no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised.

A person guilty of an offence is liable on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding £20,000; or on conviction on indictment, to imprisonment for a period not exceeding two years or a fine, or both.

Given the scale and nature of the offence, officers are not minded to pursue action in the Courts at present, having regard to the proposed enforcement action set out below to remedy the offence. This position may be reconsidered at any time if the matter is not satisfactorily remedied.

Equal Opportunities Implications (to include Welsh Language Issues)

13. None.

Wellbeing of Future Generations (Wales) Act 2015

14. Under the 2015 Act the Council not only have a duty to carry out sustainable development, but must also take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act, in recommending the service of an Enforcement Notice, the Council have sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
15. The development subject of this report is considered to cause unacceptable harm for the reasons set out above. The need to preserve the features of special architectural and historic interest is not considered to be outweighed by the short term needs of the occupiers of the building.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to require:
 - (i) The reinstatement of the light well.
 - (ii) The reinstatement of the balustrade.
- (2) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- (1) Both the light well and the balustrade were fixed features of the fabric of the building. By virtue of section 1(5) of the Planning (Listed Building and Conservation Areas) Act 1990 both features were to be treated as part of the listed building for the purposes of the 1990 Act.
- (2) The light well and balustrade are important to the history of the building, being alterations that were undertaken to facilitate its use as an art gallery. They are also important as they were undertaken as part of the comprehensive alterations to the building by notable architects, T Alwyn Lloyd and Partners. Accordingly, these features were of special architectural and historic interest and made a significant contribution to the character and appearance of the interior of the building.
- (3) The filling in of the light well and removal of the balustrade represent alterations to the building in such a manner as to affect its character as a building of architectural or historic interest, within the meaning of section 7 of the 1990 Act.
- (4) Having regard to the desirability of preserving the building, its setting and all features of special architectural or historic interest which it possesses, the works to fill in the light well and remove the balustrade are considered to be unacceptable and in conflict with Welsh Government Circular 61/96 – Planning and the Historic Environment: Historic Buildings and Conservation Areas.

Background Papers

Enforcement File Ref: ENF/2014/0329/PRO

Contact Officer - James Banks, Tel: 01446 704866

Officers Consulted:

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

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 9th June, 2016.

REPORT OF THE HEAD OF REGENERATION AND PLANNING

7. ENFORCEMENT ACTION

LAND AND BUILDINGS AT HENDREWENNOL FRUIT FARM, HEOL-Y-MARCH,
NR. WELSH ST. DONATS

Background

1. A complaint was initially received by the Local Planning Authority in the Spring of 2015, regarding non-agricultural related activities at Hendrewennol Fruit Farm, Heol-y-March, Nr. Welsh St. Donats.
2. Hendrewennol fruit farm is north of Bonvilston and within the rural Vale. There is a large house in the centre of the site, with several buildings within the site used in association with the farm business.
3. The site is, on the whole, surrounding by agricultural land and the highway network. There are, however, a number of residential properties either adjacent to the site or within close proximity.

Details of the Breach

4. Following an initial site inspection and an investigation into the complaints that have been made, it has been established that the breach of planning control in this case is a material change of use of the land from agricultural (including pick your own - PYO) to a mixed use for agricultural and leisure/recreation.
5. The site has historically been a pick-your-own fruit and vegetable farm for visiting members of the public. In recent years the site has been more actively used for non-agricultural and PYO activities, including a number of events for paying members of the public, a children's play area and Maze, birthday parties and other events that are not specifically related to the agricultural activities on the site. This has incrementally resulted in the material change of use of the site.
6. There are permitted development rights granted under Class B of Part 4, Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995 (as amended) for the temporary use of land for any purpose not exceeding 28 days in any calendar year. In light of the events that have been held at the site and the nature in which the site is used during the summer months and, in particular, schools Holidays, the permitted development allowance is considered to have been exceeded in the last 12 month period.

7. In addition to this, a new building has been erected on the site. This was originally proposed as an agricultural building for storage and was, therefore, approved by virtue of the Prior Notification application that was submitted in respect of agricultural development under The Town and Country Planning (General Permitted Development) Order 1995 (as amended). However, the building was not constructed as approved as it has been fitted with a series of toilets for use by the visiting public. Accordingly, this building has been erected without the necessary planning permission, and would not be considered to be permitted development.

Action Pursued to Date

8. The enforcement investigation into the breach of planning control at the site has been on-going since 2015. Much of this investigation has been to establish whether or not the activities at the site amount to a breach of planning control. Both the operators of the site and the residents affected by the use have inputted into that investigation.
9. In February, 2016, the operators of the site were advised that the current use of this site is a breach of planning control and that, in an attempt to regularise such a breach, an application for planning permission should be submitted. Despite this request and repeated assurances from the Operator's agent that an application would be submitted, no application has been received to date.
10. Accordingly, the Council issued an Enforcement Warning Notice on 6th May, 2016, under new powers in the Town and Country Planning Act 1990 (as amended) that have recently been enacted. The Notice is a formal charge on the land and required the recipient to submit an application for planning permission for the breach of planning control alleged. No response has been received to this Notice.

Planning History

11. The site benefits from the following planning history:

The following planning history is relevant to the matters considered in this report:

- **2015/00701/FUL:** Hendrewennol, Bonvilston - Erection of polytunnels - Approved 28/10/2015
- **2013/00116/PNA:** Hendrewennol, Heol Y March, Bonvilston - Proposed American timber barn - Approved 13/03/2013
- **2012/01183/FUL:** Hendrewennol, Bonvilston - Erection of a timber framed barn for use by customers to purchase fruit and related produce, and refreshments - Approved 02/01/2013

12. The building granted permission by virtue of the 2012 application is currently being used as a café and shop for visiting members of the public. It is worth noting that this permission was only granted on condition that the building is used for the sale of refreshments being ancillary to the use for Pick Your Own Fruit and sale of produce associated with the farm.

Policy

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

Strategic Policies:

- POLICIES 1 & 2 - THE ENVIRONMENT

Policy:

- ENV1 - DEVELOPMENT IN THE COUNTRYSIDE
- ENV10 - CONSERVATION IN THE COUNTRYSIDE
- ENV27 - DESIGN OF NEW DEVELOPMENTS
- EMP7 - FARM DIVERSIFICATION
- EMP8 - AGRICULTURAL ENTERPRISE AND ASSOCIATED DEVELOPMENT
- TOUR5 - NON-RESIDENTIAL TOURIST ATTRACTIONS
- REC7 - SPORT AND LEISURE FACILITIES
- TRAN10 - PARKING

14. Planning Policy Wales (Edition 8, 2016) advises that where development plan policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations, such as national planning policy, in the determination of individual applications. It is for the decision-maker to determine whether policies in the adopted Development Plan are out of date or have been superseded by other material considerations and this should be done in light of the presumption in favour of sustainable development.

15. In this case, the relevant material considerations are considered to be as follows:

- Technical Advice Note 6: Planning for Sustainable Rural Communities
- Technical Advice Note 9: Enforcement of Planning Control
- Technical Advice Note 13: Tourism
- Technical Advice Note 16: Sport, Recreation and Open Space
- Technical Advice Note 18: Transport

Reasons for Serving an Enforcement Notice

16. The main issues to consider in this case are as follows:
- the principle of the development;
 - the location of the site, the means of access, highway safety and parking;
 - the impact of the uncontrolled use on the amenity of the adjoining residents and the general amenity of the surrounding area; and
 - the benefits of the development, in terms of employment, tourism and sustainable rural communities.
17. As explained in the details of the breach section above, the material change of use of the land that has occurred is a change from an agricultural use to a mixed use for agriculture and a leisure use. Being within the defined countryside, the appropriateness of this material change of use would fall to be considered under UDP policy ENV1. Criterion (ii) of the policy permits development within the delineated countryside that is for appropriate recreational uses while criterion (iv) permits development that is approved under other policies of the plan. The unauthorised use of the site is unique, retaining the existing agricultural activity but including a use that can be considered as both recreational and tourism (but described in this report as 'leisure'). Accordingly, the principle of the development should be considered in the light of policies TOUR5 (non-residential tourist facilities), REC7 (Sport and Leisure Facilities) and farm diversification policy EMP7, as well as the other relevant policies including ENV10, ENV27 & TRAN10.
18. The change of use and the operational development subject of this report are for the provision of employment, recreational and tourism. The unauthorised building (toilet block) has been constructed for the diversification purposes and, together with the unauthorised use, is not considered to have an adverse visual impact on the character and appearance of the surrounding area. Furthermore, the activities on the site are not considered to have an adverse effect on the existing agricultural activity on or around the site, nor on any important features in terms of ecology, landscape, archaeology, etc. In view of these findings, the development is considered to accord with many of the criteria of the three UDP policies mentioned above that permit the type of development that is subject of this report. In this regard, the development is considered to accord with the relevant criteria of policy ENV27 and is not considered to conflict with the principle of policy ENV10.
19. With particular regard to UDP policy REC7, the first two criteria are intended to protect the vitality and viability of existing centres within the Vale of Glamorgan and require that such locations are considered in the first instance for new recreational development. Whilst these criteria are noted, the recreational development being considered in this case is wholly linked to the existing agricultural activity that remains on the site. The type of enterprise on the site is reliant on the rural location and could not operate within an urban area or within a district or town centre. Accordingly, the development is not considered to conflict with these criteria of UDP policy REC7.

20. With regard to sustainability, the site is in a rural location and is some 1.2 km from the main highway (A48) through the Vale linking Cardiff to Bridgend. Whilst regular bus services are provided on the A48, it is unlikely that visitors to the site will arrive by any other means than the private car. Notwithstanding this, and as noted above, the unauthorised use of this site is reliant on a rural location and setting, which will inherently be unsustainable in terms of access. Notwithstanding this, national planning guidance, in particular TAN 18 on Transport, condones a positive approach to farm diversification/tourism activities and indicates that a rural location is not an insurmountable objection to such schemes.
21. As for access to the site, this is obtained via a series of narrow rural lanes with the main entrance to the site being on its easternmost boundary. During events at the site or the summer months, for example, traffic movements to and from the site are significant and are not easily accommodated on the existing highway network close to the site (i.e. the highway adjoining the eastern boundary of the site and the highway to the north of the site). There is often conflict with vehicles passing on these lanes which has interrupted the free flow of traffic. There have also been recent incidents of vehicles getting stuck in highway verges and mud being brought onto the highway as a result. This has caused a particular problem for local residents when accessing or leaving their properties during these times, and has resulted in an impact on the amenity of these nearby occupiers by virtue of the noise and disturbance from traffic build up to and from the site.
22. The highway network close to the site entrance is not considered to be adequate to accommodate the traffic movements generated by the authorised use of the site, in particular the traffic generated during the popular events at the site. It is understood that on occasion an informal one way system has been operated on the adjoining highway, with vehicles entering the site from the highways to the north and leaving the site in a southerly direction. However, such an approach is not one that would provide a permanent solution to the access issues to the site. Accordingly, the unauthorised use of the site, by virtue of the current access arrangements, is considered to have a negative impact on highway safety on the adjoining highway network and is detrimental to the character of the area and the amenity of the nearby residents of the site, contrary to UDP policies ENV27, EMP7, TOU5 and REC7.
23. As for parking, there is understood to be a permanent parking area for visitors and staff centrally within the site, but during events or busy periods overflow parking is provided in the fields close to the entrance. Whilst such an arrangement may be appropriate in terms of ensuring sufficient parking provision within the site, in compliance with UDP policy TRAN10, there have been incidents where the overflow parking has caused disturbance to residents living close to the site. Without any control over the location of both permanent and temporary parking, or times at which the overflow parking is used, the unauthorised use of the site would continue to have a detrimental impact on the character of the area and the amenity of nearby residents contrary to UDP policies ENV27, EMP7, TOU5 and REC7.

24. Notwithstanding the issues of parking and traffic generated by the unauthorised use of the site, the most popular activities at the site, in particular the planned events have themselves resulted in a detrimental impact on the amenity of the surrounding area and on the amenity of adjoining or nearby residents. Some planned events at the site have resulted in amplified music and announcements that have caused disturbance to the nearby residents, in particular the events that have run into the evening. In addition to this, some of the activities have resulting in a concentration of visitors close to the boundaries of the site with the adjoining residential properties. In particular, a viewing area adjacent to the pond on site as allowed visitors to overlook into the gardens of adjoining residents. In this regard, such uncontrolled use of the site is considered to be detrimental to the general character of the surrounding area and the amenity of the nearby residents, contrary to UDP policies ENV27, EMP7, TOU5 and REC7.
25. The operators of the site have been approached with the view to overcoming the issues identified above. It has been established that ownership extends to the highway to the west of the site and, as such, it would be possible to provide an alternative point of access. The highway to the west of the site is likely to be more appropriate in terms of accommodating the traffic generated by the use and for providing the direct access to the site. In addition to this, if an application is submitted, any mitigation proposed to overcome the issues identified above can be properly considered and enforced by way of conditions, if permission is granted. The operators have been advised that if an application were submitted to retain the use, but proposing an alternative means of access to the site, the application is likely to be considered favourably. As noted earlier in this report, an application has not been submitted.
26. It is acknowledged that the current use of the site provides an attractive leisure and tourism destination within the rural Vale. Operating as both a farming and farm diversification enterprise, the current use of the site is one that is promoted in the national planning guidance in PPW and TAN6 on Planning for Sustainable Rural Communities. There are inevitable wider benefits associated with this enterprise in terms of its contribution to the rural economy and the rural community that are recognised in PPW and TAN6, as well as TAN 13: Tourism and TAN 16: Sport, Recreation and Open Space. However, this national planning guidance, including that provided in TAN 18: Transport, suggests that there should be a balance in terms of supporting the rural economy and community whilst protecting the character and amenity of the surrounding area and highway safety. In considering this balance, the guidance suggests that in the majority of cases the adverse effects of new development in rural areas can be mitigated or overcome. Whilst this particular guidance may well be applicable in this case, without an application for planning permission within which the impacts of the use and mitigation proposed can properly be considered and, if appropriate, enforced via a condition of a planning permission, thereby controlling the use, the development is considered to be unacceptable.

27. In view of the findings above, the building described as the 'American Barn' cannot be considered acceptable development. The building provides w.c. facilities and is not, therefore, specifically designed for agricultural purposes. It also facilitates the unauthorised use of the site which, as set out above, is itself considered inappropriate. Accordingly, the development is unjustified and unacceptable development in a rural location that is not considered to accord with UDP policy EMP 8 and, therefore, policy ENV1.

Conclusions

28. In view of the issues identified in the paragraphs above, it is considered expedient to pursue formal action to require the cessation of the mixed use of the site for agricultural and leisure uses, to require the removal of all equipment, furniture and paraphernalia that facilitate this use and to require the removal the building described as the 'American Barn'.

Resource Implications (Financial and Employment)

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

Legal Implications (to include Human Rights Implications)

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

Equal Opportunities Implications (to include Welsh Language Issues)

32. None.

Wellbeing of Future Generations (Wales) Act 2015

33. Under the 2015 Act the Council not only have a duty to carry out sustainable development, but must also take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act, in recommending the service of an Enforcement Notice, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
34. The development subject of this report is considered to cause unacceptable harm for the reasons set out above. The need to protect highway safety, the character of the area and the amenities of the residents who live close to the site is not considered to be outweighed by the short term needs of the operators of the site or the benefits of the development to the rural economy and rural community.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
 - (i) The cessation of the mixed use of the land for the purposes of agriculture and a leisure use.
 - (ii) The removal from the land of the crop maze, children's play equipment and sand pits, marquees and any other equipment, furniture, or paraphernalia that facilitate the unauthorised use of the land.
 - (iii) The removal of the building described as the 'American Barn'.
- (2) That, notwithstanding the reasons given below and in accordance with the guidance given in Technical Advice Note (TAN9) on Enforcement of Planning Control, the Notice advises that if an application for planning permission were to be submitted for the retention of the unauthorised use of the site and the building, more favourable consideration is likely to be given provided that an alternative means of access is proposed to the west of the site and the scheme proposes measures to mitigate the harmful impact of the use on the amenity of the area and the occupiers of adjoining and nearby residential properties.
- (3) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- (1) The uncontrolled use of the site for the purposes of agriculture and a leisure use, accessed via the current access arrangements, has a negative impact on highway safety on the adjoining highway network and is detrimental to the character of the area and the amenity of the nearby residents of the site, contrary to policies ENV1 - Development in the Countryside, ENV27 - Design of New Developments, EMP7 - Farm Diversification, TOUR5 - Non-residential Tourist Attractions, REC7 - Sport and Leisure Facilities of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 as well as Planning Policy Wales (Edition 8), Technical Advice Note 6: Planning for Sustainable Rural Communities, Technical Advice Note 13: Tourism, Technical Advice Note 16: Sport, Recreation and Open Space and Technical Advice Note 18: Transport.
- (2) The building described as the 'American Barn' is unjustified development that facilitates the unauthorised use of the site and has not been designed specifically for agricultural purposes contrary to policies ENV1 and EMP8 - Agricultural Enterprise and associated development of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Background Papers

Enforcement File Ref: ENF/2015/0065/CCC

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

Officers Consulted:

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

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 9th June, 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

7. ENFORCEMENT ACTION

LAND AT TY CHLOSOPH, 47, PETERSWELL ROAD, BARRY

Background

1. A complaint was received in November, 2015, regarding a boundary wall that had been erected on the boundary between 47, Peterswell Road, Barry and All Saints Church in Wales School.
2. The property at 47, Peterswell Road is a two storey residential property located within the Barry settlement boundary. To the North West is All Saints Church in Wales School and to the South is 45 Peterswell Road. To the East is a footpath and a playground.

Details of the Breach

3. The breach allegedly occurred during August 2015 where a boundary wall measuring 2.3 metres in height was erected. In January 2016 works were undertaken to increase the height of a section of the wall to approximately 2.7 metres. In April 2016, a wooden structure was erected on the top of the 2.7 metres section. The wall is considerably higher than that permitted (2 metres) under The Town and Country Planning (General Permitted Development) Order 1995 (as amended) Part 2, Class A1(b).



Action Pursued to Date

4. A letter was sent to the owner of the property within which the wall was erected in December, 2015, requesting either a planning application in an attempt to regularise the wall, or the reduction in height or removal of the wall within 28 days.
5. Despite this letter having been sent, in January 2016 and then again in April 2016 it was noted that the height of the enclosure was increased. As such, further correspondence was sent to the owner. No works have been undertaken to remove or reduce the height of the wall and an application for planning permission has not been submitted in an attempt to retain the works.

Planning History

6. The site benefits from the following planning history:

2005/00914/FUL: Ty Chlosoph, 47, Peterswell Road, Barry. Move existing 2m high boundary fence line and replace with concrete block 2m high wall and pillars and re-rendered wall in line with existing wall on boundary of public footpath. Approved 16th August, 2005. This permission was granted for a new enclosure along the eastern boundary of the site and not the boundary subject of this report.

Policy

7. The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18th April 2005, and within which the following policies are of relevance:
 - **ENV 27 – DESIGN OF NEW DEVELOPMENTS**
8. In addition to the adopted Unitary Development Plan, the Council's SPG on Amenity Standards is also relevant.

Reasons for Serving an Enforcement Notice

9. Whilst not forming a boundary to a public highway or public area, the new means of enclosure is adjacent to a school and forms a boundary with the side access and the playground of the school.
10. Whilst it is accepted that an enclosure is necessary to form a privacy screen between the property and the school grounds, a 2 metre high enclosure permitted under The Town and Country Planning (General Permitted Development) Order 1995 (as amended) would be sufficient to provide privacy for the property. However, the enclosure erected significantly exceeds the height permitted and is considered to be excessive.

11. The solid brick wall along some 33 metres of the boundary forms an insensitive boundary treatment. The solid wall, together with the addition of a further timber enclosure on top of the wall, results in a poorly designed enclosure that has an unacceptable impact on the visual amenities of the area. In this regard the development is considered to be contrary to the general design policy ENV27 – Design of New Development, and the supporting SPG on Amenity Standards.

Conclusions

12. The existing wall exceeds the 2 metre permitted development height as stated in The Town and Country Planning (General Permitted Development) Order 1995, Part 2, Class A1(b).
13. Reasonable actions have been taken in an attempt to regularise the development, however the development is still unauthorised and is unacceptable in its current form.
14. Accordingly, it is considered expedient to pursue action to require the reduction in the height of the enclosure to the permitted height of 2 metres. Whilst this would not be an ideal result as it would still allow the retention of a poorly finished means of enclosure, such action recognises the permitted development rights that the owner of the property could exercise in erecting a new means of enclosure.

Resource Implications (Financial and Employment)

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

Legal Implications (to include Human Rights Implications)

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

Equal Opportunities Implications (to include Welsh Language Issues)

18. None.

Wellbeing of Future Generations (Wales) Act 2015

19. Under the 2015 Act the Council not only have a duty to carry out sustainable development, but must also take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act, in recommending the service of an Enforcement Notice, the Council have sought to ensure that the

needs of the present are met without compromising the ability of future generations to meet their own needs.

20. The development subject of this report is considered to cause unacceptable harm for the reasons set out above. The need to protect visual amenity of the general area is not considered to be outweighed by the short term needs of the owner of 47, Peterswell Road.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
 - (i) The reduction in the height of the boundary enclosure to 2 metres from ground level.
- (2) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- (1) The means of enclosure is considered to be poorly designed, particularly in view of its excessive height, and has an unacceptable impact on the general amenities of the area contrary to policy ENV27 – Design of New Development of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, as well the Council’s Supplementary Planning Guidance on Amenity Standards.

Background Papers

Enforcement File Ref: ENF/2015/0269/PC

Contact Officer - James Banks, Tel: 01446 704866

Officers Consulted:

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

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 14 JANUARY 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

9. PLANNING APPLICATIONS

Background Papers

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

Mrs Sian Jenkins Windhover, Mount Road, Dinas Powys, Vale of Glamorgan, CF64 4DG

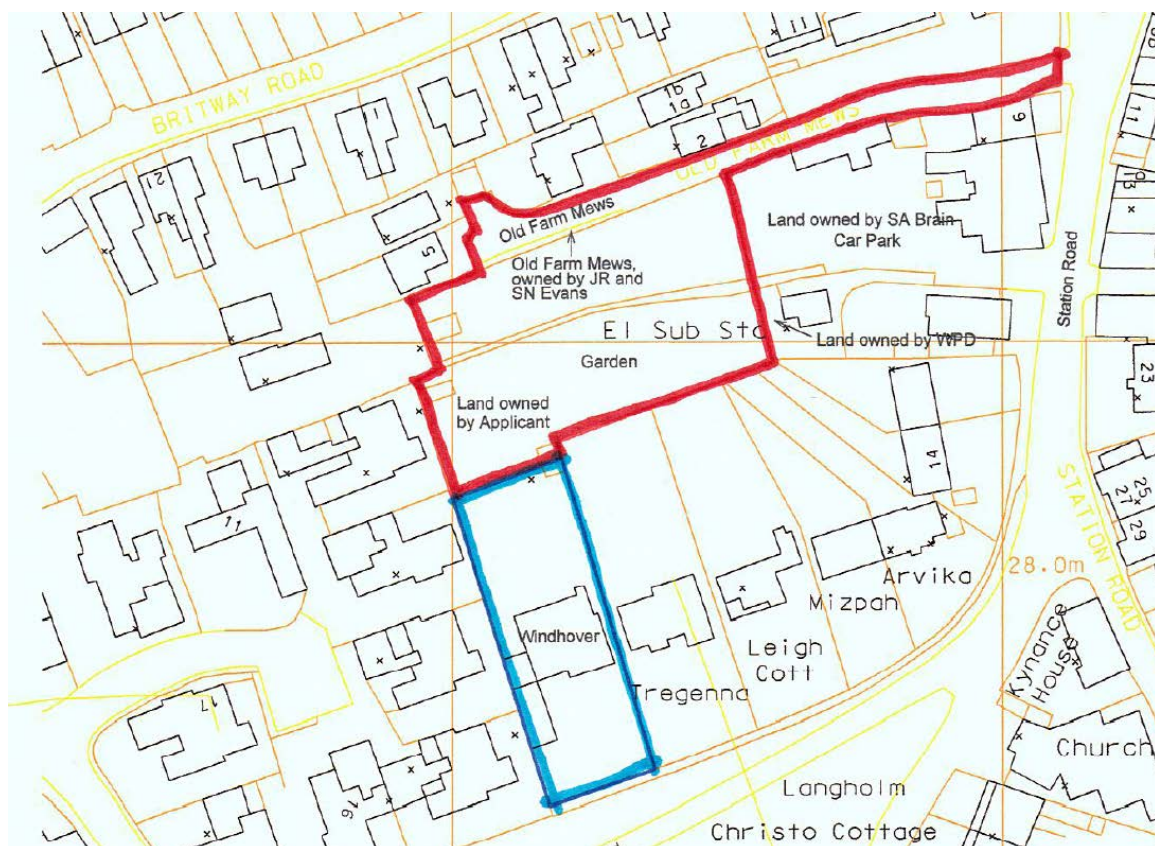
Mr Julian Phillips Chapter, Market Road, Canton, Cardiff, CF5 1QE

Rear of Windhover, Mount Road, Dinas Powys

Construction of five new two storey dwellings at rear of Windhover and reconfiguration of car park to the Star Public House. Proposals involve the demolition of a single storey garage

SITE AND CONTEXT

The site currently comprises of a car park associated with The Star Inn Public House with an existing single storey garage and residential garden associated with the property known as Windhover. The site lies within the Dinas Powys Conservation Area and is located opposite the residential development known as Old Farm Mews. Access to the site would be via the adopted Old Farm Mews road.



The application site gently slopes upwards in a westerly direction along Old Farm Mews from the village centre of Dinas Powys. The residential development of The Mount is located immediately to the west of the site on land that is elevated above the site. The Mount is a Grade II listed property. To the east is the Grade II listed Star Inn public house and the Huntsman Restaurant. To the north and south of the site are modern residential properties.

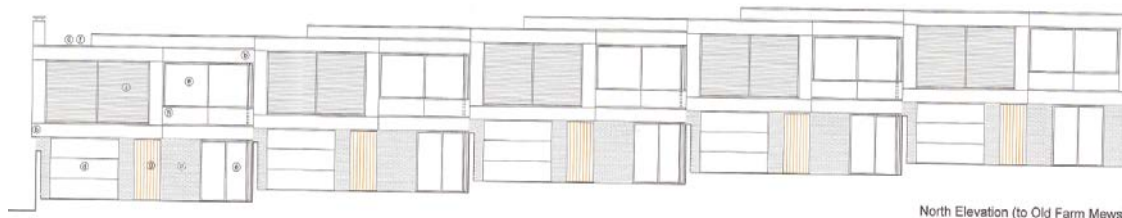
DESCRIPTION OF DEVELOPMENT

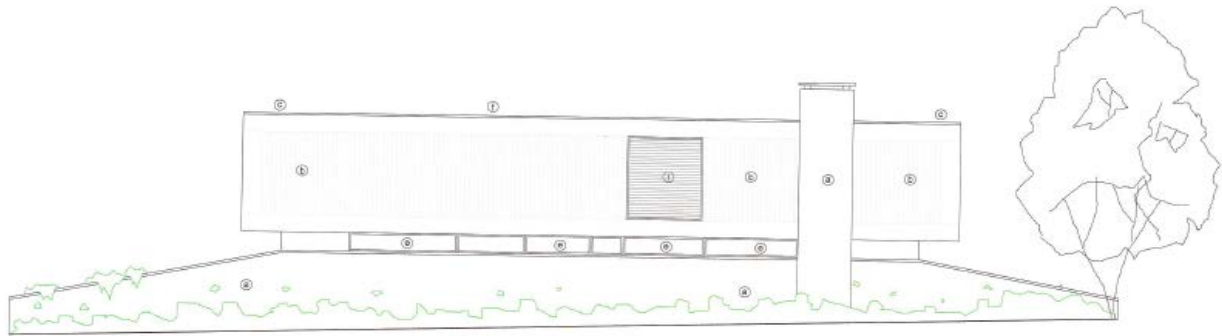
The application seeks consent for the construction of five, flat roof, two storey dwellings of contemporary design. Amended plans were received on the 17th May 2016 which proposed a number of changes and re-design of the proposed dwellings in comparison to the original submission. For clarification, the consideration of this application has been made in accordance with the submitted amended plans.

The proposal as amended relates to five, two storey, four bed dwellings which will be constructed on the site on part of the current Star Inn Car park and rear garden of the property known as Windhover. The proposed dwellings vary in length due to the staggered nature of the layout of the site. Therefore, Plots 4 and 5 measures 19m in length, Plot 2 and 3 measure 17.6m in length and Plot 1 measure 20m in length, with all dwellings measuring 9m in width and to a height of 6.5m with a flat roof. The five dwellings are attached and due to the change in level of the site, the dwellings are arranged in a stepped and staggered terraced design. Each dwelling consists of a garage, utility room, hall/office/study, bathroom and 3 bedrooms on the ground floor and living room, kitchen/dining, en-suite and main bedroom at first floor level. The design approach is for contemporary detailing, such as the use of extensive full height glazing, with powder coated aluminium framed windows and timber doors, white painted brickwork at ground level and black stained timber cladding at first floor level and a sedum roof. Each dwelling has a forecourt fronting onto the main highway which accommodates 2 off-street parking spaces and planting areas. As part of the proposal, this will also include the re-configuration of the Star Inn Public house car park which proposes to accommodate 36 car parking spaces to serve the public house and the Huntsman restaurant.

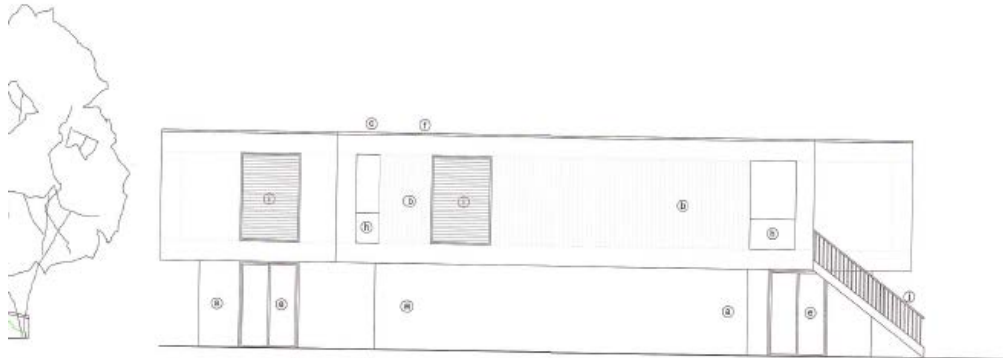
The application also proposes to create a new access into the application site from station road via the top of Old Farm Mews. The application includes creating a large turning area to allow a 10m long vehicle to manoeuvre and turn fully in the hammer head to adoptable standards. Each dwelling will be allocated 3 off street parking spaces, one accommodated within the proposed garage and 2 on the front driveway of the dwellings finished with grass paviours.

Proposed Elevations:





East Elevation (to car park)



West Elevation

k)

Proposed site layout:



PLANNING HISTORY

2015/01492/FUL – Windhover, Mount Road, Dinas Powys – Demolition of the existing dwelling and construction of two semi-detached dwellings – Approved – 13/05/2016.

2012/00217/PRE : Windhover, The Star Public House, Dinas Powys - Residential development - 5 dwellings - Pre-Application Response Charged 29/01/2013

2005/00197/TCA : Windhover, Mount Road, Dinas Powys - To fell one Blue Atlas Cedar in the rear garden. - Approved 22/02/2005

1999/00380/FUL : Wind Hover, Mount Road, Dinas Powys - New double garage and hard landscaping - Approved 07/05/1999

Other applications of relevance to the proposed development:

2008/00684/FUL : Site at Old Farm Mews/Station Road, Dinas Powys - New housing scheme providing two semi-detached and two detached dwellings - Approved 05/09/2008 (case officer - JMC)

2007/00711/FUL : Site at Old Farm Mews, Station Road, Dinas Powys - New housing scheme providing two semi-detached dwellings and two detached dwellings - Refused 14/12/2007 (case officer - JMC)

CONSULTATIONS

Dinas Powys Community Council has raised a strong objection to the proposed development stating that the development is over-development of the site, the access/egress is unsuitable and it will have an environmental impact on the site. The community council were re-consulted and further comments received reiterate the original comments set out above.

Highway Development Team raised an objection to the originally proposed development due to the absence of adequate manoeuvring facilities provided along Old Farm Mews which would result in an intensification of the use of a substandard access and would increase the demand for large servicing vehicles along the highway immediately adjacent to the site to the detriment of highway safety.

A revised scheme to reconfigure the turning area at the top of Old Farm Mews and accommodate the turning space for a 10m long vehicle was submitted on the 25th April 2016. In view of this, the Council's Highway Engineer raised no objection to the development subject to the details below being addressed:

- The proposed car parking spaces within each plot are required to be provided at a minimum of 2.6m x 4.8m.
- The existing double yellow lines along Station Road to the south of Old Farm Mews are required to be extended up to the junction. In addition, new double yellow lines are required to be provided along Station Road for a distance of 10.0m to the north of the junction with Old Farm Mews
- The existing "H- Bar" road markings located across the junction with Station Road and Old Farm Mews are required to be removed.
- The wall located adjacent to parking space No. 2 of plot 5, is required to be removed or reduced in height (900mm above the carriageway level) to

provide visibility splays of 2.0m x 10.0m along the carriageway to the east of the site.

Environmental Health (Pollution) - has requested a mitigation scheme in relation to noise, dust and vibration from the site. They have requested that no burning of waste is undertaken on the site and restrictions are placed on the site for hours of construction. It has also been advised prior to demolition, an asbestos survey is carried out and its disposal, as well as advice relating to contamination of land, if found at the site during construction.

Glamorgan Gwent Archaeological Trust indicates that the works will require archaeological mitigation. The Historic Environment Record shows that the proposed site is within the Dinas Powys Conservation Area. The site lies within 170m of a Scheduled Ancient Monument (GM431, Romano-British Farmstead) situated on Dinas Powys Common to the south of Mount Road. Therefore it is likely that residual remains of occupation from the Roman and later periods may remain undisturbed on this site. Archaeological work was undertaken during the construction of a garage at this site in 2000. This was of a small scale and in an area where the ground had been previously disturbed. Although no significant structures were uncovered during this excavation, it remains a possibility that buried archaeological resource could be encountered during the proposed work.

Local Ward Members - were consulted. On the 21st January 2016 an email from Cllr Hartrey was received requesting that the application be placed before the Planning Committee due to neighbour concerns regarding the close proximity of the proposed site is immediately behind their properties. Any comments received regarding the amended plans will be made known to the Committee.

Dwr Cymru Welsh Water - raise no objection to the development subject to the imposition of a condition relating to drainage scheme for the disposal of foul surface and land water by sustainable means and an advisory regarding the connection to the public sewer.

Ecology Officer - has welcomed the biodiversity and environmental features incorporated into this application, and requests two conditions regarding site clearance during the bird nesting season and the installation of bird nesting boxes within the development.

REPRESENTATIONS

The neighbouring properties were consulted on 12 January 2016 and a site notice was also displayed on the 15th January 2016.

There have been 7 letters received which raise a number of concerns regarding the proposed development. These are summarised as follows:

- Overlooking and impact on privacy of existing dwellings
- Restriction of light
- Increase in traffic, parking and congestion on local road network
- Overdevelopment of site
- Impact of development on trees and birds

- Impact of building work on current car park that serves the Huntsman restaurant and customers
- Reduction in number of car parking spaces for the customers and supplies therefore potentially damaging to business
- Existing access of Old Farm Mews is incapable of taking the proposed traffic leading to congestion in the village of Dinas Powys.
- Impact of loss of car parking spaces on the centre of the village of Dinas Powys
- Negative impact on property values
- Significant loss of green space within the centre of Dinas Powys
- Increased load of rainfall run-off into the local drainage system
- Adverse effects on local flora and fauna

A number of neighbouring properties were re-consulted on the revised scheme and two letters of representation have been received which re-iterate the concerns already listed above. Any further comments received regarding amended plans will be made known to the Committee.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT
 POLICY 3 - HOUSING
 POLICY 8 – TRANSPORTATION

Policy:

POLICY ENV11 – PROTECTION OF LANDSCAPE FEATURES
 POLICY ENV16 – PROTECTED SPECIES
 POLICY ENV17 – PROTECTION OF BUILT AND HISTORIC ENVIRONMENT
 POLICY ENV18 – ARCHAEOLOGICAL FIELD EVALUATION
 POLICY ENV19 – PRESERVATION OF ARCHAEOLOGICAL REMAINS
 POLICY ENV20 – DEVELOPMENT IN CONSERVATION AREAS
 POLICY ENV 27 – DESIGN OF NEW DEVELOPMENTS
 POLICY ENV 28 – ACCESS FOR DISABLED PEOPLE
 POLICY ENV 29 – PROTECTION OF ENVIRONMENTAL QUALITY
 POLICY HOUS 2 - ADDITIONAL RESIDENTIAL DEVELOPMENT

POLICY HOUS 8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY
HOUS 2 SETTLEMENTS
POLICY TRAN 10 – PARKING
POLICY REC 3 – PROVISION OF OPEN SPACE WITHIN NEW
RESIDENTIAL DEVELOPMENTS

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

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

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

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

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

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

Planning Policy Wales:

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

Chapter 4 of PPW deals with planning for sustainability – Chapter 4 is important as most other chapters of PPW refer back to it, particularly part 4.2 – Planning for Sustainability and part 4.11 – Promoting sustainability through good design.

Chapter 9 of PPW is of relevance in terms of the advice it provides regarding new housing. Particularly of relevance is paragraphs 9.3.2, 9.3.3 and 9.3.4.

9.3.2 'Sensitive infilling of small gaps within small groups of houses, or minor extensions to groups, in particular affordable housing to meet local need, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area'

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

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

Technical Advice Notes:

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

- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)

Supplementary Planning Guidance:

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

- Amenity Standards
- Design in the Landscape
- Parking Standards (Interactive Parking Standards Zones Map)
- Draft Supplementary Planning Guidance - Planning Obligations
- Sustainable Development - A Developer's Guide
- Trees and Development
- Dinas Powys Conservation Area Appraisal and Management Plan

Other relevant evidence or policy guidance:

- Welsh Office Circular 13/97 - Planning Obligations
- Welsh Office Circular 60/96 - Planning and the Historic Environment: Archaeology
- Welsh Office Circular 61/96 - Planning and the Historic Environment: Historic Buildings and Conservation Areas (as amended)
- 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

In assessing the proposal against the above policies and guidance it is considered that the main issues relate to the principle of residential development in this location, scale, design and layout of the proposed dwellings and the impact of the development on the street scene, Dinas Powys Conservation Area and setting of the adjacent listed building (The Star Inn Public House) and adjoining dwellings within the setting of The Mount (which is also listed) and; impact on the privacy and amenity of neighbouring properties and on highway safety.

Principle of Development

The site is located within the defined residential settlement boundary for Dinas Powys. The site currently forms part of the Star Inn Car Park and the garden of the property known as Windhover, which fronts onto the Common and has consent for demolition and re-development. Having regard to planning policy relating to infill development in a settlement it is considered that the principle of residential development on the site is acceptable. The site is also considered to be brownfield and the village centre location with easy access to facilities, local transport and services is considered a sustainable location.

Scale, Layout and Design

The proposed five, two storey, four bed dwellings are attached and due to the change in level of the site, the five houses are arranged in a stepped, staggered terrace design. The design of the scheme is contemporary in both detailing and use of materials. The use of good contemporary design is not discouraged and in this instance the scheme, as amended, is considered to address the context in which the development is sited. The proposed design of the dwellings is considered suitable, being of a typically modern appearance. They will have white painted brickwork to the ground floor and external MDF cladding coated with bitumen to first floor with a sedum roof and aluminium framed glazing and timber doors.

There is a mix of housing styles and materials along Old Farm Mews and it should be noted that within Dinas Powys itself there is precedent for the use of contemporary design in the Conservation Area, including the development located at the entrance to Old Farm Mews and the flat roofed development known as The Mount to the west of the application site. As such the proposed contemporary design approach and materials are considered acceptable. A condition should be added to require material samples if approved.

Due to the proposed highway improvements, the amended scheme proposes the repositioning of plots 2 and 3. This proposes setting the two dwellings back from the highway and has resulted in changes to the internal layout of the proposed dwellings such as the first floor bedrooms and living rooms have been handed resulting in less glazing to the rear elevations.

The scale of the proposed houses is considered acceptable in relation to the size of the site. Furthermore, the proposed houses would not appear incongruous nor dominate the street scene due to the topography of the site, the change in design and set back location from the main highway. The dwellings have been set back from the highway with a landscaped area between the highway and dwelling.

In respect of visual impact, whilst the introduction of five new dwellings will change the appearance of the street scene, it is considered that the development will be in keeping with the character of the area and will not be highly visible from the centre of the village of Dinas Powys. Due to its location to the rear of the Star Inn public house, the development would be seen through the car park in glimpse from Station Road.

The proposed dwellings will also be served by sufficient and adequate amenity space in this location comparable to that available to other houses located on Old Farm Mews and The Mount to reflect their setting in the village centre. The site lies within close proximity as well to the significant open space of the common. In view of the above, the development is considered to accord with Policies ENV27, HOUS8 and HOUS11 of the Council's Approved Unitary Development Plan 1996-2011 and the Council's Supplementary Planning Guidance – Amenity Standards.

Impact on setting of Listed Building and Conservation Area

The listed building closest to the proposed development is the Star Inn public house. Due to the re-arranged layout of the car park to the Star Inn, it is considered that there will be a significant separation between the proposed development and the listed building. In view of this, it is considered that the proposed development will not have an adverse impact on the setting of the listed building. In relation to the impact of the proposed development on the wider Dinas Powys Conservation Area, the conservation area has a strong, successful history of contemporary architecture and therefore the immediate context of the site is one of modern architecture compared with the more historic buildings. The proposal has taken strong visual and material cues from the Mount development. This is considered appropriate given the immediate context and is acceptable in the wider context of the conservation area. In view of this, the revised scheme will not have an adverse impact on the setting of the listed buildings have on the character, appearance or setting of the wider conservation area and therefore accords with Policies ENV17 and ENV20.

The scale, design and layout of the five dwellings does not detract from the character of the street scene and seek to enhance the character of the Dinas Powys Conservation Area for the reasons outlined above. It is also considered that the proposed layout, scale and design of the proposed dwellings are considered acceptable in this location and will not result in overdevelopment of the site. Accordingly, it is considered that the proposed development accords with criterion (i) of Policy HOUS8, HOUS11, ENV17, ENV20 and criterion (i) of Policy ENV27, the Council's Supplementary Planning Guidance – Amenity Standards and the Welsh Office Circular 61/96 - Planning and the Historic Environment: Historic Buildings and Conservation Areas (as amended).

Impact on neighbours and general residential amenities

There have been concerns raised from neighbouring properties located in close proximity to the site regarding the impact the proposed development would have on their residential amenities. These concerns relate to the scale of the dwellings, impact on the privacy of the neighbouring properties as well as the neighbouring properties feeling that the proposal will be overbearing being within close proximity to the boundary with the properties located at The Mount. These concerns have been considered through on-site inspections and negotiations which have resulted in an amended scheme.

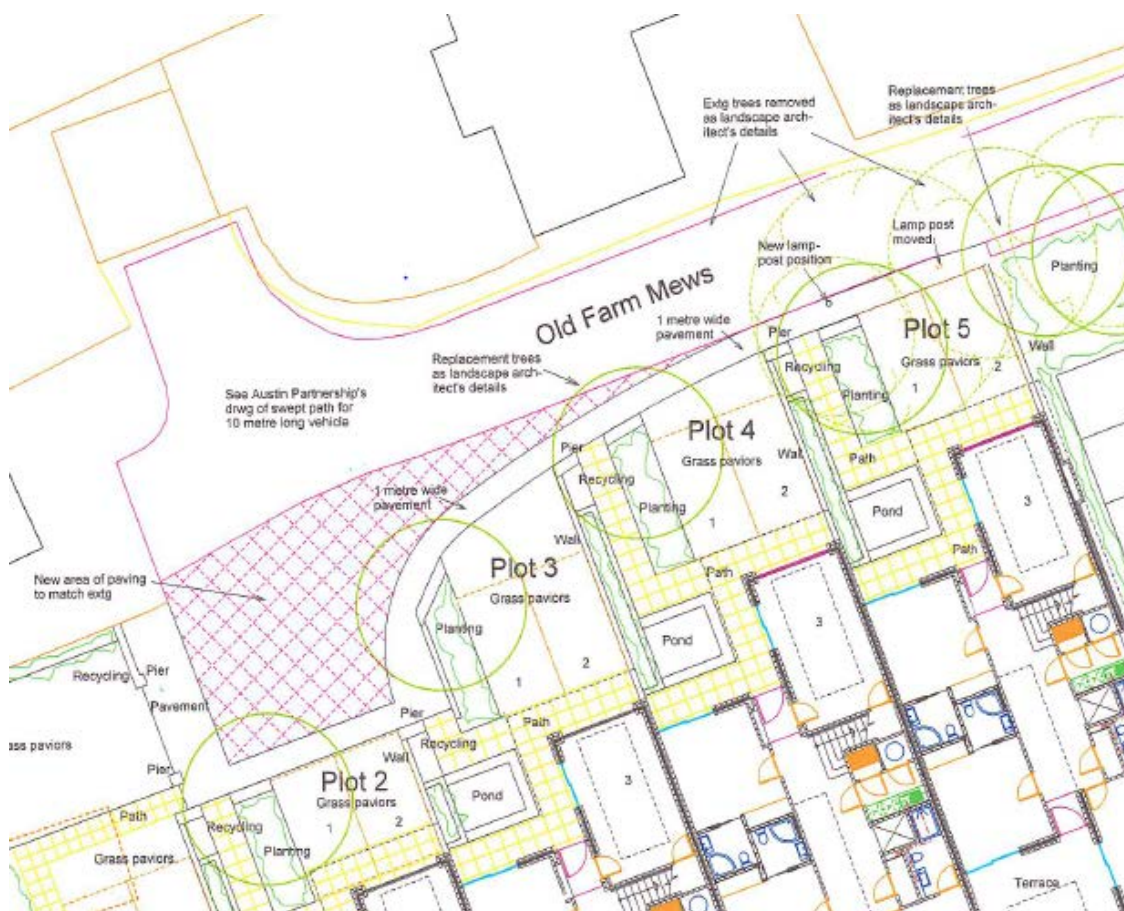
Amended plans have resulted in the re-siting of the proposed dwelling known as Plot 1 further off the boundary with the property known as No.12 the Mount i.e. from 4m to 5m. It is considered that this further reduces the impact of the development as well as satisfactorily maintaining the neighbours privacy and residential amenities. It is also considered that the changes that have been made to the western elevation of Plot 1 have resulted in a visually attractive development and results in a neighbourly development. With sufficient offset from the boundary from the Mount and taking into account the site levels difference from the Mount and the flat sedum roof design, the scheme will not be overbearing to the Mount development and respects the scale of form of development in the immediate vicinity.

With regard to the impact on Old Farm Mews, there will be little or no adverse impact on the amenities of these neighbours due to the setback position of the proposed development from the highway and use of proposed landscaping. With regard to the neighbouring property known as No.5, Old Farm Mews, Plot 1 is positioned over 16m away from the dwelling and separated by a forecourt area. The proposed development faces the side elevation of the dwelling which currently consists of one first floor level window which is obscurely glazed and a side door way. In view of this, the proposed development is not considered to have an adverse impact on the privacy or amenities of the adjacent property known as No.5, Old Farm Mews.

With regard to the repositioning of Plots 2 and 3, both plots have been set back into the site to improve the turning head to the adopted highway resulting in the dwellings being positioned slightly closer to the boundary with the dwellings located to the rear of the site. The redesign has also resulted in changes with less glazing to the rear elevations, and whilst noting the rear balcony terraces and glazing there still remains over 30m between neighbouring properties to Windhover and the proposed properties. The distance between the development and the neighbouring properties to the south being over 30m, maintains an acceptable distance and level of privacy and amenity. In view of these changes, it is considered that the proposed development will not have an adverse impact on the privacy and residential amenities of the neighbouring properties. In view of this, it is considered that the proposed development accords with criterion (ii) of Policy HOUS8 and criterion (iv) of Policy ENV27.

Highway Improvements, Access and Car Parking

The site is to be accessed along Old Farm Mews which is an adopted highway. Initially, the Council's Highway Engineer raised an objection to the development based on the current absence of adequate manoeuvring facilities along Old Farm Mews. The development would result in an intensification of the use of the existing substandard adopted road. Revised plans have been submitted showing swept paths and an extension of the turning area at the top of Old Farm Mews to allow a 10m long vehicle to manoeuvre fully and thus improving the layout of the adopted highway for all users. On the basis of this revision, the Highway Engineer's objection was withdrawn subject to the works being carried out in accordance with the submitted plans and this would be required by condition.



The application also proposes the re-configuration of the Star Inn Public house car park which proposes to re-accommodate the current 36 car parking spaces serving the public house and the Huntsman restaurant. The car park will be finished in tarmac to match existing with new whole line markings to indicate parking bays, with each parking bay measuring 2.6mx4.8m. the layout will improve the parking in so much as the layout results in all spaces being fully accessible where currently they are not.

The proposal also includes the provision of three car parking spaces per dwelling via one space being accommodated within the garage and two on the forecourt. The parking spaces will be finished in grass pavements. This level of provision is considered sufficient. It is also noted that the village centre of Dinas Powys is within walking or cycling distance, with bus and train links also easily available.

In view of the amendments made to the turning area on Old Farm Mews, it is considered that the proposed development would not have a detrimental impact on highway safety , it is therefore, considered that the development accords with criterion (v) of Policy HOUS8, criterion (ii) of Policy ENV27 and TRAN 10.

Archaeology

The Council's archaeological advisors, Glamorgan Gwent Archaeological Trust (GGAT) have identified an archaeological interest near the site and the requirements for archaeological mitigation. Reference is made to the Romano-British Farmstead, Dinas Powys Common which is a scheduled monument that lies north and within close proximity to the application site. In view of this, it has been recommended that suitable mitigation in the form written scheme of investigation condition should be prepared and implemented to reduce the impact of the development on the archaeological resource and to comply with the requirements of Policies ENV18 and ENV19.

Landscaping, Trees and Hedges

There are a number of trees and hedgerows on the site. Many of these trees are protected under Tree Preservation Orders 1973 - No 14. A Tree Survey, Tree Protection Plan and Landscape proposals have been submitted with the application (November 2015). The existing trees on the site comprise of Lawson's Cypress lines on parts of the boundary, a Lilac, a Weeping Hawthorn, two fruit trees and an Elm, and trees in the north of the site. The Elm is dead and is recommended for removal and the other trees of varied health. The two lines of hedgerow and trees are old field boundaries on the north of the site. The lower line has a group of poor elm on the east side and then two individual Sycamores and a group of six Sycamores. The group of six Sycamores at the western end of the hedge-line are to be retained, whilst the other trees and elm group at the eastern end of the site are recommended for removal.

The upper line of hedgerow (onto Old Farm Mews) comprises of Sycamore trees will be removed to facilitate the development. Protective fencing is indicated on the Tree Protection Plan to protect the trees retained. New tree planting is proposed within the development to mitigate the loss of the Sycamores and improve boundary planting consisting of three Field Maple and three birch trees, to be planted as heavy standards. The proposed 'dark corridor' for ecological

mitigation on the southern edge of the site comprises a mixture of a section of Hawthorn hedge and a line of trees. Ornamental planting is also proposed for the eastern boundary with the Huntsman Restaurant. It is also proposed that a new hedge row between Windhover and the proposed development site will be planted in order to provide a screen and soften the appearance of the proposed development with the existing neighbouring properties located on Mount Road.

In view of the above, it is considered that the proposals seek to maintain a number of existing trees and hedgerows within the site, with planting indicated to compensate for tree and hedgerow loss, of which the Council's tree officer is content with the standard of trees proposed to replace the existing protected trees on the site. The development proposed has taken account of the trees with the submitted survey indicating that the most valuable trees are to remain with protection measures incorporated. These protection measures, along with a full landscaping scheme, would be required via condition if approved. In view of this, it is considered that the proposal accord with Policies ENV11, ENV16, ENV20, ENV27 and HOUS8.

Planning Obligation (Section 106) Matters

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

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

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

In this case, the application relates to the development of 5 dwellings on a site located within the settlement boundary of Dinas Powys. Officers have considered the need for planning obligations based on the date of receipt of the application, type of development proposed, the local circumstances and needs arising from the development, and what it is reasonable to expect the developer to provide in light of the relevant national and local planning policies.

Public Open Space

UDP Policies HOUS8, REC3 and REC6 require new residential developments to make provision for public open space and the Planning Obligations SPG provides further advice about how these standards should operate in practice. TAN 16: Sport, Recreation and Open Space (2009) states "Planning conditions and obligations (Section 106 Agreements) can be used to provide open space, sport and recreational facilities, to safeguard and enhance existing provisions, and to provide for their management. PPW indicates that planning obligations should only be sought where they are necessary to make a proposal acceptable in land use planning terms. Local planning authorities will usually be justified in seeking planning obligations where the quantity or quality of provision for recreation is inadequate or under threat, or where new development increases local needs. An assessment of need and an audit of existing facilities, will enable local planning authorities to use planning obligations to provide a benefit for the land and/or the locality by providing open space and suitable facilities, particularly in relation to housing, retail and employment developments" (paragraph 4.15 refers).

The development for 5 houses creates the need for open space. In accordance with the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 Policy REC 3, residential developments should provide open space at a minimum standard of 2.43 hectares per 1000 population (0.6-0.8 hectares for children's playing space and 1.6-1.8 hectares for outdoor sport). The Council has developed a formula to calculate a reasonable level of contribution for off-site works to mitigate the lack of provision onsite. This is usually calculated on the basis of £1000 per person of those not catered for through on site provision (based on an average population of 2.28 persons per dwelling). Thus £2280 per dwelling would be required for off-site provision as can be provided on the site. In view of this, the POS contribution has been calculated on the basis of 5 units and this equates to £11,400.

S106 Administration

In addition to the above and separate to any obligation, from 1 January 2007 the Council introduced a separate fee system for progressing and the subsequent monitoring of planning agreements or obligations. The fee is calculated on the basis of 20% (£380) of the application fee or 2% (£228) of the total level of contributions sought whichever is the higher.

RECOMMENDATION

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

- Pay a contribution of £11,400 for the provision or enhancement of public open space.

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the plans registered on 5th January 2016 and Drawing Nos. 2013./16 Rev C, 2013./18 Rev A, 2015./25 Rev A received on the 17th November 2015 other than where amended by plans reference Drwg No. 201C and 202C received on 17th May 2016, Drawing No. VT.1 Rev A - Vehicle Tracking 1 received on the 25th April 2016, Drawing No. 200D received on the 26th May 2016, additional drawing nos. 304 and 401 received on the 25th May 2016 and the Design and Access statement received on 15th December 2015.

Reason:

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

3. Prior to the commencement of development, details of the finished floor levels of the dwellings in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

To ensure that the visual and residential amenities of the neighbouring properties and the wider area are safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

4. No part of the development hereby approved shall be brought into beneficial use until such time as the works to the turning head at the top of Old Farm Mews and parking areas including all associated access and turning areas, have been laid out in full accordance with the details shown on Drawing No. 200C (17.5.16) and Drawing No. VT.1 Rev A (25.4.16) and the works to the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

5. 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 as hereby approved shall be inserted into the western elevation of the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

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

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

Reason:

To ensure a satisfactory standard of development in the Conservation Area and to ensure compliance with Policies ENV20 and ENV27 of the Unitary Development Plan

7. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be submitted by the applicant and approved in writing by the Local Planning Authority and the programme and scheme shall be fully implemented as defined in the approved details.

Reason:

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied and to ensure compliance with Policies ENV18 and ENV19 of the Unitary Development Plan.

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

Reason:

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

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

Monday to Friday	08:00 – 1800
Saturday	08:00 – 1300

Unless such work –

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

Reason:

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

10. Prior to the commencement of any works on site, the details, plans and recommendations outlined in the Tree Survey, Landscape proposal and Tree Protection Plan reference Drawing No.2013./16 Rev C, 2013./18 Rev A and 2015./25 Rev A received on the 17th November 2015 shall be fully implemented on site and so retained for the duration of the development works.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

11. Within one month of the first beneficial occupation of the dwellings, at least 3 bird nesting 'boxes' shall be erected on the site, in accordance with a scheme which shall have been submitted to and approved in writing by the Local Planning Authority. The boxes to be suitable for one or more of the following species: House Sparrow, House Martin, Swallow and Starling. The boxes shall thereafter be so retained at all times.

Reason:

To enhance the site for breeding birds and maintain biodiversity and in the interests of protected species in accordance with Policy ENV16 of the Unitary Development Plan.

12. The dwellings as hereby approved shall not be brought into beneficial use until:

(1) A Traffic Regulation Order has been approved which includes the removal of the existing H Bar markings and the extension of the existing double yellow lines along Station road to the south of Old Farm Mews shall be extended up to the junction. New double yellow lines are required to be provided along Station Road for a distance of 10.0m to the north of the junction with Old Farm Mews.

(2) The scheme approved under sub-section (1) of this condition has been fully implemented.

Reason:

In the interests of highway safety and to meet the requirements of policies HOUS2, HOUS8 and ENV27 of the Unitary Development Plan.

13. Within 2 months of commencement of the development hereby approved, the proposed car park to serve the Star Inn Public House and Huntsman Restaurant shall be laid out in accordance with the Drawing No. 200C and shall thereafter be so retained at all times to serve the Public House and Restaurant.

Reason:

To ensure the provision of on site parking to serve the Star Inn Public House and Huntsman Restaurant, in the interests of highway safety, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

14. Prior to the commencement of the development hereby approved, details of the engineering works of the proposed extended adopted highway including details of any street lighting and of drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to the beneficial occupation of any of the dwellings hereby approved.

Reason:

To ensure that the works are carried out to an adoptable standard and in the interest of highway safety in accordance with Policies ENV27 and TRAN10 of the Council Approved Unitary Development Plan 1996-2011.

15. No site clearance shall be undertaken during the bird breeding season (March to August inclusive), unless otherwise inspected by an appropriately qualified person on the day of the works and deemed to be clear of breeding birds.

Reason:

To maintain biodiversity and in the interests of protected species in accordance with Policy ENV16 of the Unitary Development Plan.

16. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. the scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect either directly or indirectly with the public sewerage system.

Reason:

To prevent hydraulic overloading of the Public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and to meet the requirements of policies ENV27 and HOUS8 of the Unitary Development Plan.

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

Reason:

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

18. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995 or any Order amending, revoking or re-enacting that Order no fence, wall or means of enclosure other than as hereby approved shall be erected, constructed, improved or altered on site without the prior consent of the Local Planning Authority.

Reason:

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

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; ENV16 – Protected Species; ENV17 – Protection of Historic and Built Environment; ENV18 – Archaeological Field Evaluation; ENV19 – Preservation of Archaeological Remains; ENV20 – Development in Conservation Areas; ENV27 – Design of New Developments; ENV29 – Protection of Environmental Quality; HOUS2 – Additional Residential Development; HOUS8 – Residential Development Criteria, TRAN10 - Parking and Planning Guidance, it is considered that the scale, form and design of the development as amended is acceptable in relation to design, impacts on neighbouring privacy and amenity and highway safety and in relation to preserving and enhancing the character and setting of the adjoining listed buildings and Conservation Area.

NOTE:

- 1. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (Le. a drain which extends beyond the connecting property boundary) or via a new sewer (Le. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on our 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. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

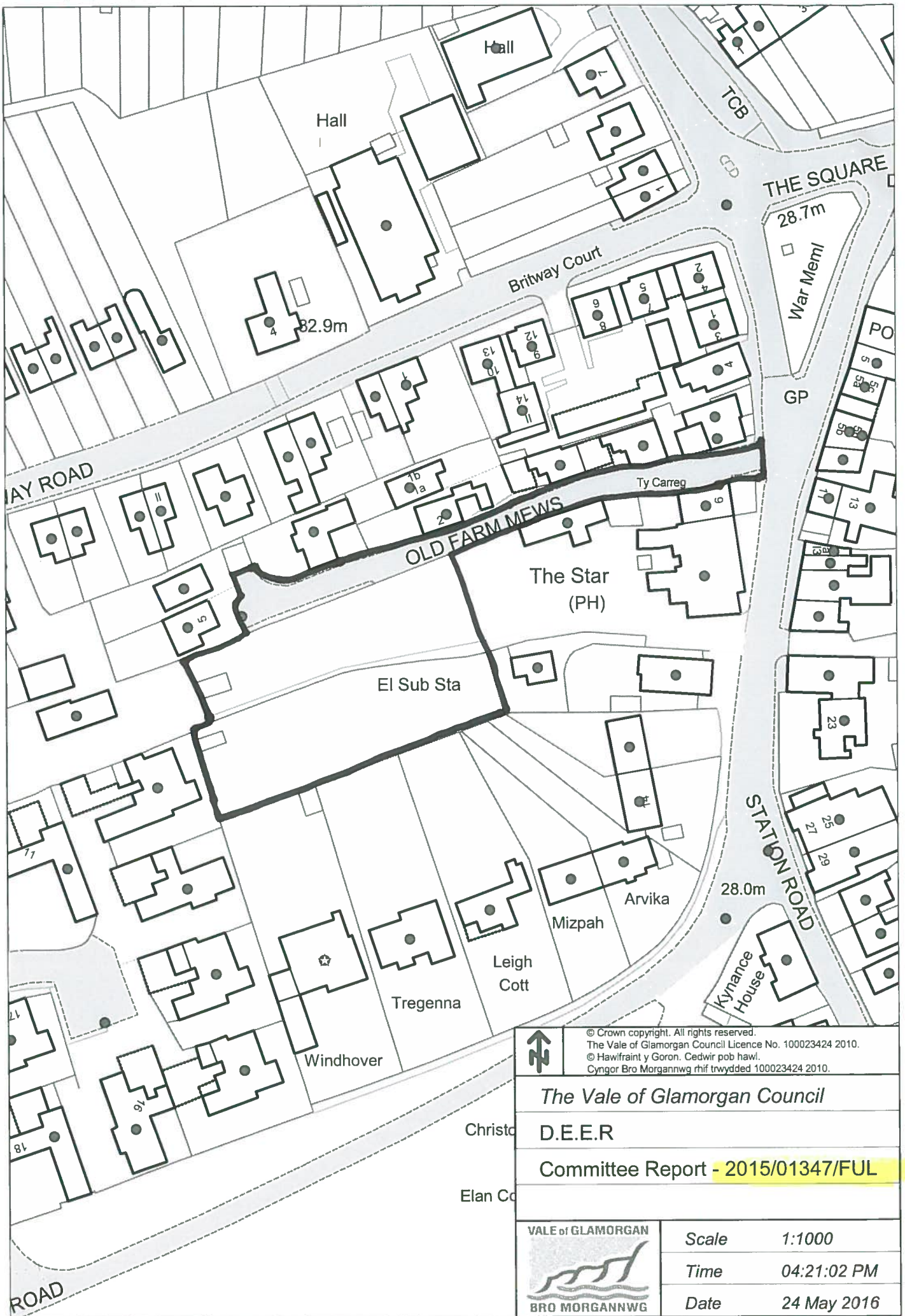
- 2. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan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



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

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

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

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



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	The Vale of Glamorgan Council	
	D.E.E.R	
Committee Report - 2015/01347/FUL		
		Scale 1:1000
		Time 04:21:02 PM
		Date 24 May 2016

2016/00247/FUL Received on 3 March 2016

Mr. James Rolling Green Meadow, 10, Ger y Llan,, St Nicholas,, Vale of Glamorgan,, CF5 6SY
Mr. Christian Le Guilcher Le Guilcher Architecture,, 1 Powys Road,, Penarth,, Vale of Glamorgan,, CF64 3PB

Green Meadow, 10, Ger y Llan, St Nicholas

Alterations to existing detached dwelling to comprise single, two storey extension and rebuild, extension of existing garage. replacement windows and doors.
Existing vehicular access to be widened

SITE AND CONTEXT

The application site relates to a detached two storey dwelling situated on a residential cul-de-sac of similarly designed detached dwellings. Several properties have however been extended and altered. The property benefits from extensive garden space to the rear and onsite parking to the front. The application property sits within the settlement boundary area of St Nicholas as defined by the Unitary Development Plan but located just outside of the St Nicholas Conservation Area.

Two trees within the site are covered by a Tree Preservation Order and one adjoins the site to the rear.

DESCRIPTION OF DEVELOPMENT

The application proposes the erection of a rear single storey extension, a two storey side extension, the rebuild and extension of the existing garage with replacement windows and doors and widening of the existing vehicular access.

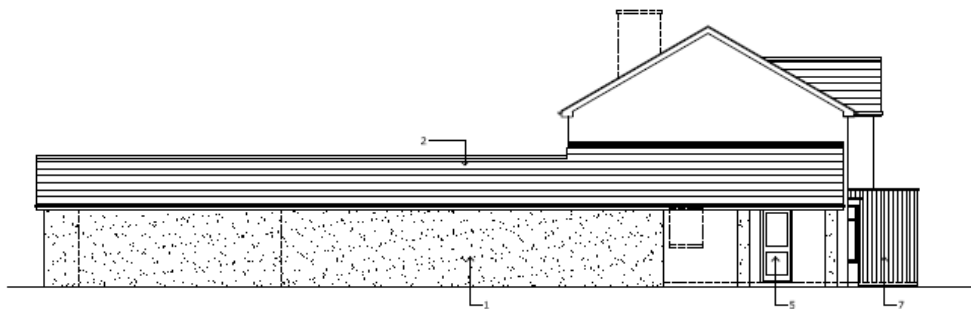
The single storey rear extension would measure 4.2m in depth, 10m in width and to a height of 2.9m with a flat roof. The extension will comprises of a full length glazed aluminium coated window with 4 smaller glazed windows on the side elevation and 3 large glazed aluminium coated doors on the rear elevation and would be finished with composite weatherboard.

The two storey side extension would measure 3.8m in width, 8.9m in depth, with a 4.7 metre eaves height and a maximum height of 7.2 metres, with the eaves height and ridge height matching that of the existing dwelling. The proposed two storey side extension would be positioned 0.8m further forward than the original house with the front part of the extension being built up to the boundary wall and tapering away from the boundary wall to the rear by 0.6m. The extension is to be finished in materials to match the existing dwelling.

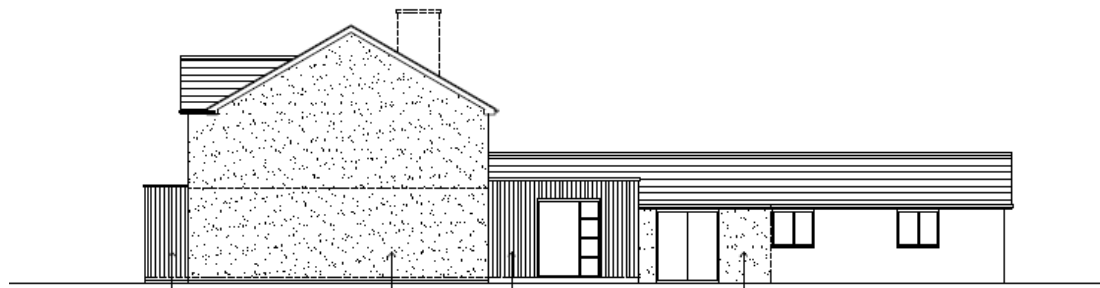
The application proposes the demolition of the existing porch on the front elevation and replacement with a new porch which will measure 4.6m in width, 1.9m in depth and to a height of 2.7 with a flat roof. The porch will be finished in grey composite weatherboarding.

Proposed elevation plans are set out below:

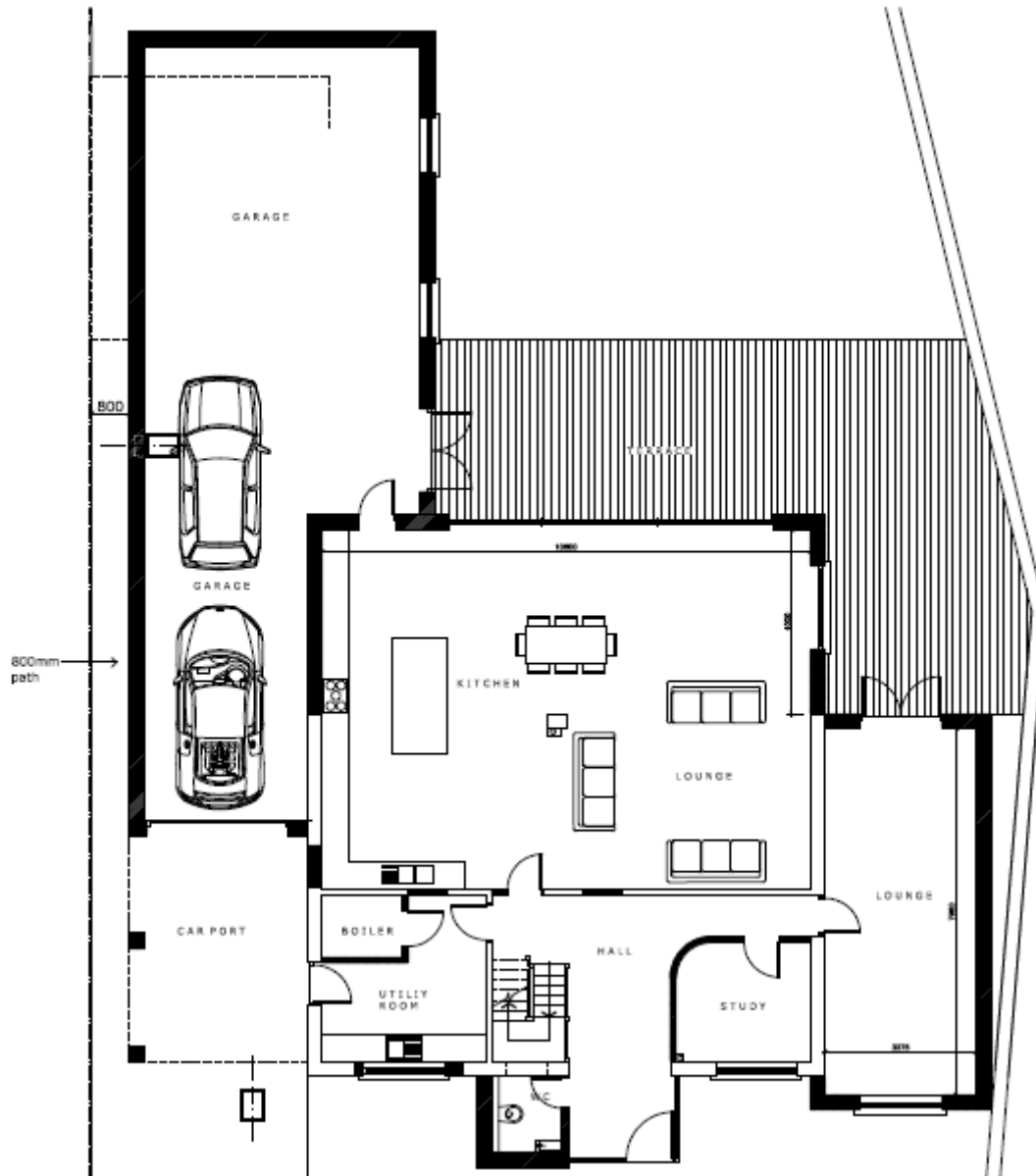
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- INTERNAL FINISHES
- oath render finish
 - acement tiles to new + existing
 - das to new + existing
 - l garage door
 - indows + doors to existing
 - rance door + screen
 - rooste weatherboarding
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 - coated aluminium doors

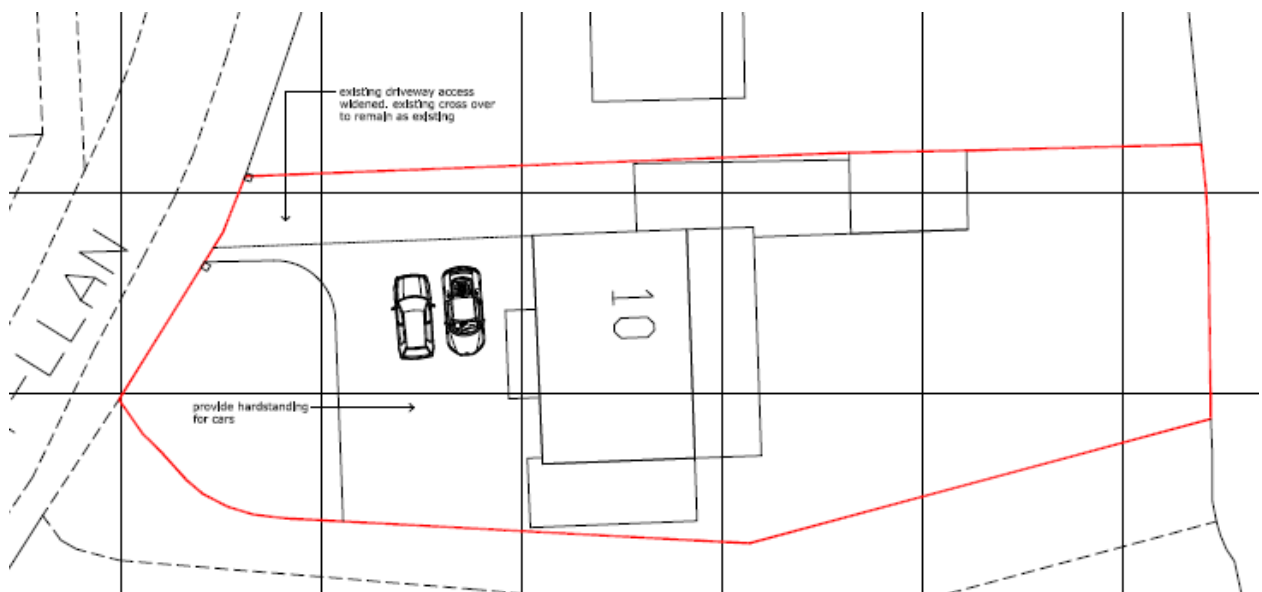


Following the deferral of the application for a site visit at Planning Committee on the 12th May 2016, amended plans were received on the 16th May 2016 which propose setting the proposed garage back into the site and off the boundary with the neighbouring property by 800mm. See floor plan below:



The garage extension would comprise of the demolition of the existing garage and construction of a new garage and carport. The car port will measure 5m in length, 3.7m in width, to a height of 3.8m with a mono pitched roof with pillars. The garage will be situated behind the car port, with the first 2.6m of the garage to the same height as the carport with the same roof design. The height of the garage is reduced to a height of 3.7m with a pitched roof and will measure 3.7m in width, 16.5m in length. The car port and garage extension are to be finished in materials to match the existing dwelling with a sectional garage door.

The application also proposes the widening of the existing driveway access and creation of an area of hard standing at the front of the property and replacement windows and doors to match existing. See plan below:



PLANNING HISTORY

2004/01913/TCA : 10 Ger y Llan, St. Nicholas - To fell 5 Conifers. - Approved 07/12/2004.

1988/00517/FUL : Ger y Llan, St. Nicholas - Proposed rearrangement of access drives. - Approved 19/07/1988.

CONSULTATIONS

St. Nicholas and Bonvilston CC were consulted on the 10 March 2016. A letter was received on the 6 April 2016 strongly objecting to the development on the following grounds:

- Overdevelopment of the site, proposed extension if out of character with the other
- Proposed extension if out of character with other properties in the area
- The visual change through the proposed parking arrangement at the front of the property is completely unacceptable.

Local Ward Member was consulted on the 10 March 2016. On the 23 March 2016, an email was received from Cllr Bird requesting that the application be reported to planning committee due to the concerns over the impact of such a large garage will have on the adjacent property with regard to overshadowing.

The Local Ward member was re-consulted on the amended plans and an email was received on the 17th May 2016 stating that the changes do not address the concerns over the loss of light to the next door property. A better solution would have been to move the garage in more and reduce the height being either a flat roof construction or lower the walls and reduce the pitch to a 22 degree slope on the roof this allowing more light into the property next door. These comments are attached as **Appendix A**.

REPRESENTATIONS

The neighbouring properties were consulted on 10 March 2016 and a site notice was displayed on the 16 March 2016. There have been 4 letters received which raise a number of concerns and objections to the development. These are summarised as follows:

- Concerns regarding alterations to the existing stone garden wall relating to height and materials and removal of existing cherry tree;
- Concerns regarding the location of the proposed garage extension, car port and increase of vehicle parking and its possible use for the parking of commercial vehicles and use for business purposes;
- Widening of vehicular access is not appropriate;
- Impact of the proposed garage extension on the neighbouring property by reason of its size and height;
- Proposed garage is trebled in size with a pitched roof which due to proximity to neighbouring property will have an adverse impact by reason of an overbearing effect.

The neighbouring property known as 9, Ger Y Llan was re-consulted on the amended plans on the 16th May 2016. To date no representations have been received, however any further representations received by the deadline will be reported to Planning Committee.

REPORT

Please note this application was initially deferred from the Planning Committee of the 12 May 2016 to allow for a Committee site visit. This application will now be returned to Planning Committee on the 9 June 2016 after the Committee site visit.

Planning Policies and Guidance

Unitary Development Plan:

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

Policy:

POLICY ENV 4 – SPECIAL LANDSCAPE AREA
POLICY ENV11 – PROTECTION OF LANDSCAPE FEATURES
POLICY ENV 27 – DESIGN OF NEW DEVELOPMENTS
POLICY TRAN 10 – PARKING

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

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

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

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

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

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

Planning Policy Wales:

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

Technical Advice Notes:

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

- Technical Advice Note 12 – Design 2016

Supplementary Planning Guidance:

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

- Amenity Standards

Issues

The primary issues in the consideration of this application are the impact of the proposed development on the character of the existing dwelling, the visual amenities of the street scene, the residential amenity of the occupiers of neighbouring dwellings and highway safety.

Visual Impact on the Character of the existing dwelling and street scene.

The application site is located within a cul-de-sac setting of similar designed dwellings. The rear boundary of the site adjoins the Ely Valley and Ridge Slopes Special landscape Area (SLA). The proposed two storey rear extension will project further forward from the principal elevation of the existing dwelling by 0.8m. However due to the orientation of the application site within the streetscene, it is considered that the two storey extension and front porch will be in keeping with the character of the existing dwelling and street scene. The development does not adversely affect the setting or character of the adjoining SLA. It is also considered that the proposed single storey rear extension will have no adverse impact on the character of the dwelling or street scene due to its location on the rear elevation. In view of this, given the overall scale, design and finish of the proposed development, the proposal is not considered to harm the character of the existing dwelling or result in overdevelopment of the site. It is also considered that the proposed car port and garage extension is in keeping with the character of the property and is not considered unsympathetic in relation to the character of the existing property or overall street scene. In view of this, it is considered that the development accords with criterion (i) of Policy ENV27 of the Unitary Development Plan 1996-2011.

Amenity Space and Parking

The property benefits from a relatively large rear garden and this is considered sufficient to meet the needs of the property once extended. With regard to parking, the property currently benefits from a long driveway and a detached garage which can accommodate approximately 4no. off road parking spaces.

Concerns have been raised by neighbours with regard to the proposed location, widening and increase of vehicle parking on the front of the dwelling and its possible use for the parking of commercial vehicles and use for business purposes. The introduction of a hard standing area at the front of the property is considered to be in keeping with the existing off street parking arrangement of the cul-de-sac, whilst it is appreciated that part of the existing front lawn will be removed, this is not considered to have an unacceptable or adverse impact on the character of the dwelling or street scene. In respect of the neighbours' concerns raised with regard to the use of the site for the parking of commercial vehicles or business purposes, this would be a material change of use of the land which would require the benefit of formal planning permission. As this use does not form part of the proposed development at the site, it has not been assessed in consideration of this application.

The proposed extended hard surfaced driveway and parking area lies close to the protected tree in the front garden, however the development will generally be located sufficient distance away from the protected trees to not adversely affect their long-term health. However, subject to a detailed method statement for any excavations including hand digging, details of porous materials to be used for the surface, and the monitoring of all works by an arboriculturist the long term health of the tree should be protected.

Accordingly, it is considered that there is sufficient amenity space and parking provided at the property and the proposed alterations to the existing access are considered to accord with Policy ENV11, criterion (ii) of Policy ENV27 and Policy TRAN 10 of the Unitary Development Plan 1996-2011 and Council Approved Supplementary Planning Guidance – Amenity Standards.

Impact on residential amenity of neighbours

Notwithstanding the above, the development has also been assessed in terms of the impact on the residential amenity of the neighbouring properties. It is considered that the proposed two storey extension will have little or no adverse impact on the residential amenities of the neighbouring properties known as No.11, 12 and 14, Ger Y Llan due to the distance from the properties (separated by a private driveway) and there are no windows located in the southern side elevation of the proposed development.

Concerns were raised by the neighbouring property and Local Member with regard to the impact of the proposed garage extension on the neighbouring property known as No.9, Ger-y-Llan regarding its size, height and overbearing effect on the conservatory and garden of the neighbouring property. The existing garage measures approximately 2.3m in height with a flat roof and is detached and set back from the property by approximately 5m.

The proposed garage extension and car port will run along the entire length of the existing dwelling and will continue along the boundary with the neighbouring property for a further 14.5m and to a height of 3.7m with a pitched roof. The impact of the proposed development has been assessed from the neighbouring properties garden and conservatory. Whilst the proposed development may result in some reduction to the amount of light that the neighbouring property currently receives within their conservatory and garden, this is not considered to be to any degree that warrants a refusal. In addition, there is an existing garage on this boundary and the extension effectively infill's the area between the rear of the house and the garage. Also, in view of the extent of development that is allowed under permitted development as set out in the Town and Country Planning (General Permitted Development) (Wales) Order 2013 in relation to single storey extensions including that development can build up to 4 metres in height, it is considered that the proposed development will not have an unacceptable impact on the residential amenity of the neighbouring property.

Planning Committee Site Visit

Following the deferral of the application at Planning Committee on the 12th May 2016 for a site visit to be undertaken, it is anticipated that the site visit will have taken place on the 9th June 2016. Amended plans were received on the 16th May 2016. These propose setting the proposed garage back into the site and off the boundary with the neighbouring property by 800mm. The setting back of the proposed garage further into the site by 800m and off the boundary will further reduce the impact of the development on the neighbouring property.

In view of this, it is considered that the proposed development is acceptable as it would not have a detrimental impact on the amenities of the neighbouring properties particularly No.9, Ger-y-Llan and therefore accords with criterion (iv) of Policy ENV27 of the Unitary Development Plan 1996-2011 and the Council's Approved Supplementary Planning Guidance on Amenity Standards.

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. This consent shall relate to the plans registered on 3rd March 2016 other than where amended by plans reference Drawing No. 1607/PL07 REV A, 1607/PL08 REV A, 1607/PL09 REV A and 1607/PL10 REV A received on 16th May 2016.

Reason:

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, or any Order revoking or re-enacting that Order, no windows shall be inserted into the southern side elevation of the two storey extension hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

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

4. Prior to the commencement of any development, including site clearance, a method statement for the construction of the extended parking and access area including details of any hand digging and details of a porous surface finish, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in strict accordance with the approved details.

Reason:

In order to avoid damage to the protected Cherry tree on the site which is of amenity value to the area and to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

5. A scheme providing for the fencing of the tree to be retained and showing details of any excavations, site works, trenches, channels, pipes, services and areas of deposit of soil or waste or areas for storage shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. No development shall be commenced on site until the approved protection scheme has been implemented and the scheme of tree protection shall be so retained on site for the duration of development works.

Reason:

In order to avoid damage to the Cherry tree on the site which are of amenity value to the area and to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

6. The Local Planning Authority shall be advised in writing a minimum of two weeks prior to the commencement of works on site of the date of commencement of such works and the name and contact details of an arboriculturist appointed to monitor and supervise all works, identified under the Method Statement as agreed under Condition 4.

Reason:

To safeguard the protected Cherry Tree, in accordance with Policies ENV11 and 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 the impact of the proposed development on the character of the existing dwelling, the visual amenities of the surrounding area and the residential amenity of the occupiers of neighbouring dwellings particularly No.9, Ger-Y-Llan, the proposal complies with Policies ENV11 'Protection of Landscape Features' ENV27 'Design of New Developments' and TRAN10 –Parking of the Council Approved Unitary Development Plan 1996-2011 and the Council's Approved Supplementary Planning Guidance, Amenity Standards.

NOTE:

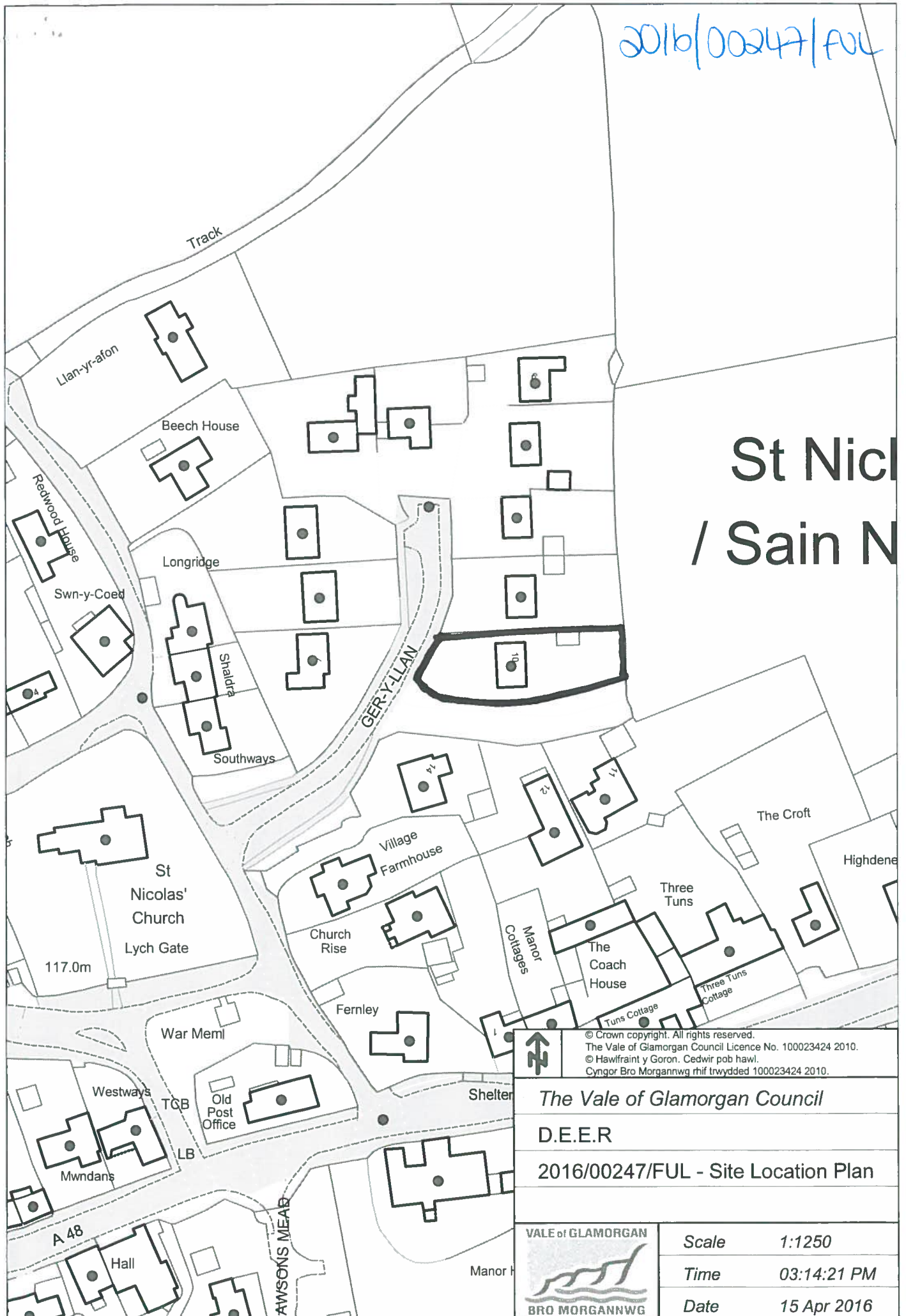
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In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate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

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

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


2016/00247/FUL



St Nick / Sain N

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The Vale of Glamorgan Council
 D.E.E.R
 2016/00247/FUL - Site Location Plan

 <p>VALE of GLAMORGAN BRO MORGANNWG</p>	Scale	1:1250
	Time	03:14:21 PM
	Date	15 Apr 2016

Payne, Adrienne J

From: CLLR BIRD <[REDACTED]>
Sent: 17 May 2016 11:21
To: Planning
Subject: Re: Planning Application Consultation2016/00247/FULGreen Meadow, 10, Ger y Llan, St Nicholas

Dear Hayley,

On first look the only changes seem to be the moving in of the wall to allow it to be built without neighbours permission.

This does nothing to address the concerns over the loss of light to the next door property. It would have been a better solution to move in more and reduce the height by either using a flat roof construction or lower the walls and reduce the pitch to a 22 deg slope on the roof thus allowing more light to the property next door.

At this stage I would still wish to go ahead with the site visit as my concerns have not been dealt with, it is just a means of building without the permission of next door to work on their land!

Many thanks

If there is something I am missing please call me to discuss.

Regards

Cllr Jonathan Bird
 (Wenvoe Ward)

Tel: [REDACTED]

RECEIVED
 17 MAY 2016
 Regeneration
 and Planning

D.E.E.R
RECEIVED
ACTION BY HKIJMC
NO: 23
ACK:

On 17 May 2016, at 10:42, Vale of Glamorgan Council Development Services <Planning@valeofglamorgan.gov.uk> wrote:

Please find attached a letter regarding a planning application submitted to the Vale of Glamorgan Council. If this is a consultation letter, please respond to this consultation through the link provided in the attached letter. Please note that your comments may be made available online for interested persons to view.<eCon_Wenvoe Ward 1.doc>