

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **2 MARCH, 2017**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

1. BUILDING REGULATION APPLICATIONS AND OTHER BUILDING CONTROL MATTERS DETERMINED BY THE HEAD OF REGENERATION AND PLANNING UNDER DELEGATED POWERS

(a) Building Regulation Applications - Pass

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

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| 2016/1209/BR | AC | Hebron Hall Christian Centre, Cross Common Road, Dinas Powys | Re-cladding of external walls and roof to swimming pool building |
| 2016/1376/BR | AC | 1A, Hastings Avenue, Penarth | New detached 3 bedroom dwelling. Traditional build block and beam and a smooth render finish |
| 2016/1395/BR | AC | 37, Stanwell Road, Penarth | Single storey extension to rear of property, formation of ground floor WC and first floor ensuite shower room |
| 2016/1422/BR | AC | Plot 6, Craig yr Eos, Ogmore By Sea | Proposed new build |
| 2016/1423/BR | AC | 35, Millbrook Heights, Dinas Powys | Single storey extension, garage conversion and porch to front of house |
| 2016/1424/BR | AC | 4, Drope Terrace, St. Georges Super Ely | Single storey kitchen extension |
| 2016/1431/BR | AC | 4, Jenkinsville, Penarth | Single storey side and rear extension to increase existing kitchen and dining space. |
| 2016/1433/BR | AC | Ty Mawr, Peterston-super-Ely | First floor extension to form bedroom and ensuite |

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| 2016/1434/BR | AC | 2, Marsh cottages, East Aberthaw | Demolition of an existing side extension and erection of replacement single and two storey extension |
| 2016/1437/BR | AC | Tir Abad, Dimlands Road, Llantwit Major | Alterations and extension to existing dwelling |
| 2017/0003/BR | AC | Coedhills, St Hilary, Cowbridge, | Extension to existing house |
| 2017/0005/BN | A | The Chase, Brook Lane, St. Nicholas | Single storey extension to existing single storey annexe to enable suitable living & turning space for wheelchair user |
| 2017/0010/BN | A | Pound Cottage, 2, Penlan Road, Llandough | Kitchen extension and related works |
| 2017/0012/BR | AC | The Bear Hotel, High Street, Cowbridge | Proposed alterations to bathroom and reception area |
| 2017/0013/BR | AC | Barry Comprehensive School, Port Road West, Barry | Refurbishment and upgrade of existing fire doors and renewal of fire doors |
| 2017/0022/BN | A | 7, Lettons Way, Dinas Powys | Erection of two storey side extension, single storey rear extension and single storey front extension forming porch |
| 2017/0023/BR | AC | 2, Borough Close, Cowbridge | Two storey side extension, front porch and demolition of lean to |
| 2017/0028/BR | AC | 18, Georges Row, Dinas Powys, Vale of Glamorgan | Proposed single storey rear extension to consist of utility area with w/c & shower, kitchen and living area |
| 2017/0029/BR | AC | 15, Summerland Crescent, Llandough | Single storey rear extension |
| 2017/0030/BN | A | 80, Merthyr Dyfan Road, Barry | Re-roof |
| 2017/0031/BN | A | 98, Merthyr Dyfan Road, Barry | Re-roof |

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| 2017/0032/BN | A | 112, Merthyr Dyfan Road, Barry | Re-roof |
| 2017/0033/BN | A | 16, Seaview Place, Llantwit Major | Ground & First floor extension to rear. Garage extension with utility room to side |
| 2017/0034/BN | A | 56-74, Clive Place, Penarth | Re-roof |
| 2017/0035/BN | A | 6-12, Powys Place, Dinas Powys | Re-roof |
| 2017/0036/BN | A | 61-67, Sir Ivor Place Dinas Powys | Re-roof |
| 2017/0037/BN | A | 69-75, Sir Ivor Place Dinas Powys | Re-roof |
| 2017/0038/BN | A | 77-83, Sir Ivor Place Dinas Powys | Re-roof |
| 2017/0039/BN | A | 53-59, Sir Ivor Place Dinas Powys | Re-roof |
| 2017/0041/BN | A | 38-44, Sir Ivor Place Dinas Powys | Re-roof |
| 2017/0042/BN | A | 33-39, Sir Ivor Place Dinas Powys | re-roof |
| 2017/0043/BN | A | 14-20, Sir Ivor Place Dinas Powys | Re-roof |
| 2017/0045/BN | A | 4, Grange Avenue, Wenvoe | Re-roof |
| 2017/0046/BN | A | 6-12, Sir Ivor Place Dinas Powys | Re-roof |
| 2017/0049/BN | A | 13, Sir Ivor Place Dinas Powys | Re-roof |
| 2017/0050/BN | A | 32, Sir Ivor Place Dinas Powys | Re-roof |
| 2017/0051/BN | A | 21, Sir Ivor Place Dinas Powys | Re-roof |
| 2017/0053/BN | A | 20, Nightingale Place, Dinas Powys | re-roof |

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| 2017/0055/BR | AC | 1, Four Acres, Llantwit Major | 2 Storey timber frame side extension |
| 2017/0056/BN | A | 30-36, Nightingale Place, Dinas Powys | Re-roof |
| 2017/0057/BN | A | 2-8, Nightingale Place, Dinas Powys | Re-roof |
| 2017/0058/BN | A | 10-16, Nightingale Place, Dinas Powys | Re-roof |
| 2017/0059/BN | A | 25-40, Nightingale Place, Dinas Powys | Re-roof |
| 2017/0060/BN | A | 23-29, Plas Esyllt , Dinas Powys | Re-roof |
| 2017/0061/BN | A | 31-37, Plas Esyllt , Dinas Powys | Re-roof |
| 2017/0062/BN | A | 39-45, Plas Esyllt , Dinas Powys | Re-roof |
| 2017/0063/BN | A | 10, Murch Place, Dinas Powys | Re-roof |
| 2017/0064/BN | A | 2-8, Murch Place, Dinas Powys | Re-roof |
| 2017/0065/BN | A | 4, St. Bride's Place, Peterston Super Ely | Re-roof |
| 2017/0066/BN | A | 8-14, Rhoose Road, Rhoose | Re-roof |
| 2017/0067/BN | A | 2-3, Rhoose Road, Rhoose | Re-roof |
| 2017/0072/BN | A | 35, West Terrace, Penarth | Re-roof |
| 2017/0075/BN | A | 17, Conway Drive, Barry | Garage conversion |
| 2017/0077/BN | A | 4, Beechwood Drive, Penarth | Garage conversion |
| 2017/0079/BN | A | 31, Pardoe Crescent, Barry | Roofing, fascia, soffits, rainwater goods, chimney |
| 2017/0080/BN | A | 38, Pardoe Crescent, Barry | Roofing work |
| 2017/0081/BN | A | 39, Pardoe Crescent, Barry | Roofing work |

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| 2017/0082/BN | A | 47, Pardoe Crescent, Barry | Roofing & outbuilding doors |
| 2017/0083/BN | A | 48, Pardoe Crescent, Barry | Roofing works |
| 2017/0084/BN | A | 4, Cowper Close, Penarth | Internal alterations to include taking down internal wall with Beam above |
| 2017/0085/BN | A | Nightingale Cottage, Craig Yr Eos, Ogmores By Sea | Internal structural alterations and change courtyard double door to bi-folds |
| 2017/0088/BN | A | 16 The Grove, Barry, Vale of Glamorgan | Taking out a chimney stack to create a large kitchen living space |
| 2017/0092/BN | A | 3, St. Martins Close, Penarth | Knock through and install new beam in kitchen. New window in front bedroom |
| 2017/0096/BN | A | 56, Porthkerry Road, Rhose | Single storey extension over existing patio area, extended patio and internal alterations. First floor attic conversion creating two bedrooms and two shower rooms |
| 2017/0097/BN | A | Avoncroft, Romilly Park Road, Barry | Replacement of roof finishes |
| 2017/0104/BN | A | 90 Stanwell Road, Penarth | Alterations to existing rear addition including removal of transverse chimney breast at ground, first floor and loft level. New external doors & windows at ground floor of rear of property to create new utility room |
| 2017/0108/BN | A | 12, Margaret Avenue, Barry | Re-roof, external render and new windows |
| 2017/0109/BN | A | 15, Margaret Avenue, Barry | Over render system |
| 2017/0110/BR | AC | 3, Andover Close, Barry | Convert existing garage area into shower room and bedroom also incorporating a step lift |

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| 2017/0111/BN | A | Meadowvale, Cowbridge Road, Ystradowen | New windows and internal alterations to form first floor en-suite |
| 2017/0112/BN | A | 1, Beatty Close, Barry | Convert small back bedroom into a toilet/shower room, convert garage into bedroom |
| 2017/0113/BN | A | 2, Charter Avenue, Barry | Loft insulation, fasci/soffits, upvc gutters & downpipes, canopy, external finishing, external decoration, external repointing |
| 2017/0114/BN | A | 12, Charter Avenue, Barry | Loft insulation, chimney fascia/soffits, upvc gutters & downpipes external finishing, external decoration, external repointing |
| 2017/0115/BN | A | 3, Chaucer Road, Barry | Pitched roofing, loft insulation, chimney, fascia/soffits, upvc gutters & downpipes |
| 2017/0116/BN | A | 4, Chaucer Road, Barry | Pitched roofing, loft insulation, chimney, fascia/soffits upvc gutters & downpipes, chimney |
| 2017/0120/BN | A | Bluetts, Peterston Super Ely | Construction of a single storey contemporary glazed extension to the rear of an existing double storey residential dwelling in place of an existing conservatory extension |
| 2017/0121/BN | A | 120, Cornerswell Road, Penarth | Garage 1st floor/roof dormer extension |
| 2017/0122/BN | A | 28, Dingle Road, Penarth | Remove downstairs wall between kitchen & dining room and area of wall between lean to and kitchen |
| 2017/0123/BN | A | Maltsters Cottage, Factory Road, Llanblethian, Cowbridge | Utility/cloakroom, reduce flat roof with hip roof, internal worksopes |

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| 2017/0127/BN | A | Flush Cottage, Flanders Road, Llantwit Major | Single storey extension |
| 2017/0132/BN | A | 28, Munro Place, Barry | Chimney, external decoration, external repointing, washdown upvc |
| 2017/0136/BN | A | 8, Meliden Road, Penarth | Installation of steel beams and change flat roof to pitched roof |
| 2017/0142/BN | A | 8, Glyndwr Road, Penarth | Orangey extension |
| 2017/0143/BR | A | 25, Clos Llawhaden, Barry | Bathroom adaptation including external drainage connections |
| 2017/0145/BR | AC | 9, Hilda Street, Barry | Garage conversion to house shower room and bedroom |
| 2017/0147/BN | A | 56, Tynewydd Road, Barry | Re-roof |
| 2017/0148/BN | A | Wick Vicarage, Wick, CF71 7QL | Garage conversion |
| 2017/0152/BN | A | 46, Baron Road, Penarth | Single storey lean to extension |

(b) Building Regulation Applications - Reject

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

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| 2017/0144/BN | R | 17, Castle Close, Boverton | Internal refurbishment of 1970's 3 bed timber frame terraced property including partitions, external wall insulation, plasterboard throughout, windows, rewiring, new gas DHW and heating system, plumbing, new kitchen and bathroom, decorating, etc. |
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(c) The Building (Approved Inspectors etc.) Regulations 2000

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

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| 2017/0004/AI | A | The Glenn, Sully Road, | Proposed single storey extension with associated works |
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| 017/0005/AI | A | 25, Salop Street, Penarth | Loft conversion and associated works |
| 2017/0006/AI | A | Cwmeldeg, Llancadle | Garage conversion |
| 2017/0007/AI | A | 76, Windsor Road, Barry | Single storey side and rear extensions (works to include material alterations to structure, controlled services, fittings and thermal elements) |
| 2017/0008/AI | A | 33, Station Road, Penarth | Alterations and conversion to 3 flats with associated works |
| 2017/0009/AI | A | 51, Gwenfo Drive, Wenvoe | Two storey side extension, single storey front extension, roof alterations and internal alterations |
| 2017/0010/AI | A | 30, Hastings Avenue, Penarth | Proposed single storey rear extension, works to include material alterations to structure, controlled services, fittings and thermal elements |
| 2017/0011/AI | A | 6, Mountjoy Close, Penarth | Proposed 2 storey side extension and replacement porch (exempt), formation of structural opening between existing kitchen and dining room, works to include material alterations to structure, controlled services, fittings and thermal elements |
| 2017/0012/AI | A | 12, Marine Parade, Penarth | Proposed conversion of 6 offices into 5 offices and complete refurbishment throughout, works to include material alterations to structure, controlled services, fittings and thermal elements |
| 2017/0013/AI | A | The Stables, Corntown Road, Corntown | New dwelling |
| 2017/0014/AI | A | 60, Ludlow Street, Penarth | Dormer loft conversion and associated works |

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| 2017/0015/AI | A | 84, St. Davids Crescent, Penarth | Single storey rear extension and associated works |
| 2017/0016/AI | A | 143, Plassey Street, Penarth | Proposed loft conversion at second floor level to create one habitable room with en-suite facility, works to include material alterations to structure, controlled services, fittings and thermal elements |
| 2017/0017/AI | R | Greenfield, East Street, Llantwit Major | Proposed loft conversion, works to include material alterations to structure, controlled services, fittings and thermal elements |
| 2017/0018/AI | A | 116, Port Road East, Barry | Internal alterations, structural alterations and associated works |
| 2017/0019/AI | A | 16, Dunraven Street, Barry | Single storey rear extension, works to include material alterations to structure, controlled services, fittings and thermal elements |

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 2 MARCH, 2017

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. PLANNING APPLICATIONS DETERMINED BY THE HEAD OF REGENERATION AND PLANNING UNDER DELEGATED POWERS

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

Decision Codes

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| 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 |

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| 2015/00570/2/N MA | A | Site on Woodlands Road Junction with Tynewydd Road, Woodlands Road, Barry | New proposed development of 27 new apartments in a 1 bed and 2 bed mix |
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| 2015/00647/1/N MA | R | 2, Stanwell Road, Penarth | Non-material Amendment- Proposed substitution of Juliet balconies with balconies to top floor apartment to rear. Proposed cantilevered projection to first floor balcony to rear of property. Minor window and door amendments. |
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| 2016/00387/FUL | A | Hazelhurst Lodge, Sully Road, Penarth | Change of use from private dwelling to D1 childrens day nursery. Existing parking and waste disposal areas are already suitable for the change of use. No external alterations to the building are required |
| 2016/01024/FUL | A | 1, Barons Close House, East Street, Llantwit Major | Change of use from A1 to D1 . The business is a private Podiatry clinic |
| 2016/01058/FUL | A | 16, Seaview Place, Llantwit Major | Ground and first floor extension to the rear of the property, with a garage extension and utility room to the side of existing property |
| 2016/01076/FUL | A | UWC Atlantic College, St Donats | Erection of a new estate maintenance building and provision of yard with associated parking areas and bin storage |
| 2016/01090/FUL | A | Hazelhurst Nursing Home, Sully Road, Penarth | Rear extension to create six additional bedrooms and larger living space plus relocation of solar panels |
| 2016/01180/FUL | R | 22, King Street, Penarth | Decking - 5m x 5m on upper terrace of the outside space |
| 2016/01193/FUL | A | Plaisted House, Llanmaes | Extension to existing dwelling |
| 2016/01208/FUL | A | 32, Hickman Road, Penarth | Replace shop front and door |
| 2016/01222/FUL | A | 6, Mountjoy Close, Penarth | Demolition of garage and construction of two storey extension to side of property |

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| 2016/01225/FUL | A | Caia House, St. Nicholas | Part demolish existing substandard parts of house and integral garage. Part extension/refurbishment of property to provide additional living/bedroom space and detached garage. Upgrading of exterior |
| 2016/01237/RES | A | The Stable, Corntown Road, Corntown | Reserved matters application for One dwelling- Appearance, landscaping and layout of the development |
| 2016/01255/FUL | A | Apple Tree Cottage, Hensol | Demolition of existing garage. Proposed new garage, altered access and extension to house |
| 2016/01260/FUL | A | Fern Bank, Pen y Lan Road, Aberthin | Proposed first floor extension |
| 2016/01261/FUL | A | Old Place, Castle Street, Llantwit Major | Extension of existing Grade II listed two-storey house located within the Llantwit Major Conservation Area. The alterations comprise new roof lights and french doors to existing north rear wing and replacement of existing lean-to east extension with a larger gable roofed extension. |
| 2016/01280/FUL | A | 4 Nant-Yr-Adar, Llantwit Major | Demolish existing single skinned single storey flat roofed building and replace with double skinned single storey extension with a pitched roof |
| 2016/01308/FUL | A | Windsor Court, 21, The Esplanade, Penarth | Change of use from caretakers flat to A1 use together with alterations |

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| 2016/01319/FUL | A | Coppers End, 8, Kingswood Close, Ewenny | Rear and side extension |
| 2016/01322/FUL | A | Jordan Civils Ltd., Vale Business Park, Tumulus Way, Llandow | Erection of 1 no. large building containing 6 no. small industrial units; |
| 2016/01323/LBC | A | Old Place, Castle Street, Llantwit Major | Extension of existing Grade II listed two-storey house located within the Llantwit Major Conservation Area. The alterations comprise new roof lights and french doors to existing north rear wing and replacement of existing lean-to east extension with a larger gable roofed extension. |
| 2016/01351/FUL | A | Land to the rear of West Rise, Bonvilston | Proposed new 5 bar gate into existing paddock |
| 2016/01356/FUL | A | The Old Police House, Ffordd yr Eglwys, Peterston Super Ely | Conversion of an open car port into new enclosed room. Replace timber store room door with new window. Alterations to windows to 2 bedrooms, lounge and kitchen diner |
| 2016/01363/FUL | A | Brooklands, Brook Lane, St Nicholas | Renewal of planning permission 2011/00898/FUL (variation of condition1) for a new detached dwelling to extend the time period for the commencement of development by 5 years |

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| 2016/01364/FUL | A | 12, Paget Place, Penarth | Two conservation style Velux windows, next to each other on the front elevation of the roof. Also to place one Velux window on the side of the roof, with two additional Velux windows to the rear of the property |
| 2016/01365/LBC | A | 77, Eastgate, Cowbridge | Rear extension, reordering internal layout, replacement of windows and doors, repair to stonework and render, repairs to roof, new zinc cladding to lean-to roof, and replacement of existing rain water goods |
| 2016/01368/FUL | A | April Rise, Church Lane, Welsh St. Donats | Two storey side extension converting existing garage and a single storey extension to the front of existing property. New wrap-around balcony to rear and side of the property |
| 2016/01369/FUL | A | 25, Elfed Avenue, Penarth | Proposed two storey rear extension to provide kitchen/dining and living room with 2 no. bedrooms above with internal alterations to provide ground floor disabled bedroom and WC/shower room |
| 2016/01370/FUL | A | Enclosure 8807, Sigingstone Lane, Llanmaes | Agricultural Shed - Construction of a steel framed storage and processing barn to support and provide appropriate facilities relating to the existing market garden business |

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| 2016/01372/FUL | A | Kymin Cottage, Beach Lane, Penarth | Install Velux conservation rooflights - East roof and middle West roof |
| 2016/01376/FUL | A | Penuchadre Farm, Wick Road, St. Brides Major | Dairy building |
| 2016/01377/FUL | A | Pheasant Acre Plants, Llangan | Erection of a polytunnel and glasshouse (part retrospective) |
| 2016/01380/FUL | A | Ty Twyn, Mill Road, Dinas Powys | Retention of development as built, consisting of erection of dormer window and fenestration alterations to rear elevation of property |
| 2016/01382/FUL | A | 22, Heol Corswigen, Barry | Single storey rear extension |
| 2016/01384/FUL | A | Tyr Orsaf, 1, Fort Road, Lavernock | Conservatory extension |
| 2016/01386/FUL | A | Liege Manor, Bonvilston | Provision of car port |
| 2016/01391/FUL | A | 1, Grays Walk, Cowbridge | Proposed first floor extension and porch |
| 2016/01392/FUL | A | 4, Ringwood Crescent, St Athan | Single storey rear and side extension |
| 2016/01393/FUL | A | 25, Starling Road, St Athan | The development is a single storey extension to the side of the existing property. This includes a new downstairs toilet, playroom and a room in the attic space. |
| 2016/01396/FUL | A | Greystones, 45, Highwalls Avenue, Dinas Powys | Erection of front terrace, alterations to windows and two storey rear extensions |
| 2016/01400/FUL | A | Glenbrook, Llandow | To replace the white PVCU conservatory to the rear of the dwelling house and replace roof with replica roof tiles |

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| 2016/01403/FUL | A | 23, Augusta Road, Penarth | Single storey rear extension plus dormer extension and associated works |
| 2016/01404/LBC | A | Plaisted House, Llanmaes | Extension to existing dwelling |
| 2016/01409/FUL | A | Braeside, Gwern y Steeple | Pitched roof to dormer. Front & rear |
| 2016/01411/FUL | A | 16, St. Owains Crescent, Ystradowen | Two storey side extension with single storey canopy and flue |
| 2016/01413/LBC | A | Kingscombe, Llanmihangel Road, Llanblethian, Cowbridge | Removal and re-instatement of slate roof and lead gully |
| 2016/01415/FUL | A | 1, Hastings Place, Penarth | Proposed single storey rear kitchen extension |
| 2016/01416/FUL | A | Valeview, St Nicholas | Orangery extension to rear elevation |
| 2016/01417/FUL | A | 12, Brean Close, Sully | New conservatory and boundary fence |
| 2016/01418/LAW | A | 30, High Street, Penarth | Loft conversion with rear elevation dormer |
| 2016/01419/FUL | A | Turkey Oak House, Llanmaes | To construct a single storey contemporary glazed extension to the rear of a double storey residential dwellinghouse in place of an existing conservatory |
| 2016/01420/FUL | A | 23, Fairfield Road, Penarth | New rear and side, ground floor extension and erection of new shed/garage |

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| 2016/01422/ADV | A | HSBC, 85, Holton Road, Barry | Replacement of the existing external 'HSBC' signage with 'HSBC UK' equivalents. Removal of existing panel including telephone number and replaced with matching white powder coated aluminium panel |
| 2016/01424/FUL | A | 29, Slade Road, Barry | Demolish existing glazed porch to rear elevation. Construct new single storey flat roofed kitchen extension |
| 2016/01428/FUL | A | 1, Lower Cwrt Y Vil Road, Penarth | This application is for an amendment to the original planning consent 2014/00089/FUL approved 21/03/2014 to include a replacement facing brick boundary wall, part rendered front elevation and brick cladding to a part rendered chimney breast |
| 2016/01429/FUL | A | 117, Plymouth Road, Penarth | Single storey rear extension to provide new kitchen and dining space |
| 2016/01432/FUL | A | 20, Maillards Haven, Penarth | Proposed single storey rear and side extensions |
| 2016/01440/FUL | A | 84, Shakespeare Avenue, Penarth | Proposal for a single storey flat roof annex building at rear of plot to accommodate home gym and ancillary spaces. To be constructed at the same time as the works proposed under previously approved application 2016/00971/FUL |
| 2016/01446/FUL | A | Site N2A, Holton Reach, Barry | Community centre and place of worship with car parking and landscaping |

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| 2016/01447/FUL | A | Pendennis, 39, Cog Road, Sully | Two storey side and rear extensions |
| 2016/01449/FUL | A | 18, Fonmon Road, Rhoose | Proposed roof conversion with altered ridge height to form additional bedrooms |
| 2016/01450/FUL | A | 87, Porth y Castell, Barry | To demolish existing flat roof kitchen/sun lounge to rear elevation and construct new kitchen/living and dining room |
| 2016/01451/FUL | A | Twyn Bach, St. Nicholas | Single storey garage to side, single storey extension off kitchen, new enclosed front porch, replacement of bressumer beams above bay windows, replacement windows and doors to Twyn Bach |
| 2016/01454/FUL | A | The Old Brewhouse, Drope Lane From St. Brides Super Ely to River Ely, St. Brides Super Ely | Erection of a two storey side extension involving the demolition of the existing garage and conservatory. The proposed extension will include a new garage and living/dining area on the ground floor, and two no. bedrooms and a new shower/toilet room on the first floor |
| 2016/01455/FUL | A | 71, Geraints Way, Cowbridge | Rear dormer extension |
| 2016/01459/FUL | A | 2, Burdons Close, Wenvoe | Installation of UPVC window to rear wall of garage |
| 2016/01460/FUL | A | 23, Maes Lindys, Rhoose | To convert one of a pair of garages into a reception room. |

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| 2016/01468/RES | A | South Quay, Barry Waterfront, Barry | Construction of rockfall protection fence and substation for South Quay Phase |
| 2016/01474/LAW | A | Ty Gwyn, 21-23, Stanwell Road, Penarth | Discharge of conditions 3 attached to planning permission 2012/01206/FUL |
| 2016/01475/LAW | A | The Paddocks, Heol Sant y Nyll, St. Brides Super Ely | Residential dwelling |
| 2016/01484/FUL | A | Petrol Station. WM Morrison Supermarkets Plc, Heol Ceiniog, Barry | Proposed side extension to an existing PFS Kiosk. The extension will provide additional retail space. The proposed materials will be brickwork to match the existing PFS kiosk |
| 2016/01500/FUL | A | 61, Norwood Crescent, Barry | Single storey rear extension for disabled accommodation |
| 2016/01519/FUL | A | 13, Monmouth Way, Boverton, Llantwit Major | Two storey side extension plus single storey front extension and associated works |
| 2016/01532/OBS | B | Cardiff Marine Village, Penarth Road, Leckwith, Cardiff | Erection of new industrial building for boat maintenance at existing Cardiff Marine Village |
| 2017/00003/OBS | N | Land off Horsefair Road, Waterton Industrial Estate, Bridgend | Vary conditions 1 and 5 of P/16/472/FUL |

Agenda Item No. _____

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **2 MARCH, 2017**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

(a) Planning Appeals Received

None

(b) Enforcement Appeals Received

None

(c) Planning Appeal Decisions

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| L.P.A. Reference No: | 2016/01047/ADV |
| Appeal Method: | Written Representations |
| Appeal Reference No: | H/16/3165218 |
| Appellant: | Miss. Zoe Miller |
| Location: | Land at Crack Hill (A48), Nr. Colwinston, Nr. Bridgend |
| Proposal: | V sign made up of aluminium composite panels, steel supports and extended base rakers |
| Decision: | Appeal Dismissed |
| Date: | 10 February 2017 |
| Inspector: | Mr. A. Thickett |
| Council Determination: | Delegated |

Summary

The Inspector considered the main issues to be the impact of the proposed advertisement on the character and appearance of the area and highway safety.

With regard to the impact of the sign on the character and appearance of the area, the Inspector stated that *'due to their height and overall size they are an incongruous urban feature in this attractive rural landscape. That the signs stand in a relatively isolated position with little development in the near vicinity further exacerbates the harm in my view'*.

On the matter of highway safety the Inspector stated that *'I consider that the signs could distract drivers and that this could prove hazardous as drivers may not slow down early enough if they are turning or not be aware that vehicles may be entering the A48 from the junction. I conclude, therefore, that the advertisement causes a danger to highway safety'*.

Whilst the appellant made reference to other matters to be considered in the favour of the sign in question, the Inspector did not agree with the appellant's contention and in any event noted that Technical Advice Note 7 'Outdoor Advertisement Control' advises that the only material factors in considering advertisements are amenity and public safety.

In concluding the Inspector considered the signs to be unacceptable in terms of both character and appearance and highway safety.

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|------------------------|---|
| L.P.A. Reference No: | 2016/01049/ADV |
| Appeal Method: | Written Representations |
| Appeal Reference No: | H/16/3163400 |
| Appellant: | Miss. Zoe Miller |
| Location: | Land off A48, Redlands Farm, Bonvilston |
| Proposal: | V stack sign made up of 3mm aluminium composite panels on top of steel supports |
| Decision: | Appeal Dismissed |
| Date: | 10 February 2017 |
| Inspector: | Mr. A. Thickett |
| Council Determination: | Delegated |

Summary

This appeal relates to the same type of advertisement that is subject of the above-mentioned appeal, but in a different location along the A48. As identified in his appeal decision above, the Inspector considered the main issues to be the impact of the advertisement on the character an appearance of the area and highway safety.

With regard to the matter of character and appearance, the Inspector noted the context within which the sign is located and stated *'although there are arguably an over proliferation of highway signs approaching the junction with the A4226, the site lies in attractive, undulating open countryside'*. With this context in mind he concluded that *'due to its height and overall size, the advertisement is an incongruous urban feature in this attractive rural landscape'*.

On highway safety, the Inspector noted that at the junction with the A4226 drivers from the east are faced with signs for the junction, tourist attractions in Barry and for cycle lanes. Notwithstanding this, he stated *'these signs are closer to the junction than the signs subject to this appeal. From my experience of driving up to it the advertisement does not interfere with a driver's view or cause such a distraction as to endanger highway safety'*.

As with the above-mentioned appeal, the appellant made reference to other matters to be considered in the favour of the sign in question, the Inspector reached the same conclusion with regard to these matters.

In concluding, the Inspector stated that, *'notwithstanding my findings with regard to highway safety, I consider that the harm identified to the character and appearance of the area (amenity) provides compelling grounds to dismiss this appeal'*.

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| L.P.A. Reference No: | 2016/00959/FUL |
| Appeal Method: | Written Representations |
| Appeal Reference No: | 16/3160493 |
| Appellant: | Dr. Sid Gautam |
| Location: | 14, Clinton Road, Penarth |
| Proposal: | Demolition of existing single dwelling due to partial collapse to be replaced with a new single dwelling |
| Decision: | Appeal Dismissed |
| Date: | 3 February 2017 |
| Inspector: | C Sproule |
| Council Determination: | Delegated |

Summary

The inspector considered the main issues to be the effect the development proposed on:

1. the character and appearance of the locality; and,
2. the living conditions of neighbours at nos. 12 and 16 in relation to visual impact and loss of light.

Character and appearance

The Inspector noted that the appeal site is now cleared but that it was previously occupied by a hip roofed house that had two storey elevations finished in painted render.

With regard to the replacement dwelling, the Inspector noted the proposed mansard roof (which would provide additional accommodation within the roof), the bay windows and external porch. He also noted that the proposed building would be constructed in materials that he considered to be *'sympathetic to the character and appearance of the locality'*.

In terms of the size of the building, the Inspector stated that *'the proposal would increase the depth of the building's core to form a larger and squarer footprint for the first and second floors. It would result in a structure that increases significantly the bulk and massing of the dwelling at no.14. This would be apparent in views of the building and would be emphasised by the mansard roof which would extend along the upper edges of the built form'*. In this regard, the Inspector commented; *'I saw no evidence of comparable bulk and massing in the locality'*.

The Inspector's attention was drawn to certain elements of the scheme that the appellant thought weighed in favour of the proposal. With regard to these, the Inspector stated that *'the appeal scheme must be considered as a whole within the context of the development and openness around it. The mass/bulk of the proposed built form within the plot, and the associated regularity of the dwelling's shape, would depart from the spacious character of the locality and the character of the larger structures within it. That departure would be apparent in various views of the appeal site'*.

The inspector concluded on the matter of impact on character and appearance as follows; *'by failing to be of a scale, form, and character that would be sympathetic to its surroundings, the appeal scheme would be unacceptably harmful to the character and appearance of the site and the locality'*. In view of this, the development was considered to conflict with both local and national planning policy and guidance that, he said, *'seek development proposals to have full regard to the context of the local built environment and protect or enhance the character of buildings and open spaces in the locality'*.

Living conditions

The inspector noted that all first and second floor windows in the side elevations would be obscurely glazed. As for the ground floor windows in these side elevations, he was of the view that, *'given their position in relation to the neighbouring dwelling and its windows and doors, along with the ability of boundary treatment to provide screening at ground floor level, it is not evident that the proposal would cause unacceptable levels of overlooking'*. He also stated that *'Any overlooking of neighbouring gardens from proposed windows would be of a level that is to be expected in a residential area such as this'*.

With regard to the impact on adjoining occupiers that would result from the increased bulk/mass of the proposed design, whilst the Inspector was of the view that the proposal would result in an appreciable increase in visual impact along the site's western boundary, he stated that *'given the nature of the openings on the eastern elevation of no.16, the glazing within and the amenity space next to them, it is not apparent that the visual intrusion would be unacceptably harmful to the living conditions at no.16'*. As for the impact on no.12, he stated *'the circumstances of openings on the western side elevation of no.12 and the amenity space in that location indicate that the proposal's visual impact would also be acceptable for occupiers at no.12.'*

The visual impact of the proposal at the rear of the houses at nos.12 and 16 would also be acceptable due to the significant areas of amenity space and the associated aspects that would be available to the occupiers of these dwellings.'

In the issue of the availability of daylight the Inspector found as follows: *'Evidence indicates that a reduction in the daylight received at openings and amenity space at nos.12 and 16 next to the proposed side elevations would be expected to be perceptible early and late in the day. However, it has not been shown that, given the circumstances at nos.12 and 16 including the nature of the openings and the areas of the dwellings that they serve, the loss of light would be so significant that it would be unacceptably harmful to the living conditions of the occupiers at nos.12 and 16.'*

In concluding on the matter of impact on living conditions, the Inspector was of the view that the proposal complies with UDP Policy relating to the effect of development on the amenity of existing or neighbouring environments due to visual intrusion, and the impact of development on adjacent areas.

Other matters

Whilst the Inspector's attention was drawn to the permission that had been granted to extend the former dwelling on the site and the appellant's suggestion that this set a precedent for the scheme now proposed, he noted that the dwelling no longer exists for the extension to be completed. He further stated; *'in any event, each application and appeal falls to be considered on its own merits and consequently, the planning permission for the extension of the previous dwelling does not set a precedent in relation to this case'*.

The Inspector also stated: *'I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ('the WBFG Act'). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act'*.

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| L.P.A. Reference No: | 2016/00315/FUL |
| Appeal Method: | Written Representations |
| Appeal Reference No: | 16/3160076 |
| Appellant: | Mr. Derrick Ross, |
| Location: | 56, Brook Street, Barry |

Proposal: 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

Decision: Appeal Dismissed

Date: 7 February 2017

Inspector: C Sproule

Council Determination: Delegated

Summary

The Inspector considered the main issues to be whether the appeal proposal would provide suitable living conditions for the occupiers of the dwellings at no.56 in relation to amenity space.

The Inspector noted that the amenity space intended to serve the Coach House at No. 56 Brook Street is also intended to serve the dwelling at No.56, which has been extended to the rear and converted into three dwellings. The amenity space is present between these existing dwellings and the detached coach house, and amounts to 35 square metres. The Inspector noted the Council's SPG on Amenity Standards and the required provision of 20 square metres per person for flatted developments. He found that for the four residential units at 56 Brook Street (including that subject of the appeal) there would be only 8.75 square metres of amenity space if split between four people and less with a higher rate of occupancy for each residential unit.

In this regard the Inspector said: *'It is evident that the appeal proposal would fail to provide the area of amenity space sought by the SPG, and the scale of the shortfall in provision would be significant.'*

Whilst the Inspector noted that paragraph 4.2 of the SPG confirms that the standards are not intended to be prescriptive and that the proposed dwelling may meet a particular housing need, he stated that *'it is necessary for such housing to provide an appropriate level of amenity space for its residents'*. He further stated that *'given the range of uses that amenity space of this kind reasonably would be expected to be put to, the flexible application of the standards should not extend to a shortfall from the standard of the scale proposed'*. In concluding he stated that *'the proposed development would fail to provide amenity space in accordance with the guidance approved by the Council to the extent that it would fail to provide suitable living conditions for the occupiers of no.56'*. As such, he considered the proposal to conflict with the Council's relevant UDP policies and the relevant parts of Planning Policy Wales.

Finally, the Inspector noted his duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 and considered his decision to accord with that legislation.

L.P.A. Reference No: 2015/01176/FUL
Appeal Method: Hearing
Appeal Reference No: 16/3157776
Appellant: Monknash Estate
Location: **West Monkton Farm, Monknash**
Proposal: Conversion of existing barns for single residential unit and associated annex, holiday let and associated works
Decision: Appeal Allowed
Date: 2 February 2017
Inspector: Joanne Burston
Council Determination: Delegated

Summary

The Inspector considered the main issues in this case to be:

1. Whether or not the proposal would provide a suitable site for the proposed development, having regard to local and national planning policies relating to sustainable development; and
2. Whether or not a negative impact on protected species would result from the proposal.

The Inspector noted that the value and importance of traditional rural buildings to the character of the Vale of Glamorgan is recognised in Policy ENV8. She also noted the criteria of that policy.

With regard to the requirement for the building to be structurally sound and capable of conversion, the Inspector was satisfied with the independent structural assessment submitted with the planning application.

With regard to the appearance and visual/landscape impact, it was noted that the replacement materials required for the renovation of the barns would be sympathetic to the local vernacular and that there was no objection from the Council with regard to the impact of the development in terms of the character of the area or the surrounding landscape.

As the farmhouse and stables at Lower Monkton, on the opposite side of the road from the appeal site, are Grade II listed buildings, the Inspector referred to her duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA), to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they may possess. In this regard she found that the proposed development would not compromise the setting of the listed buildings; in particular she noted that the existing barn structure and openings will be retained, the proposed conversion would restore these attractive traditional agricultural buildings and halt any further

decline, and the removal of the large modern barns at the rear of the appeal site will improve the setting of the principle historic group.

With regard to the propose residential conversion of the buildings, as opposed to a conversion to an economic use, the Inspector stated: *'PPW sets out the purpose of the planning system as being to contribute to the achievement of sustainable development, which has economic, social and environmental dimensions. Furthermore one of the objectives of PPW and Technical Advice Note 23: Economic Development (TAN23) is to encourage the re-use of existing resources. Moreover, in relation to the conversion of existing buildings in rural areas, whilst PPW, TAN23 and UDP Policy ENV 8 support the conversion of rural buildings for an economic use, they do not prohibit residential conversion.'*

Notwithstanding this, the inspector noted that *'the proposals include an element of tourist accommodation and a separate office which could facilitate some economic benefits and flexible working practices in this rural area'*.

In concluding on this matter she stated: *'Accordingly, in the light of the PPW's emphasis on a positive approach to proposals that could assist sustainable economic growth in rural areas, and given my findings thus far in relation to UDP Policy ENV 8, I find insufficient grounds to reject the appeal proposal simply because it would not be a conversion to a wholly economic use.'*

With regard to sustainability in terms of the location of the appeal site, the Inspector noted that requirements of both Strategic Policies and the design policy of the UDP encourage highly accessible development that is located to minimise the need to travel especially by car. In this regard the Inspector considered the proximity of Broughton, within which she noted that there is a bus stop some 600m from the appeal site and the access that can be gained to the National Cycle Network route 88 from Broughton. With regard to the road to Broughton which provides access from the appeal site to these facilities, she stated: *'Whilst I acknowledge that the road towards Broughton has no lighting or separate footpath, there are roadside verges which are firm under foot and good forward visibility to give pedestrians opportunity to move off the highway where necessary and give drivers time to slow down and manoeuvre accordingly. There are also a number of Public Rights of Way which provide a more direct route to nearby settlements, however due to their surface conditions these are likely to be more suitable for recreational walking. Accordingly, the appeal site does offer a number of alternatives to the private car.'*

She further stated: *'I acknowledge that the Councils Supplementary Planning Guidance: Sustainable Developments.....states that bus stops should be located no more than 400m from residential properties. However PPW promotes a realistic approach to transport matters, recognising that sustainable transport solutions will vary from urban to rural areas. Taking account of all these factors, I find insufficient grounds to conclude that the proposal would not be in a broadly sustainable rural location, which offers sustainable transport options.'*

In conclusion on the main issue she stated; *'in the specific circumstances of this case the appeal proposal would represent a sustainable re-use of existing buildings. The proposal would therefore accord with UDP Policies ENV1; ENV 8 and with the PPW and TAN23's policy guidance.'*

With regard to the matter of protected species, it was confirmed that this issue is tied to the first, namely that if the proposal were found to be acceptable in planning terms then the second reason for refusal would be overcome. In the light of her conclusions with regard to the first main issues above and the ecological mitigation measures proposed, the Inspector was satisfied that the matter of protected species could be adequately dealt with by way of condition.

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| L.P.A. Reference No: | 2016/00258/FUL |
| Appeal Method: | Hearing |
| Appeal Reference No: | 16/3156786 |
| Appellant: | Mr. W.D. Johns-Powell |
| Location: | Court Farm, Bonvilston |
| Proposal: | Proposed 3 No. detached dwellings |
| Decision: | Appeal Dismissed |
| Date: | 23 January 2017 |
| Inspector: | V. Hirst |
| Council Determination: | Delegated |

Summary

The Inspector considered the main issues in this case to be:

1. Whether the proposal would provide an appropriate site for housing having regard to the planning policies that seek to control the location of new development.
2. Whether the development would preserve or enhance the character or appearance of the Bonvilston Conservation Area.
3. The effect of the proposed development on the living conditions of neighbouring residents.
4. Whether there are other material considerations that would justify granting permission.

The Inspector considered the locational context of the site against the backdrop of adopted Unitary Development Plan and national planning guidance. The Inspector gave little weight to the emerging Local Development Plan, citing uncertainty in relation to the residential allocation in Bonvilston which this site forms part of. As such, the site was not considered to be appropriate for new residential development, given its location outside of the defined settlement boundary.

With regard to the impact on the Bonvilston Conservation Area, the Inspector was of the view that: *'the appeal site makes an important contribution to the spacious setting and loosely scattered form of dwellings in this part of the Conservation Area'*. Consequently, *'due to the configuration of the site and its relationship with surrounding development [the Inspector found] that the proposal would appear as a high density development squeezed into the space available. Whilst [the Inspector noted] the appellant's contention that the site is largely hidden from views, the elevated nature of the site and its position close to the main A48 would emphasise the development, and result in it being prominent and imposing. In my assessment the proposal would significantly detract from the open and spacious appearance of the Conservation Area and which is one of its defining features'*. Moreover, the Inspector found *'that the proposal would be an incongruous and discordant feature in relation to these other developments and would adversely affect the contribution these positive buildings make to the Conservation Area'*.

The Inspector was not satisfied that the development would adequately address protected trees on the site, and stated that there would be *'a high likelihood for the need for a considerable reduction of both trees in the future due to the proximity of the proposed development to these developing trees. Whilst this would require consent, the proximity of the development would make it difficult to refuse such a request in the event of a threat of damage being caused to property. Any significant reduction of the trees would be harmful to their amenity value and to the character and appearance of the Conservation Area... Landscaping and tree planting are important features within the Conservation Area and should be included in any future development proposals. The lack of space for this to be carried out adds further weight to my view that the proposal would be unduly cramped and would be harmful to the character and appearance of the Conservation Area'*.

In view of the above, the proposal was not considered to preserve nor enhance the character or appearance of the Conservation Area.

In regard to the impact of the development on the amenity of the neighbouring properties, the Inspector noted the Council's Supplementary Planning Guidance on 'Amenity Standards'. The Inspector concluded that *'there is the potential for overlooking of The Granary from the bedroom window on the eastern elevation of Plot 1 and which would be the sole window serving this habitable room. I noted on my site visit that the western end of The Granary is heavily glazed and there are direct views from the site into the property. This is further emphasised by the elevated height of the site in relation to this property. The Amenity Standards SPG advocates a minimum distance of 21 metres between opposing principal windows and whilst it would appear from the plans that this would be achieved from the bedroom window, it would directly overlook The Granary's main private amenity area which is located to its west. Furthermore, due to the raised height of the site I find that the proposal would result in Plot 1 having an overpowering and oppressive effect on the living conditions within The Granary. I conclude that the proposal would be harmful to the living conditions of the occupants of The Granary'*. In terms of the living conditions of the future occupiers, whilst meeting the threshold of area required under the guidance, the Inspector was concerned that the layout of amenity would be restrictive and proportionally unrepresentative of the type of occupiers of the units.

The Inspector considered Planning Policy Wales' requirement to maintain a five year supply and questioned the Council's housing land supply as a material consideration to the application. The Inspector was satisfied with the Council's housing land supply trajectory of 5.1 years for 2016-17 and together with the advanced stage of the Local Development Plan concluded that strategic housing supply is better addressed through the plan process than as a material consideration to this proposal.

In addition, consideration was given to the scheme's lack of provision for the delivery of affordable housing. The Inspector was not satisfied that the Council was in a position to apply the draft Supplementary Planning Guidance in relation to Affordable Housing. The Inspector noted the Local Development Plan Inspector's queries in relation to viability testing, and any arising changes needed to the policy percentage requirements and the thresholds to be applied, and given the issues raised was not confident that the thresholds and contributions would be adopted. The Inspector, therefore, gave the supplementary planning guidance little weight. As an update, and post this appeal hearing, that position has changed. Notably, the Local Development Plan Hearing Session 26A: (Miscellaneous Matters) has now taken place, which dealt with the points raised previously. No matters were scheduled or raised in relation to thresholds in the hearing session and following discussion of matters, no further action points were raised by the Local Development Plan Inspector. Accordingly, there has been no indication from the Local Development Plan Inspector that the Local Development Plan Policy and associated Supplementary Planning Guidance on Affordable Housing will be changed in so far as it relates to the thresholds. Comfort can, therefore, be taken that there are no outstanding issues with regard to the Affordable Housing policies and guidance, and this appeal decision is now clearly superseded in that regard.

Finally, the Appellant sought a full aware of costs during the course of the appeal hearing. That application was subject to a separate decision by the Inspector. The Inspector refused the application, concluding that there was no unreasonable behaviour on behalf of the Council resulting in unnecessary or wasted expense.

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| L.P.A. Reference No: | 2015/01157/FUL |
| Appeal Method: | Hearing |
| Appeal Reference No: | 16/3154903 |
| Appellant: | Newydd Housing Association, |
| Location: | Land off Wick Road, St. Brides Major |
| Proposal: | Proposed development of 19 affordable dwellings, with associated landscaping and engineering works |
| Decision: | Appeal Dismissed |
| Date: | 18 January 2017 |
| Inspector: | Joanne Burston |
| Council Determination: | Committee |

Summary

The inspector considered the main issues to be:

1. Whether the proposed development would preserve or enhance the character or appearance of the St Brides Major Conservation Area, including the effect on preserved trees.
2. Effect of the proposed development on the setting, and thereby the significance, of the nearby listed building.
3. The implications of the scheme for best and most versatile agricultural land.

Site and surroundings

The Inspector noted the location of the appeal site being wholly within the St Brides Conservation Area, adjoining Wick Road to the south west, adjoining the Valeways Millennium Heritage Trail National Route (which also runs along the Wick Road), the village of Brides St Major to the east (the site being outside of its residential boundary), and the Grade II listed building 'The Old Vicarage' opposite.

Conservation Area

The Inspector referred to her duty under 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA), that special attention must be given, with respect to any buildings or other land in a Conservation Area, to the desirability of preserving or enhancing the character or appearance of that area. She also referred to the guidance in PPW which states that there will be a strong presumption against the granting of planning permission for developments the damage the character or appearance of a conservation area or its setting to an unacceptable level.

The Inspector made reference to the St Brides Major Conservation Area Appraisal and Management Plan and its findings with regard to the important characteristics of the conservation area, which includes its spaciousness, wide gaps between roadside properties, and trees, hedges and other greenery playing a vital role in helping to consolidate its rural character.

In her assessment of the site and the proposal within this context the Inspector stated: *'From my visit the appeal site marks the change from the built up urban frontage of the substantive settlement of St Brides Major to an open rural frontage. Whilst there is a wall and mature trees along the front of the appeal site this part of Wick Road retains its open and rural character. This openness and rural nature of the site makes an important contribution to the character and appearance of the Conservation Area.'*

She further stated that *'the 19 proposed two-storey dwellings would clearly be visible from several points along Wick Road and from the open countryside opposite the site. Indeed, they would be particularly visible in the winter months when trees and vegetation were not in leaf. The proposed scheme would form a highly visible new 'block' and would not 'soften' the edge of the village but impose a discordant assertive feature that would jar noticeably with the existing informal settlement pattern and its setting. Whilst I note the suggested mitigation measures in terms of landscaping and that the materials chosen for the dwellings go some way to reflect the character of the existing settlement, this would not overcome the harm I have identified.'*

The Inspector was also of the view that, due to the topography of the site, the development would *'visually dominate and detract from the rural setting of the neighbouring Kingshall farmhouse and converted farm buildings. These buildings are identified in the CAAMP as 'positive buildings', which make a positive contribution to the Conservation Area. To my mind the proposal would harm the appreciation and historical interest of these buildings within their rural setting.'*

With regard to the loss of two trees at the entrance to the site, the Inspector was concerned that their loss would *'interrupt this significant tree group reducing its contribution to the Conservation Area as a whole',* stating that *'mitigation planting even with larger specimens would do little to overcome this harm'.*

In concluding on this matter the Inspector stated: *'Overall, the loss of a considerable part of this field to development, including a lengthy estate road as shown on the supporting plans, would have a marked adverse effect upon the unspoilt open qualities of the site, eroding the charming setting of the settlement. This is likely to be compounded by lighting, footways, fencing and other associated infrastructure requirements which would give a suburban edge to this part of St Brides Major and erode its intrinsic rural character.'*

She was of the view that the development would fail to preserve or enhance the character or appearance of the St Brides Major Conservation Area and would be contrary to the relevant UDP policies. She stated that *'such factors weigh against an approval and carry considerable weight in the planning balance'*.

Listed Building

The Inspector referred to her duty under section 66 of the LBCA, that special regard must be paid to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they may possess. She concluded that the proposed development would not compromise the setting of the listed building.

Agricultural land

With regard to the advice in PPW that in development management decisions considerable weight should be given to protecting agricultural land of grades 1, 2 and 3a from development, the Inspector was of the view that, all things considered, the proposal would not involve a significant loss of the best and most versatile agricultural land.

Benefits of the proposal and planning balance

In considering the planning balance, the Inspector stated: 'In terms of the impact on the Conservation Area PPW requires me to assess whether the presumption against the granting of planning permission for developments which damage the character or appearance of a conservation area may be overridden in favour of development considered exceptional on the grounds of public benefit / interest.'

In this regard, the Inspector stated: 'The proposals would provide 19 affordable homes which would add to local housing supply. In addition to this, the development would provide benefits in terms of generating employment during the construction period and support to local services and facilities. Nevertheless, such benefits would be achieved from all new affordable housing schemes irrespective of their location which tempers the weight that can be afforded to these benefits.'

The Inspector noted the comments of third parties regarding the oversupply of affordable housing units locally. She also noted the appellant's assertion that there are no other suitable sites within St Brides Major for affordable housing.

In concluding on this matter she stated: 'On balance, the key benefit of the development is the provision of much needed affordable housing. But although this is to be welcomed, it is a general benefit, rather than an exceptional situation, insofar as affordable housing could be located on any sustainable site in the area. This particular site, due to its location within the Conservation Area, gives rise to very considerable objections on heritage and therefore sustainability grounds. The harm to the Conservation Area is given considerable statutory importance and weight and this is not outweighed by the public benefits of the proposal.'

(d) Enforcement Appeal Decisions

None

(e) April 2016 - March 2017 Appeal Statistics

| | | Determined Appeals | | | Appeals withdrawn /Invalid |
|--|-----------|--------------------|-------------|-----------|----------------------------|
| | | Dismissed | Allowed | Total | |
| Planning Appeals (inc. tree appeals) | W | 16 | 8 | 24 | 1 |
| | H | 4 | 6 | 10 | 1 |
| | PI | - | - | - | - |
| Planning Total | | 20 (59%) | 14 (41%) | 34 | 2 |
| Enforcement Appeals | W | - | - | - | - |
| | H | - | - | - | 2 |
| | PI | 1 | - | - | - |
| Enforcement Total | | 1 | - | 1 | 2 |
| All Appeals | W | 16 | 8 | 24 | - |
| | H | 4 | 6 | 10 | 1 |
| | PI | 1 | - | 1 | - |
| Combined Total | | 21 (60%) | 14 (40%) | 35 | 1 |

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 : **2 MARCH, 2017**

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

| | | | |
|----------------|---|--|---|
| 2016/01107/TCA | A | Llanblethian House, Church Road, Llanblethian, Cowbridge | Reduction of Ash and Oak trees above Conifer screen, removal of Eucalyptus and reduction of large Macrocarpa by one third and shape |
| 2016/01259/TPO | A | Land at Orchard House Residential Home, 3, Colcot Road, Barry | Various works to trees in TPO No. 01-2004 |
| 2016/01263/TPO | A | Land at The Old Chapel, College Fields Road, Barry | Crown lift and crown thin tree TPO No. 06-1986 |
| 2016/01264/TPO | A | Land at 2 Hollyrood Close, Highlight Park, Barry | Fell Silver Birch TPO No. 19-2004 |
| 2016/01335/TPO | A | Kiln House, Colwinston | Works to Sycamore tree |
| 2016/01354/TPO | A | Oak View House, 22, Cudd Y Coed, Barry | Works to two Oak Trees in front garden - TPO No. 08 2002. |
| 2016/01395/TCA | A | Moorcroft, Albert Crescent, Penarth | Coppice a Silver Birch tree within the Penarth Conservation Area |

| | | | |
|----------------|---|---|--|
| 2016/01435/TPO | A | Land at 90, Fontygary Road, Rhoose | Removal of two Ash from Tree Preservation Order No. 23, 2007 |
| 2016/01443/TPO | A | Castle Wood, Rear of Lettons Way, Dinas Powys | 5 year management plan for woodlands, Tree Preservation Order No. 02, 1954 |
| 2016/01445/TPO | A | 16, Nant Lais, Corntown | Reduce canopy of Sycamore, crown lift on adjacent Sycamore, crown lift on Ash and remove dead wood from Tree Preservation Order No. 14, 2005 |
| 2016/01463/TCA | A | Tuar Gaer, St Nicholas | Remove two Bay trees from front garden in St. Nicholas Conservation Area |
| 2016/01488/TCA | A | The Chippings, Bridge Road, Llanblethian, Cowbridge | Fell false Cypress and flowering Cherry in Cowbridge with Llanblethian Conservation Area |
| 2016/01498/TCA | A | St. Annes, 20, Victoria Road, Penarth | Remove 2 Conifers and reduce 1 Bay |
| 2016/01502/TCA | A | Wenvoe Community Centre, Old Port Road, Wenvoe | Fell Tulip tree in Wenvoe Conservation Area |
| 2016/01512/TCA | A | 21, Birch Grove, Barry | Remove Elder and Acer |
| 2016/01526/TCA | A | Kiln House, Colwinston | Works to Walnut and Weeping Pear trees |

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **2 MARCH, 2017**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

7. ENFORCEMENT ACTION

LAND AND BUILDINGS AT HAFOD LODGE, HENSOL

Background

1. This report relates to the alterations to an outbuilding at the property known as Hafod Lodge in Hensol. These consist of the construction of velux windows and the installation of a clock tower.
2. Hafod Lodge is a listed building. The property and its garden share a boundary with the main highway through Hensol. The property is also at the main entrance to Hensol Park and Castle.

Details of the Breach

3. Planning permission has been granted for the outbuilding in 2012 by virtue of application 2012/00466/FUL. Since its construction, the building has been altered with the addition of two velux roof lights in the south facing roof slope of the building together with the construction of a clock tower/turret at the highest point of the roof, approximately a metre above its ridge.
4. The alterations to the building do not benefit from permitted development rights granted under the Town and Country Planning (General Permitted Development) Order 1995 and, therefore, required the benefit of planning permission. That permission has not been granted.





Action Pursued to Date

5. A letter was sent on 11 December, 2013, to the owner of the property advising that the alterations to the building had been carried out in breach of planning control. A further letter was sent on 20 May 2015.
6. The agent of the property owner replied to this correspondence on 16 June 2015 and advised that an application for planning permission would be made for the roof lights and turret.
7. An e-mail was subsequently sent to the agent dated 20 October 2016 reiterating that the alterations to the outbuilding were still in breach of planning control. The agent replied on 14 November again advising that an application to retain the alterations to the outbuilding would be submitted. On 24 November 2016 a site visit confirmed that the alterations to the outbuilding remained in situ. An application for planning permission has still not been submitted to regularise these works to date.

Planning History

8. The site benefits from the following planning history:
 - **2004/00672/FUL** – Construction of detached double garage at Hafod Lodge, Hensol – *Granted 27 August 2004.*
 - **2007/00437/FUL** – Conversion of existing garage into holiday accommodation for disabled at Hafod Lodge, Hensol – *Refused 27 June 2007.*

- **2008/00401/FUL** – Construction of double garage (as built), previous approval 04/00672/FUL at Hafod Lodge, Hensol – *Granted 8 September 2008.*

Policy

9. 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:

- **ENV17 – Protection of Built and Historic Environment**
- **ENV27 – Design of New Developments**
- **HOUS7 – Replacement and Extension of Dwellings in the Countryside.**

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, both chapters 2 and 4 of Planning Policy Wales (Edition 9, 2016) provide the following advice on the weight that should be given to policies contained with the adopted development plan:

'2.14.4 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.

10. The Following SPG is of relevance:
 - Amenity Standards
11. The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:
 - Technical Advice Note 9: Enforcement of Planning Control (1997)
 - Technical Advice Note 12: Design (2009)
12. Other relevant evidence or policy guidance:
 - Welsh Office Circular 61/96 – Planning and Historic Environment: Historic Buildings and Conservation Areas (as amended)
 - Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on the Council to *have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.*

Reasons for Serving an Enforcement Notice

13. The principle issue to consider in this case is the impact the alterations to the outbuilding have on the setting of the Listed Hafod Lodge and wider area.
14. The property subject of this report is adjacent to a highway which is the principle route for the Vale Hospital and one of the main routes into Hensol Castle Park. The outbuilding can clearly be seen from this adjoining Highway. The outbuilding, as approved, has a simple form that was considered sympathetic to the setting of the Listed Hafod Lodge. Whilst the roof lights do not harm the simple character of the building, the clock tower/turret is an overtly elaborate feature that is considered to be an incongruous addition to this building. This particularly prominent addition to the building is, therefore, considered harmful to the character of the building and to the setting of the Listed Hafod Lodge. Furthermore, in light of the prominence of the roof of the building when viewed from the adjoining highway, the clock tower/turret is also considered to be harmful to the visual amenity of the surrounding area.
15. In light of the limited impact of the roof lights, these additions to the roof are considered to be acceptable and if an application were to be submitted for their retention, it would be recommended for approval. However, having regard to the duty imposed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 with regard to the desirability of preserving a Listed Building, its setting or any features of architectural or historic interest it possesses, the clock tower/turret is considered to be an incongruous and particularly harmful addition to the outbuilding that is considered to be contrary to criterion (i) of ENV27 – Design

of New Developments, and criterion (i) of HOUS7 – Replacement and Extension of Dwellings in the Countryside, of the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011 and Policies 1 & 3 of the Amenity Standards SPG.

Conclusions

16. The alteration to the outbuilding in the form of the clock tower/turret, by reason of its height, design, and location of the building within the setting of a Listed Building, is considered to be an unacceptable form of development in this location. The alteration fails to respect its context and is considered to have a harmful impact on the character and setting of the street scene and the setting of the Listed Building.
17. In view of the issues identified in the paragraphs above, it is considered expedient to pursue action.

Resource Implications (Financial and Employment)

18. 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)

19. 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).
20. 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)

21. None.

Wellbeing of Future Generations (Wales) Act 2015

22. 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.
23. Enforcement action is appropriate in this instance as it is important to preserve the character of the Listed building, including its setting, as well as the amenity of the wider area.

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 removal of the alterations to the outbuilding in the form of the clock tower/turret.
 - (ii) The closing up of any resultant gap in the roof using materials to match the existing.
- (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 alteration to the outbuilding in the form of the clock tower/turret, by reason of its height, design and the location of the building within the setting of a Listed Building, is considered to be an unacceptable form of development. The alteration fails to respect its context and is considered to have a harmful impact on the amenity of the area and the setting of the Listed Building. As such, the development is considered to conflict with Policy ENV17 – Protection of Built and Historic Environment, ENV27 – Design of New Developments, and HOUS7 – Replacement and Extension of Dwellings in the Countryside, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, in addition to the Amenity Standards Supplementary Planning Guidance and Circular 61/96 – Planning and Historic Environment: Historic Buildings and Conservation Areas (as amended).

Background Papers

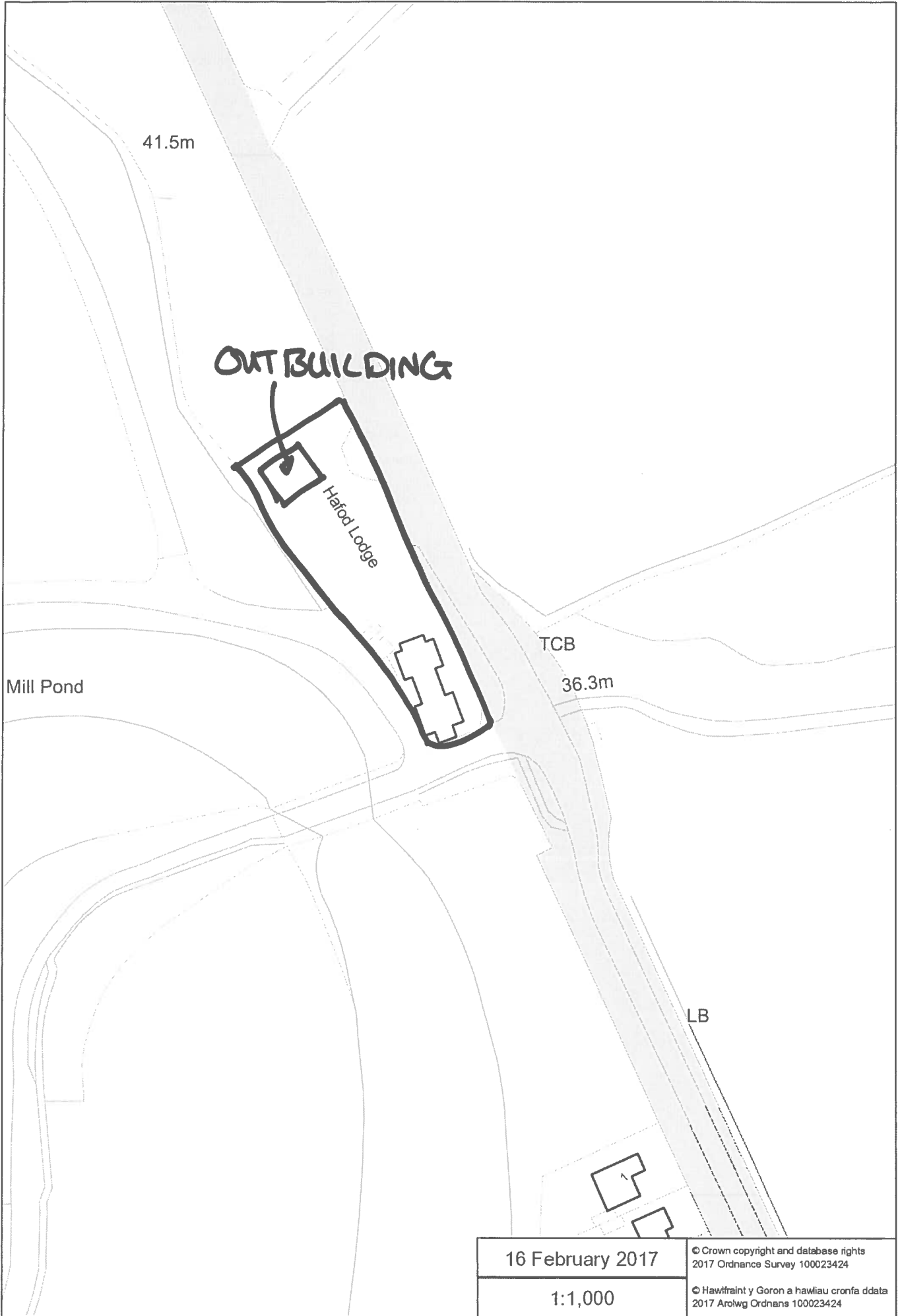
Enforcement File Ref: ENF/2013/0469/PRO

Contact Officer - Mr Jordan Martin, 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: **2 MARCH, 2017**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

7. ENFORCEMENT ACTION

LAND AND BUILDINGS AT FIELD TO THE NORTH OF THE BUTTS, LLANMAES

Background

1. The Local Planning Authority have received a number of complaints dating from 7 October 2016, concerning the siting of shipping containers and general condition of land to the north of Llanmaes.
2. The site is a narrow field parcel, approximately 0.9 acres in size. The field is bound to the north by hedgerow and to the south (towards Llanmaes) by mature trees and hedgerow. The site is agricultural land in open countryside.

Details of the Breach

3. Following a site inspection and discussion with the owners of the site, it was noted that four steel shipping containers had been cited on the land, as well as cars, caravans and a sailing vessel/boat. Officers have inspected the steel containers and they provide storage for a number of items including; tools, plant and machinery, chainsaws, generators, fuels, tyres and food stuffs. The owner of the land has indicated that he uses this storage as an extension to his domestic storage in Llantwit Major. In addition, a large wooden means of enclosure has been erected in an effort to screen the development.



Figure 1: Image of site and associated use

4. The matter constituting a breach of planning control consists of the material change of use of the land from agriculture to a mixed use comprising of agriculture and storage. Additionally, the erection of a means of enclosure exceeding more than two metres in height.

Action Pursued to Date

5. The owner of the land was advised that the use of the land amount to a material change of use of the land that requires the benefit of planning permission. It was made clear on site that the owner did not consider this to constitute operational development or a change of use requiring the benefit of planning permission and that there was no scope to negotiate the cessation of the use and removal of the above-mentioned items in light of the owner position concerning the lack of need for consent.

Planning History

6. There is no planning history relating to the land.

Policy

Unitary Development Plan

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:

Policy:

- POLICY ENV1 – Development in the Countryside
 - POLICY ENV10 – Conservation of the Countryside
 - POLICY ENV27 – Design of New Developments
8. 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 9, 2016) provide the following advice on the weight that should be given to policies contained with the adopted development plan:

‘2.14.4 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.'

9. With the above advice in mind, the policies relevant to the consideration of the development 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

10. National planning guidance in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application.
11. Chapter 4 of PPW deals with planning for sustainability – Chapter 4 is important as most other chapters of PPW refer back to it, part 4.2 in particular
12. Chapter 5 of PPW sets out the Welsh Government guidance for Conserving and Improving Natural Heritage and the Coast.

Technical Advice Notes:

13. The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:
 - Technical Advice Note 6: Planning for Sustainable Rural Communities (2010)
 - Technical Advice Note 12: Design (2016)

Supplementary Planning Guidance:

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

Reasons for Serving an Enforcement Notice

15. The main issues to consider in this case are the principle of the use, as well as the impact the development has on the character and appearance of the rural landscape.
16. The siting of the containers on the land and the storage of a number of items is considered to amount to material change of use of the land from agriculture to a storage use. The site is located in open countryside and therefore the overarching Development Plan Policy ENV1 would be relevant to this determination of the planning merits of this development. ENV1 is a restrictive policy that seeks to ensure that only agricultural development is permitted in rural location, or other appropriate developments subject to the provisions of the Development Plan. That policy position is consistent with the national planning guidance in the form of Planning Policy Wales. Policies ENV10 and ENV27 are the Development Plan's overarching design based policy criteria that seek to ensure new development maintains or improves the character of the countryside and that new development assimilates into the existing setting.
17. The land is being used for the storage of a number of items, noted above. The items vary in their nature, from a sailing vessel/boat to domestic food stuffs. Having discussed the nature of the storage with the owner of the land, it is the case the land is being used as an extension to the owner's domestic storage arrangements. Whilst a number of the items may have an agricultural use (i.e. a topper and chainsaws) the predominant nature of the storage is outside of agriculture. Moreover, the agricultural activities on the site are limited: there is no livestock on the land, and the only agricultural activity that could be occurring is the growth of an arable crop namely in the form of hay. As such, the level and nature of the storage far exceeds what could be considered amounting to an agricultural activity. The Development Plan policy framework indicates that development in the countryside should be strictly controlled and that the principle of this storage use of the site is not acceptable.
18. The siting of the containers to facilitate the storage, as well as the storage of other items on the land results in a significant number of items being located on the land. These items are considered to be both unsightly and not akin to the kinds of items associated within the context of an agricultural field parcel. Development Plan Policies ENV10 and ENV27 seek to ensure the high landscape amenity values are maintained and that new development assimilates into its context. Planning Policy Wales' overarching sustainability principle advocates that the countryside should be protected for its own sake. In terms of the means of enclosure, that is visible from the highway network. It is a wooden enclosure, not typical of agricultural stock proof fencing. The scale and design are not agricultural in nature and appears wholly foreign in its siting within the field parcel. Whilst it is acknowledged that the storage is located to the rear of the enclosure, there are glimpses of the containers and vehicles/items visible from the highway network. However, the enclosure is what screens this storage activity from wider views and without it the site and use would be visible from the highway network. The shipping containers and collection of items being stored are incongruous within the rural landscape and, as such, have an adverse impact on the character of the area.

19. Accordingly, the unauthorised use of the land and the erection of the means of enclosure is considered to be contrary to the objectives of UDP Policies ENV1, ENV10 and ENV27, as well as TAN6, TAN12 and PPW.

Conclusions

20. The use of the land for storage is considered to be an inappropriate use in this rural location. The use is considered to have an adverse impact on the character and appearance of the rural setting.
21. In view of the issues identified in the paragraphs above, it is considered expedient to pursue action and serve an enforcement notice in respect of the breach of planning control identified at the site.

Resource Implications (Financial and Employment)

22. 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)

23. 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).
24. 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)

25. None.

Wellbeing of Future Generations (Wales) Act 2015

26. 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.
27. The development is considered to cause unacceptable harm for the reasons set out above. The overarching public interest to protect the amenity of the area and to promote sustainable development principles is not considered to be outweighed by the developer's own gain.

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 use of the Land for storage.
 - (ii) The removal of the shipping containers from the Land.
 - (iii) The removal of the means of enclosure from the Land.
- (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 use of the Land for the purposes of storage is considered to be inappropriate in this rural location. The use of the land is considered to result in harm to the character and appearance of the rural setting of the Land. As such, the use is considered to be contrary to 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 national planning guidance in the form of Planning Policy Wales (Edition 9, 2016), Technical Advice Note 6: Planning for Sustainable Rural Communities and Technical Advice Note 12: Design.

Background Papers

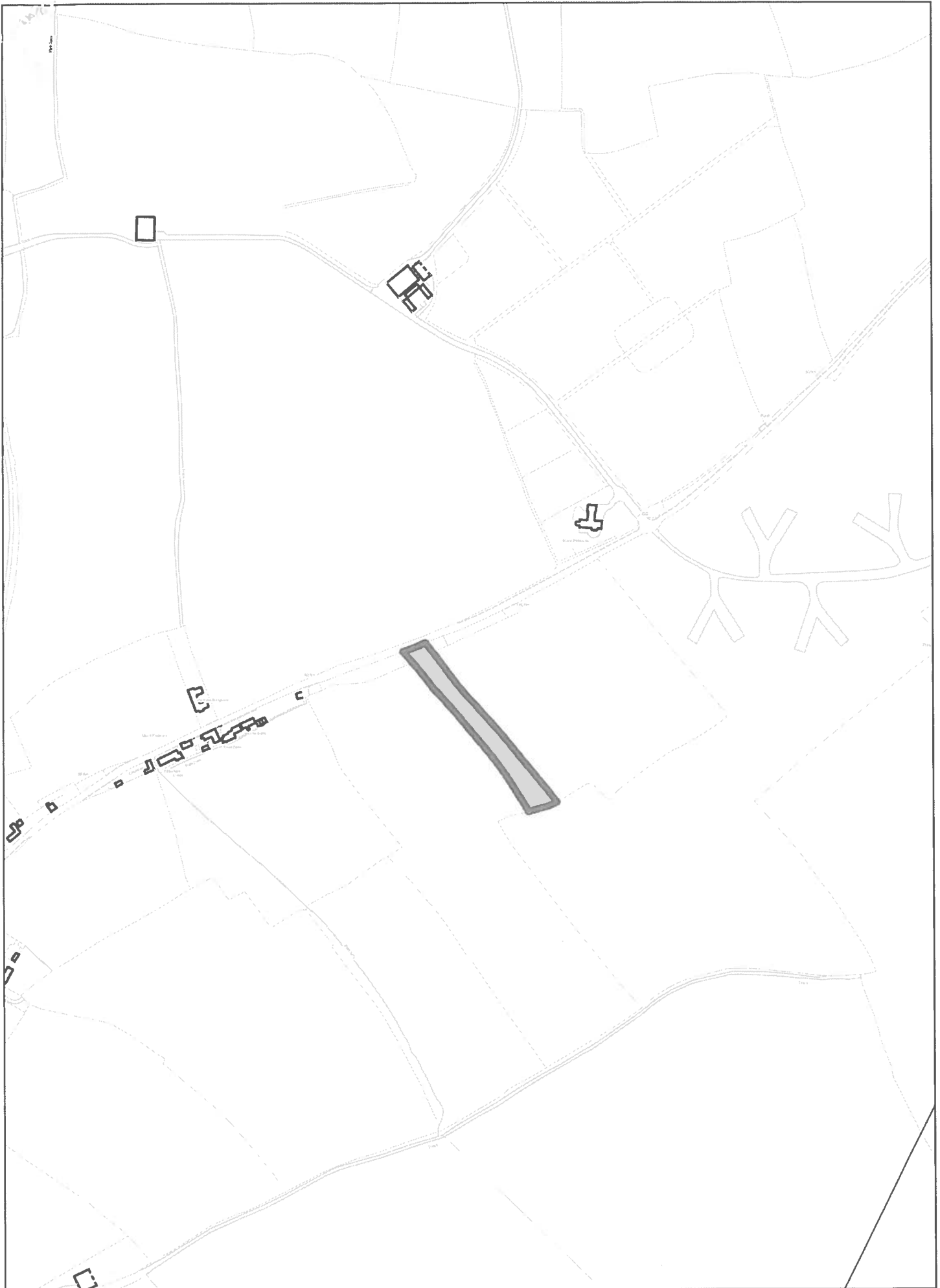
Enforcement File Ref: ENF/2016/0304/CLL

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

Officers Consulted:

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

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING



the Plan
ENF/2016/0304/CLL

17 January 2017

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THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **2 MARCH, 2017**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

9. PLANNING APPLICATIONS

Background Papers

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

2016/00115/OUT Received on 7 April 2016

Cogan Hill Ltd., Jehu/Hendre, c/o Agent
Mr. John Wotton Greyfriars House, Greyfriars Road, Cardiff, CF10 3AL

Land at Cogan Hill, Penarth

Ground plus 4 storey new build proposal to provide 44 affordable housing units

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application is of a scale and / or nature that is not covered by the scheme of delegation.

This application was reported to Planning Committee on 2 February 2017 where it was deferred to allow members to undertake a site visit.

EXECUTIVE SUMMARY

The application site is a 0.37ha site on Cogan Hill, Penarth, to the east of the car park serving Cogan Railway station. The proposal seeks erect a four to five storey building to provide 44 affordable apartments (24 one bedroom units and 20 two bedroom units). There have been previous applications on the site including 2011/00284/OUT for 34 apartments which the Planning Committee resolved to approve although was 'finally disposed of' by the LPA after the applicant failed to enter into the requisite legal agreement.

At the time of writing this report 6 no. of letters of representation have been received raising the following principal issues: car parking; air quality; design; lack of infrastructure; access and inadequacy of access and road network.

Noting the position of the site within the settlement boundary, it is considered that the principle of residential development at this site is acceptable, subject to compliance with the relevant criteria identified in Policies HOUS8, ENV27, ENV29 and TRAN10, which will seek to ensure the development proposed has an appropriate design and scale, no detrimental impact upon neighbouring amenity, pollution issues (including air, noise and contaminated land), highways implications and amenity space. These matters, along with ecology, drainage, & tree removal and S106 obligations will be considered in the following report.

Having considered the above, it is considered that the development of the site as proposed is acceptable and would contribute positively providing much needed affordable housing on a prominent brownfield site. As such the application is recommended for approval subject to conditions and the applicant entering into a S106 agreement. However members are advised that due to viability issues a reduced S106 contribution of £50,000 has been agreed.

SITE AND CONTEXT

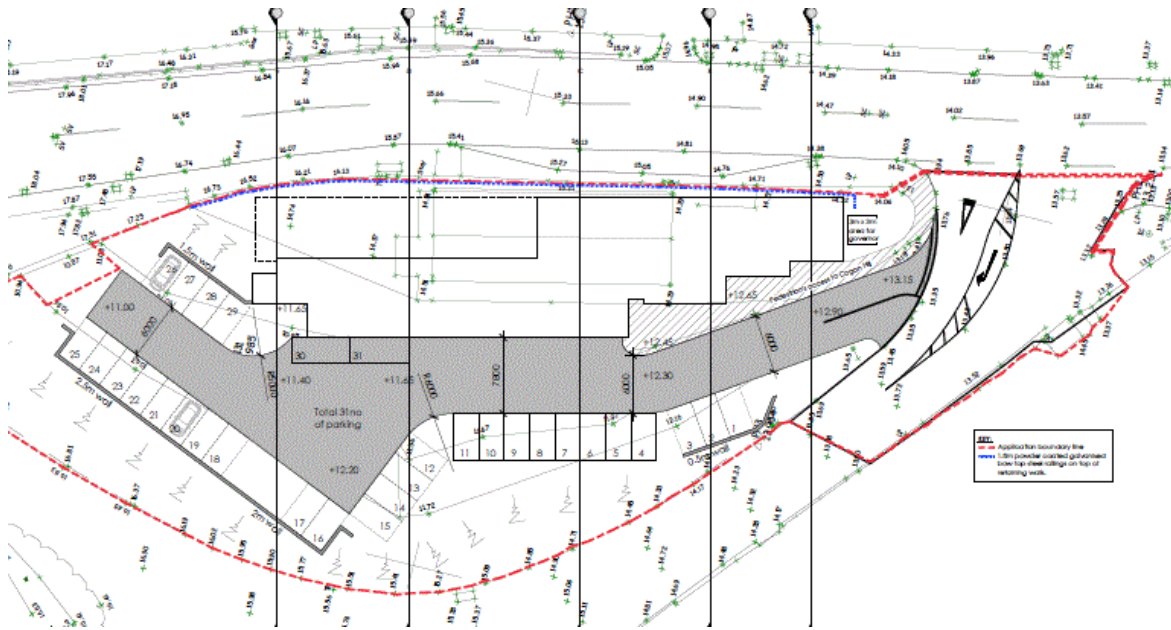
The site relates to approximately 0.37ha area of land on Cogan Hill leading into Penarth from the Cogan Spur interchange. The site is largely overgrown and unused. There is a vacant building on the site, formerly used as a day centre. There are trees on the perimeter of the site including conifers and ash. A main sewer crosses the site and a blocked tunnel is located to the northern end of the site. The site is accessed from the public highway via an entrance which serves the Cogan railway station, a builders' merchants, and a taxi business.

The site was formerly part of the access road into the Penarth Dock area and as such it lies generally below the level of Cogan Hill and the mini roundabout, with approximately 4m levels difference across the site, but rises up to a plateau to meet that road and the car parking and access area serving the adjoining railway station and 'park and ride' car park. An aerial photograph showing the position of the site is shown below:



DESCRIPTION OF DEVELOPMENT

The application is submitted in Outline with approval sought for access, appearance, layout and scale with landscaping as a reserved matter. The application proposes the erection of a four-five storey flatted block that would provide 44 units of affordable accommodation comprising of 24 one bedroom units and 20 two bedroom units. 31 car parking spaces would be provided on site and the parking area would be accessed off the shared access road (un-adopted in part). Ancillary accommodation including bin and cycle storage is proposed at ground floor level. A site layout plan is shown below:



The proposals as amended would comprise of a four storey block as viewed from the carriageway and five storey when viewed from the west. The proposed block would be finished in a variety of materials including buff brick, spandrel panelling and different cladding materials. The windows proposed would be dark grey UPVC. Elevations of the proposals are shown below:

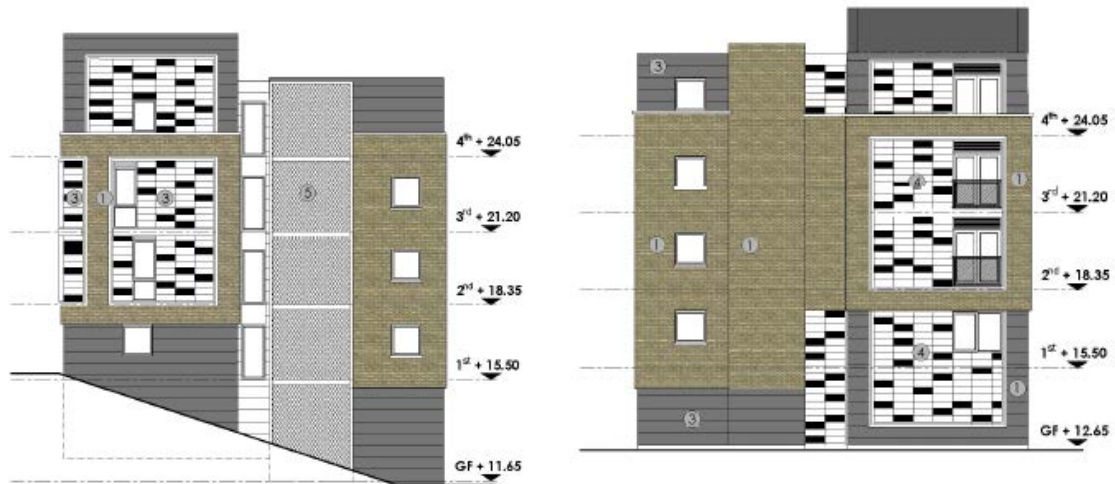


Proposed western elevation as viewed from the car park serving Cogan Station



Proposed East Elevation

Proposed eastern elevation as viewed from Windsor Road / Cogan Hill



Proposed north (left) and south (right) elevations

PLANNING HISTORY

2015/01046/PND : Cogan Hill, Penarth - Demolition of existing building at Cogan Hill, Penarth - Approved 04/10/2015

2013/00547/OUT : Land at Cogan Hill, Penarth - Redevelopment of vacant site to provide 34 affordable residential units - Finally Disposed of 26/06/2014

2011/00284/OUT : Land at Cogan Hill, Penarth - Redevelopment of vacant site to provide 34 residential units - Finally Disposed of 22/01/2013 . However it is noted that there was a resolution at committee to grant planning permission subject to the applicant entering into an appropriate legal agreement, although no agreement was entered into.

2009/00243/OUT : Land at Cogan Hill, Cogan, Penarth - Redevelopment of a vacant site located on Cogan Hill for residential development of 18 two bedroom apartments - Withdrawn 25/08/2009

1990/00831/OUT : Penarth Waste Disposal, Windsor Road, Cogan, Penarth - Housing development comprising 6 no. linked 2 bed units and 2 no. 3 bed detached units - Refused 02/10/1990

1986/00274/OUT : Adjacent to existing Penarth Waste Disposal Lorry Park and the Cogan Station Car Park, Penarth - Proposed two bedroomed detached bungalow adjacent to existing Penarth Waste Disposal Lorry Park to be occupied by the proprietor - Refused 15/05/1986

CONSULTATIONS

Penarth Town Council stated with regard to the original application that they favour a development on a gateway route into Penarth although raise concerns that the proposal is dominant, does not need to be as tall and does need to be so close to the road. As such they recommend that a building should set back and down and accompanied by a suitable scheme of landscaping to seek to soften the impact of the development, although do not believe that a reduction in the number of units would be required. They raise queries with regard to land ownership and with regard to the height of the development in this prominent position.

The Council's Highway Development section were consulted with regard to the application and note that 'it is considered the previous highway observations (planning reference 2011/00284/OUT) raising an objection in relation to the means of access to the site are still applicable to the current proposals.' These concerns related to a deficiency in on site parking provision; the proposed junction arrangement onto Windsor Road resulting in a conflict of movements to the detriment of highway safety and no segregated footway to provide safe pedestrian access from Windsor Road to the apartments is indicated."

However they note that should the LPA be mindful to grant planning consent, they request that 3 no. conditions should be attached to any planning consent relating to the details of the works to support the adjacent highway; the provision of a travel plan prior to beneficial occupation of the development; and further details of cycle parking to be provided.

The Council's Education Section were consulted with regard to the application and confirm that whilst there is capacity at secondary level, the proposals would likely result in increased demand for places within primary and nursery education that cannot currently be catered for.

Cardiff County Council were consulted with regard to the application and confirm that they have 'no adverse observations' to make with regards to the application.

The Operational Manager Highways and Engineering (Drainage) : They note that 'this site is partially located in DAM Zone B indicating there is a risk to the site from tidal or fluvial flooding. NRW maps indicate there is a high risk of surface water flooding to the north of the site. There are known capacity issues on the surface water network in this area.' As such they initially objected to the application requesting the a Flood Consequences Assessment be submitted, details of full drainage shall be provided, details that no detriment shall occur to the surrounding area in a 1 in 100 year critical storm and a SUDS management and maintenance strategy be provided. Following the submission of the Flood Consequences Assessment they provide amended comments indicating that whilst further information is required this can be secured by condition attached to any permission given. This includes a full scheme of surface water drainage in accordance with the submitted FCA which should also include a maintenance strategy.

Shared Regulatory Services (Pollution control) were consulted with regard to the application. They initially raised a number of queries with regard to the air quality assessment submitted. Following the receipt of further details they noted that they are 'satisfied with the comments submitted in relation to my queries' although note that further details of dust monitoring during the demolition and construction phase, would be required.' They also provided comments with regard to the submitted noise details indicating that notwithstanding the submitted details that a scheme of mitigation would be required due to the noise exposure categories that the apartments would fall within.

Further to the previous Committee meeting further clarification was sought with regard to possible air quality issues, particularly with regard to more up to date air quality readings. Following receipt of an additional report the Shared Regulatory Services Air Quality Officer confirmed that 'I am satisfied by the conclusions made by the Consultants at Air Quality Consultants. I acknowledge the findings detailed in the report and I am content by the methods and approach used to derive the findings. The additional Air Quality Analysis has been undertaken to a high standard and the very conservative approach adopted by the additional testing is deemed best practise allowing worst-case scenarios to be portrayed.'

Natural Resources Wales 'do not object to the development'. They note that having reviewed the site investigation report, demonstrates that there is no gross contamination of the site. In terms of Air Quality, they also note that the site is beyond 200m of the assessment areas and do not therefore consider there will be a likely impact from increased road traffic from this development on designated sites.

Dwr Cymru Welsh Water were consulted with regard to the application and recommend that a condition be attached to any planning permission requiring a comprehensive drainage scheme to be submitted for approval prior to commencement of development and also note that the application site is crossed by a 1200mm public surface water sewer and 375mm combined public sewer. They indicate that no operational development shall be carried out within 6 metres of the public surface water sewer 3 metres of the combined sewer.

Network Rail initially raised an objection to the proposals given that the applicant had included land within Network Rail's ownership within the red line boundary of the application. However following the submission of an amended ownership certificate they withdrew their objection subject to the applicant reaching commercial agreement with Network Rail prior to works commencing. They also note it would be their preference that the site is brought forward for use as a transport interchange. In addition to the above they also provide a number of comments in relation to other matters including fencing, layout, foundations, landscaping and lighting which were forwarded to the applicant for their attention.

Comments were received from **South Wales Fire and Rescue Service**. They note that the applicant should provide for adequate water supplies and access for emergency firefighting appliances.

The Council's Ecology Officer was consulted and raised no objection subject to the 2 conditions being attached to any planning consent given requiring the provision of 2 no. bird boxes within the development and also the submission of a method statement for the clearance and demolition of the building on the site.

The Council's Affordable Housing Enabling Officer note that there is a demonstrated need within the Vale of Glamorgan for affordable housing within the Local Housing Market Assessment (LHMA) determining that 559 additional affordable housing units were required each year to meet housing need. They note that the Homes4U waiting list demonstrate that there are 345 applications for one bedroom homes within Penarth and 231 households requiring a two bedroom home. They also indicate that there is substantial need within the neighbouring Llandough ward. As such they state that 'consequently we fully support this scheme.'

The Council's Transport and Road Safety officer indicates that the Council have been working with Welsh Government to investigate the use of the site as a transport interchange.

Cornerswell Ward members were consulted with regard to the application. Councillor Peter King indicates that he welcomes 'the development as it should tidy-up this gateway route into Penarth as well as provide much needed affordable housing units.' However he raises concern with regard to air quality due to its proximity to then Air Quality Monitoring Area affecting the stretch of the lower portion of Windsor Road.

South Wales Police Designing Out Crime Officer was consulted with regard to the application. They note that 'building on such a site could be deemed beneficial by bringing a derelict area into active use'. They do however raise issues with regards potential shortage of car parking spaces and potential increase in traffic.

Public Health Wales were consulted with regard to the application and considered that the likely 'public health impacts from the proposal to be low; we therefore have no grounds for objection based upon the public health considerations contained within the application.' They also confirm that they are satisfied that the submitted details provides reassurance that the adjacent Air Quality Management Area (AQMA) for nitrogen dioxide will not be breached.

REPRESENTATIONS

The neighbouring properties were consulted on 19 April 2016 and 9 January 2017, site notices were also displayed on 26 April 2016 and 10 January 2017 and the application was also advertised in the press on 26 April 2016. At the time of writing this report, 6 no. of letters of representation have been raised to date raising the following:

- Car parking
- Position of site adjacent to air quality management area
- Demolition of the building during bird nesting season
- Design out of keeping with the area
- Lack of adequate infrastructure to support the application including local doctor's surgeries and sewerage facilities

- Access and road network not adequate to cope with additional traffic

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 7 – TRANSPORTATION NETWORK IMPROVEMENT

Policy:

POLICY ENV 4 – FLOODING

POLICY ENV 11 – PROTECTION OF LANDSCAPE FEATURES

POLICY ENV 16 – PROTECTED SPECIES

POLICY ENV25 – REGENERATION OF URBAN AREAS

POLICY ENV 26 - CONTAMINATED LAND AND UNSTABLE LAND

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 HOUS 12 - AFFORDABLE HOUSING

POLICY REC3 – PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENT

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 9, 2016) provide the following advice on the weight that should be given to policies contained with the adopted development plan:

'2.14.4 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 9, 2016) (PPW) is of relevance to the determination of this application.

Chapter 4 of PPW deals with planning for sustainability – Chapter 4 is important as most other chapters of PPW refer back to it, part 4.2 in particular

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

Chapter 9 of PPW is of relevance in terms of the advice it provides regarding new housing.

Technical Advice Notes:

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

- Technical Advice Note 1 – Joint Housing Land Availability Study (2015)

- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 16 – Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 20 – Planning and the Welsh Language

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
- Affordable Housing
- Biodiversity and Development
- Model Design Guide for Wales
- Parking Standards (Interactive Parking Standards Zones Map)
- Planning Obligations
- Public Art
- Trees and Development
-

Local Development Plan

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Examination Stage having submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public commenced in January 2016. Following the initial hearing sessions the Inspector gave the Council a number of Action Points to respond to. The Council has considered and responded to all Action Points and has produced a schedule of Matters Arising Changes, which have been the subject of public consultation in September / October 2016. Further hearing sessions took place in January 2017.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.14.1 of Planning Policy Wales (Edition 9, 2016) states:

'2.14.1 The weight to be attached to an emerging LDP (or revision) when determining planning applications will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances.'

In line with the guidance provided above, the background evidence to the Deposit Local Development Plan is relevant to the consideration of this application insofar as it provides factual analysis and information that is material to the issues addressed in this report in particular, the following background papers are relevant:

- Affordable Housing Viability Update Report (2014) (Also see LDP Hearing Session 6 Action Point 3 to 9 responses)
- Affordable Housing Delivery Update Paper (2016) (LDP Hearing Session 6 Action Point 2 response)
- Vale of Glamorgan Local Housing Market Assessment (LHMA) 2015
- LDP Housing Land Supply Trajectory 2011-26 (September 2016)
- (LDP Hearing Session 2 and 3, Action Point 4, 6, 7, 9 and 10 response) Housing Provision Background Paper (2015) (Also see LDP Hearing Session 2 and 3 Action Point 3 and 5 response)
- Housing Supply Background Paper (2013) (Also see LDP Hearing Session 2 and 3 Action Point 5 response)
- Open Space Background Paper (2013)
- Community Facilities Assessment (2013)
- Education Facilities Assessment (2013)

Other relevant evidence or policy guidance:

E.g. Circulars, Corporate documents, Technical Reports, DCLG guidance. Letters from Minister etc.

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Office Circular 13/97 - Planning Obligations

Issues

Principle of the Development

The application seeks consent for 44 affordable housing units. The site lies within the identified Residential Settlement Boundary of Penarth. UDP Policy HOUS2 – Additional Residential Development outlines that housing infill, small scale development/redevelopment is acceptable in principle within settlements, subject to the proposals meeting the criteria listed in Policy HOUS8 – Residential Development.

Strategic Policy 2 of the UDP states *'proposals which encourage sustainable practices will be favoured including:... ii) proposals which are located to minimise the need to travel, especially by car and help to reduce vehicle movements or which encourage cycling, walking and the use of public transport.'* Similarly Strategic Policy 8 states that developments will be favoured in locations which *'are highly accessible by means of travel other than the private car'*.

This sentiment is reflected throughout PPW. With regard to planning for sustainability, part 4.4.3 states that *'planning policies, decisions and proposals should.... locate developments so as to minimise the demand for travel, especially by private car'* and *'Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides. This includes helping to ensure that development is accessible by means other than the private car'*.

The location of the site for housing is, therefore, considered to be in compliance with the provisions of both the development plan and national planning policy, given its proximity to local facilities and services and being located within the settlement of Penarth.

Furthermore, the land is previously developed land formerly comprising part of the railway serving Penarth Dock and more recently housing a hall. Policy ENV25 - Regeneration of Urban Areas indicates that the UDP seeks to encourage the regeneration of derelict and degraded land within the fabric of urban areas. The re-use of such sites provides opportunities for the provision of residential developments, whilst ensuring that the need for Greenfield sites is reduced.

Planning Policy Wales reiterates the position of Policy ENV25 by outlining that that previously developed land should be used in preference to Greenfield sites. In particular, paragraph 4.9.1 and 4.9.2 outlines the following: -

4.9.1 Previously developed (or brownfield) land (see Figure 4.3) should, wherever possible, be used in preference to greenfield sites, particularly those of high agricultural or ecological value. The Welsh Government recognises that not all previously developed land is suitable for development. This may be, for example, because of its location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated. For sites like these it may be appropriate to secure remediation for nature conservation, amenity value or to reduce risks to human health.

4.9.2 Many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives. This includes sites:

- In and around existing settlements where there is vacant or under-used land, commercial property or housing;
- in suburban areas close to public transport nodes which might support more intensive use for housing or mixed use;
- Which secure land for urban extensions, and;
- Which facilitate the regeneration of existing communities.

Accordingly, it is considered that the principle of residential development at this site is acceptable, subject to it complying with the relevant criteria identified in Policies HOUS8, ENV27, ENV29 and TRAN10, which will seek to ensure the development proposed has an appropriate design and scale, no detrimental impact upon neighbouring amenity, pollution issues (including air, noise and contaminated land), highways implications and amenity space. These matters, along with ecology, drainage, & tree removal and S106 obligations will be considered in the following report.

Affordable housing need

Policy HOUS12 seeks to ensure that *'the Council will where there is demonstrable need, seek to negotiate with developers for the inclusion of a reasonable element of affordable housing in substantial development schemes'*. It should be noted that Hafod Housing Association, one of the Council's partner RSL's are involved in the submission of this application and as such 100% of the 44 dwellings proposed in this instance will be affordable housing.

Upon consultation with the Housing Strategy department of the Council it was outlined that there is a demonstrated need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2015 Local Housing Market Assessment (LHMA), which determined that 559 additional affordable housing units were required each year to meet housing need in the area. The LHMA identified Penarth as being the area in most need of affordable housing.

In addition to this, the Homes4U waiting list, shows there is considerable current need in Penarth with 345 householders requiring one bedroom homes and 231 households requiring a two bedroom home. They also indicate that in the neighbouring Llandough ward there is a waiting list of 70 for one bedroom homes and 45 for two bedroom homes.

Accordingly, it is considered that the 44 units proposed in this instance would appreciably and positively affect the Council's ability to meet the demonstrable need for affordable housing with the Penarth area. In response to the application the Housing strategy department are strongly supportive of this application which will deliver much needed affordable one and two bedroom properties to Penarth. This is a significant material consideration in favour of the proposed development.

Visual impact

Noting the edge of town centre location of the site, the application site sits in a street scene of significant variety, with commercial premises to both the east and south and Cogan Railway Station to the west. There are however residential flatted developments accessed from Andrew Road to the south-west of the site and more traditional residential dwellinghouses to the south of the site on Windsor Road. As such it is evident that there is a mix of varied accommodation including family homes, flats and commercial premises within the context of the application site. It is considered that the provision of flatted accommodation such as this would not be out of character with the pattern of uses within the area.

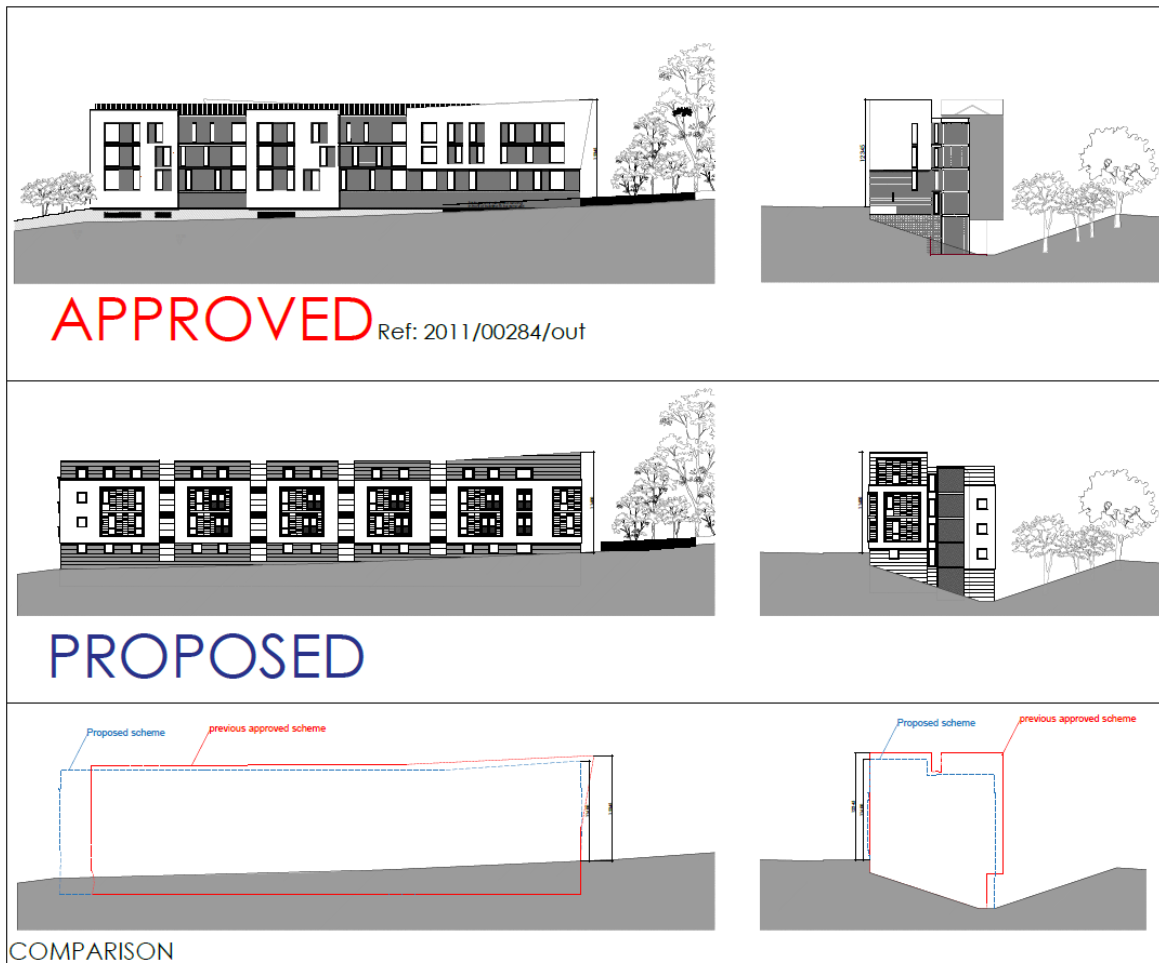
The application site sits in a visually prominent position adjacent to the main vehicular access into Penarth from Cardiff. As such the potential visual impact of the proposals need to be carefully assessed in the determination of the application, noting that appearance and layout are matters for which approval is being sought under the current application. In terms of scale, the building is clearly a large building that will have an immediate visual impact on this prominent site. The topography of the site slopes down away from Cogan Hill and rises back up to the car parking area for the station. The design seeks to accommodate levels and reduce the buildings' impact when viewed from Cogan, with a rise in height to the north of the site. Nevertheless, even taking into account topography, the development will significantly alter the street scene at this gateway route into Penarth town centre.

Concerns were raised during the application with regard to the design of the proposals as originally submitted, particularly noting the prominent location of the building. Further to this negotiation, an amended scheme has been submitted which seeks to break the mass and bulk of the building, through the use of asymmetric window designs and changes in materials. The amended proposals are considered to utilise a high quality palette of materials, which not only serves to break the general mass and bulk of the building but also adds a significant degree of visual interest.

The roof slope of the building seeks to reflect the change in levels on the site, thus further reducing the bulk of the building, particularly when viewed from the north or south approaching the site along Cogan Hill / Windsor Road. The use of a flat roof effectively reduces the bulk of the development and aids in reducing the overall visual impact of the development.

In terms of design, the context to the site is varied and contains a mix of commercial and residential buildings of varying form and design. In this respect the contemporary design is considered to be acceptable and will not detract from the appearance of the site in this location.

Members are also advised that a previous submission for 34 units under application 2011/00284/OUT, was considered by committee and a resolution was given by the committee to approve the application subject to a legal agreement. Whilst the application was finally disposed of, given the applicant failed to enter into the agreement, it is of note that the building proposed previously was of a similar mass and bulk to that proposed under the current application. Since the last committee meeting, the applicant has sought to provide a relative comparison of the current proposals against those which committee previously resolved to grant consent. These comparative drawings are shown below:



From the above drawings it is apparent that the building has a mass and bulk commensurate to that which has previously gained a resolution to approve from Planning Committee.

Although landscaping is a reserved matter for which approval is not being sought, the proposals include incidental areas which would allow for a degree of planting that could serve to soften the impact of the development. A landscaping scheme would need to be considered fully with a future reserved matters application.

Given the scale and siting of the building, it will undoubtedly be prominent from surrounding views and have an immediate impact upon the street scene. However, the design is considered to be of sufficient quality, such that it would contribute positively to the local built environment.

Impact upon amenity of neighbouring residential properties

The application site sits a substantial distance from the nearest residential dwellings and as such it is considered that the proposed development of the site would not adversely affect the residential amenities enjoyed by occupiers of neighbouring residential dwellings.

Amenity Space and Public Open Space

The development proposals make very little provision for on-site amenity space to serve the future occupiers of the development. The plans do not show any balconies or private amenity areas. There will be some incidental areas adjacent to the car parking areas, although these will provide visual rather than a useable, practical external space, although appropriate levels of bin and cycle storage are provided within the building at ground floor level. Landscaping remains to be approved at reserved matters stage.

For flatted developments, the Council's Supplementary Planning Guidance requires 20 sq. m. of amenity space to be provided per resident and it is clear that the submitted scheme would fall short in this respect. However, it is considered that in an edge of town centre location such as this where higher densities of residential developments are both sustainable and appropriate, there is justification in relaxing these standards.

There is no provision within the site for Public Open Space or recreational facilities although it must be noted that the site lies within close proximity of the sports facilities at Penarth Leisure Centre (approximately 150 metres away), open space within Penarth Marina (approximately 200 metres) and Windsor Dingle (approximately 400 metres away). However substantial S106 monies towards improvements of Public Open Space have also recently been secured through the Penarth Heights development.

Therefore, noting the proximity of nearby open spaces, it is considered that the basic outdoor amenity needs of the future occupiers would be met sufficiently met, in accordance with the Policies ENV27 and HOUS8 of the UDP and the aims of the Council's SPG.

A contribution towards Public Open Space would usually be expected for a development of this nature, although the applicant has demonstrated viability issues associated with the development of this site and therefore such a contribution has not been sought in this instance. Further discussion with regard to S106 contributions and viability is included later within the report.

Highways issues

The application has been supported by a Transport Statement prepared by Asbri Transport dated July 2016. The statement concludes that *'the proposed development is in an appropriate and accessible location. It will benefit from safe access and provide suitable and adequate parking for its residents and visitors. The traffic generated by the development can be accommodated by the surrounding highway infrastructure.'*

It is agreed that the site is well located in relation to public transport and community facilities, particularly noting its position adjacent to Cogan Railway Station and shopping facilities in Penarth Marina and Penarth Town Centre.

Access

The proposals make provision for a single vehicular access into the site, from the access road into the Cogan railway station off Cogan Hill. The plans include new road markings at the entrance to the railway station Park and Ride, including a designated right turn into the development site. Pedestrian access is provided alongside the vehicular access.

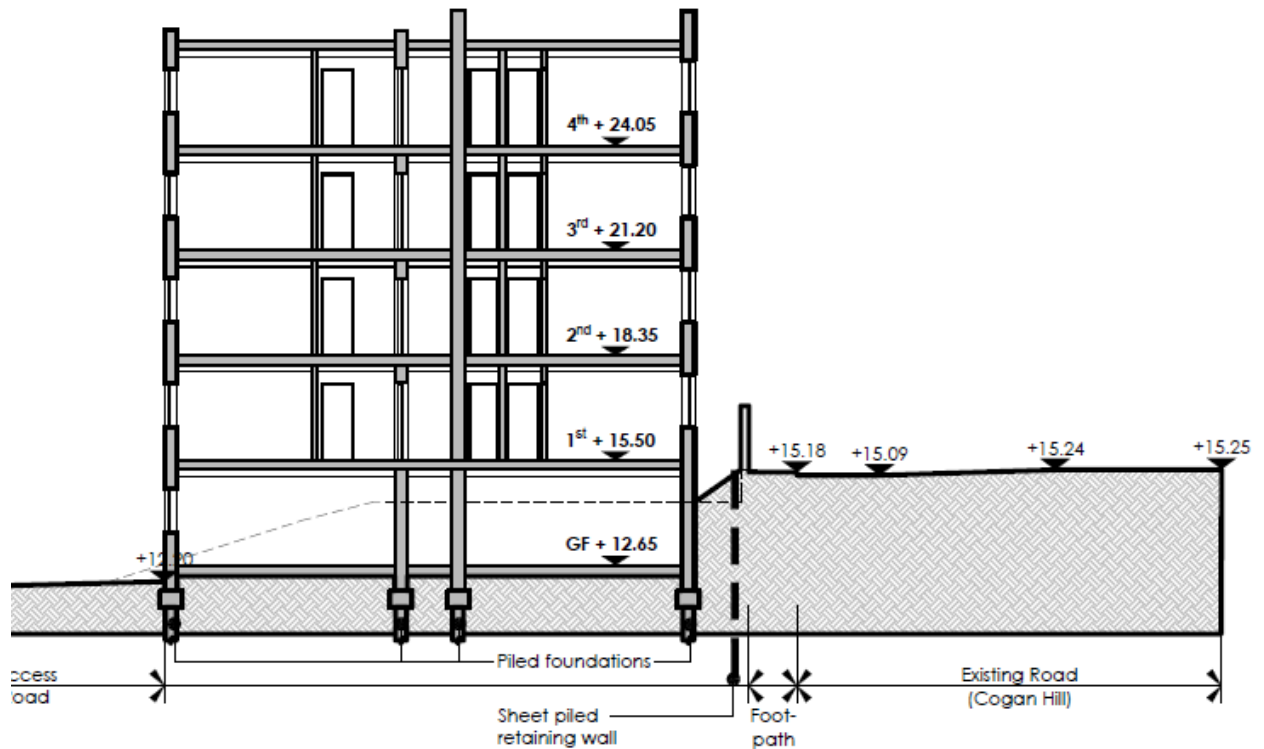
The Highway Development Team have objected to the access proposals (as per the previous application 2011/00284/OUT) at the site due to the close proximity to the nearby road junctions with Cogan Hill and the Cogan railway station Park and Ride, considering that these would create hazards to the detriment of highway safety. They advise the proposed junction arrangement onto Windsor Road, as indicated in the submissions will create a conflict of movements to the detriment of highway safety.

Whilst these concerns are noted, Members are advised that a similar access was proposed under application 2011/00284/OUT, which the committee resolved to approved subject to a legal agreement. Whilst it is noted that the current proposals result in a modest increase in the number of units on the site compared to the previous submissions, it is considered that the scale of development is such that it is unlikely to generate traffic movements to such a degree that it would cause conflict to the detriment of highway safety in the vicinity. The submitted Transport Statement indicates that the proposals would only generate 9/10 peak hour traffic movements which is modest and will not result in unacceptable detriment to highway safety.

It is also relevant to note that the site previously accommodated community uses with access and parking provided in a similar location. Furthermore, the access already exists in that it served the Community Hall onto the site, with this access arrangement being the only feasible option to serve the proposals. Therefore it is not considered that such a reason for refusal could be sustained in this instance.

Highway Structure

The Highway Development Team have also stated that the proposed structure (as illustrated below) that will support the adjacent highway along Cogan Hill, must be located within the extent of the adopted highway. It is also requested that it must be constructed to adoptable standards and offered for adoption by the Highway Authority. This is secured under **Condition 11**.



Transport Hub

The comments raised by the Council's Transport and Road Safety officer are noted which state that the Council have been working with Welsh Government to investigate the use of the site as a transport interchange. Whilst this is noted, the site is not allocated as a transport hub/interchange in the UDP or emerging LDP. On the basis that there is no policy to safeguard the site as a transport hub/interchange, there are no grounds to refuse planning permission, to safeguard an alternative future use of the site.

Parking

A total of 31 car parking spaces are proposed to serve 44 no. residential units. This level of parking does not meet the approved Parking Guidelines which in such areas requires one space per bedroom plus one visitor space for every five dwellings. As such the standards would require a maximum of 64 spaces and 9 visitor spaces.

However, the Parking Guidelines recognises that where sites are in sustainable locations, the parking provision can be reduced. Appendix 6 of the Parking Guidelines states that "sustainability points" will be awarded where developments meet criteria for their proximity, in terms of walking distances to :

- local facilities (food store, leisure centre, schools etc.)
- public transport (bus stop or railway station)
- cycle routes

and frequency of local public transport.

Such an award of these sustainability points can result in a reduction in parking requirement.

Based on the location of the site and its proximity to all of the above facilities and services, the Parking Guidelines would support a reduction of 1 space per unit, which would reduce the overall requirement from 73 to 29.

Moreover, the guidelines recognise that in certain developments such as student accommodation and housing association developments, where there is evidence of low car ownership levels, a relaxation of the parking requirements may be considered. Indeed within the Council's adopted Parking Standards SPG (page 15, point 5) states "*For developments where clear evidence has been supplied that car ownership levels will be lower than normal, a more flexible approach to numbers of parking spaces may be taken*".

Planning Policy Wales (Edition 9, 2016) states that car parking provision is a major influence on the choice of means of transport and the pattern of development. Local authorities should ensure that new developments provide lower levels of parking than have generally been achieved in the past. Minimum parking standards are no longer appropriate (paragraph 8.4.2 refers).

The submitted transport statement provides additional details with regard to lower demand for car parking in association with Housing Association Developments, including details derived from the Census 2011. This information indicates that 23% of households in Wales have no access to a car and 53% of social rented households have no access to a car. This level is consistent with that observed in both the Vale of Glamorgan as a whole (54%) and Cornerswell Ward itself (52%). This figure is significantly lower than that observed in both privately owned and rented accommodation.

The site is well served by public transport (as assessed under Appendix 6 of the Parking Guidelines) with regular scheduled bus services passing along Windsor Road and a regular train service which is adjacent to the site to Cogan Railway station. This provides ready connectivity throughout the Vale of Glamorgan as well as regional destinations such as Cardiff and Bridgend.

In light of the above, given the high proportion of one bedrooms units, the housing tenure and the highly accessible nature of the site and the advice contained within the Wales Parking Standards and Planning Policy Wales, it is considered that the applicant has demonstrated that an appropriate level of parking has been provided.

Ecology

The application has been supported by an Ecological Assessment prepared by David Clements Ecology dated August 2015. This report states that '*overall, the adverse impacts are assessed as affecting mainly the local context, though some small areas of high local value may be adversely affected. The development could potentially have an effect on certain protected species, however provided adequate mitigation is implemented, the redevelopment of this site should be unduly constrained by biodiversity and nature conservation considerations.*'

Following consultation with the Council's Ecologist and Natural Resources Wales, it is considered that there is not an ecological constraint restricting the grant of planning consent. The Council's Ecologist recommends that two conditions be attached to any consent granted with regard to bird boxes and the provision of a method statement for the clearance of the site particularly with regard to breeding birds and reptiles (Conditions 14 and 20 refer).

Trees

The application is supported by a Pre-Development Tree Survey and Assessment prepared by TDA dated 8th April 2016. The tree survey identifies 1 category A (high quality and value) and 2 category B (moderate quality and value) trees although these fall outside of the application area being located within a landscaping area within the adjacent park and ride car parking serving Cogan Station and will be unaffected by the proposed development of the site. In total 11 trees, one group of trees and two areas of shrub are indicated within the confines of the site and would be removed as part of the application although these are all identified as being category C (low quality and value) or category U (to be removed).

Given the low quality of these trees/shrubs, their loss would not represent a reason to refuse planning permission in this instance. It should also be noted that the current application is in outline with landscaping a reserved matter for which further approval is required. Whilst the proposals would result in a significant change and more urban feel to the site, it is however considered that there is scope for additional landscaping within areas to the south, west and north of the site which would assist in softening the impact of the works to some degree.

Being mindful of the above, it is considered that the loss of trees on this site (subject to appropriate conditions relating to ecology) does not represent a reason to refuse planning permission in this instance. An appropriate scheme of landscaping would be considered under any future application for approval of reserved matters.

Noise

The application is supported by an Environmental Noise Survey prepared by Hunter Acoustics dated 29th January 2016. The report indicates that habitable rooms in the eastern elevation facing onto the A4160, will require up-rated double glazing and mechanical ventilation or whole house ventilation systems to ensure desired levels detailed within BS8233:2014, although windows to the western elevation would not require upgraded glazing or ventilation systems.

Windows within the western elevation fall within NEC B. In this regard Technical Advice Note 11: Noise (TAN11 1997) states that *'noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection.'*

Having regard to the guidance contained within TAN11 it is noted that the openings to the north, south and eastern fall within NEC C, which states: *Planning permission should not normally be granted. Where it is considered that permission should be given, for example, because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.*'

Whilst being mindful of the above, it must be noted that the application relates to the provision of affordable housing on a brownfield site at a key entrance to the settlement of Penarth. As highlighted before, there is a significant need for affordable housing within Penarth and the Vale of Glamorgan as a whole, whilst the introduction of a beneficial use to this sustainable and prominent site, would have a significant benefit to the character of the local area. Furthermore the submitted details indicate that appropriate noise mitigation measures can be incorporated within the development that would suitably mitigate the impact of noise upon future occupiers of the dwellings in question, namely through the provision of upgraded thermal glazing and alternative ventilation. In this regard therefore it is considered that this mitigation can be accommodated without fundamentally impacting upon the character and design of the dwellings or upon the visual amenities of the wider area. Following consultation with the Environmental Health Officer they indicated notwithstanding the submitted details, that a noise mitigation scheme should be submitted for approval by the Local Planning Authority. This is required under recommended Condition 12.

In view of the above it is considered that, with appropriate conditions, that the residential development of the site can be controlled in order to ensure that the NEC B and NEC C requirements to control / mitigate development in order to protect residential amenity in line with the requirements of Table 2 of Technical Advice Note 11.

Air Quality

The application site lies in close proximity to but outside of an Air Quality Management Area (AQMA) declared by the Vale of Glamorgan Council due to exceedance of the annual mean nitrogen dioxide objective. The application is supported by an Air Quality Assessment prepared by Air Quality Consultants dated May 2016 and a subsequent addendum in response to comments raised by the Council. These documents measured Nitrogen Dioxide levels at a number of receptor points within close proximity to and from within the site. The assessment concludes that *'Overall, the air quality impacts of the proposed development are judged to be 'not significant'.*

With regard to future residents of the proposed flats the report states that *'air quality conditions for new residents within the proposed development have also been considered. Pollutant concentrations are predicted to be below the air quality objectives at the worst-case locations assessed, and air quality conditions for new residents will be acceptable.'*

It is noted that some representations have been raised with regard to existing air quality at and near to the site. The Council's Specialist Services Officer relating to air quality aspects, initially considered the details within the submitted report requested clarification on further issues including the likely impact upon the nearby "street canyon" within the AQMA at Windsor Road. The assessment states that *'for the purposes of modelling, it has been assumed that the front façade of the existing properties along part of Windsor Road are within a street canyon formed by these buildings. This road has a number of canyon-like features, which reduce dispersion of traffic emissions, and can therefore lead to concentrations of pollutants being higher here than they would be in areas with greater dispersion. Windsor Road is not a full canyon however, as there are gaps between buildings allowing a reasonable level of near-road dispersion.'* As such they indicate that the assessment has been conducted on a worst-case approach. A diagram showing the modelled street canyon, application site and receptor points is shown below:



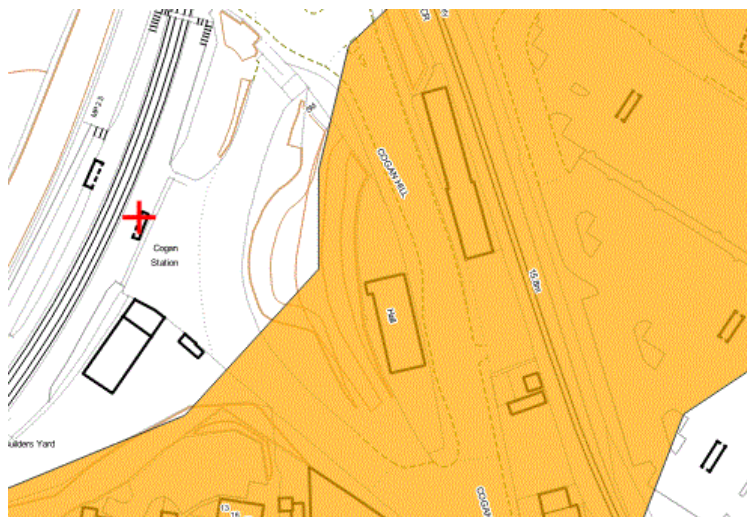
The assessment indicates that an increase in road users associated with the development will result in 'negligible impact on nitrogen dioxide, PM10 and PM2.5 concentrations at sensitive locations. Concentrations will remain below the air quality objectives at existing local properties, including those within the AQMA.'

Further to the previous committee meeting, further comments have been sought from the Air Quality Officer with regard to the proposals. Following this they confirm that the “street canyon” effect has been adequately dealt with through the original submission and addendum. They did however raise queries with regard to more recent air quality readings due to elevated levels recorded at a nearby monitoring station. Following the submission of a further report, the Air Quality Officer confirmed that they were satisfied with the conclusions and methods of the report and are satisfied with the conclusions of the report that following *‘analysis of additional data that have become available since the assessment was prepared indicates that the conclusions remain valid, and air quality will be acceptable for occupants of the proposed development.’* The Air Quality Officer has also confirmed verbally that they do not believe that the proposals would result in an increased ‘canyoning’ effect or extension of any ‘canyon’ and a written confirmation of such will be provided to members at the committee meeting.

Being mindful of the submitted details and the comments of the air quality officer, it is not considered reasonable to refuse the application because of existing air quality concerns and the scale and type of development itself (i.e. 44 flats with reduced parking levels) would not significantly affect traffic pollution levels given the relatively low trip generation resulting from the development of the site. The Air Quality Officer confirms that they are satisfied with the submissions, subject to further details relating to control and monitoring of dust levels during the construction process. It is considered that this can be controlled through a construction environmental management plan that would be secured by way of planning condition attached to any permission given (condition 9 refers).

Drainage and flooding

The application site falls within Flood Zone B as designated by the Welsh Assembly Governments Development Advice Maps (DAM) as shown on the map below:



Flood Zone B is defined as *'areas known to have been flooded in the past evidenced by sedimentary deposits'*. The site may therefore be at risk from tidal or fluvial flooding. It is also noted that NRW maps indicate that there is a high risk of surface water flooding to the north of the site, whilst the Council's drainage engineer indicates that there are known capacity issues on the surface water network in this area. The application as initially submitted was not supported by a Flood Consequences Assessment (FCA) and as such the Council's Drainage Engineer raised an objection pending the submission of this document. An FCA prepared by JBA Consulting dated September 2016 was subsequently submitted. This assessment concludes that *'the risk of flooding at the proposed site following mitigation is low and flood consequences within the site and to third parties are considered acceptable, The proposals are therefore compliant with the requirements of TAN15.'*

The submitted FCA indicates mitigation measures for the surface water flood risk at the site, including geocellular storage tanks which will discharge to the public sewer, whilst further water would pond on the surface to the north of the site. Following receipt of this information the Council's Drainage Engineer does not object to the proposals subject to conditions requiring a scheme of surface water drainage to be submitted for approval and also relating to details of the adoption and maintenance of all drainage systems. Dwr Cymru Welsh Water also do not object to the development of the site subject to a condition requiring a comprehensive drainage scheme to be submitted for approval, whilst indicating that all alternative options for surface water proposals should be considered prior to connection to the public sewerage network.

It is also noted that Dwr Cymru Welsh Water detail that the site is crossed by a public water sewer and combined public sewer indicating that works should be restricted within close proximity of these services. From examining the submitted plans it would appear that the works would not be within these areas although an informative would be attached to any permission granted in this regard.

Being mindful of the above, it is considered subject to appropriate conditions (see conditions 6 and 7) that drainage and flooding do not represent a reason to refuse planning permission in this instance.

Land contamination

The application has been supported by a Site Investigation Report prepared by Integral Geotechnique dated May 2015. The submitted report indicates that there would be limited risk to future occupiers of the development from potential contaminants on the site. Following consultation with the Council's Environmental Health Officer, they do not raise an objection subject to the works being undertaken in accordance with recommendations contained within the submitted within the report. (Condition 18 refers)

S106 Planning obligations

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. The SPGs 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 updated Draft Planning Obligations SPG (approved by Cabinet on 14 December, 2015 and at the Council's Economy and Environment Scrutiny Committee on 5th January) is now used as a material consideration in the Development Management process.

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 6th 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 seeks outline planning permission for the development of 44 affordable units on a brownfield site within the settlement of Penarth.

Officers have considered the need for planning obligations based on the 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. An application of this type would usually require contributions in terms of affordable housing, education, public open space, public art and community facilities. The relevant planning obligation issues are outlined below followed by analysis of the development viability issues affecting the deliverability of such obligations.

Viability

Following discussion with the applicant, they have indicated that due largely to significant abnormal costs associated with the development of the site (including groundworks, retaining works and potential asbestos within the existing building), that they would be unable to provide the required S106 contributions in full. The applicant has submitted further information in this respect and it is considered that they have satisfactorily demonstrated that the viability of the development would be undermined by the level of contributions that would be sought in respect of these issues in accordance with the SPG. It should also be noted that the applicant in this case, is a non-profit making organisation. However, the applicant has offered to provide a contribution of £50,000 to seek to offset, to some degree, the impacts of the development of this site.

Welsh Assembly Government advice contained in "Delivering Affordable Housing Using Section 106 Agreements: A Guidance Update" (2009) makes it clear that development viability is a material consideration in determining planning applications. It states: "The two key issues for local planning authorities in terms of viability in a volatile and uncertain market are: how to be convinced that the scheme is unviable with S106 contributions in full [...]; and what to do once they are convinced."

Affordable Housing

The application proposes 100% affordable housing and exceeds the Council's Policy requirements in respect of Affordable Housing.

In terms of the need for a legal agreement to secure the properties as affordable housing, the following advice in TAN 2 is noted:

"12.2 Development plans and/or Supplementary Planning Guidance (SPG) should set out the circumstances where local planning authorities will use planning conditions or planning obligations to ensure that the affordable housing provided is occupied in perpetuity by people falling within particular categories of need. Local planning authorities should not normally impose additional occupancy controls where a registered social landlord is to be responsible for the management of the affordable housing"

In this case the applicant (Hendre) are one of the Council's partner RSLs and therefore, in line with the above advice, it is considered that a condition rather than a legal agreement is appropriate to secure the affordable housing tenure of the scheme.

Education

All new residential developments which are likely to house school aged children create additional demand on places at existing schools. PPW (ed. 9,2016) Paragraph 4.4.3 emphasises that in order to achieve a 'More Equal Wales', development should promote access to services like education. PPW recognises that education is crucial for the economic, social and environmental sustainability for all parts of Wales. It makes it clear that development control decisions should take account of social considerations relevant to land use issues, of which education provision is one.

UDP Policy HOUS8 permits new residential development within settlements, provided that, amongst other things, adequate community and utility services exist, are reasonably accessible or can be readily and economically provided. Education facilities are clearly essential community facilities required to meet the needs of future occupiers, under the terms of this policy. Whilst the Council's Unitary Development Plan (1996-2011) is time-expired, this policy remains in line with national guidance contained within PPW.

The Council's formula for calculating pupil demand contained in the Planning Obligations SPG (including 18% fees) indicates that the development of 20 two bedroom dwellings (minus 24 one bedroom flats) would ordinarily generate the need for education facilities for 2 nursery school age children, 6 primary school age children, 4 secondary (aged 11-16) school age children and 1 secondary place for pupils post-16years. Following consultation with the Council's Education section they considered given current capacity that contributions towards only nursery and primary school would be required.

Based upon the Council's formula and capacity at local schools, the Council would under normal circumstances seek to secure the following as a section 106 contribution for Education provision:

- Nursery school children – 2 children x £17,446 = £34,892
- Primary school children – 5 children x £17,446 = £87,230

In total, the Council would ordinarily require the developer to pay a contribution of £122,122 towards education facilities (based on the SPG requirement at the time the application was submitted). Following consultation with local members it was considered that the money offered by the developer would be best used to mitigate the impact of the development upon local schools and as such officers recommend that members agree that the £50,000 referred to under "viability" be spent to improve local education facilities near to the site including at Cogan Primary School and Ysgol Pen Y Garth.

Sustainable Transport, Community Facilities and Public Art

The size of the development is such that contributions would normally be sought in respect of sustainable transport facilities, community facilities and public art. These issues have been discussed with the applicant, however, the Housing Association have advised that the scheme would be unviable if commitment was made to further contributions.

Being mindful of Welsh Assembly Government guidance aforementioned and the viability information submitted by the applicant satisfactorily demonstrate that the development would be undermined should further contributions be sought in respect of these issues.

In addition to the above, it is accepted that the site is located in a highly sustainable location and the development itself would result in significant benefits, both in terms of the level of affordable housing provision which would help to address an identified shortfall and the redevelopment of a vacant, brownfield site at a prominent location.

It is, therefore, considered that there are material considerations in this specific case, given the viability issues raised and the level of affordable housing being provided, that support the adoption of a flexible approach in terms of these issues. Accordingly, contributions are no longer sought in this case in respect of sustainable transport, community facilities and public art.

Planning obligations administration fee:

Separate to any planning 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% of the application fee or 2% of the total level of contributions sought whichever is the higher. In this instance the administrative fee would be £1,000.

RECOMMENDATION

Approve

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

- The developer shall pay the sum of £50,000 towards local education facilities at Cogan Primary School and Ysgol Pen Y Garth

and in addition, to pay £1,000 to implement and monitor the terms of the legal agreement.

APPROVE subject to the following conditions(s):

1. Approval of the landscaping of the development (hereinafter called "the reserved matters") shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Reason:

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

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

Reason:

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

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

(a) The expiration of five years from the date of this permission.

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

Reason:

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

4. Plans and particulars of the reserved matters referred to in condition 1 above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

The application was made for outline planning permission and to comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

5. The development shall be carried out in accordance with the following approved plans and documents:

Site Location Plan LP01; Design and Access Statement Rev. B_18.01.16; Ecological Assessment dated August 2015 prepared by David Clements Ecology LTD; Environmental Noise Survey 3691/ENS1 prepared by Hunter Acoustics dated 08 February 2016; Pre Development Tree Survey and Assessment dated April 2016 prepared by TDA received 8 April 2016; Planning Statement prepared by Asbri and Site Investigation Report prepared by Integral Geotechnique dated May 2015 received 19 April 2016; Air Quality Assessment: Cogan Hill and Response to Council Comments on Air Quality Assessment: Cogan Hill both prepared by Air Quality Consultants received 23 May 2016; Transport Statement prepared by Asbri Transport dated July 2016 received 27 July 2016; Flood Consequence Assessment dated September 2016 received 10 October 2016; Proposed site sections A-A & B-B ref SS01 Rev C, Proposed site sections C-C & D-D ref SS02 Rev C, Proposed site sections E-E ref SS03 Rev C received 28 November 2016; Proposed site layout SL03, Proposed Elevations East & North PE01 Rev C received 7 December 2016; Proposed Elevations West & South PE02 Rev C, Proposed plans Ground Floor and First Floor PL10 Rev D, Proposed Plans Second floor/third floor, Proposed Plans Fourth Floor PL12 Rev C received 16 January 2017

Reason:

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

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 and to ensure compliance with Policy ENV27 of the Unitary Development Plan

7. A scheme for the comprehensive and integrated drainage of the development site, including details of how foul water, surface water and land drainage will be dealt with shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The approved scheme of drainage shall be implemented and completed in full accordance with the agreed details prior to the first operational use of the business and/or occupation of the dwelling on the site.

Reason:

To ensure the effective drainage of the site and that no adverse impact occurs to the environment in accordance with Policies ENV27-Design of New Developments and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

8. The implemented drainage scheme for the site required by condition 7, should ensure that all foul and surface water discharges separately from the site and that land drainage run-off shall not discharge, either directly or indirectly, into the public sewerage system.

Reason:

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

9. No Development shall take place until there has been submitted to, approved in writing by the Local Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated. The CEMP will utilise the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk). 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.

10. Prior to the commencement of development, details of the finished levels of the site and the proposed building 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 visual amenities are safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

11. Notwithstanding the details submitted, prior to the commencement of development, full details of a scheme of retaining works to support the adjacent highway (which shall be adoptable standards) shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out and completed in full accordance with the approved details prior to the beneficial occupation of the dwellings hereby approved.

Reason:

In the interests of preserving the integrity of the adjacent highway and interests of highway safety.

12. Notwithstanding the submitted details, further details of the noise mitigation measures within the building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The submitted scheme shall ensure that all rooms achieve an internal noise level of 35dBA by day and 30dBA by night and that a LAmaxfast of 45dB is not exceeded. The mitigatory measures identified shall be implemented in accordance with the approved details prior to the beneficial occupation of the dwellings and therefore retained at all times.

Reason:

In the interests of the amenities of future occupiers of these dwellings in accordance with policies ENV27 and ENV29 of the Development Plan and the advice contained within Technical Advice Note 11: Noise.

13. Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that the dwellings are designed and constructed so as to ensure that vibration dose values do not exceed 0.4m/s^{1.75} between 07.00 and 23.00 hours, and 0.26m/s^{1.75} between 23.00 and 07.00 hours, as calculated in accordance with BS 6472-1:2008, entitled "Guide to Evaluation of Human Exposure to Vibration in Buildings", [1Hz to 80Hz]. The dwellings shall be constructed in accordance with the approved scheme and therefore retained at all times.

Reason:

To ensure that the amenities of future occupiers are protected.

14. Prior to the commencement of any development works (including site clearance and demolition), a Method Statement for site clearance methodology with respect to reptiles and breeding birds shall be submitted to, and approved in writing by the LPA. The works shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of ecology on site and to safeguard protected species to meet the requirements of Policy ENV16 of the Unitary Development Plan.

15. The development shall not begin until a scheme for the provision of affordable housing has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Planning Policy Wales Edition 9 or any future guidance that replaces it. The scheme shall include:

- i) the arrangements for the management of the affordable housing;
- ii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iii) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason:

To ensure that the development is kept in perpetuity as an affordable housing scheme, and to ensure compliance with Policies ENV27 and HOUS8 of the Unitary Development Plan.

16. The dwellings hereby approved shall not be brought into beneficial use until the approved access has been constructed in accordance with the approved plans and the access shall thereafter be so retained to serve the development hereby approved.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

17. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details shown on the approved plans and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

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

18. The cycle parking shown on the approved plans shall be completed prior to the first beneficial occupation of the development hereby approved and thereafter kept free of obstruction and available for the parking of cycles associated with the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that satisfactory parking for cycles is provided on site to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

19. All ground remediation works shall be carried out in accordance with the 'Site Investigation Report prepared by Integral Geotechnique dated May 2015' and should during the works further contamination be encountered which has not previously been identified, then details of the assessment of any additional contamination and an appropriate remediation scheme shall be submitted to and agreed by the Local Planning Authority. Upon completion of works, a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the agreed remediation works are complete, quality assurance certificates and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, shall be submitted and approved by the Local Planning Authority. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented and at all times carried out as approved.

Reason:

In the interests of public safety, and to ensure compliance with Policies ENV7, ENV26 and ENV29 of the Unitary Development Plan.

20. Prior to the first beneficial occupation of the development hereby approved, a Travel Plan shall be prepared to include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use. The Travel Plan shall thereafter be implemented in accordance with the approved details.

Reason:

To ensure the development accords with sustainability principles and that site is accessible by a range of modes of transport in accordance with UDP Policies 2, 8 and ENV 27 (Design of New Developments).

21. Details of 2 no. bird boxes shall be submitted to and approved in writing by the local planning authority prior to the beneficial occupation of the building. The boxes shall be installed in accordance with the approved details prior to the first beneficial use of the site for residential purposes and shall be so retained on site at all times.

Reason:

In the interests of ecology on site and to safeguard protected species to meet the requirements of Policy ENV16 of the Unitary Development Plan.

22. From first beneficial occupation the dwellings hereby approved shall all be affordable housing as defined in TAN 2. Prior to beneficial occupation of any of the dwellings a scheme for the provision of affordable housing shall be submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in TAN 2, or any future guidance that replaces it. The scheme shall include:

- i) the arrangements for the management of the affordable housing;
- ii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iii) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason:

To ensure that the development is kept in perpetuity as an affordable housing scheme, and to ensure compliance with PPW and TAN 2.

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, ENV26-Development of Contaminated Land and Unstable Land, ENV27-Design of New Developments, ENV28-Access for Disabled People, ENV29-Protection of Environmental Quality, HOUS2-Additional Residential Development, HOUS8-Residential Development Criteria, HOUS12-Affordable Housing, TRAN10-Parking, Strategic Policies 1 and 2-The Environment, 3-Housing and 8-Transportation of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance, including Amenity Standards, Trees and Development, Biodiversity and Development, Draft Affordable Housing, Draft Planning Obligations, Parking Standards and Model Design Guide for Wales; and national guidance contained in Planning Policy Wales, TAN1-Joint Housing Land Availability Study, TAN2-Planning for Affordable Housing, TAN5-Nature Conservation and Planning, TAN10-Tree Preservation Orders, TAN12-Design, TAN15-Development and Flood Risk, , it is considered that the proposal represents an acceptable form of residential redevelopment of the site that should not result in any significant harm to the visual amenity of the area. The proposal should also not detract from the neighbouring and general residential amenities of the area or highway safety. In addition, subject to appropriate conditions, there should be no detriment to ecology interests on the site, and sufficient evidence has been submitted to show that there would not be unacceptable harm caused by noise or air pollution from or impacting upon the development, and that provisions for the adequate drainage of the site can be made.

It is considered that the development complies with the sustainable development principle and satisfies the Council's well-being objectives in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

NOTE:

- 1. In accordance with the advice of the National Assembly for Wales regarding development of contaminated land I am giving you notice that the responsibility for safe development and secure occupancy of a site rests with the developer. Whilst the Council has determined the application on the information available to it, this does not necessarily mean that the land is free from contamination.**
- 2. This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**
- 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. The proposed development site is crossed by a public sewer. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Dwr Cymru Welsh Water's Network Development Consultants on 0800 9172652.**

5. In order to comply with Section 71ZB(5) of the Town and Country Planning Act 1990 (as amended), the applicant/developer must complete a 'Notification of initiation of development' form, which can be found in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. The notification shall be submitted in the form specified to the Local Planning Authority.

At all times when the development is being carried out, a notice shall be firmly affixed and displayed in a prominent place at or near the place where the development is being carried out. The notice shall be legible and easily visible to the public without having to enter the site and printed on a durable material. The notice shall be in the form specified in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

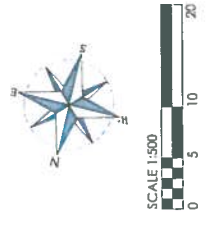
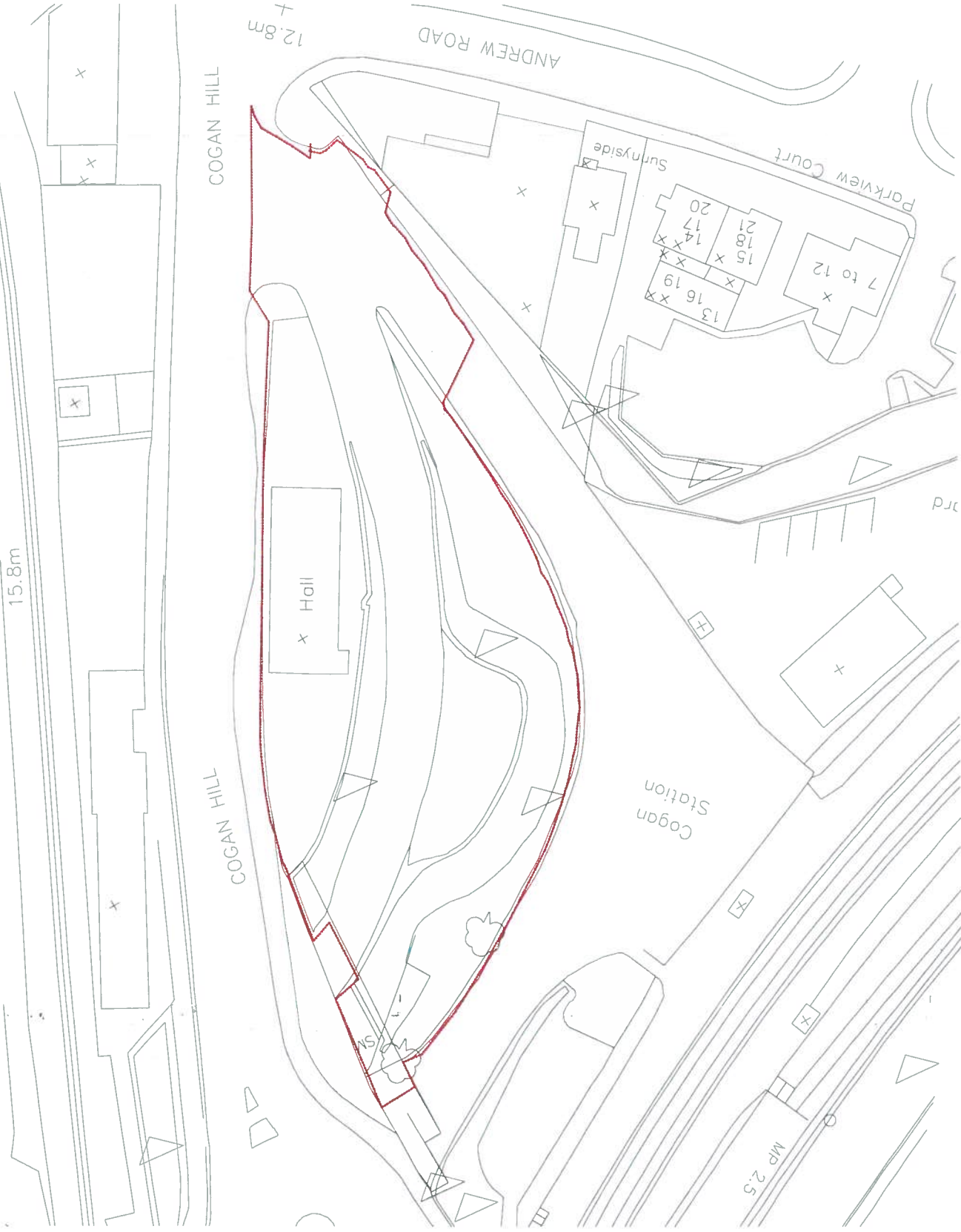
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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

2016/00115/out.



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Jehu/ Hendre

COGAN Penarth

LOCATION PLAN

| job no. | drawn by | date | checked by |
|---------|------------|----------|------------|
| 225 | LP 01 | | |
| scale | 1:500 @ A3 | 12/01/16 | CD |

2016/00659/FUL Received on 28 June 2016

Mr. Steve Simpson Equorium, c/o Agent
John Wotton John Wotton Architects, Greyfriars House, Greyfriars Road, Cardiff,
CF10 3AL

Ashdene Manor, Bridgeman Road, Penarth

Conversion of existing building into 3 apartments with new build extensions of 6 apartments

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Cllr. Clive Williams due to concerns over the accuracy of drawings, impact on neighbours and structural implications of the proposed work.

EXECUTIVE SUMMARY

The proposal seeks to convert and extend the existing dwelling in the Penarth Conservation Area to provide nine apartments. A previous application (2013/00268/FUL) for a different scheme providing a total of seven apartments was withdrawn prior to determination.

There have been letters of objection from three neighbours citing the following issues:

- Not fitting in with the Conservation Area;
- Increased parking and traffic on Bridgeman Road;
- Overdevelopment of the site;
- Overlooking neighbours; and
- Impact to boundary retaining walls.

The main issues are considered to be:

- The effect of the proposed development on the character and appearance of the Conservation Area and Windsor Gardens Registered Park;
- The size and design of the proposed extensions;
- The impact on neighbouring properties; and
- Access and parking.

The application is recommended for approval subject to a Section 106 legal agreement securing affordable housing and open space contributions.

SITE AND CONTEXT

The site consists of a large three-storey house known as Ashdene, together with its curtilage, within a residential area in the settlement of Penarth. The property is currently vacant and has been for some years.

The area is characterised by large detached dwellings, set within large curtilages. The site is within the Penarth Conservation Area, noted for its late Victorian architecture. This area is also noted within the Penarth Conservation Area Appraisal and Management Plan 2011 as characterised by spacious plots, extensive gardens, set back frontages and high boundary walls. Ashdene is typical of the character of this area and is identified as a 'Positive Building.'

The house has a facing red brick façade under a slate roof with tall chimneys and ornate metal work to balustrades and canopies. There is a high stone wall to the front boundary, with access off Bridgeman Road. The property has an area of hardstanding to the front and a large garden to the rear, which backs onto Windsor Gardens (a Cadw/ICOMOS Registered Park/Garden).

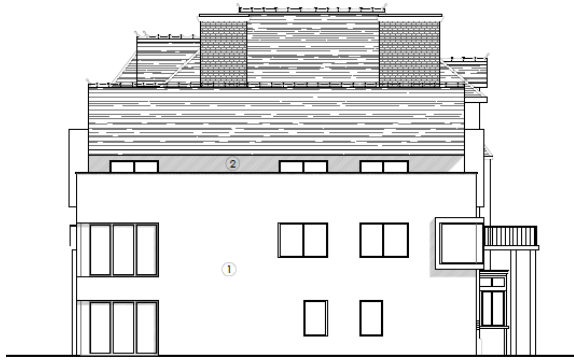
The Esplanade and the coastline are in close proximity to the east. Ashdene is on a significantly higher ground level than the Esplanade as the land rises towards the west. This results in Ashdene being relatively prominent when viewed from surrounding areas.

DESCRIPTION OF DEVELOPMENT

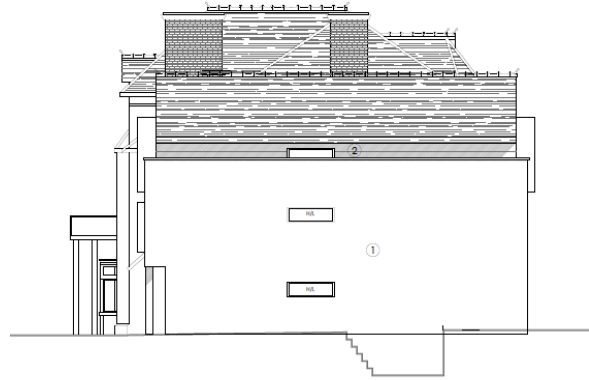
The application relates to amended plans received on 28 September 2016. The proposal seeks to convert and extend the existing dwelling to provide nine apartments. This would be achieved by converting the existing house and adding extensions to either side to provide three apartments on each level as shown on the plans below.



Proposed East (Rear) elevation



Proposed north side elevation



Proposed south side elevation



Proposed West (Front) Elevation



Proposed site layout

The proposed extensions are to the side of the existing house, which would require the removal of some existing features such as the side entrance to the house and the canopies. The side extensions are set lower than the existing house, with brick, 'Portland stone' and zinc proposed for the elevations. The proposal is of an overtly contemporary nature although reflecting some of the characteristics of the host building and the wider conservation area.

The extensions would extend approximately 8.7m from the existing side elevations and both extensions would extend back approximately 15m from their front elevations. Both extensions are set back from the front elevation.

Access into the site is as existing, with vehicular access off Bridgeman Road to the front. Eleven parking spaces are provided to the front of the building. The front of the building would be primarily hardstanding for the parking provision, although there is a large garden area to the rear with boundary landscaping, together with pedestrian access into Windsor Gardens on the rear boundary.

There is a large rear garden, which is to be used as a communal amenity space for future occupants.

PLANNING HISTORY

2013/00268/FUL: Ashdene Manor, Bridgeman Road, Penarth - Conversion of Ashdene Manor existing building into three apartments with extensions providing a further four apartments with associated appropriate cycle and car parking and amenity spaces. Apartments all being two bed with en-suite - Withdrawn 24/02/2015

1989/01210/FUL: Ashdene, Bridgeman Road, Penarth - Alterations to existing boundary wall to existing dwelling - Approved 17/11/1989 (case officer - AF)

1986/00841/FUL: Ashdene, Bridgeman Road, Penarth - Renewal of 81/01474, change of use to nursing home - Approved 04/11/1986

1981/01474/FUL: Ashdene, Bridgeman Road, Penarth - Change of use to Nursing home - Approved 15/10/1981

CONSULTATIONS

Penarth Town Council - were consulted on 4 July 2016. They objected to the application as follows:

“THAT the application be REFUSED on the basis of

- 1) The plans don't fully reflect reality; neighbour extensions exists a lot closer to the boundary to that on the plan.
- 2) Aware of structural problems on both sides of the party wall.
- 3) Visually disturbing and detrimental to the conservation area.
- 4) Overly large for a footprint.
- 5) Need to see a sympathetic proposal to Ashdene Manor and also Normandy next door.”

Highway Development - advised they have no objections, but required 16 parking spaces, turning space within the site and a 4.8m wide access onto Bridgeman Road.

Environmental Health (Pollution) - were consulted on 4 July 2016. No comments have been received to date.

The local ward members - were consulted on 4 July 2016. Cllr. Williams has requested the application be called in for determination by Planning Committee.

Dwr Cymru Welsh Water - advise they have no objection subject to standard drainage conditions being imposed.

The Ecology Officer - was consulted on 4 July 2016. No comments have been received to date.

Estates (Strategic Property Estates) - noted the site shares a boundary with asset number 02163 [Windsor Gardens] which must not be interfered with.

Waste Management - were consulted on 4 July 2016. No comments have been received to date.

Cadw - advised that if the planning application were approved then any original Victorian features in the garden should be retained to enhance the setting of the Victorian Villa and Windsor Gardens.

Housing Strategy - advised that "As this proposal constitutes a net gain of 8 units, under the thresholds set by 5.10 of the draft Supplementary Guidance for affordable housing, we would expect to see provision of 40% affordable homes in the Penarth ward, plus a 0.2 contribution of the AHC. In addition we ask for a tenure mix of 70% social rented and 30% intermediate units."

REPRESENTATIONS

The neighbouring properties were consulted on 4 July 2016 and a site notice was also displayed on the 30 September 2016. The application was also advertised in the press on 5 July 2016. There have been three letters of objection, citing issues summarised below:

- Not fitting in with the conservation area;
- Increased parking and traffic on Bridgeman Road;
- Overdevelopment of the site;
- Overlooking neighbours; and
- Impact to boundary retaining walls.

Please see **Appendix A** for copies of the letters received from neighbours to the site.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

POLICY ENV16 – PROTECTED SPECIES
POLICY ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT
POLICY ENV20 – DEVELOPMENT IN CONSERVATION AREAS
POLICY ENV21 – DEMOLITION IN CONSERVATION AREAS
POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS
POLICY HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT
POLICY HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY
HOUS 2 SETTLEMENTS
POLICY HOUS11 - RESIDENTIAL PRIVACY AND SPACE
POLICY TRAN10 – PARKING

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, both chapters 2 and 4 of Planning Policy Wales (Edition 9, 2016) provide the following advice on the weight that should be given to policies contained with the adopted development plan:

'2.14.4 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 9, 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, paragraph 4.2.2 in particular states **“The planning system provides for a presumption in favour of sustainable development** to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when [...] taking decisions on individual planning applications”

Chapter 6 of PPW sets out the Welsh Government's guidance for preserving and enhancing the historic environment. Para 6.5.21 is of particular relevance "There will be a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour of development considered desirable on the grounds of some other public interest. Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area."

Chapter 9 of PPW is of relevance in terms of the advice it provides regarding new housing. In particular paragraph 9.3.4 is of relevance which states "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)

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
- Affordable Housing
- Penarth Conservation Area
- Planning Obligations
- Trees and Development
- Penarth Conservation Area Appraisal and Management Plan

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Examination Stage having submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public commenced in January 2016. Following the initial hearing sessions the Inspector gave the Council a number of Action Points to respond to. The Council has considered and responded to all Action Points and has produced a schedule of Matters Arising Changes, which are currently out to public consultation. Further hearing sessions will be held in January 2017.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.8.1 of Planning Policy Wales (Edition 9, 2016) is noted. It states as follows:

*'2.14.1 The weight to be attached to an **emerging LDP** (or revision) when determining planning applications will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances.'*

In line with the guidance provided above, the background evidence to the Deposit Local Development Plan that is relevant to the consideration of this application insofar as it provides factual analysis and information that is material to the issues addressed in this report in particular, the following background papers are relevant:

- Affordable Housing Viability Update Report (2014) (Also see LDP Hearing Session 6 Action Point 3 to 9 responses)
- Affordable Housing Delivery Update Paper (2016) (LDP Hearing Session 6 Action Point 2 response)
- Vale of Glamorgan Local Housing Market Assessment (LHMA) 2015
- LDP Housing Land Supply Trajectory 2011-26 (September 2016) (LDP Hearing Session 2 and 3, Action Point 4, 6, 7, 9 and 10 response)
- Housing Provision Background Paper (2015) (Also see LDP Hearing Session 2 and 3 Action Point 3 and 5 response)
- Housing Supply Background Paper (2013) (Also see LDP Hearing Session 2 and 3 Action Point 5 response)

- Joint Housing Land Availability Study (2014)
- Vale of Glamorgan Housing Strategy - (2015-2020)
- Population and Housing Projections Background Paper (2013)
- Small Sites Viability Report (2013)
- VOGC and DCWW Statement of Common Ground (2016) (LDP Hearing Session 4, Action Point 2 response)
- Open Space Background Paper (2013)

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations
- Welsh Office Circular 61/96 - Planning and the Historic Environment: Historic Buildings and Conservation Areas (as amended)
- Section 72(1) of the 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.*

Well Being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to 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 reaching the recommendation set out below, 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.

Procedural Note

Concerns have been raised regarding the accuracy of the drawings with particular reference to the extension to the neighbouring property Ty-Llwyd not being shown in the submission. This was raised with the agent and it is noted that this has been taken from the Ordnance Survey base. Whilst the OS mapping and the application drawings do not show this information the impacts of the proposal were assessed as part of the site visit undertaken in consideration of the application. Therefore, the report below considers the 'as existing' situation in reaching a conclusion.

Following the deferral of the application at the planning committee of 3 February 2017 a plan indicating the extent of the extension has been submitted by the applicant's agent (Drawing AP400).

Issues

The main issues are considered to be the effect of the proposed development on the character and appearance of the Conservation Area and Registered Park, the size and design of the proposed extensions and alterations, the impact on neighbouring properties, and access, parking and amenity space.

Principal of Development

The proposals are for the conversion, alteration and extension of the large three storey detached house into nine two-bed apartments over three floors of accommodation.

The site is within the 'Settlement Boundary' of Penarth as defined in the UDP and therefore there is no objection to the principle of the proposed residential development in this location (UDP Policy HOUS2 - Additional Residential Development refers). However, this would be subject to the criteria found with UDP Policy HOUS8 (Residential Development Criteria), which includes consideration of such issues as design, neighbour impact and parking provision.

The house and its plot are considered large enough for a conversion to apartments. There are also other examples of converted large dwellings in the vicinity and therefore this proposed conversion would not be out of character with the area.

Size and Design, and the Effect on the Character and Appearance of the Conservation Area

The proposals relate to a large and prominent detached dwelling in the Penarth Conservation Area. The house is also adjacent to the historic Cadw/ICOMOS registered Windsor Gardens, which is east of the site towards the Esplanade and coast. Considering the above, UDP Policies ENV20 (Development in Conservation Areas) and ENV17 (Protection of Built and Historic Environment) are relevant as part of the assessment of the proposed development. The Penarth Conservation Area Appraisal and Management Plan identified Ashdene as within the Esplanade and Gardens Character Zone and states that certain dwellings within this zone are 'Showpiece Elements'. Ashdene, together with the neighbouring properties either side, are considered as such showpiece elements.

The proposed conversion includes extensions to either side of the original house. These are substantial extensions, projecting towards the side boundaries. However, both side extensions are to be set with their eaves and ridges lower than the height of the eaves and ridge to the original house. This allows for the extensions to appear subservient, which is considered a suitable approach. The extensions are visually separated by a 'glazed link' which encloses circulation and lift access to the various apartments. This approach, in principle, is considered an appropriate form of development within the historic environment. It provides a clear demarcation between the historic building and the proposed extensions.

The extensions to either side lie approximately on the building line formed by the original house. The proposed side extensions would project approximately 1.3m further into the rear garden area than the original house, though this is not an unusual feature of extensions and it is considered the rear garden area is large enough to accommodate the additions to the house.

The site boundaries also taper so that the frontage to Bridgeman Road is significantly wider than the rear frontage to Windsor Gardens. Concerns have been raised in the process of this planning application that the side extensions submitted in the originally proposed plans projected too close to the boundary of the site. The area is characterised by large houses, often within spacious plots. It was considered that the proposed extensions should be set off the boundary and not span with width of the site, to improve the scale of the development and to help retain the spacious character.

The extensions to the side of the house as proposed have been amended and set off the boundary. The gap is approximately 4m from the front corner of the proposed extension with the boundary with Ty Llwyn (to the south). Also there is a gap of approximately 6m to the side of the extension with the boundary with Normandy to the north. These gaps between the proposed extensions and the boundary ensure some degree of visual separation remains and will also allow for further landscaping to the side boundaries, especially towards Normandy (to the north-east).

The neighbouring property, Normandy, also has had a similar scaled residential proposal approved under application 2004/01645/FUL although this has not been implemented. This proposal included a two storey section of residential development built off the boundary wall with Ashdene.

Overall, whilst the extensions proposed are substantial, this is a large plot which can accommodate such a development. It is also noted that there are other developed plots within the vicinity of similar scales. As such, the proposed development would not be uncharacteristic with other developments in the area.

From a design perspective, an unashamedly contemporary approach has been adopted, although the extensions do reflect some of the characteristics of the wider conservation area. This includes the vertical emphasis of the windows and the pitch of the roofs. The use of brick and 'Portland stone' is intended to reflect characteristic materials of the conservation area whilst not masking the contemporary nature of the extensions. The north side elevation facing towards the boundary with Normandy is particularly sensitive as this elevation is prominent, with Normandy being on a significantly lower level. This elevation has been amended to include enhanced detailing, including increased vertical emphasis with the windows, which is considered to improve the appearance of this elevation. However, it is considered that a condition should be included to require samples of materials to ensure their suitability in preserving the character or appearance of the Conservation Area.

The proposed extensions do not have the same level of detailing as the original house, although given the contemporary nature of the proposal this is considered appropriate and would maintain the primacy of the original house and its features. The extensions, as shown on the plans, appear to reflect the proportions of the original house without attempting to mimic every detail and feature. This is considered a suitable approach and the overall design and appearance of the extensions should not result in any adverse impact to the character of the Conservation Area.

The house is currently in need of repair works and it is considered that the development will result in improvements to this building, which is prominent and is considered to make a positive contribution to the character and appearance of the Conservation Area. As such, it is considered that the proposed development would enhance the Conservation Area through the restoration of this significant building, albeit with the addition of new extensions. It is noted that the proposals would result in the loss of some historic features of the house, such as the side and rear canopy and the side entrance. Whilst the loss of these features is regrettable it is considered to be acceptable especially having regard to the overall improvement in the condition of the building that would result from the development. However, the quality of detailing to these elements of new build which makes reference to the original features is crucial and will be controlled by condition.

Neighbour Impact

The proposals include the extension to both side elevations towards the boundaries. The extension to the south would be in close proximity to the boundary wall with Ty-Llwyd. However, this is a high boundary retaining wall, with the neighbouring property Ty-Llwyd on a significantly higher ground level than the application site. The extension is set off the boundary and therefore should have no adverse impact on the boundary wall. The first floor side elevation windows as proposed face towards the boundary with Ty-Llwyd. These windows serve the kitchen/living rooms and are secondary windows. The principal windows to this room are to the east overlooking the gardens within the application site. There is a large side window in the extension at Ty-Llwyd that looks towards Ashdene. However, the proposed windows are off-set from this existing neighbour's window and therefore, considering the orientation and distances involved, would not result in any significant overlooking impact.

There are bedroom and kitchen/living room windows facing towards Normandy. This is an uninhabited house in a poor condition, though it has had planning permission for substantial redevelopment as flats. If a similar scheme was implemented the approved plans show mainly blank elevations facing towards Ashdene and the retaining wall to the boundary. There is one secondary bedroom window shown for 'bedroom 2' at Normandy which could be overlooked by the side elevation windows towards the front (en-suite, utility room and the secondary window for a bedroom). As such, these windows could be conditioned to be obscure glazed to avoid any potential overlooking impact in the future (see condition 9).

The side extension towards Normandy would have some potential to overshadow this neighbouring property. However, this would be relatively limited. Furthermore, the added space between the extension and the boundary with the revised plans further reduces any potential impact. Overall, the potential overshadowing is not considered to be at a level that would warrant the refusal of this planning application.

Concerns have been raised over the potential impact of the development on the boundary wall between the application site and Ty-Llwyd. Discussions with the Council's Building Control section suggest that there is no technical reason why the extension could not be built without affecting this wall, however, a condition requiring details of the foundations to be used in this part of the development will ensure this aspect of the proposal (see condition 3).

External terrace areas are proposed at first floor, but given their location relative to the neighbouring properties these will not adversely affect neighbouring amenity to any significant degree in terms of overlooking.

Overall the proposals, primarily the side extensions, would have the potential to cause some impact to neighbour amenities. However, with suitable conditions and considering the amendments made to the plans it is considered that the proposals would not result in any significant neighbour impact.

Impact on Windsor Gardens

Windsor Gardens is a Cadw/ICOMOS registered garden immediately to the east of the site. There is a pedestrian access from the rear garden of Ashdene into the historic Windsor Gardens. Cadw have been consulted with the application and stated that the proposals should “not have a direct impact” on Windsor Gardens but suggest that any Victorian garden features should be retained to enhance the setting of the gardens. The retention of features within the garden are outside the remit of planning control, however, the proposals do retain the majority of the existing Victorian house, with the rear elevation (facing towards Windsor Gardens) being largely retained. Furthermore, the extensions are designed to be sympathetic additions to the original Victorian appearance of the house. Therefore it is not considered that the development would have an adverse impact on the setting of the registered park.

Parking and Access

The vehicular access will remain as existing, with an access point off Bridgeman Road to the front of the site. The area to the front of the building, adjacent to the front boundary wall, would be used for the parking and manoeuvring of vehicles and a bin store. The site lies in Zone 3 (Urban) for the purpose of the Parking Guidelines which suggest 1 space per bedroom (maximum 3 spaces) and 1 space for 5 units for visitors. However, being consistent with the advice in Planning Policy Wales these should be treated as maximum rather than minimum parking standards. Eleven parking spaces are indicated for this area which is considered sufficient for the nine apartments in this location, close to Penarth Town Centre and the amenities of Penarth Esplanade as well as public transport in the vicinity. Furthermore, there is parking space available on street in the vicinity of the site.

It is considered that the use of the property for flats would be likely to increase traffic to and from the site, although not to a degree that would have a significant impact on traffic flows along Bridgeman Road or the local highway network or on the amenity of neighbouring properties.

Amenity Space

The site would include a rear garden area of approximately 850sqm to act as a shared area of amenity space for the future residents. This could be accessed directly from the ground floor flats, or from around the side of the proposed extensions for the upper floor flats. The rear garden is considered to provide an acceptable layout and quality of amenity space for occupiers, when considering the standards as set out within the Supplementary Planning Guidance ‘Amenity Standards’. It is also noted that these flats would be adjacent to Windsor Park and close to other areas of public open space along with the coastal path.

Ecology Issues

As there are no significant works proposed to the existing roof there is no requirement for a bat survey. However, the applicant should note that if there is any works to the roof (including soffits, lead flashings etc) then Natural Resources Wales should be contacted for advice. An informative has been added to advise.

Trees and Landscaping

To accompany the application there is a Tree Survey (Tree Scene, May 2016). This highlights several trees within the curtilage of the site, many of which are towards the boundaries. It is considered that most of the trees identified can remain, with the exception of the Ash (T7) to the side of the house (which would have to be removed to make way for the extension). The submitted tree survey categorises this as a category 'C' tree i.e. "low quality with an estimated remaining life expectancy of at least 10 years" and its loss is considered to be acceptable.

It is considered that where possible the other trees should be retained and protected through the course of construction, though with landscaping enhancements to improve the setting of the development within this prominent Conservation Area location. A condition requiring details of landscaping (including new tree planting) plus tree protection measures is therefore to be included (conditions 4 and 5 refer).

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 any material circumstances.

The need for planning obligations based on the type of development proposed has been considered taking account of 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.

In light of the particular circumstances of this development, the following planning obligations have been considered and agreed by the developer:

Affordable Housing

The site falls within Penarth and LDP Policy MG 4 (as amended by the focused changes) requires all residential sites within this area resulting in a net gain of 1 or more dwellings to provide an element of affordable housing. As considered above, the site should deliver 40% affordable housing. Paragraph 5.10, page 11 of the Draft SPG for Affordable Housing sets out that based on a net gain of 8 units, the site should deliver a minimum of 3.2 affordable housing units, comprising of 3 affordable units to be delivered on site and incorporated appropriately into the scheme, plus an off-site contribution for the remaining 0.2 which has been calculated as £15,486.

Public Open Space

Under UDP Policy REC3, new residential developments are expected to make provision for public open space. Given the size and constrained nature of the site, there is no scope for on site provision. Therefore, an offsite contribution of £22,968 will provide or enhance public open space off site to serve the needs of future occupiers in accordance with the advice in the supporting text to REC3 and TAN16 (Sport, Recreation and Open Space).

RECOMMENDATION

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

- that 3 of the dwellings built pursuant to the planning permission are built and thereafter maintained as affordable housing units in perpetuity, of which 2 would be social rented properties and 1 would be intermediate properties;
- A contribution of £15,486 is payable for off-site affordable housing; and
- A contribution of £22,968 to provide or enhance public open space in the vicinity of the site.

APPROVE subject to the following condition(s):

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

Reason:

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

2. The development shall be carried out in accordance with the following approved plans and documents: LP00, P12B, P13C, SP00, PE01, PE02, PE03 Rev A, PE04, PP00, PP01 Rev A, PP02, PP03, Design and Access Statement received on 27 May 2016, Tree Survey and accompanying plan 20000/001/DPC/DLO received on 27 May 2016.

Reason:

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

3. Prior to the commencement of the extension to the south-west of the existing building hereby approved, details of the foundation design of that extension (adjacent to Ty-Llwyd) are to be submitted to, and agreed in writing by, the local planning authority. The approved scheme shall be fully implemented in accordance with the approved details prior to first beneficial occupation of any of the development hereby approved.

Reason:

To protect the integrity of the retaining wall to Ty-Llwyd and to ensure compliance with the provisions of Policy ENV20 of the Unitary Development Plan.

4. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason:

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

5. 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.

6. Notwithstanding the submitted details, further details of a scheme for foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority, which shall ensure that foul water and surface water discharges shall be drained separately from the site, with no surface water or land drainage run-off allowed to connect (either directly or indirectly) into the public sewerage system. The approved scheme shall be fully implemented in accordance with the approved details prior to first beneficial occupation of any of the development hereby approved.

Reason:

To protect the integrity, and prevent hydraulic overloading, of the Public Sewerage System, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

7. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) or any Order amending or revoking that Order, no gates, fences, walls or other means of enclosure shall be erected, constructed or placed on site, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of highway safety and to protect the character and appearance of the Conservation Area in accordance with Policies ENV20 and ENV27 of the Unitary Development Plan.

8. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details shown on plan 104B, or such other details otherwise agreed in writing by the Local Planning Authority. The parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved, unless otherwise approved in writing by the Local Planning Authority.

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.

9. The windows in the side (northeast) elevation, facing towards the property known as Normandy/Oakhurst, serving the utility rooms, bathrooms, ensuite and Bedroom 1, shall be fitted with obscure glazing at the time of the construction of the development hereby approved and prior to the first beneficial use of the flat it serves and shall thereafter be so maintained at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

10. Notwithstanding the submitted plans, full details of the windows and balustrades hereby approved, including materials and finish details, to be illustrated using drawings at a 1:10 or 1:20 scale, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

In the interests of visual amenity and to ensure the development accords with Policies ENV17, ENV 20 and ENV27 of the Unitary Development Plan.

11. 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 and to ensure compliance with Policies ENV20, ENV17 and ENV27 of the Unitary Development Plan.

12. Notwithstanding the submitted information, details of the external surfacing works to the rear garden, to include patios and terraces, plus details of materials and any levels changes, shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details prior to the first beneficial occupation of the extended property the development hereby approved, and the development shall not be carried out otherwise than in full accordance with such approved details.

Reason:

In the interests of visual amenity, and to protect the character and appearance of the replacement dwelling as required by Policy ENV 27 and ENV 20 of the adopted Unitary development Plan.

13. Notwithstanding the submitted information, details of exterior restoration works, including that of the balconies, walls and roof, shall be submitted to and approved in writing by the Local Planning Authority prior to their use in the development hereby approved, and the development shall not be carried out otherwise than in full accordance with such approved details.

Reason:

In the interests of visual amenity, and to protect the character and appearance of the replacement dwelling as required by Policies ENV 27 and ENV 20 of the adopted Unitary development Plan.

CONCLUSION

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

Having regard to Policies ENV 27 (Design of new developments), ENV 20 (Development in Conservation Areas), HOUS 2 (Additional residential development), HOUS 8 (Residential Development Criteria), ENV 17 (Protection of built and historic environment), HOUS 11 (Residential Privacy and Space), ENV 16 (Protected Species) and TRAN 10 (Parking) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, plus Penarth Conservation Area Appraisal and Management Plan 2011 and Supplementary Planning Guidance 'Amenity Standards' it is considered that the proposals are acceptable, by reason of their appropriate design, materials and scale, with no detrimental impact to the character of the Conservation Area or the amenities of neighbouring occupiers. The proposals therefore comply with the relevant planning policies and supplementary planning guidance.

NOTE:

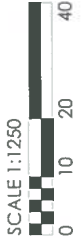
1. **You are advised that there may be species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP
General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**
2. **Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
3. **Dwr Cymru Welsh Water (DCWW) have advised that some public sewers and lateral drains may not be recorded on their maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. You should therefore contact the DCWW Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Please note that under the Water Industry Act 1991 DCWW has rights of access to its apparatus at all times.**

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.

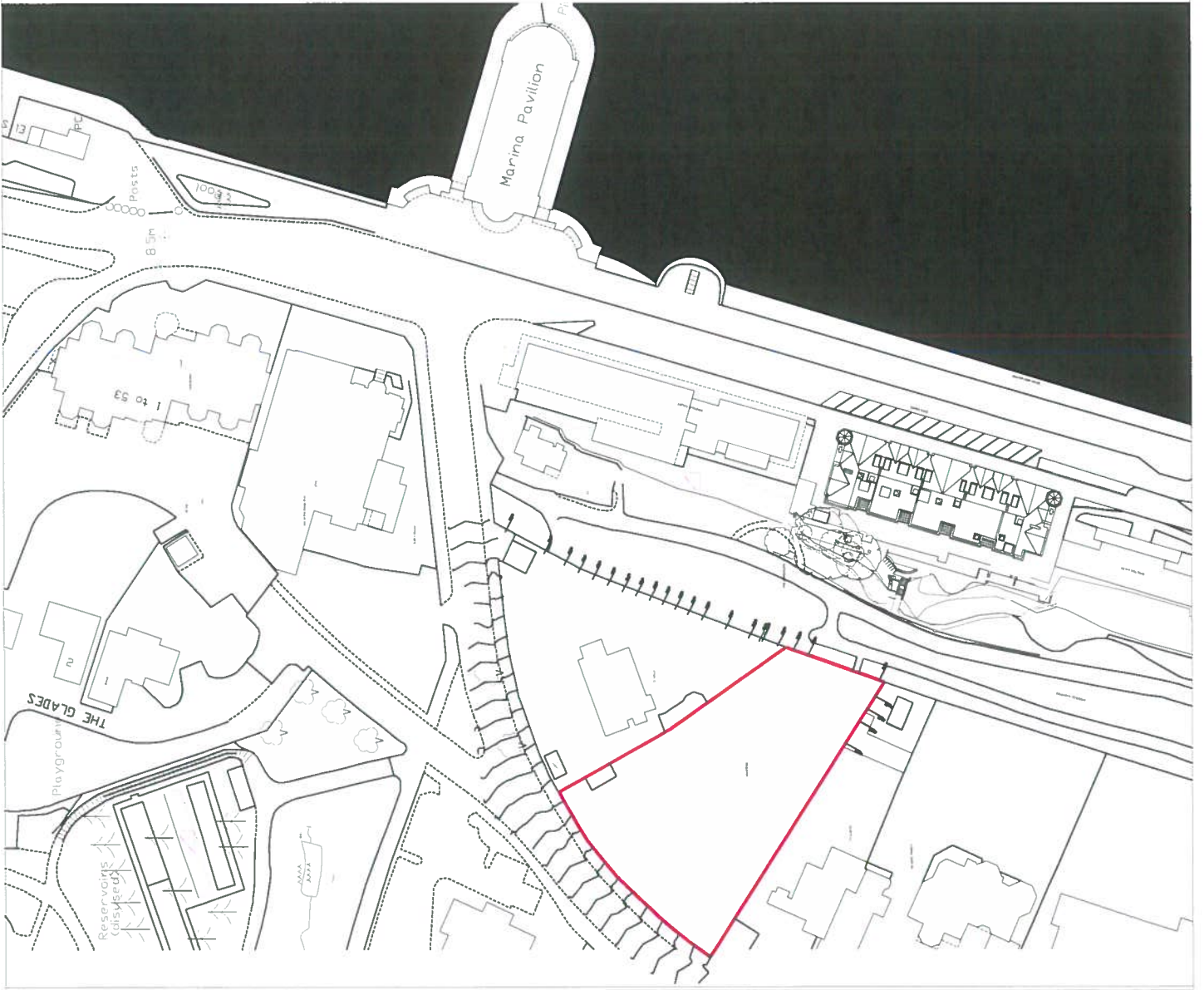
In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

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.



2016/00659/fu



| rev | note | date |
|-----|------|------|
| | | |

Greyfriars House, Greyfriars Road, Cardiff CF10 3AL
 T: 029 2022 6757
JOHN WOTTON ARCHITECTS
 E: studio@johnwottonarchitects.com
 W: www.johnwottonarchitects.com

EWM
 Property company libe

Ashdene manor
 PENARTH

title
 Location plan

| job no. | dig no. | rev |
|--------------|-------------|------------|
| 232 | LP00 | |
| scale | date | checked by |
| 1:1250 (@A4) | 28 09 16 | |
| drawn by | | |

13.7.2016

8 Glynne Tower
12 Bridgeman Rd
Penarth
CF64 3AW

APPENDIX A⁰

2016/00659/FUL

Application No 2016/00659/FUL

Dear V.L Robinson

I strongly object to the planning for the apartments to be built on the site of Ashdene Manor, Bridgeman Rd Penarth.

They would not fit in with the conservation area, too much traffic and far too many on a site of that size.

Yours sincerely

[Redacted signature]

19 III 2016

Regeneration
and Planning

TY LLWYD
11 BRIDGEMAN ROAD
PENARTH
VALE OF GLAMORGAN
CF64 3AW



Vale of Glamorgan
Planning Dept.
Dock Office
Barry
CF63 4RT
y/r P/DC/SZ/2016/00659/FUL

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| D.E.E.R |
| RECEIVED |
| ACTION BY: SDB/ HIC |
| NO: 4 |
| |

15 July 2016

Dear Sirs,

Re: ASHDENE MANOR BRIDGEMAN ROAD PENARTH

We have been notified by you of an application for nine apartments on the above property.

We would strongly object to this as having seen the plans the correct footprint of our property Ty Llwyd has not been shown on the location plan. The plans as deposited do not truly show the close proximity of the new build to our existing building.

As Ashdene is angled and not in line with our property all apartment from first floor up will be directly looking over our property thus affecting our privacy. The design as it stands at present has many windows and Juliet balconies overlooking us which would allow residents to have unrestricted views into our bedrooms and living space.

Whilst we appreciate that at some stage Ashdene will be developed we consider that this scheme is overdevelopment of the site, not sympathetic to the existing and does not take into account whatsoever the development of an outstanding Victorian residence and the fact that it is in a Conservation Area. We were under the impression that Conservation meant retaining the architecture and style of an area and not allowing box-like additions to a beautiful house.

We are also extremely concerned by the proximity of the extension to our side which appears to be only 1 metre from the boundary wall which is some 3 metres high. We

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| D.E.E.R |
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| ACTION BY: |
| NO: |
| ACK: |

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| RECEIVED |
| Regeneration and Planning |

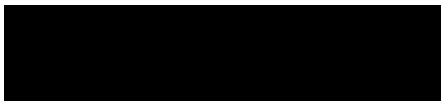
have already had to have part of this wall strengthened to prevent it collapsing and we are fearful that any excavation near it may bring it down which would cause our foundations to be affected.

Furthermore we are concerned at the number of extra vehicles that would have to be allowed for in 9 apartments going onto what has now become a very busy road, what with making the Esplanade one way, with the access and egress point being on a bend.

We understand that the earlier application for 7 units by architect David Preece was withdrawn. Whilst we put in an objection to this at the time at least the architect had designed a scheme that was sympathetic to the building and the area, which this present scheme is not.

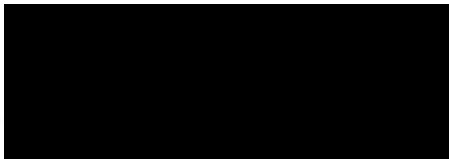
We hope that this application is rejected and that the applicant is asked to reconsider his design.

Yours faithfully,



Derek J Marles FRICS

Wendy E Marles



RECEIVED
10 JUL 2005
Regeneration
and Planning

From: Planning
Sent: 13 July 2016 13:41
To: Planning
Subject: New comments for application 2016/00659/FUL

New comments have been received for application 2016/00659/FUL at site address: Ashdene Manor, Bridgeman Road, Penarth

from Mrs Jennifer Barber [REDACTED]

Address:
 Robinwood Bridgeman Road Penarth, CF64 3AW

Comments:

My objection to the planning proposal centres on the intention to construct 9 flats in the property. This will generate an unreasonable expansion in vehicles accessing the property which has been a single house to date. The highway changes to The Esplanade to become a one-way route has meant that Marine Parade and Bridgeman Road are now busy roads for vehicles accessing the Esplanade. This proposal adds to the traffic demands on Bridgeman Road triggering health and safety problems.

Case Officer:
 Mrs. Hayley Kemp

RECEIVED
 13 JUL 2016
 Regeneration
 and Planning

D.E.E.R
 RECEIVED
 ACTION BY: HKI SDB
 NO: 1
 ACK:

2016/01289/FUL Received on 4 November 2016

Mr Tony Morris Endless Acre Stud, Logwood Hill, Peterston Super Ely, Vale of Glamorgan, CF5 6LG

Miss. Helen Ross DLP Planning Consultants, Broad Quay House (5th Floor), Prince Street,, Bristol, BS1 4DJ

Endless Acres Stud, Logwood Hill, Peterston Super Ely

Full application for the construction of staff accommodation (Rural Enterprise Dwelling) and associated stables, hay barn and horse walker to support the use of the land as commercial stud farm

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application is of a scale and / or nature that is not covered by the scheme of delegation.

EXECUTIVE SUMMARY

The application site comprises a number of field parcels with an area of approximately 5.06 ha, which is located to the south of a group of houses at Gwern y Steeple near the settlement of Peterston Super Ely. The site lies in the countryside outside of any residential settlement boundary as defined in the Unitary Development Plan. The site also lies within the Ely Valley and Ridge Slopes Special Landscape Area.

This is a full application for the construction of staff accommodation (Rural Enterprise Dwelling) and associated stables, hay barn and horse walker to support the use of the land as commercial stud farm.

At the time of writing this report, no letters of representation had been received.

The main issues relate to the justification for the development in this countryside location; design and visual impact and the surrounding Ely Valley and Ridge Slopes Special Landscape Area; neighbouring and residential amenity; and highway safety.

The application is recommended for approval subject to conditions including an initial temporary period of permission of 3 years.

SITE AND CONTEXT

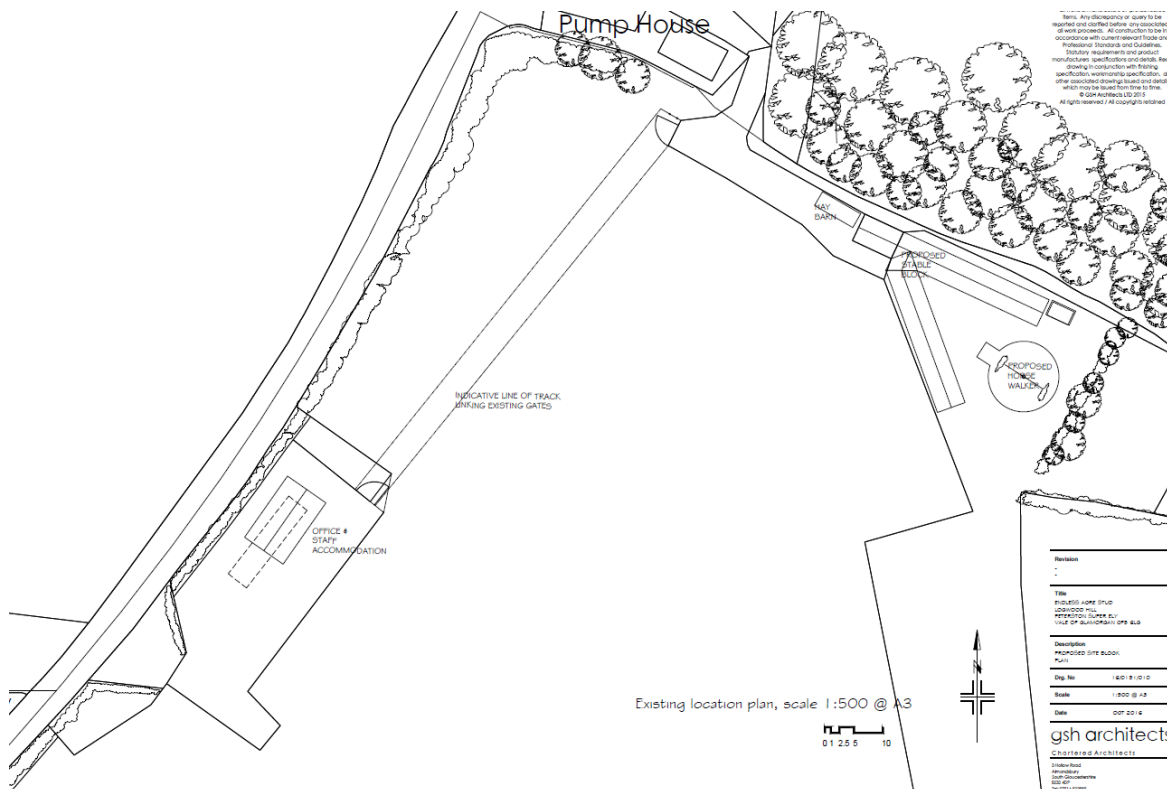
The application site comprises a number of field parcels with an area of approximately 5.06 ha, which is located to the south of a group of houses at Gwern y Steeple near the settlement of Peterston Super Ely. The site has permission to operate as commercial stud farm.

The site lies on the eastern side of the adopted highway and has a recently constructed vehicular access onto that road in a position to the north of the nearest residential property, Logwood Hill Bungalow.

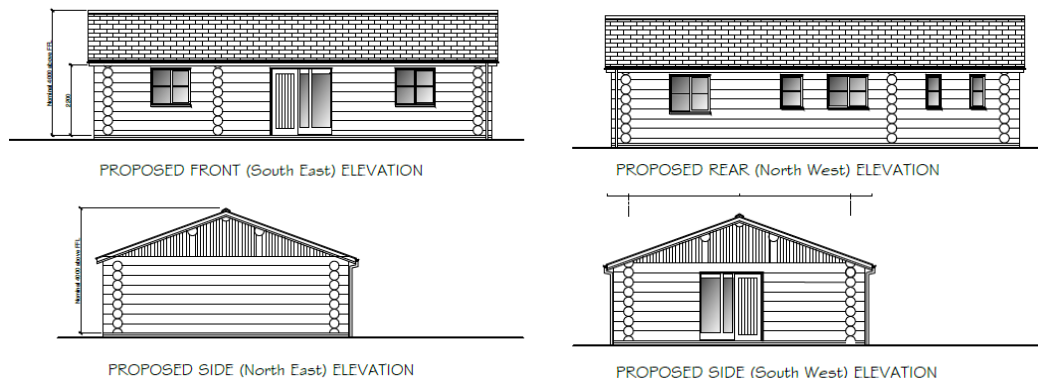
The site lies in the countryside outside of any residential settlement boundary as defined in the Unitary Development Plan. The site also lies within the Ely Valley and Ridge Slopes Special Landscape Area.

DESCRIPTION OF DEVELOPMENT

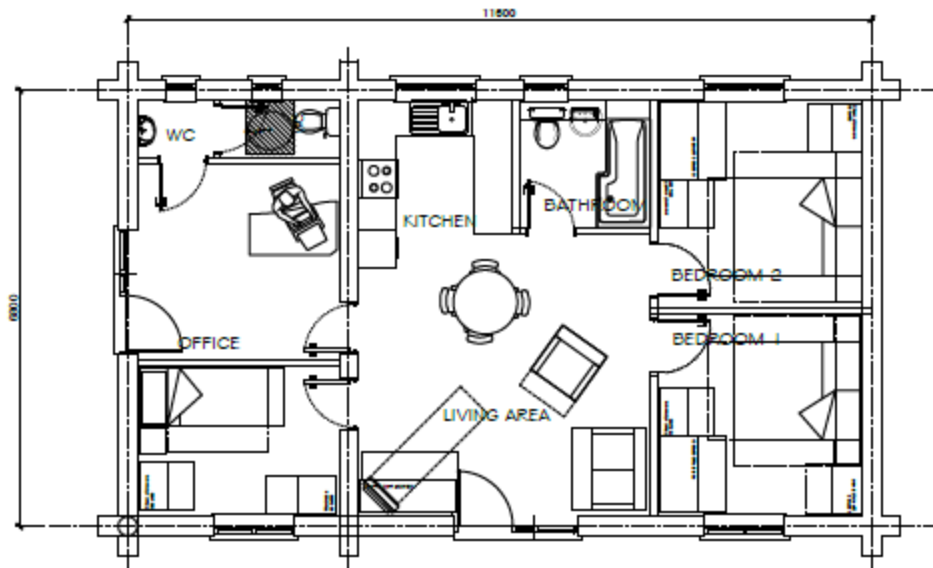
This is a full application for the construction of staff accommodation (Rural Enterprise Dwelling) and associated stables, hay barn and horse walker to support the use of the land as commercial stud farm. A site layout plan of the proposed works are shown below:



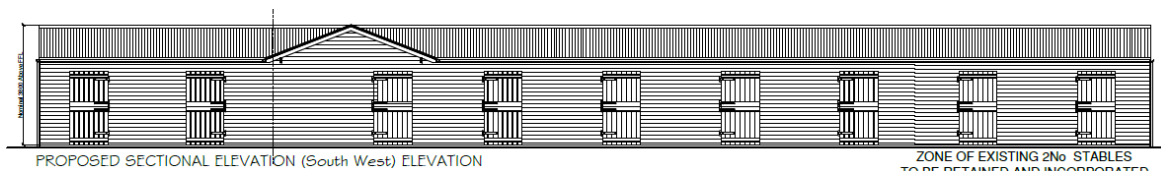
The proposed staff accommodation is proposed towards the western boundary of the site, on an area that has previously been laid to hardstanding as part of works approved under application 2014/00697/FUL (although the stable block approved under this consent has not been implemented on site). The proposed building would have a footprint of 6.8 metres by 11.6 metres, an eaves height of 2.2 metres and a ridge height of 4 metres. The building would be finished in timber with a slate roof. Elevations are shown below:

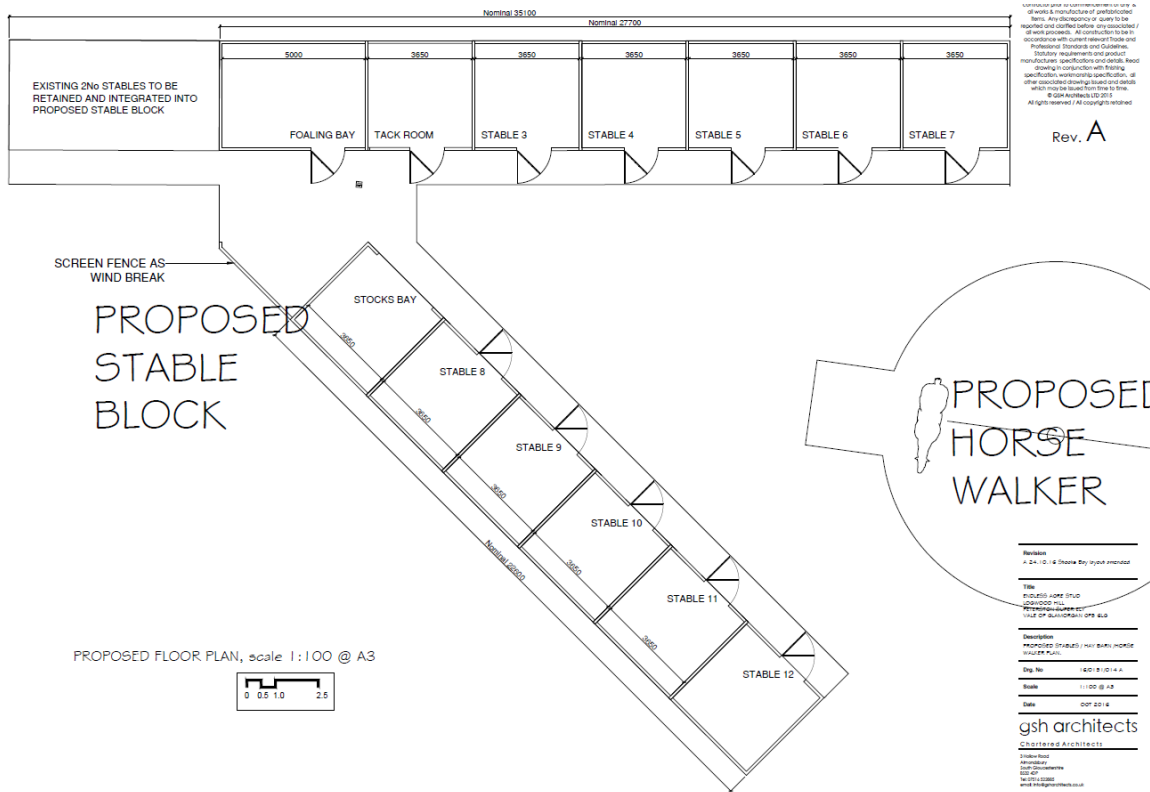


The accommodation proposed within this building would comprise of 3 bedrooms, a communal living area, office and bathroom. As shown on the floor plan below:

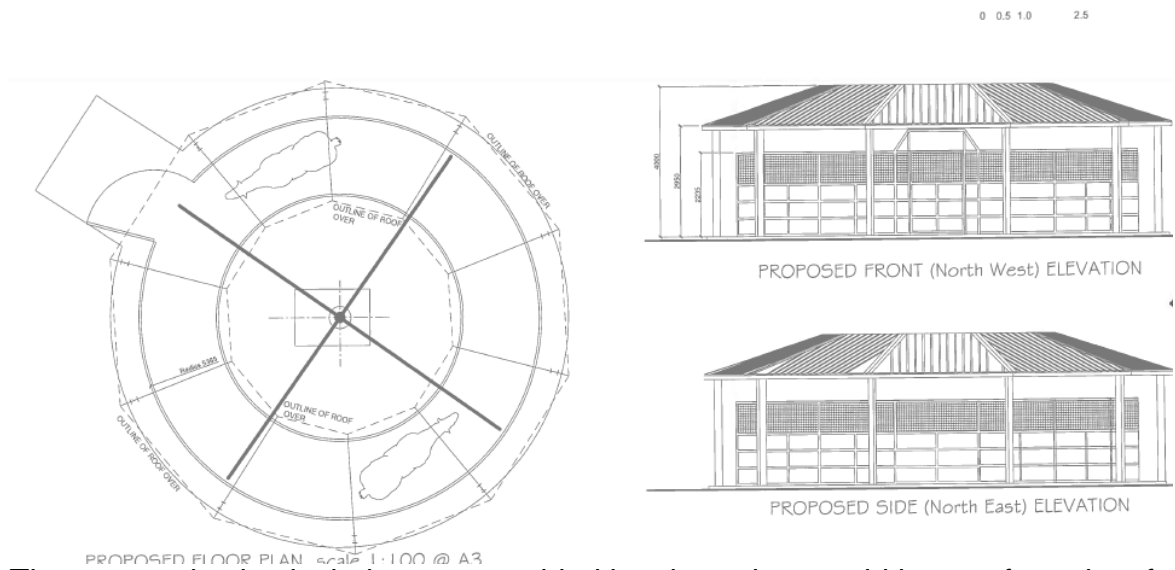


In addition to the proposed living accommodation, the application proposes the erection of a two-winged stable building adjacent to the northern boundary of the site and a horse walker. The proposed stable block would be adjacent to an existing stable block. The blocks would be 35 metres and 22.6 metres in length with a ridge height of 3.8 metres. A typical elevation and floor plan is shown below:

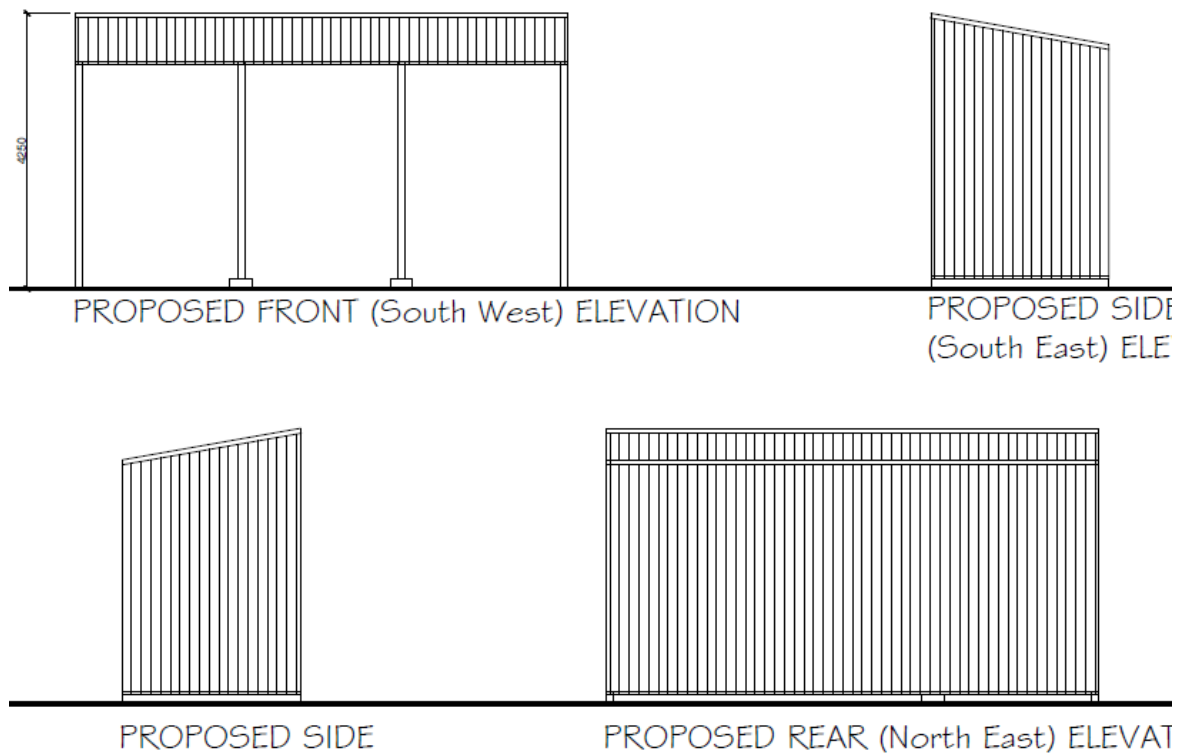




A horse walker is also proposed which will have a circumference of approximately 12 metres. Plans and elevations of the proposed horse walker are shown below:



The proposals also include an open sided hay barn that would have a footprint of 7.62 metres by 2.85 metres and a monopitch roof with a maximum height of 4.25 metres as shown below:



PLANNING HISTORY

2014/00697/FUL, Address: Land immediately south of Gwern Y Steeple,
 Proposal: Proposed stable block including new vehicular site access, Decision: Approved

2016/00005/FUL, Address: Endless Acres Stud, Logwood Hill, Peterston Super Ely,
 Proposal: Change of use to commercial stud farm, Decision: Approved

CONSULTATIONS

Peterston-Super-Ely Community Council were consulted and stated that they were 'anxious that this is actually an application towards getting residential development outside the permitted boundaries. Especially as frequently properties close to the site are often up for sale. The Council also have concern over the current vehicular access if there is to be an increase in vehicles.'

St. Nicholas and Bonvilston Community Council and Wenvoe Community Council were consulted although no comments had been received at the time of writing this report.

The Council's Highway Development section was consulted. They state that 'when reviewing the proposals, it is considered that the development would not have a material impact along the adjacent highway above that of the existing equestrian use at the site.' As such they state that 'an objection in relation to the highway and transportation aspect of the development cannot be sustained in this instance.' As such they recommend that 2 no. conditions should be attached to any consent granted requiring the access to be from a bound material for a minimum depth of 10m and visibility splays shall be maintained.

Peterston Super Ely and Wenvoe Ward members were consulted although no comments had been received at the time of writing this report.

Natural Resources Wales was consulted and state that they 'wouldn't have any objections to this application' noting the lack of disturbance to hedgerow and subject to an application being made to them for a foul drainage exemption.

REPRESENTATIONS

The neighbouring properties were consulted on 16 November 2016 and a site notice was also displayed on 07 December 2016 although no comments had been received at the time of writing this report.

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:

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 3 - HOUSING

POLICY 5 - BUSINESS AND INDUSTRIAL USES

POLICY 8 – TRANSPORTATION

POLICY ENV1 – DEVELOPMENT IN THE COUNTRYSIDE

POLICY ENV2 – AGRICULTURAL LAND

POLICY ENV4 – SPECIAL LANDSCAPE AREAS

POLICY ENV9 – DEVELOPMENT INVOLVING HORSES

POLICY ENV10 - CONSERVATION OF THE COUNTRYSIDE

POLICY ENV11 – PROTECTION OF LANDSCAPE FEATURES

POLICY ENV16 – PROTECTED SPECIES

POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS

POLICY HOUS3 - DWELLINGS IN THE COUNTRYSIDE

POLICY HOUS5 - AGRICULTURAL OR FORESTRY DWELLINGS

POLICY HOUS6 - AGRICULTURAL OCCUPANCY CONDITIONS

POLICY EMP2 – NEW BUSINESS AND INDUSTRIAL DEVELOPMENT

POLICY EMP8 – AGRICULTURAL ENTERPRISE AND ASSOCIATED DEVELOPMENT

POLICY TRAN10 – PARKING

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, both chapters 2 and 4 of Planning Policy Wales (Edition 9, 2016) provide the following advice on the weight that should be given to policies contained with the adopted development plan:

'2.14.4 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 9, 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 6 – Planning for Sustainable Rural Communities (2010)
- 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
- Affordable Housing
- Design in the Landscape
- Parking Standards
- Planning Obligations
- Sustainable Development - A Developer's Guide
- Trees and Development

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Examination Stage having submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public commenced in January 2016. Following hearing sessions the Council has considered and responded to all Action Points and has produced a schedule of Matters Arising Changes and Further Matters Arising Changes. The Council is currently awaiting the Inspector's Report, which will advise whether the Plan can be adopted by the Council.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.8.1 of Planning Policy Wales (Edition 9, 2016) is noted. It states as follows:

*'2.14.1 The weight to be attached to an **emerging LDP** (or revision) when determining planning applications will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances.'*

In line with the guidance provided in Paragraph above, the background evidence to the Deposit Local Development Plan that is relevant to the consideration of this application insofar as it provides factual analysis and information that is material to the issues addressed in this report in particular, the following background papers are relevant:

- Agricultural Land Classification background paper (2015) (Also see LDP Hearing Session 1 Action Point 12 response)
- Designation of Landscape Character Areas (2013 Update)
- Designation of Special Landscape Areas (2013 Update)

Other relevant evidence or policy guidance:

- Welsh Office Circular 13/97 - Planning Obligations

Well Being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to 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 reaching the recommendation set out below, 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.

Issues

In assessing the proposal against the above policies and guidance, it is considered that the main issues relate to the justification for the development in this countryside location; design and visual impact and the surrounding Ely Valley and Ridge Slopes Special Landscape Area; neighbouring and residential amenity; and highway safety.

Rural Enterprise Justification

The supporting information, including the Rural Enterprise Dwelling Appraisal submitted by the applicant’s agricultural advisors, DLP planning, outlines the background to the proposal.

In summary this indicates that the application site relates to a former hobby stud farm that the applicant intends to run as a commercial enterprise (as approved under previous application 2016/00005/FUL). It indicates that the farm has been used to breed thoroughbred racehorses since 2014, and the business started as a hobby in 2006 and subsequently grew to become a commercial stud farm offering quality grazing and bloodstock services. The submitted details indicate the value of horses sold to date, including 6 no. colt/yearlings and 3 broodmares. The importance of the horse race breeding industry is also emphasised with an estimated annual worth of £281 million per year and contribution to support approximately 86,000 jobs, many in rural economies.

The current proposals seek to provide a further 10 stables on the site in addition to a rural enterprise dwelling, to provide accommodation for up to 3 staff members. The supporting information indicates that in order for the business to run properly, the care and monitoring provisions including looking after the welfare of pregnant mares and new-born foals, are of significant importance. They indicate that they have previously lost a foal and this represents *'a considerable risk to the future viability of the business and therefore requires the provision of suitable staff accommodation to ensure the future success of the business.'* Furthermore, they state that *'to recruit and retain appropriately skilled staff will require the business to provide suitable on-site living accommodation for the two employees who will be recruited to grow the business. South Wales is not a common location for a stud farm and it is very likely that staff will need to be recruited from Newmarket or Lambourn.'*

The proposal therefore relates to works associated with a new business which is in its formative stages. As noted above this relates to the provision of new stables, hay store and a rural enterprise dwelling. The supporting information indicates that residential accommodation is required due to the high value and nature of the operation, with horses and foals requiring 24/7 supervision.

When assessing the proposal against the policy background it is noted that there are strict controls on development in a countryside location including ENV1-Development in the Countryside and EMP2-New Business and Industrial Development. Notwithstanding this, policy ENV1 of the UDP does allow for certain works, including infrastructure for which a rural location is essential. In addition policy ENV9 allows for horse related development.

Policies HOUS3 and HOUS5 allow for rural enterprise dwellings. These local policies are supported by national guidance in Planning Policy Wales (PPW) and TAN6-Planning for Sustainable Rural Communities. As paragraph 9.2.22 of PPW states:-

*"In planning for **housing in rural areas** it is important to recognise that development in the countryside should embody sustainability principles, benefiting the rural economy and local communities while maintaining and enhancing the environment. There should be a choice of housing, recognising the housing needs of all, including those in need of affordable or special needs provision. In order to safeguard the character and appearance of the countryside, to reduce the need to travel by car and to economise on the provision of services, new houses in the countryside, away from existing settlements recognised in development plans or from other areas allocated for development, must be strictly controlled. Many parts of the countryside have isolated groups of dwellings. Sensitive filling in of small gaps, or minor extensions to such groups, in particular for affordable housing to meet local need, may be acceptable, but much depends upon the character of the surroundings, the pattern of development in the area and the accessibility to main towns and villages."*

Policy HOUS5 of the UDP allows for new dwellings in the countryside beyond the identified settlement boundaries, for the purposes of agriculture or forestry. Although the proposal is not specifically related to an agricultural or forestry use, nevertheless, it is now supported by more up-to-date national guidance which has broadened the scope for new dwellings to those associated with a wider definition of a rural enterprise as considered in detail below.

The criteria outlined in HOUS5 remain relevant to the assessment of such dwellings in the countryside, including criterion (i) that there is an essential need, based on a functional need, and where appropriate the financial necessity is clearly demonstrated. This is supported by national guidance, including paragraph 9.3.6 of PPW which requires that all applications for new rural enterprise dwellings should be carefully examined to ensure that there is a genuine need.

Whilst the application makes reference to staff accommodation, the assessment is based on a rural enterprise dwelling to be occupied by the applicant.

In addition TAN6-Planning for Sustainable Rural Communities defines a rural enterprise dwelling as either a new dwelling on an established rural enterprise; a second dwelling on an established farm; or a new dwelling on a new enterprise. In this case, the application relates to the latter.

Paragraph 4.7.1 of TAN 6 sets out the tests that need to be addressed in any appraisal that must accompany applications for rural enterprise dwellings, which include:-

- The *functional test* to provide evidence of whether there is a need for a resident worker for the proper functioning of the enterprise. (See paragraph 4.8.1).
- The *time test* to provide evidence of the labour requirement for the worker who is working on the justifying enterprise. (See paragraph 4.9.1).
- The *financial test* to provide evidence of the economic sustainability of the justifying enterprise and identify the size of dwelling that the enterprise can sustain, ensuring that the size of the dwelling is commensurate with its functional need and financial justification. (See paragraphs 4.10.1 - 4.10.3).
- The *other dwellings test* to identify whether there is an existing dwelling or building suitable for conversion on the enterprise or dwelling in the locality that could meet the identified functional need. (See paragraphs 4.11.1 - 4.11.2).
- *Other normal planning requirements test* to demonstrate that the dwelling is suitably located to fulfil its identified need and to minimise impact on the wider environment. (See paragraphs 4.12.1 - 4.12.2).

Part 4.6 of Technical Advice Note 6 relates to the provision of new dwellings on new enterprises. Paragraph 4.6.1 provides a number of criteria against which such dwellings should be considered.

4.6.1a of TAN6 requires clear evidence of a firm intention and ability to develop the rural enterprise concerned (significant investment in new buildings and equipment is often a good indication of intentions). Having assessed the submitted details it is considered on balance that the applicant has both the skill and industry contacts to operate a stud enterprise from the site (noting the number of letters of intention provided in support of the application). The proposal for the erection of purpose built equestrian accommodation would involve a fairly significant further investment into the business (approximately £63,000) showing a financial commitment to the operation of the business on site.

4.6.1b. of TAN6 requires clear evidence that the new enterprise needs to be established at the proposed location and that it cannot be accommodated at another suitable site where a dwelling is likely to be available. No specific evidence has been put forward as to whether consideration has been given to other sites, although it is acknowledged that the site has been within the applicant's ownership for the previous 3 years and that the commercial enterprise at the site was approved under 2016/00005/FUL.

4.6.1c. requires clear evidence that the proposed enterprise has been planned on a sound financial basis. Business plans prepared for consideration by Business Wales, including projected earnings, costs and profits have been provided in support of the application, providing expected profits and loss to the year 2021. The balance sheets within the business plan show an increasing net cash flow over the next 5 years with sales from bloodstock, boarding mares and yearling sales comprising much of the anticipated revenues. Having examined the submitted details, it is considered that the business has been planned on a sound financial basis, based on the projected business where budgets have been prepared having regard to anticipated financial performance as well as the consideration of the nature of the proposed business.

However, because these are projections based on a new enterprise, and not fully proven, it is considered reasonable and necessary to grant a temporary consent in the first instance in accordance with the advice in TAN 6 para 4.6.2 which states: *"Where the case is not completely proven for a dwelling permission should, not be granted for it, but it may be appropriate for the planning authority to test the evidence by granting permission for temporary accommodation for a limited period. Three years will normally be appropriate to ensure that the circumstances are fully assessed."*

4.6.1d. requires that there is a clearly established functional need and that need relates to a full-time worker, and does not relate to a part time requirement. It is considered that a functional need for an on-site residential need is justified, particularly considering the quality and value of the bloodstock, associated issues of security and animal welfare and the implications to the business should a loss arise as a result of an incident not dealt with promptly. The applicant has also provided a calculation of likely labour requirements for an enterprise of the size proposed using Standard Man Day coefficients. Having examined these calculations against relevant guidance, it is considered that the proposed accommodation is commensurate in terms of accommodation offered to the labour requirements arising from the proposed use of the site.

4.6.1e. requires that the functional need could not be fulfilled by another dwelling or by converting an existing suitable building on the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the workers concerned. There is no existing dwelling on the site. A local property search has shown that there were no suitable properties in the area, due to their cost and/or their lack of physical proximity, which brings into question their ability to adequately meet the functional needs of the business. The applicant indicates that the dwelling whilst not immediately adjacent to the stables would allow regular monitoring by way of CCTV although the physical proximity would ensure safety and welfare of valuable stock on the site.

4.6.1f. requires that other normal planning requirements, for example siting and access, are satisfied. In relation to the equestrian facilities, these appear to meet the needs of the proposed enterprise, providing sufficient stabling accommodation for the applicant's own broodmares and foals, boarding for maiden/ in foal thoroughbred fillies/mares and their young stock and spelling services (tending to ill or injured horses).

Having considered all of the above it is considered that the principle of the proposed equestrian enterprise meets the UDP policy ENV9 (Development Involving Horses), subject to the criteria listed.

The proposed accommodation building is modest in terms of its form and commensurate in terms of the labour and business requirements for a business of this nature. In terms of the justification for the proposal, it is considered that the principle of the equestrian business is acceptable. In respect of the dwelling, if considered as part of a new enterprise, paragraph 4.6.2 of TAN 6 notes that where such a case is not completely proven it may be appropriate for the planning authority to test the evidence by granting planning permission for a limited period.

Given the fledgling nature of the enterprise it is considered reasonable to impose an initial temporary permission for a period of three years advocated by paragraph 4.6.2 of TAN 6 (Conditions 1 and 2 refer). It is also necessary to ensure through conditions that the associated stable buildings and horse walker are implemented alongside the residential use to ensure that the business case justifying the residential use is committed to (condition 10 refers).

Best and Most Versatile Agricultural Land

Policy ENV2 of the UDP seeks to protect the most productive agricultural land (Grades 1, 2 and 3A) from irreversible development. The Council's Land Classification records indicate that the site is Grade 4 agricultural land and therefore the proposals would not result in the loss of the best agricultural land. Furthermore the proposed dwelling would be situated on an existing area of hard standing that has been laid in association with works approved under permission 2014/00697/FUL.

Design and visual impact

As already noted, although policy HOUS5 of the UDP specifically relates to agricultural or forestry dwellings, it is considered that it is still relevant to the broader definition of rural enterprise dwellings. Criterion (ii) of HOUS5 requires that the scale, siting, design, landscaping and external appearance of the proposed new dwelling is compatible with any existing related structures and the surrounding landscape. This requirement is in line with the guidance in TAN 6, which states at paragraph 4.10.2:

“Dwellings which are unusually large in relation to the needs of the enterprise, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise rather than of the owner or occupier which are relevant to determining the size of dwelling that is appropriate.”

Furthermore, in relation to the design of the dwelling, paragraph 4.12.1 of TAN6 states:-

“Rural enterprise dwellings should satisfy the usual planning requirements in terms of design, sustainability and access. The siting of the proposed dwelling should relate closely to the activities for which there is a need. In most cases this will mean that the new dwelling should be sited in close proximity to existing buildings and in the case of dwellings for agricultural enterprises, should not be isolated from the farmstead or in locations that could encourage farm fragmentation. Local planning authorities should resist planning applications for rural enterprise dwellings that are prominent in the landscape.”

The accommodation building would be situated towards the front of the site and would in part be visible from the road. It is noted however that the dwelling would have a modest footprint and height that would be commensurate in terms of its size and siting to the stable block approved previously at the site under permission 2014/00697/FUL. The proposed building would also be finished in timber beneath a slate coloured roof that would appear utilitarian in its design and would be typical of the scale, design and materials of a building one might reasonably expect to find in the countryside. The level of accommodation and size of the building is considered to be commensurate to the needs of a business of this form, and the building is considered to be appropriate in this regard. Permitted development rights to extend the dwelling can be removed by condition to ensure the size of the dwelling remains proportionate to the needs of the enterprise (conditions 7 and 8 refer).

Notwithstanding this, it is considered essential to strictly control any future extensions as well as imposing the necessary restrictive occupancy condition. As paragraph 9.3.9 of PPW states:-

“Where the need to provide accommodation to enable a rural enterprise worker to live at or near their place of work has been accepted as justifying isolated residential development in the open countryside, it will be necessary to ensure that the dwellings are kept available for this need. For this reason planning permission should be granted subject to an occupancy condition. Rural enterprise dwellings should also be classified as affordable housing as defined in TAN 2, Planning and Affordable Housing. This will ensure that the dwelling remains available to meet local affordable housing need should the original justification have ceased to exist.”

An appropriate condition restricting occupancy is recommended to be attached to any permission granted (Condition 4 refers).

As regards the wider impact of the whole development on the surrounding countryside, it has already been noted that the site lies within the Ely Valley and Ridge Slopes Special Landscape Area. Relevant policies include ENV4 of the UDP which permits development where it can be demonstrated that it would not adversely affect the character, features or visual amenity of the SLA and policy ENV27 including criterion (i) that seeks to ensure that the proposal complements or enhances the local character of buildings and open spaces.

The proposed stable block, horse walker and hay store are proposed towards the northern boundary of the site, adjacent to a band of mature trees. The land within the site undulates in its form but largely slopes uphill to the east, although also slopes downhill from the centre of the site towards of the north. This creates a minor ridge line within the site and a recess in which the proposed equestrian facilities are proposed to be located. Being mindful of this, the vegetated backdrop and the bank and hedgerow enclosing the road running to the west of the site, it is considered that the stables and associated equipment would partly be obscured from wider view. Furthermore, whilst the buildings are relatively large in terms of their footprint, they are modest in their massing and bulk and it is not considered that they would unacceptably impact upon the character of the Special Landscape Area.

A track is also proposed across the field between the proposed stables and the residential accommodation. It is considered reasonable to request materials of the surfacing of this track by way of condition, to ensure that any such track is finished appropriately so as not further urbanise the site (Condition 6 refers).

Overall, therefore, it is considered that the proposed development would not unacceptably impact upon the visual amenities of the countryside or Special Landscape Area.

Impact upon neighbouring and residential amenity

The proposed works are located a substantial distance from the nearest residential properties and will not result in unacceptable harm to the amenity of these properties.

Highways

The proposed works are likely to have some impact in relation to highways, with an increase in movements to/from the site. However, the Council's Highway Development team have confirmed that there are no highway objections raised in relation to the highway and transportation aspects of the development. They confirm that the means of access is acceptable to serve the proposal, subject to the conditions requiring the access to be provided in a bound material for a minimum distance of 10m back into the site and the provision and maintenance of appropriate visibility splays previously specified 2.4 metres by 50 metres. Indeed, when assessing the 2014 application, it was acknowledged that there was some commercial element to the operation, and that on occasions there may be visits to the site by persons other than the applicant and the access arrangements were considered to be adequate under the subsequent application to change the use to a commercial venture.

Following confirmation from the agent, they advise that visibility splays have already been provided on site although it is the applicant's intention to tarmac the drive later in 2017. Conditions will however be attached to require the details of the access arrangements and their implementation to ensure that the access is finished to the highways officers requirements (condition 9 refers). As such it is considered that highways implications do not represent a reason to refuse permission in this instance.

Ecology

When assessing the 2014 application there was a particular issue in relation to protected species and the loss of part of the existing hedgerow. The Hedgerow Survey Report indicated that there was the potential to support dormice and that its removal could have an adverse impact on the species. Further survey work was required and it was noted that a licence under the Habitats Regulations 2010 may be required. It was concluded that any derogation would not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range, subject to the imposition of a number of conditions, including the replacement/enhancement of the hedgerow, and a copy of any licence required by NRW. It is noted that a copy of such a licence has been provided during the consideration of the previous application. As regards the current proposals, it is not considered that this will have any additional impact on the ecology or biodiversity of the site and that the assessment of the three tests previously carried out under permission 2014/00697/FUL remains valid.

Drainage

The application proposes to connect to a septic tank and any such drainage would need to be addressed through an application under the Building Regulations. Natural Resources Wales indicate that the applicant may need to apply for a foul drainage exemption which can be addressed by way of an informative attached to any consent given.

Conclusions

It is considered that the proposed rural enterprise offers benefits in relation to employment and the wider economy. In addition, the nature of the proposed operation is an appropriate and sustainable one in this countryside location, which is in line with both local and national policies, including Planning Policy Wales which identifies at paragraph 4.6.3 one of the priorities for rural areas is to secure “a thriving and diverse local economy where agriculture-related activities are complemented by sustainable tourism and other forms of employment in a working countryside.”

In view of the above the following recommendation is made.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

To ensure the development is implemented in a timely manner in light of the up to date evidence provided justifying the new rural enterprise dwelling at the time the application was made.

2. The rural enterprise dwelling (shown as office and staff accommodation on Proposed Site Block Plan 16/0151/010) shall be removed from the land on or before the expiration of a period of 3 years from the date of this permission, unless otherwise approved in writing by the Local Planning Authority.

Reason:

To enable the Local Planning Authority to review the long term need for the caravan and to ensure compliance with Policies ENV1, HOUS3, HOUS5 and HOUS6 of the Unitary Development Plan.

3. The development shall be carried out in accordance with the following approved plans and documents:

Site location Plan ref: 16/0151/001; Proposed site block plan ref: 16/0151/010; Proposed staff accommodation site block plan 16/0151/011; Proposed staff accommodation plan & elevations 16/0151/012; Proposed stables/hay barn/horse walker site plan 16/0151/013 A; Proposed stables/hay/barn horse walker plan 16/0151/014 A; Proposed stables elevations 16/0151/015 A; Proposed hay barn plan and elevations 16/0151/016 received 28 October 2016 and Proposed horse walker plan & elevations 16/0151/017 received 04 November 2016

'Rural Enterprise Dwelling Appraisal Stud Farm Staff Accommodation' prepared by DLP Planning; Supporting Planning Policy Statement prepared by DLP Planning received 28 October 2016

'Re: Supplementary Evidence regarding Rural Enterprise Dwelling' letter and attachments from Paul Jobson received 22 December 2016.

Reason:

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

4. The occupancy of the dwelling shall be restricted to:

a) a person solely or mainly working, or last working on a rural enterprise in the locality, or a widow, widower or surviving civil partner of such a person, and to any resident dependants;

or, if it can be demonstrated that there are no such eligible occupiers,

b) a person or persons who would be eligible for consideration for affordable housing under the local authority's housing policies, or a widow, widower or surviving civil partner of such a person, and to any resident dependants.

Reason:

Since a dwelling in this rural location would not be permitted unless justified for rural enterprise, and in order to ensure that the dwelling is kept available to meet the needs of other rural enterprises in the locality, in accordance with advice in Technical Advice Note 6 - Planning for Sustainable Rural Communities.

5. Prior to their use in the construction of the rural enterprise dwelling 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 and to ensure compliance with Policy ENV27 of the Unitary Development Plan

6. Prior to their use in the construction of the track hereby approved, further details of the materials / finish of the track marked red on the attached plan 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 and to ensure compliance with Policies ENV1 and ENV27 of the Unitary Development Plan

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking or re-enacting that Order with or without modification) the rural enterprise dwelling hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage of the dwellings hereby approved without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development, and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

9. Notwithstanding the submitted details, prior to commencement of development further details of the surfacing of the access and associated visibility splays shall be provided in writing for approval by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details prior to the use of any part of the development hereby approved and maintained as such in perpetuity.

Reason:

In the interests of highway safety in accordance with policy ENV27 of the Development Plan.

10. Prior to beneficial occupation of the rural enterprise dwelling hereby permitted, the new stable block and horse walker hereby approved shall be built and thereafter retained for use as described in the application.

Reason:

The rural enterprise dwelling hereby approved has been justified, in accordance with TAN 6 and PPW, on the basis of the functional need arising from the growth of the stud farm business which includes the provision of the new stables and horse walker.

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 regards to Policies ENV1-Development in the Countryside, ENV2-Agricultural Land, ENV4-Special Landscape Areas, ENV9-Development Involving Horses, ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features, ENV16-Protected Species, ENV27-Design of New Developments, ENV29-Protection of Environmental Quality, HOUS3-Dwellings in the Countryside, HOUS5-Agricultural or Forestry Dwellings, EMP2-New Business and Industrial Development, TRAN10-Parking, and Strategic Policies 1 & 2-The Environment, 3-Housing, 5-Business and Industrial Uses and 8-Transportation of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Amenity Standards, Design in the Landscape, Parking Standards; and national guidance contained in Planning Policy Wales Edition 9, TAN6-Planning for Sustainable Rural Communities, TAN12-Design and TAN23-Economic Development, it is considered that the proposal represents an acceptable and justified rural enterprise and associated dwelling. The proposal should not detract from the undeveloped, unspoilt nature of the rural landscape of the surrounding Ely Valley and Ridge Slopes Special Landscape Area, this will not be so significant as to override the economic benefits of the proposed rural enterprise. In addition the proposal should cause no detriment to neighbouring amenity or highway safety.

It is considered that the development complies with the sustainable development principle and satisfies the Council's well-being objectives in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

NOTE:

- 1. Where any species listed under Schedules 2 or 5 of the Conservation of Habitats and Species Regulations 2010 is present on the site, or other identified area, in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place unless a licence to disturb any such species has been granted by the Welsh Assembly Government in accordance with the aforementioned Regulations.**

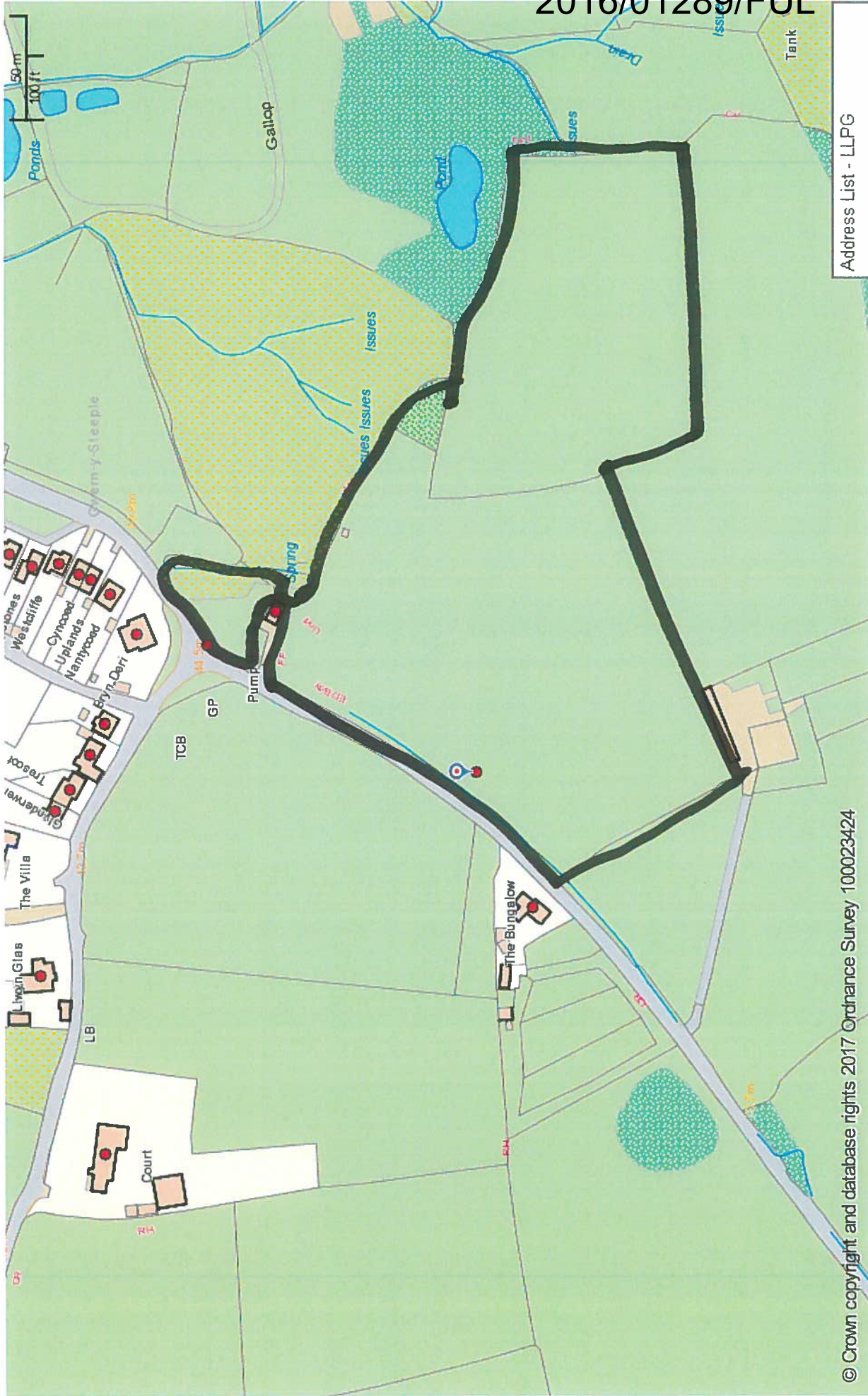
2. **The applicants are advised that all necessary consents / licences must be obtained from Natural Resources Wales (formerly Environment Agency Wales) prior to commencing any site works. The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**

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

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

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

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



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Address List - LLPG



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2016/01471/FUL Received on 9 December 2016

Mrs. Juliette Millar, 13, Knowbury Avenue, Penarth, Vale of Glamorgan. CF64 5RX

Christian Le Guilcher, Le Guilcher Architecture, 1, Powys Road, Penarth, Vale of Glamorgan. CF64 3PB

13, Knowbury Avenue, Penarth

Existing garage to be rebuilt and extended to form a habitable room complete with mezzanine over. New single storey rear extension to provide kitchen / family space

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because:

- the application has been called in for determination by Cllr Maureen-Kelly Owen for the reason: "due to its scale and the unacceptable impact the development could make on this well established area of lower Penarth and also neighbour concerns".

EXECUTIVE SUMMARY

The application relates to 13, Knowbury Avenue, a two storey detached property located within the Penarth Settlement Boundary. The application is for the demolition of the existing garage and the construction of a new side extension (utility, WC and play room) with stairs leading to a mezzanine area over, to accommodate bedrooms with en-suite. The proposal also includes a new single storey rear extension to provide a kitchen and family space.

There have been letters of objection from neighbours at number 11, Knowbury Avenue citing the following issues: unneighbourly development; impacts upon amenity; and scale of the proposal.

The main issues are considered to be the scale and design of the proposed development and its impact upon the character of the street scene and impact on the amenities of neighbouring properties.

The application is recommended for approval.

SITE AND CONTEXT

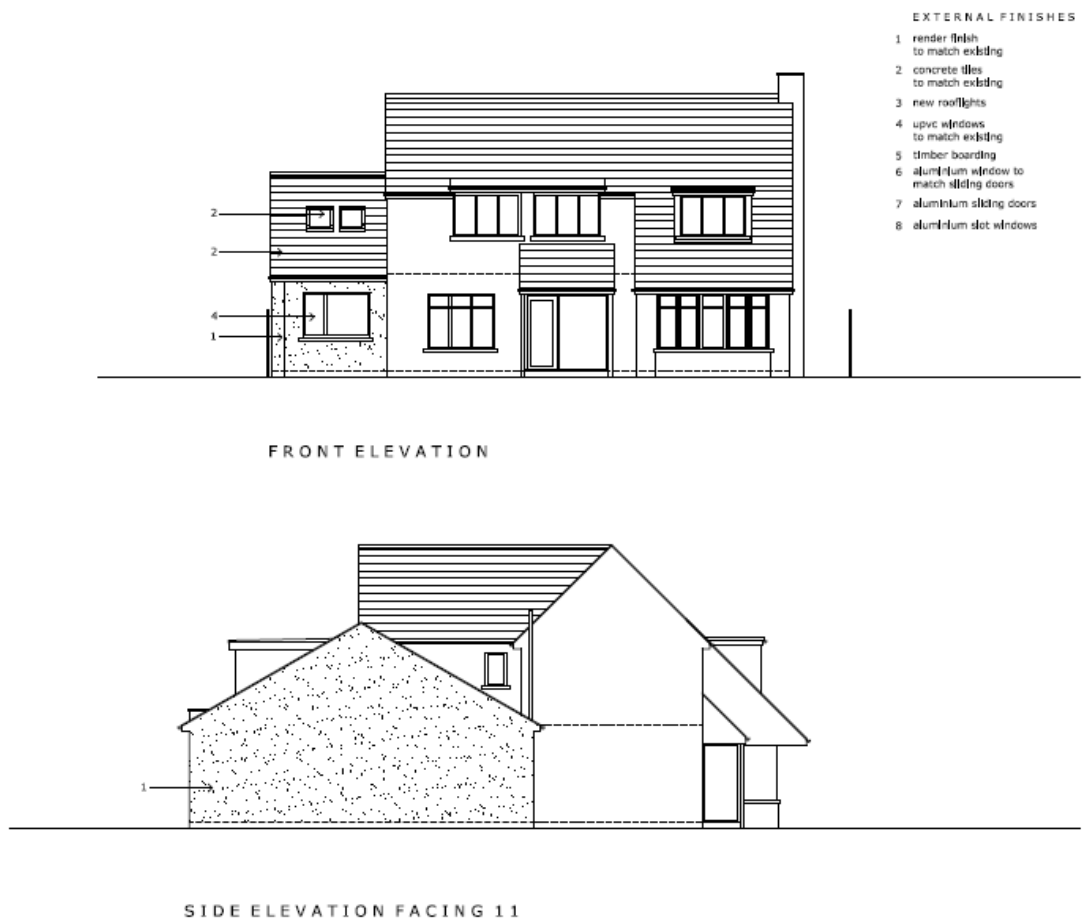
The application site relates to number 13, Knowbury Avenue, a two storey detached property located within the Penarth Settlement Boundary. The property is in a residential street of similar large detached two-storey properties, and external finish vary within the street scene, with a mix of render brick and stone. The application site is located outside of any Conservation Area.

DESCRIPTION OF DEVELOPMENT

This application is for the demolition of the existing garage and the construction of a new side extension (utility, WC and play room) with stairs leading to a mezzanine area over, to accommodate bedrooms with en-suite. The proposed side extension would measure approximately 3 metres in width and approximately 9 metres in length and would be set away from the boundary with number 11 Knowbury Avenue, by approximately 20 cm. The proposed side extension would be set back from the principle elevation of the property by approximately 4.8 metres. The side extension would have an eaves height of approximately 2.5 metres and ridge height of approximately 5.3 metres. The application plans were amended to remove a window at ground floor serving the WC.

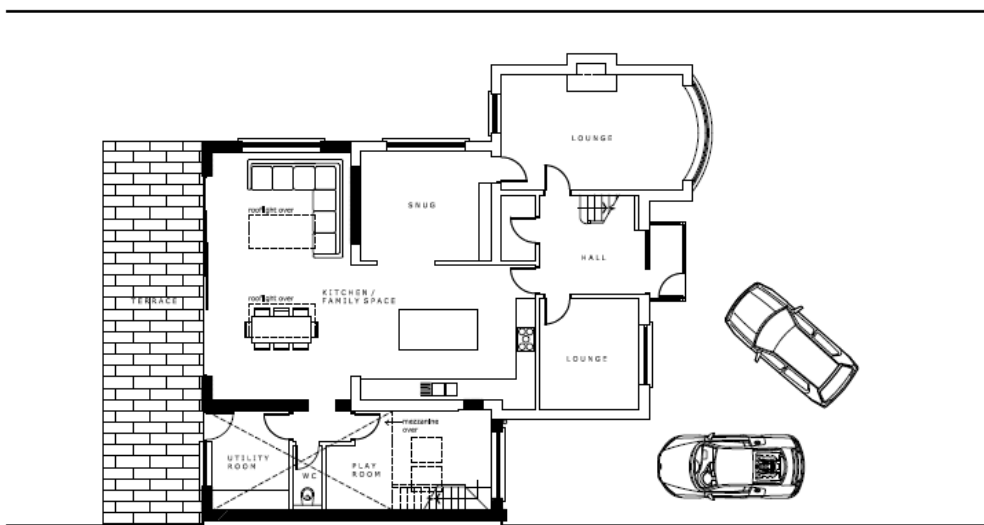
The proposal also includes a new single storey rear extension to provide kitchen and family space. The extension would measure approximately 4.3 metres in depth and approximately 7.9 metres in width. The proposed extension would have a flat roof to the height of approximately 3 metres.

The proposals can be viewed below:





REAR ELEVATION



PLANNING HISTORY

2012/00891/FUL: 13, Knowbury Avenue, Penarth, Proposal: Rear dormer.,
Decision: Approved

1999/00793/FUL: 13, Knowbury Avenue, Penarth, Proposal: Proposed two storey extension, internal alterations and attached garage/utility area, Decision: Approved

2000/00791/FUL: 13, Knowbury Avenue, Penarth, Proposal: Amendments to 99/00793/FUL to include rear garage doors, bay windows, front porch to ground floor and attic room (Retention), Decision: Approved

2016/00889/FUL: 13, Knowbury Avenue, Penarth, Proposal: Proposed Ground Floor Kitchen Extension and Proposed garage extension to form playroom, Decision: Approved

CONSULTATIONS

Penarth Town Council were consulted on 28 December, 2016 and their response states:

“Not supported. Penarth Town Council would like to see boundary brought back from party boundary and refer to concerns raised over 10, Knowbury Avenue 2016/01247/FUL”

For member’s information, comments on application 2016/01247/FUL were: “The application be refused due to overdevelopment, unneighbourliness, proximity to neighbour, interruption to natural light, concern for existing structures at Nos. 10 and 8 and impact upon the street-scene”.

Local Ward Members were consulted on 28 December, 2016.

Cllr Clive Williams has responded with no comment to make.

Cllr Maureen-Kelly Owen has responded and called the application into Planning Committee, due to the scale and the unacceptable impact the development would make on this well established area of lower Penarth and neighbour concerns.

REPRESENTATIONS

The neighbouring properties were consulted on 28 December 2016. Objections have been received from the occupiers of number 11, Knowbury Avenue (see **Appendix A**), summarised below:

- the habitable space in the mezzanine on the boundary directly impacts their property;
- the detached and spacious nature of the Avenue will be destroyed by the development which will fundamentally change the character of the area;
- requires demolition of the boundary wall, and destruction of their garden, trees, shrubs which provide a habitat for birds;
- no indication of how property boundary will be secured post construction;
- impact on surface water drainage and mains sewer;
- the development is substantially larger than the existing garage and will overshadow their property and garden;
- The construction of a window at ground floor level looks directly onto our patio and into our living room;

- The development is constructed in an elevated position and the forward projection of the wall will create an obtrusive and visually unsightly large wall directly adjacent to a side window of their sitting room, when combined with the reduction of light to the rear living room windows will be oppressive and totally overbearing in such close proximity;
- the reduction in the gap between the two properties detracts from the unique street scene and will result in the production of a terracing effect. This is at odds with the basic principles of good design; and
- The construction of a dormer window in the mezzanine is directly on the boundary and will reduce the privacy in the garden of our property.

They also raise matters regarding consent to build on their property which are not material planning considerations.

Applicant response - The applicant has submitted a letter of support for the application (**Appendix B**).

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS

POLICY TRAN10 – PARKING

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, both chapters 2 and 4 of Planning Policy Wales (Edition 9, 2016) provide the following advice on the weight that should be given to policies contained with the adopted development plan:

'2.14.4 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 9, 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 is of relevance:

- Technical Advice Note 12 – Design (2016)

Supplementary Planning Guidance:

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

- Amenity Standards

Well Being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to 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 reaching the recommendation set out below, 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.

Issues

The main issues to assess in the determination of this application are the effects of the proposed development on the character of the existing dwelling and surrounding street scene, impacts on neighbouring amenities, amenity space and parking provision.

Visual Impact

The proposed side extension would be visible from the street and would alter the character of the street scene to a degree. However, in terms of its impact the proposed side extension is considered to be acceptable. It is set back from the principle elevation of the existing dwelling and set down from the ridge height of the existing dwelling, which a design that is compatible with the host dwelling. Therefore, the proposed side extension would be a subservient addition to the host property and in this regard is not considered to create a 'terracing' effect as suggested in the representations. In addition, there are various examples of side extensions within the street scene; therefore it is not considered that the development would disrupt the balance or character of the wider street scene. The proposed side extension would be finished with render to match the existing dwelling. Therefore, it is considered that the external finish of the development would not have any unacceptable impacts upon the character of the dwelling or the wider street scene.

The proposed single storey rear extension would be located at the rear of the property which is enclosed on three sides with neighbouring residential properties. Therefore the rear extension would not be visible from the street and would have no appreciable impacts upon the street scene. The extension would be modest in terms of its overall height as a result of its flat roof. It is considered that the extension is acceptable in terms of its scale and design. The proposed rear extension would be clad in timber, however, given that the extension is enclosed within the applicant's garden and would not be visible from the street, overall, it is considered that the extension is a contemporary addition to that of the host property and is considered to be acceptable.

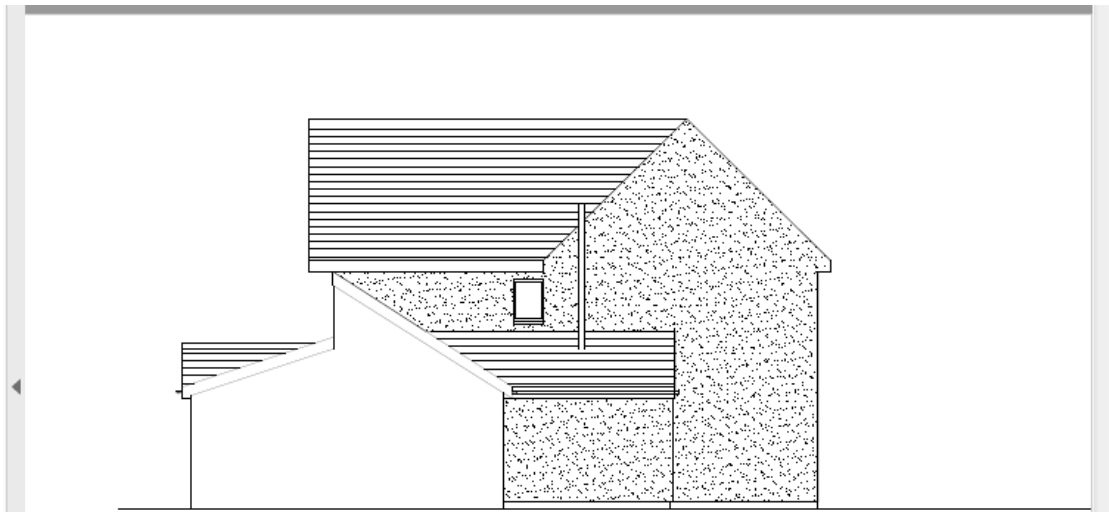
Overall, in terms of its design and visual impact the development complies with Policy ENV27 Design of New Developments and is considered to be acceptable

Impact on neighbouring amenities

The existing garage to be replaced with the side extension forms part of the boundary with number 11 Knowbury Avenue. The proposals would include the demolition of this existing garage to form new habitable living space. The side extension would set off the boundary with number 11 Knowbury Avenue by approximately 20 cm.

The occupiers of number 11 have raised concerns that the side extension would appear overbearing and would reduce the amount of light that reaches their property. It is noted that the ridge height of the side extension would be increased by approximately 0.8 metres compared to the existing garage, with additional massing as a result of the larger gable increasing the depth of the building along the boundary from approximately 5.8m to 8.8m. This would reduce the amount of light to a limited degree compared to the existing situation however, it is not considered these impacts would cause significant harm to amenity of the occupiers of No. 11 sufficient to warrant refusal of the application.

The planning history shows a similar proposal to extend to the side and rear has recently been approved and shown below. The maximum height of the approved side element facing No. 11 was approximately 4.7 metres.



The occupiers of number 11, Knowbury Avenue have also raised concerns that the side extension would reduce the amount of light that would reach their habitable rooms. However, the window on the side elevation of number 11, Knowbury Avenue is small in size and is obscurely glazed and is one of two high level windows on the side elevation, and is not the main source of light into that room.

The scale and design of the extension, whilst close to the boundary with neighbouring No. 11, is not considered to be an overbearing or unneighbourly form of development.

In terms of impacting upon privacy, the originally submitted plans suggested that there would be a window serving a ground floor bathroom facing number 11, Knowbury Avenue. However, amended plans show this window is no longer proposed. Therefore there are no windows proposed directly facing number 11. The occupiers have also raised concerns that the dormer style window would offer views into their garden. Given that the window is closer to the neighbouring boundary than any existing windows it could potentially increase the level of overlooking to the neighbour's garden more than existing, however as the window serves an en-suite bathroom, it can be conditioned to be obscurely glazed to overcome any potential impacts in this regard (see condition 4).

In terms of the flat-roof rear extension, it is considered to be modest in scale and its siting away from neighbouring properties means it would not have any unacceptable impacts to neighbouring amenities.

The proposed extensions are not considered to have any significant adverse impacts upon the amenity of neighbouring properties. Therefore the development is considered acceptable in this regard and complies with UDP Policy ENV 27 and the Amity Standards SPG.

Parking

The proposal would result in the loss of the garage and part of the driveway, to accommodate the side extension. The proposal would therefore reduce the available parking within the property. However the applicants remaining driveway is large enough to accommodate two/three cars, which is considered an acceptable provision in line with the parking standards.

Amenity Space

Although the amount of garden amenity space would be reduced as a result of the development, it is considered that the property benefits from a large garden and sufficient space remains to serve the practical needs of the occupier as extended.

Other Issues

The occupiers of No. 11, Knowbury Avenue also raised a number of issues in relation to Building Control, Party Wall matters and land ownership. These issues are not considered to be material considerations in the determination of this planning application and are matters covered under separate and civil legislation.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. The development shall be carried out in accordance with the following approved plans and documents: Proposed Front and Side Elevation 1 (as amended), Proposed Ground Floor Plan (as amended) and Proposed Rear and Side Elevation 2 as received on the 4th of January 2017 and the 24th of January 2017

Reason:

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

3. 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 in the side elevation facing number 11 Knowbury Avenue 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. The window in the rear elevation of the dormer side extension hereby approved shall be glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration at the time of the construction of the development hereby approved and prior to the first beneficial use of the extension and shall thereafter be so maintained at all times.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

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 Policy ENV27 'Design of New Developments' and TRAN10 'Parking' of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, approved Supplementary Planning Guidance 'Amenity Standards' and national guidance contained within Planning Policy Wales (Edition 9, 2016), and TAN12 'Design' the proposed extensions, by virtue of their siting, design and scale represent an acceptable form of development that will not adversely impact the character of the dwelling, the visual amenity of the surrounding area or adversely affect the residential amenities of the neighbouring dwellings.

It is considered that the development complies with the sustainable development principle and satisfies the Council's well-being objectives in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

NOTE:

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

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

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

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



2016/01471/FUL
'Appendix A'

11 Knowbury Avenue

Penarth

Vale of Glamorgan

CF64 5RX

9TH January 2016

For the attention of Harri Aston

Dear Mr. Aston

Planning Application 2016/01471/FUL 13 Knowbury Avenue, Penarth, CF64 5RX

Further to your letter of the 28th December 2016. We are writing to you to advise you that we strongly object to the proposed extension development at 13 Knowbury Avenue and wish to comment as below :-

1. The proposed demolition and redevelopment of the garage to construct a habitable room, complete with a bedroom in the mezzanine, directly impacts on our property. This is a change of use to provide a habitable space directly on our boundary. All of the properties in Knowbury Avenue are constructed with a drive space or garage adjacent to the living spaces of the individual properties. This unique street scene which defines the detached and spacious nature of the Avenue will be destroyed by this change of use and fundamentally changes the character of the area.
2. The redevelopment detailed in the planning application will be constructed directly at our boundary and will require the demolition of the joint boundary wall formed by the existing side garage elevation of No. 13 Knowbury Avenue. This cannot be undertaken without our consent. (Page 31 of Guide to Planning in the Vale of Glamorgan). The Development is subject to the requirements of The Party Wall Act 1996 and cannot be lawfully constructed without complying with the requirements of this act. The works also have to comply with The Building Act 1984.
3. The demolition of this wall to allow the new construction would destroy parts of our garden, trees and mature shrubs where birds nest. There are also wood stores constructed along this boundary.
4. Drawing Number 1665/PL08 implies that the proposed development is set back slightly from the shared boundary but gives no indication on what is proposed on the boundary line to secure our property either during or after construction.
5. The surface water sewer of 11 Knowbury Avenue runs along the existing boundary and connects into the adopted main sewer in the rear garden of 13 Knowbury Avenue. The demolition of the existing garage and boundary will impact our sewer and destroy the present outfall to the main sewer. The proposed development may also impact the easement for the main Welsh Water sewer that runs in a north – south direction to the rear of the property (Page 29 of a Guide to Planning in the Vale of Glamorgan).

6. The properties are subject to restrictive covenants (Page 22 of Guide to Planning in the Vale of Glamorgan). This precludes development which requires access to adjacent property for construction without the agreement of the adjoining property owner. We will not grant permission for construction purposes.
7. Drawing number 1665/PL08 indicates that the roof line of the new construction is raised and extended above the current level and will overshadow our property and garden. The proposed development is substantially larger than the existing garage and, as it runs east – west, it will completely overshadow our patio and rear living room and bedroom windows which lie on the north side. This will preclude all sunlight reaching this area and will severely reduce our amenity. This is not good design (Page 33 and 38 of Guide to Planning in the Vale of Glamorgan).
8. Drawing Number 1665/PL08 details the construction of a window at ground floor level at ground floor level which looks directly onto our patio and into our living room. This is not acceptable (Page 38 of a Guide to Planning in the Vale of Glamorgan).
9. Drawing Number 1665/PL08 indicates that the new construction will extend forwards of the existing building line. 13 Knowbury Avenue, where the redevelopment is proposed, is constructed in an elevated position over our property. The forward projection of this wall will create an obtrusive and visually unsightly large wall directly adjacent to a side window of the sitting room in our property. This combined with the reduction of light to the rear living room windows will be oppressive and totally overbearing in such close proximity to us. (Page 38 of a Guide to Planning in the Vale of Glamorgan).
10. The reduction in the gap between the two properties detracts from the unique street scene enjoyed by Knowbury Avenue and will result in the production of a terracing effect. This is at odds with the basic principles of good design (Page 39 of a Guide to Planning in the Vale of Glamorgan).
11. Drawing Number 1665/PL08 also indicates the construction of a dormer window in the mezzanine. This window is directly on the boundary and will reduce the privacy in the garden of our property (Basic Principle of Good Design Page 38 of a Guide to Planning in the Vale of Glamorgan).
12. The architect's brief /subsequent plans appear to achieve the maximum possible development and a change in use of the garage space in 13 Knowbury Avenue without any consideration for both the appearance and the detrimental effect on our property. No. 13 Knowbury Avenue has already been substantially enlarged. The proposed development would double the size of the original house. Our house number No.11 suffers the maximum negative impact from these proposals and the visual aspects from the front, rear and side elevations is at odds with the Vale's Planning Guidance for the basics of good design.

We confirm we are NOT willing to allow ANY access either on or above the ground level on our side of the boundary line for builders and /or their equipment, including scaffolding and other materials, in connection with the building of this extension. Under the Access to Neighbouring Land Act 1992, we are fully entitled to refuse permission for such access to our land for the purpose of new build/extension development. We are NOT prepared to endure the considerable likelihood of noise, health and safety issues, mess and potential damage that are highly probable should such access take place. With this restriction, the development can only be undertaken if construction is progressed unlawfully. If the Vale of Glamorgan grants unqualified Planning Permission for this development we will hold the Vale of Glamorgan culpable should unlawful acts occur during construction. We would remind the Vale of Glamorgan that it has a duty of care to all its residents and it should promote considerate design that can be constructed legally with due respect to affected neighbours.

Legal documentation concerning ownership of the property and adjacent land states that boundary fences are jointly owned and maintained. Legal documents also cover the enjoyment to light and amenity. Confirmation of this legal position is provided Land Certificate entries. We wish to have the present fencing retained.

Some details of the existing proposed plan are incomplete/flawed and are detailed as follows:

1. The plans give no indication of the reconstruction of the boundary fences to our property. The omission of any fencing is unacceptable.
2. The plans do not indicate adequate spacing from the property boundary dimensions to allow for :-
 - a) Protrusion of concrete footings
 - b) Gutter/roof tiles over hang.
 - c) Soil and vent pipe work external fixings
 - d) Retention of existing jointly owned concrete wall and boundary fence posts.

We trust the Vale of Glamorgan will give proper consideration to the above comments and take seriously the concerns raised above.

Yours sincerely

G. and P. Forrest

Note: A copy of relevant clauses from the Land Certificate can be supplied if required.

11 Knowbury Avenue,

Penarth

Vale of Glamorgan

CF64 5RX

12 January 2017

Dear Mr. Aston

Planning Application No. 2016/01471/FUL

Further to our letter dated 9th January 2017, we note that the proposed development at No. 10 Knowbury Avenue has been determined following an amendment to the original plans. The original plans showed development up to the boundary of No. 8 Knowbury Avenue as is proposed for 13 Knowbury Avenue. The amended plans show the extent of the development adjacent to No. 8 Knowbury Avenue has been changed so that it is set back from the boundary by some 2m following concerns expressed by the owner of No. 8.

The issues that affected No. 8 Knowbury have many similarities with the concerns and objections we have put forward in our previous letter. We therefore trust that our concerns, with respect to the proposed development at No. 13 Knowbury Avenue, are given the same consideration in light of the precedent set by the determination made for No. 10 Knowbury Avenue.

Yours Sincerely

G. and P. Forrest

2016/01471/FUL.

'Appendix B'.

Payne, Adrienne J

From: Christian Le Guilcher [REDACTED]
Sent: 08 February 2017 15:16
To: Planning & Transportation (Customer Care)
Subject: 13 KNOWBURY AVENUE PENARTH. 2016/01471/FUL

FOR THE ATTENTION OF HARRI ASTON

Further to my message left on your phone today please find attached comments from client which I request be included in your report that goes to Committee

We already have planning permission on a similar project.

We changed these original plans specifically for Pat Forest as she was worried about being able to use our front drive to put her ladders in the event that in the future should she need to paint the side of her house. Being as accommodating as possible, I understood her concern and asked her suggestion.

Pat Forest herself suggested instead of bringing the garage forward on the drive it would be better to use the dead part of garden behind the garage and to bring the garage back. We have had new plans drawn up to accommodate this request so don't understand what she can be objecting to.

Pat forest expressed concern about having a side window next to her garden, which I understood was a concern to her and so immediately removed it.

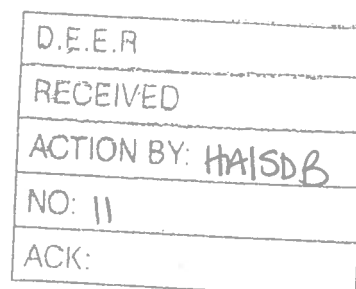
I have several times specifically spoke to Pat about this project considering we have been friends for 9 years, and clearly stated that we would do everything we could to make the work as quick and stress free as possible.

It has come as a huge shock and upset to me that Pat forest should be objecting and has been unable to come into my home and speak to me personally about it.

Juliette Millar
(13 Knowbury Avenue)

With thanks

Christian Le Guilcher



2017/00020/FUL Received on 13 January 2017

Mr & Mrs. Peter Mulaney 69, Plymouth Road, Penarth, Vale of Glamorgan, CF64 3DD
Christian Le Guilcher Le Guilcher Architecture, 1, Powys Road, Penarth, Vale of Glamorgan,, CF64 3PB

69, Plymouth Road, Penarth

Single storey side / rear extension

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Cllr Kelly-Owen for the reason of possible adverse impact on neighbours and wider area.

EXECUTIVE SUMMARY

The application site relates to a two storey mid terrace dwelling within the Penarth Conservation Area. The application proposes the demolition of existing extensions and the construction of a single storey wrap around extension.

At the time of writing this report 2 letters of representation have been received raising issues of overdevelopment, overbearing, dominant, impact on conservation area and unneighbourly development.

The main issues relate to the impact of the development on the character of the property and the visual amenity of the wider street scene and Penarth Conservation Area, the impact on the amenity and privacy of occupiers of neighbouring properties. Amenity space is also a consideration.

The application is recommended for approval.

SITE AND CONTEXT

The application site is located at No.69 Plymouth Road, within the settlement boundary of Penarth. The application property relates to a two storey mid terrace property located within the Penarth Conservation Area. The property benefits from a front and rear garden.

DESCRIPTION OF DEVELOPMENT

The application as amended proposes the demolition of an existing single storey side and rear extensions and the construction of a single storey side/rear extension wrap around extension. The amended extension would measure approximately 9.1 metres in length adjacent to No. 71 and approximately 4.1 metres along the boundary with No 67, and approximately 2.9 metres in width along the side (6.7 metres to the rear). The eave level will measure approximately 2.4 metres with a maximum height of approximately 3.6 metres.



PLANNING HISTORY

2005/01340/FUL: 69, Plymouth Road, Penarth, Proposal: Proposed rebuilding of existing single storey store in cavity work, Decision: Approved

2009/00444/FUL: 69, Plymouth Road, Penarth, Proposal: Installation of new and replacement velux windows, Decision: Approved

2014/00715/FUL: 69, Plymouth Road, Penarth, Proposal: Alterations to existing rear extension, Decision: Approved

2015/01360/TCA: 69, Plymouth Road, Penarth, Proposal: Prune Japanese Maple in front garden, Decision: Approved

CONSULTATIONS

Penarth Town Council were consulted on 26 January 2017. No response was received at the time of writing this report.

Conservation (Planning) were consulted on 26 January 2017. A response received on 07 February 2017 confirms no objection to the proposal.

Plymouth Ward Members were consulted on 26 January 2017. A response from Cllr Clive Williams on 26 January 2017 states no comment. A response received from Cllr Kelly-Owen on 6 February 2017 requests the application be 'called in' to planning committee due to the scale of the proposed development and its possible adverse impact on the neighbourhood and the precedence it would create for other buildings in the vicinity to the detriment of Plymouth Road.

REPRESENTATIONS

The neighbouring properties were consulted on 26 January 2017 and a site notice was also displayed on 2 January 2017. To date 2 letters of objection has been received from the residents of No 67 and 71 Plymouth Road, the letters are attached are attached to this report as **Appendix A and B**. The objections can be summarised as:

- Overbearing/Dominant
- Overdevelopment
- Altering the character of the Conservation Area
- Unneighbourly
- Precedent
- Loss of light/amenity
- Damage
- Loss of privacy

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Policy:

POLICY ENV 17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT
POLICY ENV 20 – DEVELOPMENT IN CONSERVATION AREAS
POLICY ENV 21 – DEMOLITION IN CONSERVATION AREAS
POLICY ENV 27 – DESIGN OF NEW DEVELOPMENTS

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 9, 2016) provide the following advice on the weight that should be given to policies contained with the adopted development plan:

2.14.4 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 9, 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
- Penarth Conservation Area and Management Plan

Other relevant evidence or policy guidance:

- Welsh Office Circular 016/2014: The Use of Planning Conditions for Development Management
- 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.*

Well Being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to 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 reaching the recommendation set out below, 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.

Issues

In assessing the proposals against the above policies and guidance it is considered that the main issues relate to the impact of the development on the character of the property and the visual amenity of the wider street scene and Penarth Conservation Area, the impact on the amenity and privacy of occupiers of neighbouring properties. Amenity space is also a consideration.

Amended plans were submitted during the determination of the application reducing the eaves height of the proposal facing No 71 Plymouth Road. These amended plans form the basis of this decision.

Visual impact

In terms of character of the Conservation Area Policy ENV20 is particularly relevant and states that '...new developments...will be permitted where they preserve or enhance the character of the conservation area...proposals will need to reflect the scale, design, layout, character, materials and setting of those buildings, which establish the character of the area...'

The proposed works would be located to the rear and relatively hidden from the wider area. An access lane is located to the rear of the property serving dwellings at Plymouth road, however given the distance from the rear boundary and the boundary enclosures the proposal would not be highly visible from public viewpoint. The scale and form of the proposed extension to the rear of the property is considered to be an acceptable design response to the context of the site, which has regard to the relevant policies.

The application site together with the other properties in this terrace have not been significantly altered and retain their original form. However, the application property is not listed and it is not uncommon to see such extensions on Victorian dwellings.

The proposed extension whilst contemporary would preserve the character of the Penarth Conservation Area, whilst also safeguarding the character of the property and the visual amenity of the wider area.

Impact on the privacy/amenity of neighbouring properties

In terms of impact on neighbouring properties, the proposed rear extension would be located on the boundary with No 71 Plymouth Road. The amended proposal would have an eave height of approximately 2.4 metres (measured from the applicant site) and a maximum height of approximately 3.6 metres. The garden at No 71 is located on slightly lower ground level than the application site (indicated on the plans as 0.5 metres lower), and the proposal would extend approximately 9.1 metres along the boundary.

It is noted that the applicants could construct a solid means of enclosure across the side boundary at a height of 2 metres and rear extensions measuring 4 metres from the back walls of the house therefore only 3.3 metres of the extension would technically require planning permission.

Notwithstanding this, the amended extension whilst relatively long and located on the boundary with No 71, is single storey in scale with a low eave height and the roof sloping away from the boundary. The amended proposal would be located approximately 3 metres from the kitchen windows at No 71 and whilst the neighbours may experience a change in the view from these windows and the built form of this boundary, the amended proposal is not considered to adversely impact their amenity in terms of being overbearing or result in overshadowing to a degree that warrants refusal of planning permission.

There are concerns from the residents at No 71 that the proposal would result in a tunnelling effect to their property. As originally submitted the eaves facing No 71 was shown as being 3.1 metres, the reduction in eaves height by 0.5 metres has reduced the massing and impact when viewed from No 71. Given that the proposal is single storey in scale and the neighbours have a 3 metre gap between the boundary and their rear outrigger together with a large garden with neighbours to the rear some distance away, it is considered that the amended proposal would not result in such effect.

Concerns have been raised by the level of the rear patio area to the rear of the extension (0.4 metre increase). The current boundary enclosure with the neighbours at No 67 and 71 is currently formed by a low level stone wall allowing a degree of overlooking between neighbouring properties. The proposal includes the erection of a 1.6 metre privacy screen along the patio area which would be higher than the current wall and is considered to mitigate any harm of the increase in levels and is acceptable in its own right.

Velux windows are included in the roof plane facing these neighbours but these would be located at high level and would not result in any loss of privacy to neighbours at No 71.

In terms of impact on No 67 Plymouth Road, the proposed extension would be located on the boundary with these neighbours. The current boundary is formed by a single storey extension projecting approximately the same distance as the proposed extension, whilst the proposed extension will be marginally taller the proposal is not considered to result in any detrimental harm in terms of privacy or amenity.

Amenity of the application site

The application site benefits from a large rear garden which is mainly used for amenity space. The proposed extension whilst reducing the level of private amenity space is not considered to result in an overdevelopment of the site and the remaining garden space is considered sufficient to serve the extended dwelling.

Other matters

Concerns relating to precedent have been noted, however all applications are judged on their own merit, if the application is acceptable on planning grounds, the issue of precedent does not arise. Comments relating to guttering, boundary concerns and damage during any construction work have been noted, however these are civil matters and not material planning considerations. The lack of prior consultation between neighbours is noted, however there is no formal requirement to consult neighbours prior to submitting a planning application.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. The development shall be carried out in accordance with the following approved plans: 1650/01, 1650/02, 1650/03, 1650/04, 1650/05, 1650/06, 1650/09 Received 12 Jan 2017 & Amended plans 1650/07 Rev A and 1650/08 Rev A received on 08 February 2017.

Reason:

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

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 ENV17 (Protection of Built and Historic Environment), ENV 20 (Development in a Conservation Area), ENV 21 (Demolition in Conservation Areas) and ENV 27 (Design of New Developments) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and the Council's Supplementary Planning Guidance on Amenity Standards and the Penarth Conservation Area Appraisal and Management Plan, it is considered that the proposed development would preserve the character of the Conservation Area and the wider area and sufficiently safeguard the amenity and privacy of neighbouring properties, and amenity space and is therefore considered to be acceptable.

It is considered that the development complies with the sustainable development principle and satisfies the Council's well-being objectives in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

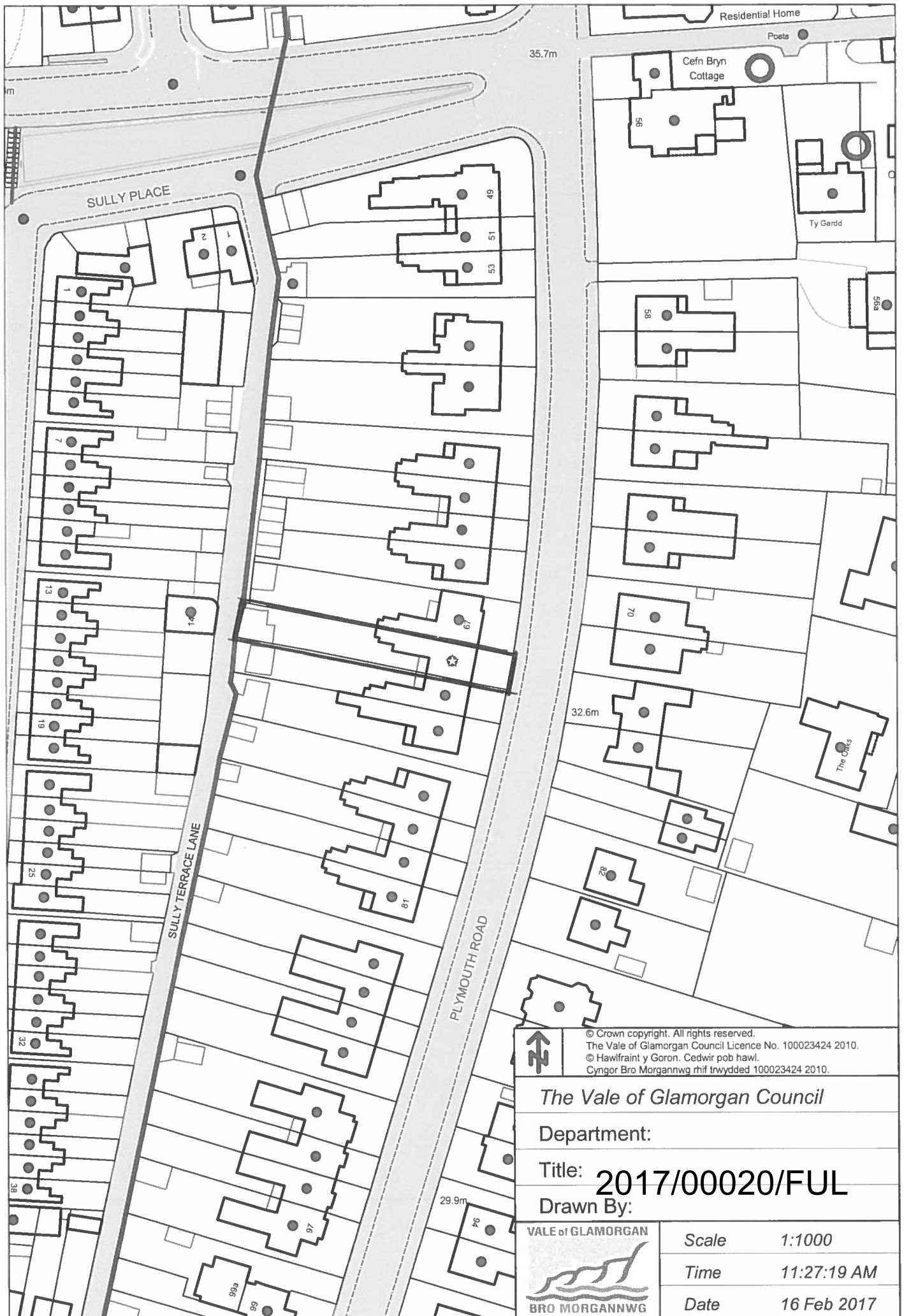
NOTE:

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

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

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

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



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 Cyngr Bro Morgannwg rhif trwydded 100023424 2010.

The Vale of Glamorgan Council

Department:

Title: **2017/00020/FUL**

Drawn By:

| | | |
|--|-------|-------------|
| <p>VALE of GLAMORGAN BRO MORGANNWG</p> | Scale | 1:1000 |
| | Time | 11:27:19 AM |
| | Date | 16 Feb 2017 |

Mr Shafkut Zahoor (Case Officer)
Planning department
Vale of Glamorgan County Council

Dear Mr Zahoor,

Re: Planning Application 2017/00020/FUL – Extension to rear of 69 Plymouth Road

We write to inform you that we **OBJECT** to the above planning application.

We object for the following reasons:

1. Conservation
 - a. Gross and overwhelming development
 - b. Change of character
 - c. Potential damage
2. Privacy
3. Loss of amenity
4. Loss of light
5. Un-neighbourliness

These objections are discussed in full below:

1. Conservation

a. Gross and overwhelming development

This plan proposes a large and unsightly extension covering the whole width of the garden, in full view of most of our garden, which is completely out of sympathy with the original Victorian architecture of this terrace.

b. Change of character

This house is one of 8 houses, comprising two terraces of four, that were built by the same builder in 1890. All of these houses have internally modernised their kitchens over the years, including at number 69, which was modernised very nicely by the previous owners only about 5 years ago. All have been adapted in ways that have been sympathetic to the Victorian character of these houses and, most importantly, have retained the original Victorian footprint, and thus have respected the fact that these 8 well-preserved Victorian terraces contribute significantly to the Penarth Conservation Area within which they are found.

Failing to protect houses such as these from the kind of gross overdevelopment described in these plans will make the conservation area status meaningless and, eventually, pointless.

c. Potential damage

The plans will cause part of what is now the internal wall of our pantry becoming an external wall, moreover one that is fully exposed to the prevailing wind. The plans state that this wall will be "rendered and made good". Rendering will not make good any external wall, never mind one facing the prevailing wind in a wet and windy part of Wales. This wall would need to be a cavity wall at the very least. Over and above this, there will be an edge between this wall and the newly proposed roof, which means that rainwater on that roof will be blown into the base of the wall where it joins the roof, and thus present the risk of rain damage, rain penetration, and damp at this junction. This would require flashing, but this is not shown on the plan.

The design here is poor, but leaves all the risks of this poor design to fall on us.

2. Privacy

The plans include the proposal to raise the current patio by at least 0.4 metre (nearly 1ft 4in). This places the patio at a height that would mean any adult standing on that patio will look down into our garden and

be able to see anyone sunbathing, reading, gardening, or eating etc. Even at a sitting height they are likely to be looking over the wall. This is a significant impact on the privacy which we have enjoyed in this garden for the last 25 years.

3. Loss of amenity

Following on from point 2, the loss of privacy would seriously affect the amenity offered by our garden and our enjoyment of it. We enjoy the whole area of our garden, for eating out whenever possible, sitting out with friends, gardening, and to read, paint, etc..

4. Loss of light

The plans propose raising the wall by the side of the patio. It is not clear what this entails, but it is a change only necessitated by the raising of the patio. The current wall is the original Victorian garden wall which we had restored in partnership with the previous owners, it being a party wall. Increasing the height of this wall, together with the extension of the current roof beyond the end of our kitchen, will significantly impact on the sunlight coming through the windows at the bottom end of our kitchen, particularly in the months from August to April. These are the only windows that get direct sunlight. In a kitchen that is otherwise north facing, this is critical to our natural light levels. *"Significant problems of sunlight or daylight loss are most likely to occur in terraced or semi-detached housing and it is here that most care needs to be taken".*¹

5. Un-neighbourliness

It is dismaying and regrettable that this application was submitted to the County Council without any consultation with us. Both our neighbours at no. 65 and our previous neighbours at no. 69 have had work carried out on their properties that required planning permission. On all occasions they discussed their plans with us. We were able to agree on the content of their applications so that no objections were needed, county council time was saved, and good relations fostered. In contrast, these plans seem to have been developed and submitted with either no thought, or no care, as to the impact of this development on the neighbours. For example, we cannot see that the convenience afforded to Number 69 by raising the patio - in respect of having steps to the garden from the patio as opposed to, as is now the case, steps from the house to the patio - can justify the negative impact on our privacy, our enjoyment of our garden, our kitchen light levels, or on that of our neighbours at No.71 who, we understand, are also formally objecting to this application.

Yours faithfully

John Clark

Elspeth Clark (Owner-occupiers, 67 Plymouth Rd.)

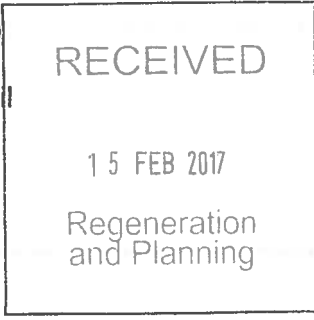
Copy to

- Neil Thomas, Chairman of Planning, Penarth Town Council.
- Fred Johnson, Chair, Vale of Glamorgan Planning Committee.
- Clive Williams, Member, Vale of Glamorgan Planning Committee.
- Maureen Kelly Owen, Ward Representative, Vale of Glamorgan County Council.
- Geoff Cheason, Architect, Vale of Glamorgan Conservation Area Advisory Group, and Penarth Civic Society
- Chris Loyn, President, Penarth Civic Society
- James Long, Chairman, Penarth Civic Society
- Welsh Assembly Government Planning Department

1

http://www.planningni.gov.uk/index/policy/policy_publications/planning_statements/pps07_addendum/pps07_addendum_annexes/pps07_addendum_annexa/pps07_addendum_annexa-2/pps07_addendum_annexa_light.htm

Mr. Shafkut Zahoor (Case Officer)
Planning Department
Vale of Glamorgan County Council



Steve and Sandra Arthur
71 Plymouth Road
Penarth CF64 3DD



14th February 2017

Dear Mr. Zahoor

RE: LETTER OF OBJECTION TO 2017/00020/FUL – Extension at 69 Plymouth Road

We are writing to you to advise you that we strongly object to the proposed extension which completely fills in the outside return of the Victorian terraced house of 69 Plymouth Road and in our opinion will have a critical and un-neighbourly impact on our property.

Summary

Our objection is based on the grounds of the proposal being:

1. Over developed / Overbearing / Overshadowing - Impact on light and Amenity:

The proposed extension will extend the existing side wall of no 69 right to our party wall, where it will increase that height from 2m to 3.2m vertical. At that height it will then create a sloping black slate roof up to over 4m (heights estimated – submitted plans have no dimensions).

The revised proposal (submitted 9th Feb 2017) with a very slightly lower roofline, remains completely overbearing. This is made worse as the proposed extension would run at virtually full height beyond the principal rear elevation of the house to the full length of the lower 'outhouse' part of the house right at the centre line of our boundary. The original footprint width of the rear outhouses was set in by nearly 2metres from the main building. This proposal extends that width by 4.5metres.

This height and proximity remains, overbearing, resulting in serious overshadowing, and will have a critical light impact on our property. The light levels in our dining room / kitchen, already marginal, will lose reflected light, become completely unacceptable and need all year round electric light.

The rear outlook will also become unacceptably closed in and result in loss of amenity for our rear return area. Our rear return will effectively become a tunnel.

The development proposal also includes a patio area at the same level as the internal floor. This will be at a significantly higher level than current garden level leading to a critical impact of overlooking and privacy for neighbours on both sides (no 67 are also objecting to this plan).

2. Altering the Character / Conservation area:

A key character of Victorian homes in the conservation area of Penarth is the dining room / kitchen and outside return amenity. This proposal is ugly in size and appearance and will risk damaging and changing these features irreparably. Out of character with Penarths' existing Victorian terraced properties, this proposal, if approved, will set an unsympathetic precedent for the whole area.

3. Un-neighbourly:

The plans were submitted without prior discussion in spite of their critical impact on our property.

The original plans showed the guttering coming right to the centre of the party wall. The revised plans do not seem to show a gutter at all. No 69's gutter already overflows onto their own walls during heavy rain. To push this problem right to the boundary, and inevitably onto our property, is also very un-neighbourly.

4. Loss of trees.

We note the application has answered 'No' to this question. Our opinion is that the 5m holly tree close to the boundary wall and on a line with rear of the property, thought to be 40+ years old, will be lost due to the width of this construction [Photo 1].

1. Over developed / Overbearing / Overshadowing - Impact on Light and Amenity

No's 69 and 71 are the terraced houses in the centre of the block of four (no's 67 to 73). As such they have the narrowest plots and are the most challenged in terms of daylight.

Light impact on Dining room / kitchen. As with most other residents, we now have a combined dining room / kitchen at the rear of the house. This is a key living area of our home throughout the year, especially during daylight hours. The current outlook from this room, although northerly, includes both sky and the reflected light from the sun-soaked warm brick of no 69 throughout most of the day. These currently combine to bring in a reasonable amount of light [Photo 2 & 3] and provide an open aspect.

Light impact on rear living room. This room is used constantly as a study. The french opening doors into the conservatory currently provide sufficient light to make this room usable without additional lighting during daylight hours.

Light impact on conservatory. We also make extensive use of our conservatory, as an art studio but also for eating for which the glass roof and open aspect make this ideal. The original Victorian encaustic tiled floor has survived in perfect condition [Photo 4].

Combined Loss of Light and Amenity. When the immediate boundary wall is raised to 3.2metres, with an immediately adjacent roof rising to 4metres, all three rear rooms will suffer critical impact in terms of natural light, with significantly reduced outlook and the need for additional electric lighting throughout the year.

Loss of Amenity of Outside Return Area. We have attached a recent photograph that show the current amenity offered by this open area in past years [Photo 5]. The currently open aspect of this area offers a pleasant seating and activity area. The construction of a 3.20 metre wall to the adjacent boundary will ruin the open aspect and light, reducing it to a 'tunnel' with an overwhelming sense of enclosure creating a 'tenement' effect. Even with a reduction in height as the revised plan shows our outside amenity will be severely affected.

2. Altering the Character of the property in the Penarth Conservation Area:

a. Setting The Precedent. Many residents along Plymouth Road have constructed extensions which have provided upgraded and modernised living arrangements without extending into the outside return area. These have rebuilt existing coal sheds outside lavatories and lean-to areas without extending the existing footprint of already large houses. Allowing the precedent of boundary-width extension is likely to lead to an increasing number of such applications, resulting in a change of character of properties out of keeping for the whole area.

b. Conservation Area - Damage To Floors and Walls. Part of the rear of each of nos. 69 and 71 is a conservatory with an original Victorian encaustic tiled floor. The garden party wall is original Victorian stone with 'cock and hen' topping. These both form part of the original Victorian character and architecture of the two properties.

As the planned extension goes right to the boundary wall, digging for the extension foundations runs a serious risk of causing danger and harm by undermining the wall and damaging the original Victorian flooring of our conservatory. Whilst construction is not a issue for planning applications the potential loss of conservation grade structures surely is.

We have spent a considerable amount of effort and money restoring and maintaining both the conservatory as well as the outside return patio area and the party wall. As a result both are currently in excellent condition.

3. Un-neighbourly / Overbearing - Impact of rain. No. 69 already has problems with gutters and rainwater. We have attached a photograph [Photo 6] showing the impact of heavy rain overflowing existing gutters – the staining of water on the bricks shows the extent of overflow. The proposed

design shows the downpipe from the top 2 roofs of no 69 discharging onto the new extension roof. This will discharge the total rainfall from the whole of the rear of the house into the gutter situated on the party wall.

Given that no 69 cannot access this gutter to maintain it, overflow into the return area of no. 71 is inevitable. Effects of maintenance might not be a subject that planning regulations address, but this is further evidence of the un-neighbourly and overbearing nature of the design.

We hope that the serious concerns raised in our objection are given due consideration by the Vale of Glamorgan Planning Officers, committee and Penarth Town Council.

Yours faithfully

Stephen and Sandra Arthur

Copied to:

Vale of Glamorgan

Planning Committee.

Mr. Fred Johnson (Chair).

Head of Planning and Regeneration

Goldsworthy, Marcus J.

Plymouth Ward Councillors

Maureen Kelly-Owen (Cllr).

Clive Williams (Cllr).

Penarth Town Council

Neil Thomas

Wendy Van Den Brom

Clive Williams

Anthony Ernest (Cllr).

Martin Turner.

Penarth Civic Society.

Chris Loyn R.I.B.A. (President)

James Long. (Chair)

Geoff Cheason. R.I.B.A

Material referred to in the preparation of this objection

The Building Act 1984.

The Party Wall Act 1996

Access to Neighbouring Land Act 1992,

http://www.valeofglamorgan.gov.uk/Documents/Living/Planning/Policy/Amenity_Standards_SPG.pdf

http://www.valeofglamorgan.gov.uk/Documents/Living/Planning/Policy/Trees_Development_SPG.pdf

Photo 1 – Holly tree that appears subject to felling or damage



Photo 2 – Current light into dining room / kitchen.

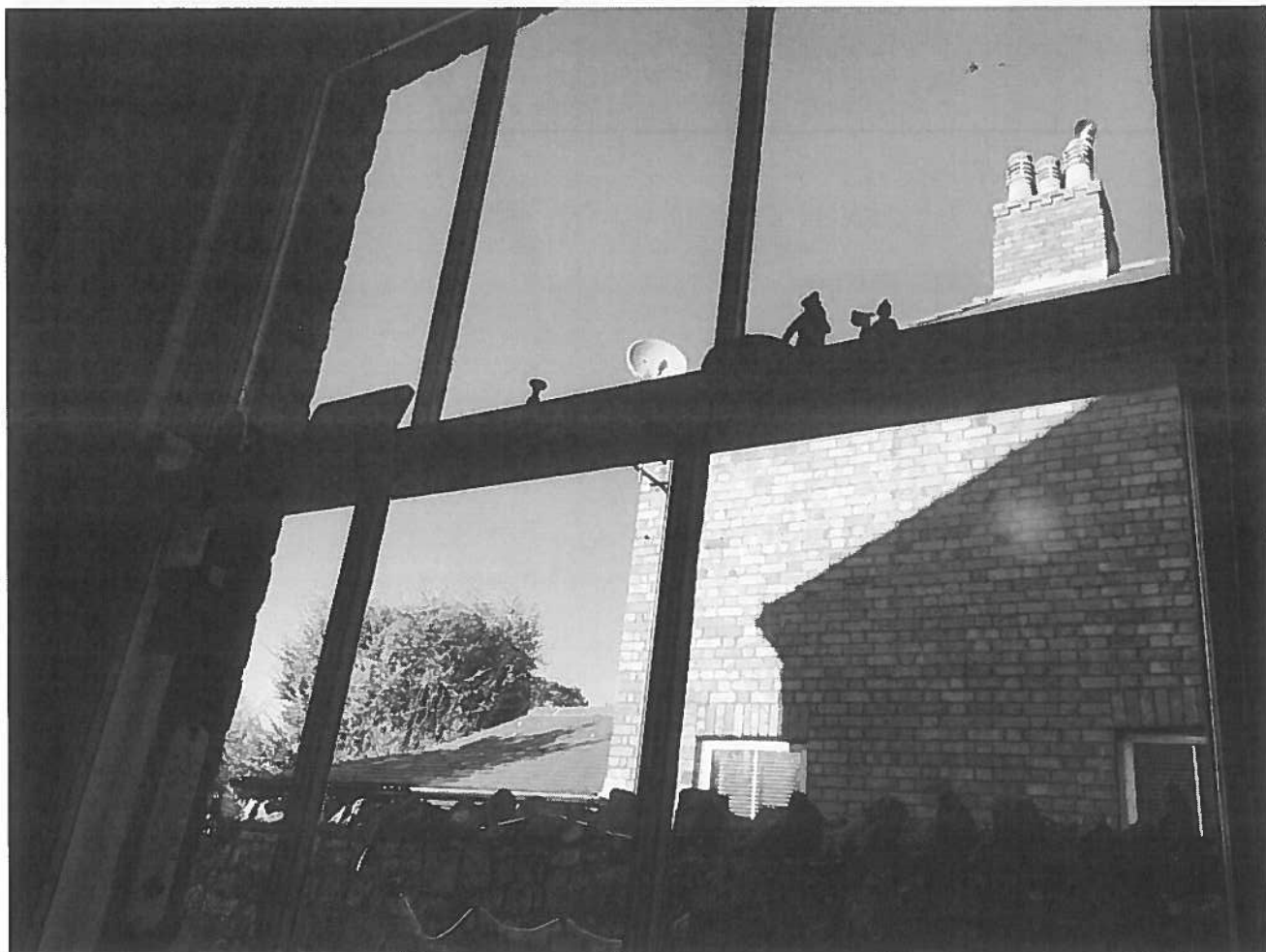


Photo 3 – Current open aspect









