

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **26 JULY, 2018**

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:

2018/0614/BN	A	21A, West Farm Road, Ogmore By Sea	Proposed roof conversion to form master bedroom and upper terrace over existing flat roof
2018/0616/BN	A	Brynhill Cottage, Brynhill Lane, Port Road, Barry	Replacement roof covering with part flat roof changed to pitched roof
2018/0624/BN	A	Castle Lodge, St .Georges, Peterston Super Ely	Swimming Pool and enclosure
2018/0625/BN	A	4, Seys Close, Cowbridge	Removal of load bearing kitchen wall and installing a concrete lintel
2018/0632/BN	A	Yr Hen Dafarn, Llancadle (Plot 1) (Green Dragon)	Change of use/conversion from Public House to one residential dwelling to include 2 no. dormer window roof extensions
2018/0633/BN	A	Springfield, Graig Penllyn, Cowbridge	First floor extension measuring 9m x 6m.
2018/0634/BN	A	43, Regent Street, Barry	New Roof
2018/0635/BN	A	42, Burdons Close, Wenvoe	Orangery extension to rear elevation
2018/0636/BN	A	Aberogwrn Farm, Llancafarn	Fit a new septic tank to residential property

2018/0639/BN	A	2, Birch Lane, Penarth	Knock two rooms into one and open window up and install bi-fold doors
2018/0640/BN	A	30, Minehead Avenue, Sully	Re-roof with modern tiles and breathable membrane on pitched roof and insulation and re-covering to flat roof areas
2018/0642/BN	A	12, Wayside Cottages, Cardiff Road, Dinas Powys	Knock through wall from Bathroom to kitchen. Knock through wall from kitchen to garden to put in French windows. Move bathroom upstairs
2018/0643/BN	A	28, Shackleton Close, St. Athan	Two rooms into one
2018/0645/BN	A	51, Palmerston Road, Barry	Single storey rear/side infill extension. Dormer loft conversion.
2018/0646/BN	A	37, Heol Sirhwi, Cwm Talwg, Barry	Internal alterations, knock through and installation of steel beams and bi-fold doors
2018/0650/BN	A	Holmward Bungalow, Treoes	Knock through
2018/0651/BN	A	92, Westbourne Road, Penarth	Small sunroom extension to rear
2018/0652/BN	A	10, Greenway Close, Llandough	Erection of single floor extension to rear; conversion of existing garage to living accommodation, including roof alteration and extensions to rear and front.
2018/0653/BN	A	73, Cornerswell Road, Penarth	Single storey rear extension
2018/0654/BN	A	50, Andrew Road. Cogan	Bathroom conversion
2018/0655/BN	A	59, Wordsworth Avenue, Penarth	External Wall Insulation

2018/0657/BN	A	7, Albert Road, Penarth	Single storey lean to extension to provide breakfast area/seating for existing adjoining kitchen
2018/0658/BN	A	4, Countess Place, Penarth	Steel beams, new roof on existing extension, small single storey lean to
2018/0659/BN	A	St. Nicholas, Romilly Park Road, Barry	Double garage with roof terrace
2018/0660/BN	A	Fingerpost Farm, Llantcarfan	Agricultural enterprise dwelling for training manager
2018/0661/BN	A	11, St. Quentins Close, Llanblethian, Cowbridge	First floor aperture for disabled through floor lift
2018/0665/BN	A	33, Voss Park Drive, Llantwit Major,	Fitting of new windows and doors
2018/0666/BN	A	1, Shakespeare Drive, Llantwit Major	Conversion of internal garage to living room within bungalow
2018/0667/BN	A	28, Hawthorn Road, Barry	Rear single storey extension
2018/0671/BN	A	367, Barry Road, Barry	Re-roof
2018/0672/BN	A	68a, Dylan Crescent, Barry	Partial rewire
2018/0673/BN	A	15, Williams Crescent, Barry	Partial rewire
2018/0674/BN	A	69, Fair Oaks, Dinas Powys	Renew kitchen and partial rewire
2018/0675/BN	A	1, Green Lane, Barry	Renew garden fencing to property to WHQS standard
2018/0676/BN	A	9, Borough Avenue, Barry	Renew garden fencing to WHQS standard
2018/0677/BN	A	21, Pontalun Close, Barry	New Kitchen, bathroom, rewire and removal of asbestos ceilings
2018/0678/BN	A	29, Fairfield Crescent, Llantwit Major	Renew kitchen, bathroom, rewire and removal of asbestos ceiling

2018/0679/BN	A	63, West Walk, Barry	Fire door and frame
2018/0680/BN	A	17, Severn Avenue, Barry	Fire door and frame
2018/0681/BN	A	39, Edward Street, Barry	Fire door and frame
2018/0682/BN	A	56, Pontalun Close, Barry	Fire door and door frame
2018/0683/BN	A	4a, Lon yr Eglwys, St. Brides Major	Partial rewire
2018/0684/BN	A	8, Ceri Road, Rhoose	Renew asbestos down pipe
2018/0685/BN	A	4, Gwenog Court, Barry	Renew Asbestos / Artex Ceilings to property
2018/0686/BN	A	53, St. Pauls Avenue, Barry	Renew garden fence to property to WHQS standard and handrails to front of property
2018/0687/BN	A	27, Station Road, Rhoose	Renew garden fencing to WHQS standard
2018/0688/BN	A	41, Main Street, Barry	Renew asbestos/Artex ceilings to the hallway
2018/0689/BN	A	34, Pontalun Close, Barry	Renew bathroom to property and partial rewire
2018/0692/BN	A	1, Dale Court, Barry	Insulation of external wall insulation and minor adaptation of roof
2018/0693/BN	A	2, Dale Court, Barry	Insulation of external wall insulation and minor adaptation of roof
2018/0694/BN	A	3, Dale Court, Barry	Insulation of external wall insulation and minor adaptation of roof
2018/0695/BN	A	5, Dale Court, Barry	Insulation of external wall insulation and minor adaptation of roof
2018/0696/BN	A	6, Dale Court, Barry,	Insulation of external wall insulation and minor adaptation of roof

2018/0697/BN	A	7, Dale Court, Barry,	Insulation of external wall insulation and minor adaptation of roof
2018/0698/BN	A	8, Dale Court, Barry,	Insulation of external wall insulation and minor adaptation of roof
2018/0699/BN	A	10, Dale Court, Barry	Insulation of external wall insulation and minor adaptation of roof
2018/0700/BN	A	11, Dale Court, Barry	Insulation of external wall insulation and minor adaptation of roof
2018/0701/BN	A	12, Dale Court, Barry	Insulation of external wall insulation and minor adaptation of roof
2018/0702/BN	A	13, Dale Court, Barry	Insulation of external wall insulation and minor adaptation of roof
2018/0703/BN	A	14, Dale Court, Barry	Insulation of external wall insulation and minor adaptation of roof
2018/0704/BN	A	15, Dale Court, Barry	Insulation of external wall insulation and minor adaptation of roof
2018/0705/BN	A	16, Dale Court, Barry	Insulation of external wall insulation and minor adaptation of roof
2018/0706/BN	A	17, Dale Court, Barry	Insulation of external wall insulation and minor adaptation of roof
2018/0707/BN	A	19, Dale Court, Barry,	Insulation of external wall insulation and minor adaptation of roof
2018/0708/BN	A	20, Dale Court, Barry	Insulation of external wall insulation and minor adaptation of roof
2018/0709/BN	A	21, Dale Court, Barry	Insulation of external wall insulation and minor adaptation of roof

2018/0710/BN	A	22, Dale Court, Barry	Insulation of external wall insulation and minor adaptation of roof
2018/0711/BN	A	23, Dale Court, Barry	Insulation of external wall insulation and minor adaptation of roof
2018/0712/BN	A	24, Dale Court, Barry	Insulation of external wall insulation and minor adaptation of roof
2018/0713/BN	A	25, Dale Court, Barry	Insulation of external wall insulation and minor adaptation of roof
2018/0714/BN	A	26, Dale Court, Barry	Insulation of external wall insulation and minor adaptation of roof
2018/0715/BN	A	27, Dale Court, Barry	Insulation of external wall insulation and minor adaptation of roof
2018/0716/BN	A	28, Dale Court, Barry	Insulation of external wall insulation and minor adaptation of roof
2018/0719/BN	A	15, Dunster Drive, Sully	Re-roof
2018/0720/BN	A	1, St. Catherines Court, Barry	Insulation of external wall insulation and minor adaptation of roof
2018/0721/BN	A	2, St. Catherines Court, Barry	Installation of external wall insulation and minor adaptation of roof
2018/0722/BN	A	3, St. Catherines Court, Barry	Installation of external wall insulation and minor adaptation of roof
2018/0723/BN	A	4, St. Catherines Court, Barry	Installation of external wall insulation and minor adaptation of roof
2018/0724/BN	A	6, St. Catherines Court, Barry	Installation of external wall insulation and minor adaptation of roof
2018/0725/BN	A	7, St. Catherines Court, Barry	Installation of external wall insulation and minor adaptation of roof

2018/0726/BN	A	8, St. Catherines Court, Barry	Installation of external wall insulation and minor adaptation of roof
2018/0727/BN	A	9, St. Catherines Court, Barry	Installation of external wall insulation and minor adaptation of roof
2018/0728/BN	A	10, St. Catherines Court, Barry	Installation of external wall insulation and minor adaptation of roof
2018/0729/BN	A	11, St. Catherines Court, Barry	Installation of external wall insulation and minor adaptation of roof
2018/0730/BN	A	14, St. Catherines Court, Barry	Installation of external wall insulation and minor adaptation of roof
2018/0731/BN	A	15, St. Catherines Court, Barry	Installation of external wall insulation and minor adaptation of roof
2018/0732/BN	A	16, St. Catherines Court, Barry	Installation of external wall insulation and minor adaptation of roof
2018/0733/BN	A	17, St. Catherines Court, Barry	Installation of external wall insulation and minor adaptation of roof
2018/0734/BN	A	18, St. Catherines Court, Barry	Installation of external wall insulation and minor adaptation of roof
2018/0736/BN	A	20, St. Catherines Court, Barry	Installation of external wall insulation and minor adaptation of roof
2018/0737/BN	A	21, St. Catherines Court, Barry	Installation of external wall insulation and minor adaptation of roof
2018/0739/BN	A	22, St. Catherines Court, Barry	Installation of external wall insulation and minor adaptation of roof

2018/0782/BN	A	7, Odyns Fee, Rhoose	New flat roof to garage and kitchen extension including new fascias and soffits. Internal alterations including smoke and heat detectors, external fans, new ceilings, bathroom alterations including en-suite and WC
2018/0784/BN	A	25, Ael y Coed, Barry	Garage conversion to bedroom with en suite
2018/0786/BN	A	92, Colcot Road, Barry	Single storey shower room and W.C.

(b) Building Regulation Applications - Reject

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

2018/0275/BR	R	4, Avalon Antiques, Royal Buildings, Stanwell Road, Penarth	Change of use from 1no 3 bed maisonette apartment to 2 No apartments
2018/0361/BR	R	The Boat House, 4, Cog Road, Sully	Internal and external refurbishment of former pub, into Cafe / Restaurant
2018/0631/BN	R	57, Murch Road, Dinas Powys	New build garage. Rear single storey extension with flat roof and new front dormer
2018/0647/BN	R	38, Minehead Avenue, Sully	Rear single storey extension
2018/0664/BN	R	5, St. Martins Close, Penarth	Double storey extension to rear of property
2018/0668/BN	R	2, Petrel Close, Cosmeston, Penarth	Single storey extension
2018/0669/BN	R	5a, Winston Road, Barry	Single storey side extension

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

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

2018/0088/AI	A	167, Plymouth Road, Penarth	New detached dwelling
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2018/0089/AI	A	The Perrells, Westra, Dinas Powys	Dormer loft conversion and associated works
2018/0090/AI	A	Nationwide Building Society, 136, Holton Road, Barry	Refurbishment of existing Nationwide Building Society
2018/0091/AI	A	BAMC, Dragon Fly Drive, Cardiff International Airport, Rhoose	Conversion of BAMC Hangar bay 2 and associated 'back of shop' support accommodation including a small single storey extension at rear
2018/0092/AI	R	38, Minehead Avenue, Sully, Penarth	Alterations and extension with associated works
2018/0093/AI	A	Ynys Dawel, Leckwith Road, Llandough	Alterations including removal of internal load bearing wall with associated works
2018/0094/AI	A	Stable Cottage, Court Farm, Llansannor	Single storey utility room extension and associated works
2018/0095/AI	A	16, Main Avenue, Peterston Super Ely	Single Storey Rear Extension, Internal Alterations & Associated Works
2018/0096/AI	A	Old Ryder Building, Llandough Industrial Estate, Penarth Road	Proposed Mezzanine Floor
2018/0097/AI	A	Tec Marina, Terra Nova Way, Penarth	Alterations to form an additional meeting room with associated works
2018/0098/AI	A	58, Heol Y Fro, Llantwit Major	Proposed Solid Warmer roof replacement
2018/0099/AI	A	29, Maes Illtuds, Llantwit Major	Proposed structural opening
2018/0100/AI	A	39, St. Davids Crescent, Penarth	Single storey rear extension (works to include material alterations to structure, controlled services, fittings and thermal elements)
2018/0101/AI	A	Plots 1 & 2 rear of 45 Fontygary Road, Rhoose	Proposed construction of a pair of semi-detached

			dwellings
2018/0102/AI	A	93, Fonmon Park Road, Rhoose	Installation of lintel and door
2018/0103/AI	A	5, Meadow View Court, Sully	Extensions and alterations with associated works
2018/0104/AI	A	26, Hawthorn Road, Barry	Single storey rear extension, internal alterations and associated works
2018/00105/AI	R	Haydock House, 1, Holton Road, Barry	Change of use and conversion of building to provide residential accommodation in form of 15 affordable dwellings, retail unit access arrangement and associated works

(d) Section 32 Building Act, 1984

It is proposed to implement the above section of the Building Act with a view to remove from the filing system, building regulation plans relating to work which has not commenced. This section of the Building Act makes provision for the Local Authority to serve notice in respect of plans which are three or more years old. Where such notices have been served (when the proposal has not commenced), it means that the plans are of no further effect and can be destroyed.

It is proposed to serve notices in respect of the following Building Regulations applications.

15/0539/BR  
15/0549/BR  
15/0585/BR  
15/0588/BR  
15/0694/BR  
15/0704/BR  
15/0714/BN  
15/0916/BN  
15/0917/BN  
15/0918/BN  
15/0919/BN

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 26 JULY, 2018

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**

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

2014/00026/1/C A Llaneinydd, St. Nicholas Discharge of Conditions 2 -  
D Further details including windows/doors, rainwater goods and 7 -  
Photographic Survey of Building. Permission 2014/00026/FUL for conversion of existing coach house to dwelling

2014/00448/1/N A Ty Gwyn, Newton, Non-Material Amendment :  
MA Cowbridge The addition of a walk-in wardrobe & 2 no. additional Velux windows. All 3 no. Velux windows will be a minimum of 1.7 m above the floor level of the first floor addition (new master

			bedroom). They will all be clear glass and opening. Planning Permission ref. 2014/00448/FUL : Proposed first floor addition to form a Master bedroom and en-suite bathroom, internal remodelling & the replacement of an existing upvc conservatory with a single storey addition
2014/00460/10/N MA	R	Plot 39, Manor Park, Sully Road, Penarth	Non Material Amendment- Proposed alteration of approved dwelling to include rear conservatory extension. Planning permission 2014/00460/FUL:Change of use of agricultural land to residential development (C3) consisting of the demolition of two disused agricultural buildings and the development of residential dwellings, public open space, landscaping, highway improvements and associated engineering works
2014/00460/9/N MA	A	Plot 74, Manor Park, Sully Road, Penarth	Non-Material Amendment - Proposed alteration of approved dwelling to include rear conservatory extension. Planning permission ref. 2014/00460/FUL : Change of use of agricultural land to residential development (C3) consisting of the demolition of two disused agricultural buildings and the development of residential dwellings, public open space, landscaping, highway improvements and associated engineering works

2014/01424/4/N MA	A	Land off St Brides Road, Wick	Non-Material Amendment to vary the wording of Condition 15 (regarding height of approved railings) of Planning Permission 2014/01424/FUL (Change of use of agricultural land to residential development (C3) including the development of 124 residential dwellings, public open space, landscaping, highway improvements and associated engineering works)
2014/01505/1/C D	A	Land at North West Cowbridge	Discharge of Conditions 13, 19, 21 - Detailed permission for the construction of a link road connecting Cowbridge Bypass with Llantwit Major including footpaths / cycleways landscaping and associated engineering works. Outline permission with all matters reserved other than access for a mixed use residential led development - AMENDED SCHEME - increase in the maximum number of units that could be accommodated on the site from 390 to 475
2014/01505/2/C D	A	Land at North West Cowbridge	Discharge of conditions 12, 16, 22, 26, 28, 29 and 36 - Detailed Permission for the construction of a link road connecting Cowbridge bypass with Llantwit Major including footpaths / cycleways landscaping and associated engineering works. Outline permission with all matters reserved other than access for a mixed use residential led development – AMENDED

			SCHEME - increase in the maximum number of units that could be accommodated on the site from 390 to 475
2014/01505/3/C D	A	Land at North West Cowbridge	Discharge of conditions 17, 24, 35 and 38 - Detailed Permission for the construction of a link road connecting Cowbridge bypass with Llantwit Major including footpaths / cycleways landscaping and associated engineering works. Outline permission with all matters reserved other than access for a mixed use residential led development - AMENDED SCHEME - increase in the maximum number of units that could be accommodated on the site from 390 to 475
2014/01505/4/C D	A	Land to North West Cowbridge	Discharge of Conditions 9 - Public Open Space, 23 - Construction Environ. Management Plan, 25 - Construction Traffic Management Plan, 27 - Proposed Perpetual Management and Maintenance and 32 - Disposal of Excavated Material. Planning permission ref. 2014/01505/OUT : Detailed Permission for the construction of a link road connecting Cowbridge bypass with Llantwit Major including footpaths / cycleways, landscaping & associated engineering works. Outline permission with all matters reserved other than access for a mixed use residential led

			development - AMENDED SCHEME - increase in the maximum number of units that could be accommodated on the site from 390 to 475
2015/00016/6/C D	A	Land South of Craig Yr Eos Avenue, Ogmore by Sea	Discharge of Condition Residential development for 20 dwellings - discharge of condition 21
2015/00392/1/N MA	A	Land at Cardiff Road/Cross Common Road, Dinas Powys	Non-Material Amendment - Amend wording of Conditions 6 and 9, relating to drainage & engineering respectively, in order to change the timescale trigger for approval of details. Conditions to be reworded to require approval of details within 90 days of commencement of development, rather than prior to commencement of development.
2015/00392/4/C D	A	Land at Cardiff Road/Cross Common Road, Dinas Powys	Discharge of Conditions 8 - Construction Traffic and 13 - Construction Environ. Management Plan. Planning Permission ref. 2015/00392/OUT : Outline application for residential development for up to 50 dwellings, together with alignment of initial section of highway linking Cardiff Road and Cross Common Road at Land at Cardiff Road/Cross Common Road, Dinas Powys
2015/00960/1/N MA	A	Land at Sycamore Cross, Bonvilston	Non-material Amendment - Vary the wording of Condition 5-Drainage relating to timing of submission of details of Planning permission

			2015/00960/FUL - Development of 120 homes and all associated works
2015/00960/6/C D	A	Land at Sycamore Cross, Pendoylan Lane and North of A48, Bonvilston	Discharge of Condition 10 - Construction Traffic Management Plan and 21 - Construction Environ. Management Plan for development of 120 homes and all associated works
2016/01290/2/C D	A	Arno Quay, Barry Waterfront, Barry	Discharge of Conditions 10, 11 and 12 - Development of the site known as Arno Quay for residential development and associated infrastructure works, parking, and landscape
2016/01453/1/C D	A	2, Llandilo Close, Dinas Powys	Discharge of Conditions 3 - Schedule of Materials, 4 - Parking Layout, 5 - Levels and 10 - Boundary Planting. Planning Permission ref. 2016/01453/FUL : Detached two storey dwelling to the side of No. 2 Llandilo Close
2017/00031/1NM A	A	Elder Cottage, Llantwit Road, Wick	Non-Material Amendment - Alteration of roof shape and finish plus changes to elevation. Planning Permission ref. 2017/00031/FUL : Extension to existing dwelling and replacement of garage
2017/00477/1/N MA	A	19, Liscum Way, Barry	Non-Material Amendment - Move the main entrance doorway from the front to the side of the porch. Planning Permission ref. 2017/00477/FUL



2017/00489/1/N MA	A	Fairfield, Welsh St. Donats	Non-Material Amendment - Alterations to the shape and siting of the first floor windows in the side elevation - planning Permission - New extension with alterations / adjustments to roof. New chimney stacks/Velux windows. Form pitched roof to existing garage. Adjust existing vehicular access and form new car parking / vehicle crossover
2017/00520/1/C D	A	Site of proposed new roundabout, Land at the A48, North of Darren Farm, Cowbridge	Discharge of Conditions 3 - Engineering Details, 4 - Construction Environ. Management Plan , 5 - Construction Traffic Management Plan and 6 - Landscaping Scheme. Planning Permission ref. 2017/00520/FUL : Revised roundabout arrangement to facilitate access to the new link road and the strategic housing development approved under 2014/01505 and to provide 4th arm for access to land to the north of the A48
2017/00615/FUL	A	4, Sunnycroft Lane, Dinas Powys	Two storey side extension including basement
2017/00724/2/N MA	A	Land at Caerleon Road, Dinas Powys	Non-Material Amendment - Replace approved roof tile from Forticrete Slate Grey with a Marley Due Modern interlocking tile - Planning Permission 2017/00724/RES - Reserved matters on outline consent 2014/00282/OUT for residential development

2017/00746/2/C D	A	Land at Cardiff Road/Cross Common Road, Dinas Powys	Discharge of Condition 3 - Materials Details. Planning Permission ref. 2017/00746/RES : Approval of all matters reserved including Appearance, Landscaping, Layout and Scale and the subsequent discharge of planning conditions 2 (Reserved Matters), 6 (Drainage), 10 (Tree Protection), 12 (Slab levels), 16 (Noise Assessment) attached to the Outline Permission (Ref: 2015/00392/OUT) at Land off Cardiff Road/Cross Common Road, Dinas Powys
2017/00746/3/C D	A	Land off Cardiff Road/Cross Common Road, Dinas Powys	Discharge of Condition 6 - Hard and soft landscaping. Planning Permission ref. 2017/00746/3/CD : Approval of all matters reserved including Appearance, Landscaping, Layout and Scale and the subsequent discharge of planning conditions 2 (Reserved Matters), 6 (Drainage), 10 (Tree Protection), 12 (Slab levels), 16 (Noise Assessment) attached to the Outline Permission (Ref: 2015/00392/OUT) at Land off Cardiff Road / Cross Common Road, Dinas Powys
2017/00800/1/N MA	A	31, Pill Street, Cogan, Penarth	Non-Material Amendment - An additional window into the domer plus some alterations to the velux window and high level window. Planning Permission ref. 2017/00800/FUL : Double

			storey rear extension, loft conversion with rear dormer and new detached garage
2017/00844/FUL	A	Glanffawydd, Welsh St Donats	Proposed front, side, rear and first floor extension, detached garage and associated works
2017/00910/1/N MA	R	The Rectory, Port Road, Wenvoe	Non-Material Amendment - Proposed change to the wording of Condition 3 of Planning Permission 2017/00910/FUL : Development of 12 dwellings and associated infrastructure on land at The Rectory, Wenvoe
2017/00994/1/N MA	A	20, Marine Drive, Barry	Non-Material Amendment - Extend/amend width of parking bay to 4000. Planning Permission ref. 2017/00994/FUL : To form new car parking bay to front of dwelling-adjusting ground levels and garden wall fronting street. To form new pedestrian access to adjust existing vehicular crossover
2017/01279/LBC	A	Ty Fry Farm, Llandow	Internal alterations to introduce an enlarged mezzanine area
2017/01320/1/C D	A	The Old Town Mill, Old Town Mill Road, Cowbridge	Discharge of Condition 3 - Programme of archaeological work
2018/00022/PD	A	9 Lewis Street, Barry, CF62 6JW	Childminding
2018/00044/FUL	A	21, Channel Close, Rhoose	First floor extension over existing garage and utility room. Rear single storey extension. Single storey front extension with porch

2018/00079/FUL	R	The Laurels, Llanquian Road, Aberthin	Amendments to planning permission 2015/01455/FUL for the construction of two detached dwellings
2018/00118/FUL	A	Bradfield, Victoria Park Road, Cadoxton, Barry	Retention of raised section of garden, retaining wall and timber summer house to rear of dwelling
2018/00138/FUL	A	Barry Yacht Club, Dock Road, Barry	Construction of a cesspool for the treatment / disposal of sewage waste from Barry Yacht Club and adjoining former Lifeboat Station
2018/00146/1/C D	A	Dow Corning, Cardiff Road, Barry	Discharge of Conditions 3 - Potential Contamination, 4 - Detailed Remediation Scheme and 5- Notice of Remediation Scheme. Planning Permission ref. 2018/00146/FUL : It is proposed to extend an existing manufacturing building within the Dow Performance Silicones site at Barry. The extension would comprise a new loading bay and open-plan steel-framed building to house new manufacturing equipment. The extension, in keeping with the existing adjacent buildings would be single storey at Dow Corning Ltd., Cardiff Road, Barry
2018/00179/FUL	A	Cardiff and Vale Orthopaedic Centre, University Hospital Llandough, Penlan Road, Llandough, Penarth	Extension to CAVOC (two storey)

2018/00212/FUL	A	Tudor Lodge, Bonvilston	Variation of Conditions 1 & 2 of Planning Permission 2017/00024/FUL : To change to the external cladding of an existing agricultural barn / storage facility
2018/00231/FUL	R	Mill Barn, Mill Road, Boverton, Llantwit Major	Retention of reconstructed barn for the housing of goats, associated fodder and associated equipment
2018/00239/FUL	A	The Shop, 29, Park Road, Barry	Change of use of the shop from retail to child care and installation of railings at the front of the shop
2018/00244/FUL	A	Mill Cottage, Church Farm, Clemenstone	Double storey and single storey extension
2018/00247/FUL	A	111, Westward Rise, Barry	Extend rear 4th bedroom over existing utility room, to increase size of bedroom, building off the existing cavity walls. Form a dormer hip roof to rear, to match existing slates. Walls to be rendered to match existing finish. Install new UPVC double glazed window to match existing size and style of utility window.
2018/00253/FUL	A	Fingerpost Farm, Llancarfan	Agricultural enterprise dwelling for the Assistant Training Manager for the horse racing enterprise
2018/00255/FUL	A	36, The Verlands, Cowbridge	Single storey extensions to front and rear of property including internal alterations
2018/00301/FUL	A	85-87, Eastgate, Cowbridge	Retention of change of use of first floor from D1 to A1 Bridal Boutique and second floor from C3 to A1 Bridal Boutique

2018/00310/FUL	A	The Chestnuts, Heol y Mynydd, Welsh St. Donats	Extension to existing house
2018/00314/FUL	A	3, Heol Neuadd, Cogan Hall, Penarth	Single storey extension to side and rear
2018/00328/FUL	A	1, Ivor Street, Barry	Convert the existing coach house at the rear to a one bedroom dwelling
2018/00338/FUL	A	14, Nordale Rise, Barry	Proposed 2 storey side extension to form a kitchen and first floor bedroom
2018/00340/FUL	A	35, Anchor Road, Penarth	1 No. first floor balcony to front elevation of property
2018/00341/FUL	A	54, Chandlers Way, Penarth	1 No. metal framed balcony to front elevation of property
2018/00342/FUL	A	29, Chandlers Way, Penarth	1 No. metal balcony to front elevation of property
2018/00351/FUL	A	Lon Twyn, Twyncyn, Dinas Powys	Replacing modern timber windows and doors with leaded light windows and doors that suit the time and style of the property
2018/00352/LBC	A	Lon Twyn, Twyncyn, Dinas Powys	Replacing modern timber windows and doors with leaded light windows and doors that suit the time and style of the property
2018/00357/FUL	A	21A, West Farm Road, Ogmore By Sea	Proposed roof conversion and front dormer to form master bedroom with en-suite bathroom and upper terrace over existing first floor flat roof. First floor balcony to the front and alterations to front elevation windows to include a Juliet balcony.

2018/00372/LAW	A	3, Countess Place, Penarth	Dormer conversion of current loft storage space in to bedroom / en suite. All work internal save for roof changes i.e. no changes to street access / layout
2018/00374/FUL	A	91, Redlands Road, Penarth	Construction of detached one bedroom granny annexe
2018/00375/LBC	A	Great House Court, Church Lane, Welsh St. Donats	Replacement of existing windows which are rotting with similar wooden windows with double glazed units
2018/00381/FUL	A	5, Pwll y Min Crescent, Peterston Super Ely	Proposed replacement extension
2018/00385/FUL	A	18, Duffryn Crescent, Peterston Super Ely	Over garage extension and modification to porch
2018/00400/FUL	A	New Aston Martin premises, (previously MOD), in St. Athan	Proposal to install an underground fuel storage tank with mono / twin dispensing fuel pump. Will include drainage system that feeds into the proposed interceptor
2018/00402/FUL	A	33, Station Road, Penarth	Proposed conversion and loft conversion to existing property to form 2 self contained dwellings
2018/00406/FUL	A	10, Greenway Close, Llandough, Penarth	Erection of single floor extension to rear; conversion of existing garage to living accomm. including roof alteration and extensions to rear and front
2018/00408/FUL	A	Gigman Mill, St. Mary Church	New drive access to Gigman Mill House additional to that granted on ref: 2017/00230/FUL

2018/00409/FUL	A	43, Hinchsliff Avenue, Barry	First floor extension to side and rear to form new bedroom and secondary bathroom and a ground floor extension to rear to create new sitting room
2018/00412/FUL	R	36, Pontypridd Road, Barry	Demolition and re-build of the existing garage affording an integrated front porch and a second storey above delivering two further bedrooms, with balcony to the rear. The proposal wraps to the rear to a single storey Orangery / garden room
2018/00414/FUL	A	5, Cornerswell Road, Penarth	Conversion of single residential dwelling to two, one bedroom flats
2018/00415/FUL	A	41, Plymouth Road, Penarth	Replace windows at the front with UPVC vertical sliding sash windows in white ash. All windows will have toughened glass where mandatory
2018/00421/FUL	A	Little Acre, 4, Uphill Close, Sully	Proposed single storey Granny Annexe extension
2018/00422/FUL	A	Ystradowen Village Hall, Off Cowbridge Road, Ystradowen, Cowbridge	Variation of Conditions 2, 3, 7 and 8 of Planning Permission ref. 2017/01224/FUL relating to approved plans, NRW licence, drainage and landscaping
2018/00428/FUL	A	Santander UK Plc., 4-4A, Windsor Road, Penarth	Shop front refurbishment including new ATM position with red (RAL 3020) vinyl around it. New 10.8mm shop front glazing panels and 11.5mm around ATM. New stainless post box and blank letter plate. Rear elevation: 1 no. windows at ground floor level to be



			block up and make good. 1 no. extra Daikin unit and 2 no. grilles to be installed
2018/00430/FUL	A	6, Broadway, Cowbridge	Proposed alterations and extensions to existing property
2018/00432/FUL	A	1, Plymouth Road, Barry Island, Barry	Proposed alterations and upgrading of existing house in multiple occupation from 10 bedrooms to 12 bedrooms including a ground floor disabled suite and a proposed 2 storey Manager's accommodation unit in the rear garden
2018/00433/FUL	A	Roundabout intersecting Windsor Road, Windsor Terrace, Albert Road, Stanwell Road and Bradenham Place, Penarth	Like for like replacement of Town Boston 1 Pillar Clock
2018/00434/FUL	A	West Rise, A48, Bonvilston	Two storey extension to form extra living space on the ground floor and enlarged and a new bedroom at first floor
2018/00436/FUL	A	60, Westward Rise, Barry	Two storey side extension and single storey rear extension
2018/00437/FUL	A	22, Rectory Close, Wenvoe	Single storey rear extension and two storey front extension
2018/00439/FUL	A	3, Crawshay Drive, Boverton, Llantwit Major	Single storey front extension
2018/00442/FUL	A	Oak House, 17, Upper Cosmeston Farm, Penarth	Extension to the rear, conversion of the garage to a hobby room and the removal of some internal walls to provide a larger kitchen

2018/00443/FUL	A	8, Channel View, Ogmore By Sea	Garage Conversion
2018/00444/FUL	A	15, Newbarn Holdings, St. Athan Road, Flemingston	Proposed two storey extension and porch extension, balcony to rear and first floor bathroom over existing porch
2018/00446/FUL	A	41, Lavernock Road, Penarth	Take down single storey rear extension. New single storey rear extension (enlarged) to form kitchen and bed sitting room with en-suite
2018/00448/FUL	A	43, Pardoe Crescent, Barry	Proposed single storey ground floor front extension and single storey first floor rear extension with Juliet balcony
2018/00449/FUL	A	Conifers, A48 St Nicholas	Extension to existing dwelling and general alterations. Amendment to 2017/00797/FUL
2018/00451/FUL	A	Trosfaen, 4, Windmill Lane, Llanblethian, Cowbridge	Vary Condition 1 of Planning Permission ref. 2014/00280/FUL to extend the date for development for a further 5 years
2018/00454/FUL	A	St. Josephs R.C. Primary School, Sully Road, Penarth	Proposed extension to Year 6 classroom
2018/00456/FUL	A	65, Jenner Road, Barry	Loft conversion plus dormer to the rear of the property
2018/00459/FUL	A	24, Whitcliffe Drive, Penarth	Single storey rear extension with new front balcony, alterations to windows and internal alterations

2018/00461/FUL	A	Ruscombe House, Westgate, Cowbridge	Proposed extensions and alterations
2018/00463/LBC	A	Three Tuns, Cowbridge Road, St. Nicholas	Re-thatch main roof which has reached its end of life
2018/00466/ADV	A	Santander, 4-4A, Windsor Road, Penarth	Installation of a 46" TV within a metal shroud at the front elevation showing static Santander marketing campaigns
2018/00467/FUL	R	12, Murch Crescent, Dinas Powys	Raised decking continuing off the rear of my lawn that will protrude over sloping ground
2018/00468/FUL	A	1, Breach Cottages, Bonvilston	Retrospectively the erection of a holiday let
2018/00473/FUL	A	168, Westbourne Road, Penarth	Proposed two storey rear extension and side garage
2018/00477/FUL	A	1, Bowmans Way, Cowbridge	Front extension to existing dwelling
2018/00478/FUL	A	13, St. Peters Road, Penarth	Proposed two storey extension, single storey extension and loft conversion with dormer window
2018/00480/LAW	A	Maxgate, 55, Boverton Road, Llantwit Major	Single storey rear extension. Construct small utility area to rear of property. Single storey in keeping with existing bungalow property. Increased internal floor area of 5.13 sq. m.
2018/00485/FUL	A	Part of field, East of Well Lane / North of Track, Tinkinswood	Construction of a Type 2 foul pumping station, foul water sewer / lateral drain, foul water rising main and foul water manhole
2018/00490/FUL	A	27, Llwyn y Gog, Rhoose	Conservatory renovation

2018/00491/FUL	A	4, Lon Pinwydden, Ystradowen	Edwardian conservatory to side of dwelling
2018/00496/FUL	A	5, St. Martins Close, Penarth	Rear extension and rear roof extension with loft conversion and Juliet balcony to rear
2018/00499/FUL	A	2, Chaucer Road, Barry	Proposed side extension to form ground floor wet room and living space with bedroom above. orch to front elevation
2018/00500/FUL	A	11, Llantwit Major Road, Cowbridge	General renovation of dwelling providing new single storey rear extension and first floor extension above garage Living room at the front / side of dwelling
2018/00503/FUL	A	9, Windsor Terrace, Penarth	Enlargement of existing garage
2018/00504/FUL	A	88, Kingsland Crescent, Barry	Sub-division of dwelling to form self-contained apartments and associated external alterations
2018/00510/FUL	A	141, Plymouth Road, Penarth	Ground floor single storey rear extension. First floor side extension with balcony to front and Juliet balcony to rear. Two storey rear extension. Attic conversion with rear dormer and alteration works
2018/00511/ADV	E	57, South Road, Sully	Proposed sign to shop front
2018/00521/FUL	A	22, Illtyd Avenue, Llantwit Major	Single storey rear extension and internal alterations. Proposed porch to the front of the house

2018/00524/FUL	A	47, Seaview Drive, Ogmore By Sea	Proposed conservatory on West elevation. Proposed bay window on North elevation. Change white upvc windows to dark grey aluminium windows. Marley grey / blue Cedral boarding over existing render
2018/00525/FUL	R	19, Eastgate, Cowbridge	Demolish existing rear addition. Construct new two storey rear annex and single storey addition
2018/00541/FUL	A	27, Heol Merioneth, Boverton, Llantwit Major	Proposed rear extension with demolition of garage and erection of new garage
2018/00550/FUL	A	31, Highwalls Avenue, Dinas Powys	Single storey side extension
2018/00551/FUL	A	Vere Street Mini Market, 52-53, Vere Street, Barry	Retrospective application for the installation of an ATM installed through a composite security panel to the right hand side of the shop entrance
2018/00552/FUL	A	The Bungalow, 20A, Forrest Road, Penarth	Proposed alterations to existing loft conversion
2018/00557/FUL	A	30, Golwg Y Coed, Barry	Proposed single storey rear extension and awning
2018/00567/ADV	A	Vere Street Mini Market, 52-53, Vere Street, Barry	Retrospective application for internally illuminated signage surrounding ATM
2018/00576/FUL	A	23, Rectory Close, Wenvoe	Proposed first floor side extension to form walk in wardrobe and downstairs utility room, and single storey rear house extension
2018/00616/FUL	A	92, South Road, Sully	Conversion of the existing garage into a utility and storage space

Agenda Item No.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **26 JULY, 2018**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2017/00395/FUL  
Appeal Method: Hearing  
Appeal Reference No: 18/3205107  
Appellant: Cardiff Lux S.A.R.L  
**Location: Brooklands Retail Park, Culverhouse Cross**  
Proposal: Proposed new Starbucks drive-through unit  
Start Date: 6 July 2018

L.P.A. Reference No: 2017/01310/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 18/3205169  
Appellant: Mrs. Vanessa Damiani  
**Location: Post Office, 3, Station Road, Dinas Powys**  
Proposal: Change of use of Ground Floor from A1 (Post Office) to C3 (2 bedroom flat)  
Start Date: 29 June 2018

L.P.A. Reference No: 2017/01183/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 18/3205729  
Appellant: Mr Anthony Richards  
**Location: Tudor Lodge, A48, Bonvilston**  
Proposal: Retention of building as erected  
Start Date: 4 July 2018

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(b) Enforcement Appeals Received

None

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(c) Planning Appeal Decisions

L.P.A. Reference No: 2017/00991/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 18/3199904  
Appellant: Mr Alan Parfitt  
**Location: Land to the South of the A48, Bonvilston**

Proposal: Proposed residential development, associated highway and ancillary works and the change of use of unused land to the rear of The Reading Rooms to enable Community Use'

Decision: Appeal Dismissed

Date: 6 July 2018

Inspector: Mr. Hywel Jones

Council Determination: Delegated

## Summary

The Inspector considered the principal issues to relate to whether the location was suitable for the proposed development having regard to the local rural restraint strategy and the effect the scheme would have on the character and appearance of the surrounding area, including the Bonvilston Conservation Area.

The site lies outside of the defined settlement boundary, and the Inspector was satisfied that its exclusion from the settlement boundary was a considered decision based on the pattern of development in the area. The gap in the pattern of development was considerable which has the attributes of open countryside given its appearance as a paddock or field with traditional roadside hedge and tree boundary. That being the case, the development of the site would not constitute a sensitive infilling of a small gap and would be at odds with the protective policies of the development plan. Notwithstanding the site's relatively sustainable location that would not in itself justify development in this countryside location.

Insofar as the conservation area was concerned, the Inspector considered that the gap the field creates was significant and formed part of the character of the conservation area. The development of that gap would erode that green space feature contrary to the special interest of the area. In addition, the design of the proposed development was considered to represent an inappropriate design response to the area, neither sustaining nor enhancing the local character. The Inspector dismissed the Appellant's assertion that the development would well screened by existing and enhanced landscaping from hedgerow and trees. Breaks in that landscaping to facilitate access to the properties would clearly result in the development being readily visible and during winter months the screening quality of deciduous vegetation would be ineffective. Moreover, future presence of the landscaping could not be assured in the long term. Having regard to these considerations the Inspector concluded that there was material harm contrary to development plan policy, national guidance and statutory duty imposed by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act of 1990. There were no planning conditions that could be imposed to satisfactorily mitigate the identified harm.

Finally, the Inspector considered that the unilateral undertaking submitted with the appeal. The undertaking was made pursuant to section 106 of the Planning Act and included provision for an off-site affordable housing contribution and gifting part of the land to neighbouring community use. The Inspector was of the view that the contribution relating to the neighbouring

community use was not required by reason of planning policy and would, therefore, not meet the tests set out in the Community Infrastructure Levy Regulations. As such, the little weight could be attached to the undertaking. Moreover, the Inspector noted that the community benefit already existed as the land was in use for such purpose in any event.

L.P.A. Reference No: 2017/00640/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 18/3198004  
Appellant: CTIL & Vodafone Limited  
**Location: Streetworks on the footpath of Bron Y Mor at the junction with Lakeside, Barry**  
Proposal: Installation of a 12.5m mock telegraph pole, supporting shrouded antennas, 2 no. transmission dishes, 2 no. equipment cabinets and ancillary development thereto.  
Decision: Appeal Dismissed  
Date: 4 July 2018  
Inspector: R. Jenkins  
Council Determination: Delegated

### Summary

In dismissing the appeal, the Inspector considered the main issues to relate to whether the development would preserve or enhance the character and appearance of the Barry Marine Conservation Area. In identifying harm, if then any material considerations would outweigh that harm in favour of the development.

The Inspector agreed with the Council that because of the scale and siting on a prominent corner location, the development would appear visually dominant and would be an incongruous feature in the street scene. The development would, therefore, run counter to the statutory duty arising from the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. For the same reasons it would also conflict with development plan policy.

National planning guidance provides support for telecommunications equipment and there was little doubt that there was significant public benefit arising from the development. Notwithstanding that, national guidance is clear that such equipment should be located so as to minimise impact arising from development. The Inspector was not satisfied that the developer had adequately explored alternative siting to a point whereby development at this location was the only option open. Without cogent evidence to indicate that this location was the only option open to the development, the harm identified about would be entirely unjustified.

L.P.A. Reference No: 2017/00998/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 18/3197805  
Appellant: Brittons Holdings



**Location:** Little West Apartments, Main Road,  
Southerndown  
**Proposal:** The construction of a building to house 4 two-  
bedroom apartments  
**Decision:** Appeal Dismissed  
**Date:** 29 June 2018  
**Inspector:** R. Jenkins  
**Council Determination:** Delegated

### Summary

In dismissing the appeal, the Inspector considered the main issues to be whether the development was acceptable in principle having particular regard to the planning policy designed to control residential development outside of identified settlements.

Despite being located within close proximity to existing residential development, the site is outside of any defined settlement boundary. The appeal site is also located within the Glamorgan Heritage Coast where there is a specific presumption that development will conserve and enhance the special environmental qualities of the Heritage Coast. That being the case, the Inspector agreed that there was strong presumption against development in this countryside location. The Inspector noted national planning guidance indicates sensitive infilling may be acceptable dependant on character of the surrounding area, pattern of development and access to towns and villages. Whilst the development would be located within an existing stone wall, the Inspector agreed that the development would extend and consolidate the existing ground of building which already represent a prominent introduction into this stretch of largely unspoilt coastline. The development was considered to exacerbate that harmful impact to the detriment of the overall rural character of the area. As such, the development was not considered to represent a sensitive infill or rounding off.

Given the conclusions above, the Inspector considered that the development was contrary to national planning guidance and development policy and duly dismissed the appeal.

**L.P.A. Reference No:** 2017/00212/FUL  
**Appeal Method:** Hearing  
**Appeal Reference No:** 17/3192103  
**Appellant:** Mr David Alison  
**Location:** New Broad Street Motors, Ty Verlon Industrial  
Estate, Barry  
**Proposal:** Creation of 2 no separate A1 units within footprint  
of existing Car Sales building (permitted change of  
use) and alterations to front and rear elevations.  
Relocation of existing totem sign  
**Decision:** Appeal Dismissed  
**Date:** 12 June 2018  
**Inspector:** Janine Townsley  
**Council Determination:** Delegated

## Summary

The Inspector considered principal issues to be; whether the development should be considered against development plan policy relation to the protection of employment sites; and, if the development would comply with policies designed to control new retail development outside town and local centres.

In considering whether the site should be protected as an employment premises, the Inspector had regard to the existing use of the site. Policy MD16 states that at existing employment sites and premises proposals for non B1, B2 and B8 uses will only be permitted subject to criteria. The Inspector's interpretation of that development plan policy was that existing premises within employment land which fall outside of a B1, B2 and B8 use would not benefit from the protection of the criteria specified within the policy, as there is no B1, B2 or B8 to protect: the use is already lost. Consequently, as the premise is lawfully in use as a car showroom (a sui generis use), the protection of MD16 would not apply.

Insofar as retail impact was concerned, the Inspector was not persuaded there is a need for additional retail provision at this out of centre location and that there would be no unacceptable impact on trade, turnover, vitality and viability of the district centres. Policy MG13 states that proposals for new retail development will only be permitted where it can be demonstrated that there is an additional need for the proposal that cannot be met within an existing town or district retail centre, and the proposal would not either individually or cumulatively with other recent or consented developments have an unacceptable impact on trade, turnover, vitality and viability of the town, district, local or neighbourhood centre. National planning guidance states that qualitative need is harder to justify than quantitative need and that proposals based on qualitative need should be closely scrutinised. It goes on to state that where the current provision appears to be adequate in quantity, the need for further allocations or developments as a result of an identified qualitative need must be fully justified, before listing a number of scenarios when qualitative need may be sufficient justification for a development. None of the circumstance listed in national guidance were plead by the appellant. Turning to the potential impact of the proposal on existing centres, no data was produced by the Appellant. The Inspector mused that the location of the units, facing the main road and coupled with the provision of generous parking, would attract significant proportion of trade from outside the employment site. Without empirical evidence to support the scope of the retail impact assessment submitted with the appeal, the Inspector was not satisfied that sufficient evidence had been provided to demonstrate harm would not arise from allowing the appeal.

For the aforementioned reason and taking into account all matters raised, the Inspector duly dismissed the appeal.

(d) Enforcement Appeal Decisions

None

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(e) April 2018 – March 2019 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
<b>Planning Appeals</b> (inc. tree appeals and appeals for conservation area consent)	W	6	3	9	-
	H	1	-	1	-
	PI	-	-	-	-
<b>Planning Total</b>		7 (70%)	3 (30%)	10	-
<b>Committee Determination</b>		-	1 (100%)	1	-
<b>Enforcement Appeals</b>	W	-	-	-	-
	H	-	-	-	-
	PI	-	-	-	-
<b>Enforcement Total</b>		-	-	-	-
<b>All Appeals</b>	W	6	3	9	-
	H	1	-	1	-
	PI	-	-	-	-
<b>Combined Total</b>		7 (70%)	3 (30%)	10	-

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



2018/00508/TPO	A	The Grange, Llancarfan	Work to trees in Llancarfan Conservation Area (1973/00024/TPO)
2018/00509/TCA	A	Nauvoo, Llancarfan	Work to trees in Llancarfan Conservation Area
2018/00514/TCA	A	Pentwyn House, Pendoylan	Work to trees in Pendoylan Conservation Area
2018/00520/TCA	A	Land between Harding Close and access road to Boverton from the B4245 By-Pass road and adjacent to River Hodnant (Boverton Brook)	Work to trees in Conservation Area
2018/00544/TCA	A	The Grange, Llancarfan	Work to trees in Llancarfan Conservation Area
2018/00545/TPO	A	Land between Harding Close and access road to Boverton from the B4245 By-Pass road and adjacent to River Hodnant (Boverton Brook)	Work to two Sycamore trees covered by Tree Preservation Order 1977 No. 2
2018/00566/TCA	R	Rear of 5-8, Cwrt Yr Eglwys, Dinas Powys	Work to trees in the Dinas Powys conservation area - Reduce height of Sycamore trees
2018/00580/TCA	A	To Hesg, Colhugh Street, Llantwit Major	Work to trees in the Llantwit Major Conservation Area - Removal of two yew trees to the front of the property
2018/00590/TCA	A	Prospect House, Church Street, Llantwit Major	Reduce 2 trees within Llantwit Major Conservation Area - Reduce the crown of 2 trees on Illtud's 216 boundary wall to prevent branches contacting building, roof and gutter

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **26 JULY, 2018**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

7. ENFORCEMENT ACTION

LAND AND BUILDINGS AT LAND ADJACENT TO TY-ISAF, PETERSTON SUPER ELY

Background

1. A complaint was received by the Local Planning Authority regarding various activities at this site, including the storage of commercial vehicles and the siting of a domestic caravan and residential use occurring. The site is adjacent to a property know as Ty Isaf, in Peterston Super Ely.
2. The site is occupied by a large agricultural type barn and a number of units to the north of the barn. Access to the site and building is gained via the highway heading north from the settlement of Peterston Super Ely; that settlement boundary being 1.2Km along the highway from the site. The surrounding area is characterised by an open rural landscape with some dwellings along the adjoining highway. The site is within the Ely Valley and Ridge Slopes Special Landscape Area.

Details of the Breach

3. The site is owned by a Mr Nicholas Burns and Mr Gareth Williams who are the owners of nearby land known as Saith Farm. Members may recall the previous enforcement action that was pursued in respect of that land, which included the following uses:
  - (i) the storage of skips;
  - (ii) the sorting and storage of waste material;
  - (iii) the storage of lorries;
  - (iv) the storage of builder's materials, equipment, machinery and vehicles; and
  - (v) the use of the Land for residential purposes by virtue of the siting of a domestic trailer and its use for residential accommodation
4. Despite an appeal against the Notice, the appeal was dismissed and the Notice was upheld with slight amendments. That site is the subject of a current enforcement investigation.
5. Having considered the complaints in respect of the current use of the land subject of this report, it would appear that the former uses at Saith Farm, subject of the above-mentioned enforcement notice, may now be occurring at this site.

6. The site has been inspected from the adjoining highway and has recently been inspected in the company of the land owners. The land owners are in the building business and there was some evidence of some building equipment being stored in the building and some building machinery on site. However, a use of the site as a builders' yard (as was the case with Saith Farm) was not conclusively established. This element of the complaint will, therefore, be investigated further along with the siting of a number of smaller outbuildings erected along the northernmost boundary of the site.
7. With regard to the other element of the complaint (i.e. the residential use), this was established at the site meeting with the landowner. Whilst there are a number of structures on the land (other than the barn), there are two units to the north of the barn on site that were domestic in their appearance. The northernmost unit was set out for residential use with a kitchen, kitchen table, living area and bedroom observed through the patio doors at the southernmost end of the unit. The other unit has been fitted with what appeared to be wardrobes and appeared to be used to store clothes. Both units have been extensively modified, as confirmed by the landowner, and have been fitted with new glazing and cladding and were set on a solid base.





8. One of the landowners (Mr Williams) confirmed that he lives in the units at the site. He stated that he has stayed on the site all through the winter just gone and now lives between this site and his property in West Wales.
9. Mr Williams suggested that the units were 'shepherds huts' and that he had refurbished them to provide residential accommodation. Whilst the units had the appearance of a movable structure, they had (as mentioned above) been modified and appeared to have been laid on a prepared base. The Caravan Sites and Control of Development Act 1960 provides a definition of a caravan as being a "*structure designed or adapted for human habitation which is capable of being moved from one place to another...*". Having considered the modifications to the units and their degree of permanence and attachment to the land, it is reasonable to conclude that the units are a building for the



purposes of establishing the breach of planning control and not a movable structure. In view of their use, the breach in this case is the erection of a dwelling and a domestic outbuilding.

#### Action Pursued to Date

10. As already noted, a meeting was held with the owners of the site. It was explained that the residential accommodation on the site required the benefit of planning permission. The owners were advised that they were entitled to submit an application for planning permission in an attempt to retain the residential accommodation, but there needed to be a special justification for the new residential development. An application has not been submitted to date.

#### Planning History

11. There appears to be no recent planning history for the site.

#### Policy

##### **Local Development Plan:**

12. 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 Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

##### *Strategic Policies:*

- SP1 – DELIVERING THE STRATEGY
- SP3 – RESIDENTIAL REQUIREMENT
- SP10 – BUILT AND NATURAL ENVIRONMENT

##### *Managing Growth Policies:*

- MG17 – SPECIAL LANDSCAPE AREAS

##### *Managing Development Policies:*

- MD1 - LOCATION OF NEW DEVELOPMENT
- MD2 - DESIGN OF NEW DEVELOPMENT

##### **Supplementary Planning Guidance:**

13. Supplementary Planning Guidance (SPG) providing guidance on Residential and Householder Development is relevant to this case.

##### **Planning Policy Wales:**

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

15. Chapter 4 of PPW deals with planning for sustainability – Chapter 4 is important as most other chapters of PPW refer back to it.
16. Paragraph 4.4.3 is of relevance stating that *‘Planning policies, decisions and proposals should - Contribute to the protection and improvement of the environment, so as to improve the quality of life, and protect local and global ecosystems. In particular, planning should seek to ensure that development does not produce irreversible harmful effects on the natural environment and support measures that allow the natural heritage to adapt to the effects of climate change. The conservation and enhancement of statutorily designated areas and of the countryside and undeveloped coast; the conservation of biodiversity, habitats, and landscapes; the conservation of the best and most versatile agricultural land; and enhancement of the urban environment all need to be promoted.*
17. Paragraph 4.7.8 states that *‘**Development in the countryside** should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, but new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled.’*
18. Chapter 9 of PPW is of relevance in terms of the advice it provides regarding new housing.
19. Paragraph 9.2.22 of PPW states that *‘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.’*
20. Paragraph 9.3.6 is of particular relevance stating that *‘New house building and other new development in the open countryside, away from established settlements, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area.’*

### **Technical Advice Notes:**

21. 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)
  - Technical Advice Note 18 - Transport

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

22. The following national guidance is also of relevance:
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
  - Welsh Office Circular 24/97 - Enforcing Planning Control
  - Welsh Government Development Management Manual – Section 14 Annex “Enforcement Tools”
  - Manual for Streets and Manual for Streets 2

### **Well Being of Future Generations (Wales) Act 2015:**

23. 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.

### **Reasons for Serving an Enforcement Notice**

24. The main issues to consider are the principle of the residential development in this rural location, the visual impact of the development upon the rural landscape and highway safety.
25. In terms of the policy context to be considered, the site is outside any recognised settlement boundary and within a designated Special Landscape Area where policies MD1 (Location of new development), MD2 (Design of new development) and MG17 (Special landscape areas) are all relevant. These policies seek to ensure that any development, especially residential development, is sustainable and has no unacceptable impact on the countryside or the important landscape character of the area. These policies are supported by policies SP1 (Delivering the Strategy) and SP10 (Built and Natural Environment) that seek to protect the special qualities of the rural Vale.

26. Planning Policy Wales' overarching sustainability principle advocates that the countryside should be protected for its own sake. In addition, PPW has specific sections (in particular sections 4.4.3; 4.7.8; 9.2.22; and 9.3.6, as set out above) which seek to restrict new development in the countryside, other than where it is for agricultural or other appropriate rural development. Finally Technical Advice Note 6 (TAN6) provides guidance on the provision of rural housing and Technical Advice Note 18 (TAN18) on Transport provides advice on highway safety and vision splays for means of access.

*Principle of the development:*

27. In considering the principle of a residential use, it is noted that the site is not within or close to a settlement boundary as defined within the LDP. As such, both local and national policy only allows new residential development where there is a justification.
28. The owner alleges that there is a need for him to live on the site in order to look after the animals that are kept on site. At the time of the site visit these amounted to 8 sheep, 8 pigs, 2 geese and 20 chickens. It was suggested that there have been a greater number of animals at the site than at present. The barn did not have the appearance of being used to keep animals and the character of the site was one of a small holding, rather than an active farming enterprise. The owner is also known to be involved in the building trade and, as such, the site would not amount to his only enterprise.
29. TAN6 sets out the circumstances under which a dwelling in a remote rural location might be justified. This requires compliance with a functional and financial test. Having regard to the number of animals kept at the site, it is reasonable to conclude that the landowner would not satisfy the functional test, which requires the owner to demonstrate that there is a need for him to be on site on a permanent basis for the proper functioning of the enterprise. With regard to the financial test, the owner is required to demonstrate that the enterprise is financially sound and is capable of remaining so in the future, taking into account the income for the farm worker and the cost of providing the dwelling. Of course, there have been no financial details provided by the owner. However, on the basis of the limited number of animals kept at the site, it is again reasonable to conclude that the enterprise as it exists is not financially sound and cannot support the land owner as a sole income.
30. In view of the above, the residential development is not considered to be justified on the basis of it supporting a rural enterprise and the development does not, therefore, benefit from the provisions of TAN6.
31. In terms of the location of the site, it is located some 1.2 km from the edge of the nearby settlement of Peterston Super Ely. The highway is a typical rural road, the majority of which is single track and without a footway or street lighting. There is a bus service through Peterston Super Ely from Cardiff to Talbot Green. The service is every two hours. The bus stop for this service is, however, some 1.1 km from the site. In view of this, the development cannot be considered to have reasonable access via a sustainable mode of transport

to everyday services and facilities. There is a reliance on the private car. The dwelling is not, therefore, in a sustainable location.

32. Accordingly, and due to the lack of any justification for the location of this residential development, the development is considered to conflict with LDP policy MD1, PPW and TAN 6.

*Visual Impact:*

33. Turning to the visual impact of the development, it is accepted that the dwelling and outbuilding occupy part of the site that is not readily seen from public vantage points. There is a public right of way 300 metres to the east of the site and 150 metres to the site. However, views from these Rights of Way are obstructed by existing vegetation. Notwithstanding this, Planning Policy Wales states:

*“9.3.6 New house building and other new development in the open countryside, away from established settlements, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area. Isolated new houses in the open countryside require special justification, for example where they are essential to enable rural enterprise workers to live at or close to their place of work in the absence of nearby accommodation”.*

34. The unjustified residential development, including the outbuilding, is considered to be harmful to the character and appearance of the area, which is recognised as having special value. Whilst the development only relates to a small residential unit and outbuilding, and the impact to the character of the rural setting is therefore geographically limited, new residential uses in rural countryside locations are incongruous forms of development. As outlined in Planning Policy Wales at paragraph 9.3.6, whilst a single dwelling may be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area. Consequently, it is considered that the development is considered to have a negative impact on the character of the landscape, recognised for its special value. The appearance of the development is, therefore, considered to run contrary to specific policy of the LDP policies SP1, SP10, MG17 and MD2 of the LDP, as well as the countryside protection principles of Planning Policy Wales.

*Highway Safety:*

35. The site benefits from an existing access and entrance gates that are set in off the carriageway. The access provides limited visibility in either direction as the land to the north and south of the access are bounded by thick vegetation. The site owners are not understood to have any control over the land either side of the access in for them to improve visibility from the access. The national speed limit applies to the adjoining highway (60 MPH) and, as such, both Manual for Streets 2 and TAN18 recommends a stopping distance in the region of 215 metres. The existing access cannot achieve a vision splay of 215 metres in either direction. The lawful use of the site is for agriculture and

the unauthorised residential development provides vehicle movements that are in addition to those generated by the agricultural use. The intensification of the use of an access that does not achieve a vision splay as set out in national planning guidance is unacceptable in highway safety terms; the land within the required vision splay would impede drivers' visibility when leaving the site. Accordingly, drivers are unable to exit safely from the site. The use of this access for the additional traffic that is associated with a residential use causes further issues in terms of highway safety, contrary to LDP Policy MD2, Manual for Streets 2 and TAN18.

*Other matters:*

36. Of course issues of residential amenity of both the occupier of the residential dwelling and any nearby dwelling would be considered with any new residential use, in accordance with LDP policy MD1 and the Council's adopted SPG on Residential and Householder Development. In view of the remote location of the dwelling some distance from any other dwellings and the area of the land associated with the dwelling, the development would accord with amenity principles set out in the SPG and, therefore, LDP policy MD2. However, compliance with these policies does not, of course, render the development acceptable in all other aspects.

Conclusions

37. Taking all of the above into account, the erection of a dwelling and outbuilding represents an unjustified, unsustainable and unacceptable form of development that conflicts with Policies SP1, SP10, MD1, MD2, and MG17 of the Adopted Local Development Plan 2011-2026 as well as with guidance contained within Planning Policy Wales, TAN6, TAN18 and Manual for Streets 2. It would, therefore, be unacceptable to allow a residential development to become established at the site and it is expedient to pursue enforcement action, to ensure compliance with local and national policies.
38. In view of the issues identified 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)

39. 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)

40. 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).

41. The Action is founded in law. The proposed action may have implications for the individual's right referred to in the Humans Rights Act 1998, in particular Article 8 – the right to respect for private and family life. However, in view of the unjustified and inappropriate nature of the use of the site for residential purposes and the fundamental conflict of such a use with this Council's responsibility to resist unsustainable development and protect the open countryside from non-conforming and inappropriate developments and land uses, the actions proposed are considered to outweigh any rights the individual has under the 1998 Act.

Equal Opportunities Implications (to include Welsh Language Issues)

42. None.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to issue 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 site for residential purposes; and
  - (ii) The removal from the land of the dwelling and outbuilding.
- (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 residential development is considered to be unjustified, unsustainable and to have an unacceptable impact on the countryside and the important landscape character of the special landscape area. As such, the development is considered to be contrary to Policies SP1 (Delivering the Strategy), SP10 Built and Natural Environment), MD1 (Location of new development), MD2 (Design of new development) and MG17 (Special landscape areas), of the Vale of Glamorgan Local Development Plan 2011-2026; and national planning guidance in the form of Planning Policy Wales (Edition 9, 2016) and Technical Advice Note 6 Sustainable Rural Communities.
- (2) The residential development would result in additional traffic that would cause a risk to highway safety by virtue of the use of an access that does not provide an adequate vision splay, contrary to policy MD2 (Design of New Development) of the Vale of Glamorgan Local Development Plan 2011-2026 as well as Manual for Streets 2 and Technical Advice Note 18 on Transport.
- (3) It is considered that the decision to issue an Enforcement Notice complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

Background Papers

Enforcement File Ref: ENF/2016/0123/PC

Contact Officer - Mrs. Justina M. Moss

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 : **26 July 2018**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

ENFORCEMENT ACTION

LAND AT WEST WIND FARM, PENYTURNPIKE ROAD, DINAS POWYS

Background

1. A complaint was received by the Local Planning Authority on 14 March 2018, regarding the placing of a static caravan on land at West Wind Farm, Penyturnpike Road, and the use of the caravan for residential purposes. The land does not have permission for residential use, so this amounts to an unauthorised change of use.
2. The site relates is a field, accessed off Penyturnpike Road in the area of Dinas Powys, opposite Langcross Farm and the Reservoir. The site is outside of any settlement boundary and is within the Cwrt Yr Ala Basin Special Landscape Area.

Details of the Breach

3. The site was granted permission under application reference 2010/00527/FUL for the erection of stables and a new access and track off Penyturnpike Road. The new access and track was constructed several years ago, so the permission has been implemented and the site has permission for use for the keeping of horses. The stable building has not, however, been built.
4. A large static caravan has been placed at the site. Initially it was located in the centre of the site in the approximate position of the approved stables (see photograph A below). It was subsequently relocated towards the end of May 2018 to a position adjacent to the hedge, to the north of the site entrance (photographs B and C below).
5. There have been continued reports that somebody is staying in the caravan overnight on a regular basis and there is a generator on site which supplies power to the caravan.
6. The site owner contends that the caravan is required in connection with the works to develop the stable building, as set out below. Schedule 2, Part 4, of The Town and Country Planning (General Permitted Development) Order 1995, permits temporary buildings and uses. Class A permits the provision on land of moveable structures (such as a caravan) required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land, providing planning permission has been granted for the operations. Schedule 2, Part 5 grants permitted development rights related to caravan sites. Class A permits

the use of land, other than a building, as a caravan site in the circumstances specified in paragraphs 2 to 10 of Schedule 1 to the Caravan Sites and Control of Development Act 1960. This includes, at paragraph 9, the use as a caravan site of land which forms part of, or adjoins, land on which building or engineering operations are being carried out if that use is for the accommodation of a person or persons employed in connection with the said operations. However, for these permitted development rights to apply the moveable structure needs to be *required* and the operations *are being carried out*, therefore, there needs to be a justification for the caravan provided by the approved development works. Though the new access and track were implemented several years ago, there is no evidence on site that any work has commenced, or is about to commence, on the construction of the stable block.

7. There is a small digger on site but it seems only to have been used to level the ground on which the caravan has now been placed (photograph D below). There are no other building materials or equipment on site and no evidence of on-going works.
8. As there is currently no development taking place at the site, it is considered that there is no justification for the caravan to be on site (i.e. it is not *required*) and so does not currently benefit from permitted development rights under Schedule 2, Part 4, Class A, or Part 5 Class A. Furthermore, even if works were under construction, this would not normally necessitate a person living on site to oversee the construction of a stable block.
9. In addition to the above, Schedule 2, Part 4, Class B permits the use of any land for any purpose for not more than 28 days in total in any calendar year (14 days for certain activities) and the provision on the land of any moveable structure for the purposes of the permitted use. However, this precludes the use of the site as a caravan site. In addition, the caravan has been on site for in excess of 28 days. Consequently, the continued use of the site, for either residential purposes or the storage of a caravan, does not benefit from permitted development rights under Schedule 2, Part 4, Class B.

Photo A – Original caravan location



Photo B – Current caravan location



Photo C – Current caravan location



Photo D – Generator and small digger



10. The presence of a generator to serve the caravan, and the continued reports of lights and movement in the caravan at night indicates that that the site is being used for residential purposes. The site does not have planning permission for residential use and, as set out above, is not considered to benefit from permitted development rights for temporary buildings and uses. Therefore, an unauthorised change of use has taken place at the site, from use for the keeping of horses and agriculture, to a mixed use for the keeping of horses, agriculture and either a residential use or a use for the storage of a static caravan, both of which is a breach of planning control.
11. As it appears the caravan is being stayed in overnight on some occasions, it is considered more likely that the site is being used for residential purposes. However, even if a residential use is not confirmed, the site would still be being used for the storage of a caravan. The site does not have permission for use for the storage of a caravan and hence this would still constitute an unauthorised change of use, which is a breach of planning control.

#### Action Pursued to Date

12. A site visit on 20 March confirmed that a caravan was on site. As there appeared to be a breach of planning control, a Planning Contravention Notice (PCN) was served on the owners of the site on 11 April 2018. This was served in person at the caravan as well as by post to the registered address of the owners.
13. At the time of serving the PCN, in addition to the large static caravan there were two land rovers, a flatbed truck and a car parked at the site. A generator was providing power to the caravan and someone was evidently staying overnight at the caravan.
14. The completed PCN was returned on 25 May 2018 in which the site owner stated that the caravan was 'not connected to water etc.' and was intended to provide 'night security' and 'a welfare unit for site workers in poor weather conditions'.

15. A subsequent site visit on 1 July 2018 confirmed that the caravan had been relocated within the site and a small digger was being stored on site. The digger appeared to be used to secure the generator providing power to the caravan (see photographs D above).
16. Following the return of the PCN, the owner was written to again on 5 June 2018 to seek further clarification. The following information was requested:
  - The date on which the development of the stable block would begin
  - Details to justify why a large static caravan was required temporarily in connection with the construction of a modest stables
  - Exactly what equipment and materials were being kept on site which would require 'night security', and what their purpose was
  - The number of workers required to build modest stables, who might require a 'welfare unit'.
17. The permitted development rights were explained to the owner and it was stated that the site did not benefit from permitted development rights under Schedule 2, Part 4, Class A unless the caravan was *required* by the approved development works.
18. The owner responded on 12 June but despite being specifically asked for confirmation, he provided no date for commencement of works to construct the stables. He stated that:
  - The development has started as the access track has been put in
  - Night security is required
  - He would submit an application for residential use to avoid unnecessary enforcement action
  - He would appeal against any enforcement action.
19. The owner was informed that by 28 June he should remove the caravan, or provide sufficient information to confirm that the caravan was *required* temporarily in connection with the construction of the stables and therefore benefited from permitted development rights. He was invited to ring to discuss the issues and to seek a resolution.
20. The owner has not made contact, the caravan has not been removed and no additional information or justification has been provided. In addition, no planning application seeking permission for use of the site for residential purposes has been submitted.

#### Planning History

21. The site has the following planning history:
  - 2008/00287/FUL - Erection of barn and new access off Pen y Turnpike Road – Refused 24 April 2008; AND 2009/00009/FUL - Erection of barn and new access off Pen y Turnpike Road – Refused 18 February 2009. Both were refused as by virtue of its scale and siting, and the proposed new access and associated works, it would detrimentally affect the character and appearance of this rural location. Also refused on the

ground of insufficient vision splays to serve the new access. An appeal against refusal of 2009/00009/FUL was dismissed

- 2010/00527/FUL - Erection of stables and new access off Penyturmpike Road, Dinas Powys – Approved 11 August 2010

22. The site has the following enforcement history:

- A previous enforcement case (ENF/2005/0285/M) led to the serving of an enforcement notice. An appeal against the notice was dismissed in September 2009. The notice required - unauthorised structures and deposited items to be removed from the land; ceasing use of the land for depositing and storing waste; reinstating original filed access and hedging. All elements were complied with by December 2010.

### Policy

#### **Local Development Plan:**

23. 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 Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

#### *Strategic Policies:*

SP1 – DELIVERING THE STRATEGY  
SP3 – RESIDENTIAL REQUIREMENT  
SP10 – BUILT AND NATURAL ENVIRONMENT

#### *Managing Growth Policies:*

MG17 – SPECIAL LANDSCAPE AREAS

#### *Managing Development Policies:*

MD1 - LOCATION OF NEW DEVELOPMENT  
MD2 - DESIGN OF NEW DEVELOPMENT  
MD14 – NEW EMPLOYMENT PROPOSALS

#### **Planning Policy Wales:**

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

25. Chapter 4 of PPW deals with planning for sustainability – Chapter 4 is important as most other chapters of PPW refer back to it.

26. Paragraph 4.4.3 is of relevance stating that *'Planning policies, decisions and proposals should - Contribute to the protection and improvement of the environment, so as to improve the quality of life, and protect local and global ecosystems. In particular, planning should seek to ensure that development*

*does not produce irreversible harmful effects on the natural environment and support measures that allow the natural heritage to adapt to the effects of climate change. The conservation and enhancement of statutorily designated areas and of the countryside and undeveloped coast; the conservation of biodiversity, habitats, and landscapes; the conservation of the best and most versatile agricultural land; and enhancement of the urban environment all need to be promoted.*

27. Paragraph 4.7.8 states that **'Development in the countryside** should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, but new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled.'
28. Chapter 9 of PPW is of relevance in terms of the advice it provides regarding new housing.
29. Paragraph 9.2.22 of PPW states that *'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.'*
30. Paragraph 9.3.6 is of particular relevance stating that *'New house building and other new development in the open countryside, away from established settlements, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area.'*

#### **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)
- Technical Advice Note 18 – Transport

- Technical Advice Note 23 – Economic Development

**Supplementary Planning Guidance:**

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

- Residential and Householder Development

**Other relevant evidence or policy guidance:**

- Welsh Office Circular 24/97 - Enforcing Planning Control
- Welsh Office Circular 24/97 - Enforcing Planning Control
- Welsh Government Development Management Manual – Section 14 Annex “Enforcement Tools”

**Well Being of Future Generations (Wales) Act 2015:**

32. 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.

Reasons for Serving an Enforcement Notice

33. As set out in the previous section which provided ‘details of the breach’, the site is currently not considered to benefit from the permitted development rights of Schedule 2, Part 4, Class A or B, or Part 5, Class A of The Town and Country Planning (General Permitted Development) Order 1995, and therefore it is considered that an unauthorised change of use has taken place, in breach of planning control.

34. When considering if it is expedient to take action against this breach of planning control, the main issues to consider are the principle of the change of use of the land (both residential and storage use), the visual impact of the caravan and highway safety.

35. In terms of the policy context to be considered, the site is outside any recognised settlement boundary and within a designated Special Landscape Area where policies MD1 (Location of new development), MD2 (Design of new development) and MG17 (Special landscape areas) are all relevant. These policies seek to ensure that any development, especially residential development, is sustainable and has no unacceptable impact on the countryside or the important landscape character of the area. These policies are supported by policies SP1 (Delivering the Strategy) and SP10 (Built and



Natural Environment) that seek to protect the special qualities of the rural Vale.

36. Planning Policy Wales' overarching sustainability principle advocates that the countryside should be protected for its own sake. In addition, PPW has specific sections (in particular sections 4.4.3; 4.7.8; 9.2.22; and 9.3.6, as set out above) which seek to restrict new development in the countryside, other than where it is for agricultural or other appropriate rural development. Finally Technical Advice Note 6 provides guidance on the provision of rural housing.

*Principle of the development:*

37. In considering the principle of a residential use, it is noted that the site is not within or close to a settlement boundary as defined within the LDP. As such, both local and national policy only allows new residential development where there is a justification. Notwithstanding the conclusions above with regard to the permitted development rights for temporary development, the residential use is not understood to be associated with any rural enterprise at the site. The site is not actively used for the keeping of horses or livestock; officers have not observed such a use. There is not considered to be any other justification for the residential use.
38. In terms of the location of the site, from the site to the settlement boundary for Llandough, it is over 200m across the fields, and from the existing access along Penyturnpike Road (traveling north) and Leckwith Road it is approximately 1km. From the site to the settlement boundary for Dinas Powys, it is approximately 1.35km along Penyturnpike Road (travelling south). Penyturnpike Road is a country lane with no lighting and no walkway. The nearest facilities would be in the centre of Llandough or Dinas Powys at an even greater distance than the edge of the settlement boundaries. Therefore, the site is not considered to be a sustainable location for residential use. In view of this and the lack of any justification for the location of this residential use, the development is considered to conflict with LDP policy MD1, PPW and TAN 6.
39. With regard to the principle of the storage use, such a use would fall within use class B8 of the Town and Country Planning (Use Classes) Order 1987. This is defined as an employment use within the LDP. Such uses are directed to existing or allocated employment sites by LDP policy MD14. There are exemptions to the requirement for an employment site location. The first requires the development to be within or adjacent to an existing settlement boundary, which this site is not. The second criterion requires there to be a demonstrated need for a rural location. There is no apparent need for a rural location for this storage use. The final criterion requires the need for a location away from existing settlements and/or employment areas to be demonstrated in order to mitigate impact on amenity. Clearly a caravan storage use has little or no impact on amenity and, as such, an isolated location is not needed in this regard.



40. In view of the findings above, the principle of a caravan storage use in this location is clearly in conflict with LDP policies MD14 and MD1, as well as the relevant sections of PPW and TAN 23 (Economic Development) that provide guidance on the location of B8 employment uses.

*Visual Impact:*

41. Turning to the visual impact of the development, the caravan is highly visible from Penyturpike Road, especially when travelling north, and is visually out of keeping with the surrounding area. The rest of the site and the surrounding land is open countryside and wooded areas and is largely undeveloped. The nearest development is approximately 125m away at Langcross Farm and is agricultural in nature. The caravan at the site is considered to be both unsightly and incongruous in this location. It is therefore detrimental to and has an unacceptable impact on the countryside and the important landscape character of the special landscape area. The development is, therefore, in conflict with LDP policies SP1, SP10, MD1 and MD2 as supported by the sustainable development principles of PPW.

*Highway Safety:*

42. The access to the site has been implemented in accordance with the plans approved by virtue of the 2010/0527/FUL planning application. The hedgerow along the western boundary was removed and relocated in order to achieve a vision splay of 90 metres in either direction. The access layout is, therefore, suitable for safe traffic movements into and out of the site. However, whilst the access has been laid out in accordance with the approved details, the land within the vision splays has been allowed to become overgrown, impeding drivers' visibility when leaving the site. Unfortunately, the 2010/0527/FUL permission did not impose a condition requiring the vision splay to be kept free from any obstruction, as is the norm. Accordingly, whilst the access is acceptable in its layout, there are insufficient controls in place to ensure that drivers can exit safely from the site. The use of this access for the additional traffic that would be associated with a residential use or a storage use would cause further issues in terms of highway safety, contrary to LDP Policy MD2, Manual for Streets 2 and TAN18.

Conclusions

43. Taking all of the above into account, the locating of a caravan and use of the site for residential purposes (or even use of the site to store a caravan) represent an unjustified, unsustainable and unacceptable use, that conflicts with Policies SP1, SP10, MD1, MD2, MD14 and MG17 of the Adopted Local Development Plan 2011-2026 as well as with guidance contained within Planning Policy Wales, TAN6, TAN18, TAN23 and Manual for Streets 2. It would therefore be unacceptable to allow a residential use to become established at the site and it is expedient to pursue enforcement action, to ensure compliance with local and national policies.
44. In view of the issues identified 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)

45. 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)

46. 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).
47. The Action is founded in law. The proposed action may have implications for the individual's right referred to in the Humans Rights Act 1998, in particular Article 8 – the right to respect for private and family life. However, in view of the unjustified and inappropriate nature of the use of the site for residential purposes and the fundamental conflict of such a use with this Council's responsibility to resist unsustainable development and protect the open countryside from non-conforming and inappropriate developments and land uses, the actions proposed are considered to outweigh any rights the individual has under the 1998 Act.

### Equal Opportunities Implications (to include Welsh Language Issues)

48. None.

### RECOMMENDATION

- (1) That the Head of Legal Services be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
- a. The cessation of the use of the Land for residential purposes and/or the storage of a caravan
  - b. The removal of the caravan and associated paraphernalia 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 residential purposes is considered to be unjustified, unsustainable and to have an unacceptable impact on the countryside and the important landscape character of the special landscape area. As such, the use is considered to be contrary to Policies SP1 (Delivering the Strategy), SP10 Built and Natural Environment), MD1 (Location of new development), MD2 (Design of new development) and MG17 (Special landscape areas), of the Vale of Glamorgan Local Development Plan 2011-2026; and national planning guidance in the form of Planning Policy Wales (Edition 9, 2016) and Technical Advice Note 6 Sustainable Rural Communities.

OR

- (1) The use of the land for the storage of a caravan is considered to be unjustified, unsustainable and to have an unacceptable impact on the countryside and the important landscape character of the special landscape area. As such, the use is considered to be contrary to Policies SP1 (Delivering the Strategy), SP10 Built and Natural Environment), MD1 (Location of new development), MD2 (Design of new development), MD14 (New Employment Proposals) and MG17 (Special landscape areas), of the Vale of Glamorgan Local Development Plan 2011-2026; and national planning guidance in the form of Planning Policy Wales (Edition 9, 2016) and Technical Advice Note 23 on Economic Development.

AND

- (2) The use of the land for either a residential use or a caravan storage use would result in additional traffic that would cause a risk to highway safety by virtue of the use of an access that does not provide an adequate vision splay, contrary to policy MD2 (Design of New Development) of the Vale of Glamorgan Local Development Plan 2011-2026 as well as Manual for Streets 2 and Technical Advice Note 18 on Transport.
- (3) It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

#### Background Papers

Enforcement File Ref: ENF/2018/0056/PC

Contact Officer - Helen Davies

#### 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 : **26 JULY, 2018**

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.

**2013/00833/FUL** Received on 27 August 2013

Cardiff City Football Club, C/o Agent.  
Martyn Hayman, Avante Architects

### **Opposite Hensol Villas, Hensol**

Creation of sports training pitches, erection of maintenance facilities, associated car parking and internal roadway

### **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 relates to 7 field parcels to the east of Hensol Villas and to the south-west of Junction 34 of the M4, falling outside of defined settlement boundaries and within the open countryside as defined by the Vale of Glamorgan Local Development Plan 2011-2026. The site in its entirety sits within the Ely Valley and Ridge Slopes Special Landscape Area whilst the east of the site falls within a Mineral Safeguarding Area (Sand and Gravel 2). The east of the site also falls within flood zone C2. To the west of the site, is the Grade 2 registered park and garden of Hensol Castle.

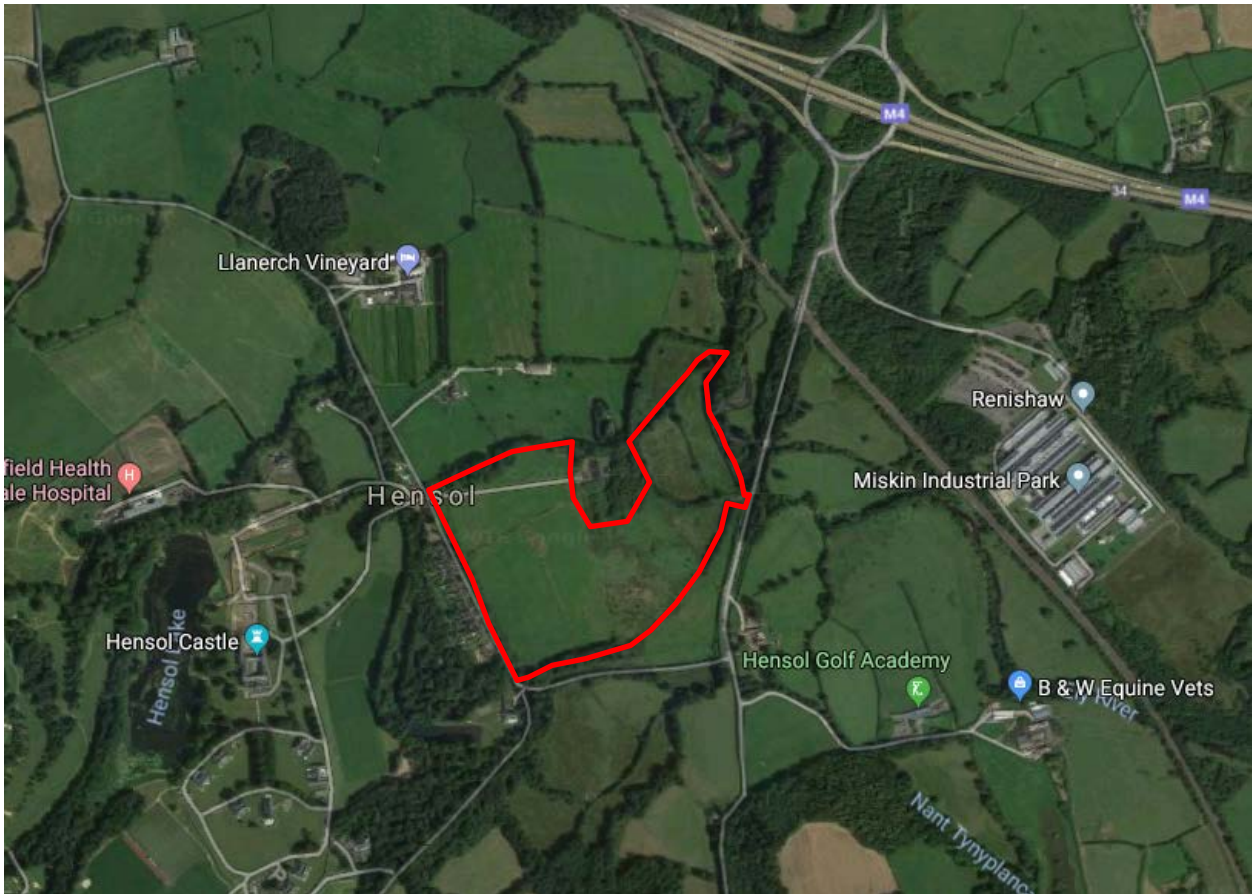
The application is for the change of use of land from agriculture for use as a private football training facility to be used by Cardiff City Football Club, including the provision of a total of 15 pitches on a site of approximately 18 hectares. The proposals include reprofiling of the site to provide level pitch facilities. This includes the regrading of the land, associated tracks and parking areas and the also the provision of a General Maintenance Building.

At the time of writing this report 19 letters of representation had been received raising a number of issues: proximity to neighbouring properties; lack of adequate screening of the site in part due to deciduous tree cover to periphery; additional landscaping requested; additional traffic flows and concerns of suitability of access to the west; Concerns over potential floodlighting and introduction of security fencing; Ecological impact upon wildlife; Noise levels and disturbance including obscene language; Impact upon the countryside and Special Landscape Area; Request for time limit of use of facilities; Consideration of other sites; Concerns over manner in which application is being considered; Impact upon nearby listed buildings; Impact upon view; Lack of access for local people; Site is not well served by public transport; Impact upon mineral resources; Concerns with regard to enclosures around pitches; Loss of hedgerow and trees; Flooding issues; Cumulative impact of development.

The main issues are considered to be the Principle of Development; Agricultural Land; Visual impact; Impact upon amenity of neighbouring residential properties; Highways issues; Ecological Issues; Flooding; Archaeology; Impact upon Listed Buildings and Scheduled Ancient Monument and Mineral safeguarding. Having considered the above, it is considered that the development of the site as proposed is acceptable and the application is recommended for APPROVAL.

## SITE AND CONTEXT

The application relates to 7 field parcels to the east of Hensol Villas and to the south-west of Junction 34 of the M4, falling outside of defined settlement boundaries and within the open countryside as defined by the Vale of Glamorgan Local Development Plan 2011-2026. The site in its entirety sits within the Ely Valley and Ridge Slopes Special Landscape Area whilst the east of the site falls within a Mineral Safeguarding Area (Sand and Gravel 2). The east of the site also falls within flood zone C2. To the west of the site, is the Grade 2 registered park and garden of Hensol Castle.



## DESCRIPTION OF DEVELOPMENT

The application is for the change of use of land from agriculture for use as a private football training facility to be used by Cardiff City Football Club, including the provision of a total of 15 pitches on a site of approximately 18 hectares. The proposals include reprofiling of the site to provide level pitch facilities. This includes the regrading of the land, associated tracks and parking areas and the also the provision of a General Maintenance Building to the north of the site with a footprint of approximately 39.5m by 16.5m. A general site layout of the proposals are shown below:



The perimeter of the site would be enclosed by a 2.4 metre paladin fence, set behind the tree line to the west of the site and in part to the east. The submitted details also indicate that 1.2 metre paladin fencing will be installed around each pitch in addition to 6m high ballstop fencing to the end of each pitch.

A separate application (2014/00042/FUL) has also been submitted and is being considered concurrently for the provision of a training centre building centrally within the application site as outlined in blue within the above layout.

## PLANNING HISTORY

2014/00042/FUL: Opposite Hensol Villas, Hensol: Construction of a two storey football centre with parking – Pending consideration

## CONSULTATIONS

**Pendoylan Community Council** were consulted and initially raised concerns with regard to traffic generation resulting from the development and whether parking provision would be adequate; potential noise and disturbance resulting from the works and proposed use of the site; loss of countryside including the loss of hedgerow and trees and potential impact upon ecological constraints on the site; in addition to potential surface water and foul sewerage infrastructure to serve the development. Further to this they object to the proposals for the use of land for non-agricultural purposes and that the proposals are not in keeping with the character of the area.

Most recently they have stated that *'Pendoylan Community Council reiterates its previous responses to this application in 2013 & 2014 but seeks reassurance that any new planning consent granted will (a) reflect the archaeological and environmental reports (b) stipulate that the Contractors must seek professional advice regarding the said archaeological and environmental findings and (c) that these conditions will be monitored for compliance.'*

**The Council's Highway Development section** was consulted with regard to the application and raise no objection subject to the proposals ensuring that the principal access be secured from the eastern side that shall be constructed in accordance with the Council's standards; design of the access to be determined by analysis of the proposed/predicted traffic flows; visibility splays of 2.4m by 215m in both directions that shall be kept free from obstruction; parking to be provided in accordance with Council standards; secondary access from the west to be used by maintenance vehicles only and have no direct link to parking areas. They also requested that a Transport Statement and Travel Plan be submitted.

**The Council's Environmental Health Pollution Control section** was consulted. Initially they raised 'no objection' although requested that should the developer want to install floodlights or any other form of lighting system that they be reconsulted.

**Peterston-Super-Ely Ward member** was consulted with regard to the proposals although no comments had been received at the time of writing this report.

**The Welsh Historic Garden Trust** raise concerns that the proposals would have a major impact upon the setting of the nearby historic park due to the nature of the use and associated paraphernalia.

**The Council's Ecology Officer** was consulted and initially objected to the proposals pending the provision of further information and recommend that the application be screened for Environmental Impact Assessment.

Following receipt of additional information they state 'the updated surveys and submitted information improves upon the understanding of the site, and gives more information to allow the LPA to assess the likely impact of the development on the biodiversity interests of the site. We do not object to the application, but seek the following clarification/development of submitted information'. They request additional information to be submitted with regard to a reptile strategy; an invasive plant strategy and an invertebrate conservation strategy. Conditions will be attached to any consent granted.

**The Council's Strategic Property Estates section** was consulted with regard to the application although no comments had been received at the time of writing this report.

**The Council's Highways and Engineering section** was consulted with regard to the proposals. They indicate that the proposals do not include a detailed drainage strategy. They also indicate that a number of ordinary watercourses are situated on the application site and that any works affecting these watercourses may require consent from the Local Authority. Noting the above they recommend that no development shall commence on site until a scheme for the drainage of the site shall be submitted for approval by the local planning authority.



**Cadw** were consulted with regard to the proposals. They indicated that there are 2 no. Scheduled Ancient Monuments within the vicinity of the application site GM070 (Caer Gwanaf) and GM370 (Felin Isaf Castle Mound). They note that these monuments falls outside of the site edged red and that 'there are to be no direct impacts on the above-listed nearby SAMs. There will be a slight negative impact on the setting of the above-listed SAMs but this will be mitigated by the screening effect of trees around the development. In Cadw's opinion the impact of the proposed development on the nearby SAMs is minimal and acceptable.'

In terms of the historic park and garden at Hensol Castle they state that 'the proposed development, particularly the site boundary fence and proposed fencing around each pitch, are still likely to be visible from the main entrance drive to Hensol Castle and its immediate environs, and therefore, in Cadw's view will have a slight negative impact on the setting of the registered park and garden at Hensol Castle.' They add that 'the proposed development is likely to be screened from the rest of the registered park and garden by existing trees and the dwellings known as 'Hensol Villas'.

**Natural Resources Wales (NRW)** were consulted as part of the proposals and initially raised an objection to the proposals pending the provision of additional information to demonstrate that there will be no adverse impacts upon European Protected Species, whilst also noting that the application as submitted was deficient in terms of its approach to minimising impacts upon habitats of biodiversity interest.

With regard to flood risk they advised that the application site partially lies within Flood Zone C2 as defined by the Development Advice Map referred to under Technical Advice Note 16: Development and Flood Risk. In consideration of the submitted Flood Consequences Assessment, NRW consider that the works constitute less vulnerable development. They note that the academy car park and pitches to the east of the site may be at risk of fluvial flooding, but advise that this could be managed by signing up to NRW's flood warning service and prepare a flood evacuation plan. An informative is recommended to be attached to any consent granted alerting the applicant of their responsibilities in this regard.

Following extensive negotiation with the applicant and NRW, NRW were able to advise that 'should your authority be minded to grant planning permission, we advise that suitable conditions and/or obligations be attached to the permission' to ensure that the works are carried out in accordance with the recommendations of the Ecological Management Strategy; planting plan for the nature areas ensure that favourable habitats for protected species are provided; provision of a long term management plan for the habitat areas and monitoring.

**Sustrans Cymru** was consulted although no comments had been received at the time of writing this report.

**Glamorgan Gwent Archaeological Trust** were consulted with regard to the application. They identify a potential archaeological constraint that may affect the development given the position of the site between the Grade II Registered Park of Hensol and the remains of a Motte (A Scheduled Ancient Monument) to the east of the site. Initially they recommended that the determination of the application should be deferred until a report assessing the impact upon any archaeological resource has been submitted to the LPA for their consideration.

Further to this a further archaeological assessment of the site was submitted. Following assessment of the findings of this report, that the applicant should submit a detailed scheme of investigation including a watching brief during the groundworks required for the development and that this detail could be required by condition.

**The Planning Department's Tree Officer** was consulted with regard to the application, noting that the most important trees are situated adjacent to the sewage treatment works within the centre of the site. They recommended that suitable mitigation for the loss of trees should be provided and recommend that a scheme of tree protection be required by way of condition attached to any consent.

## REPRESENTATIONS

The neighbouring properties were consulted on 6 September 2013 and 9 October 2017, site notices were also displayed on 18 September 2013 and the application was also advertised in the press on 02 September 2013. At the time of writing this report 19 letters of representation had been received raising the following:

- Proximity to neighbouring properties
- Lack of adequate screening of the site in part due to deciduous tree cover to periphery.
- Additional landscaping requested
- Additional traffic flows and concerns of suitability of access to the west
- Concerns over potential floodlighting and introduction of security fencing
- Ecological impact upon wildlife
- Noise levels and disturbance including obscene language
- Impact upon the countryside and Special Landscape Area
- Request for time limit of use of facilities
- Consideration of other sites
- Concerns over manner in which application is being considered
- Impact upon nearby listed buildings
- Impact upon view
- Lack of access for local people
- Site is not well served by public transport
- Impact upon mineral resources
- Concerns with regard to enclosures around pitches
- Loss of hedgerow and trees
- Flooding issues
- Cumulative impact of development

Comments were also received from Alun Cairns MP who raised concern with regard to potential impact upon the environment and to asked that the Council ensures that the local authority demonstrates its independence when determining the application given the Council owns the land.

Comments were also received from then Assembly Member Elenud Parrott, who echoes concerns of her constituents in terms of the position of the site within a flood plain, the impact upon heritage assets and SSSIs within Hensol and the impartiality of the Council in determination of this application.

## REPORT

### Planning Policies and Guidance

#### **Local 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 Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

#### **Strategic Policies:**

POLICY SP1 – Delivering the Strategy  
POLICY SP9 – Minerals  
POLICY SP10 – Built and Natural Environment

#### **Managing Growth Policies:**

POLICY MG11 – Land to the South of Junction 34 M4 Hensol  
POLICY MG17 – Special Landscape Areas  
POLICY MG19 – Sites and Species of European Importance  
POLICY MG20 – Nationally Protected Sites and Species  
POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species  
POLICY MG22 – Development in Minerals Safeguarding Areas

#### **Managing Development Policies:**

POLICY MD1 - Location of New Development  
POLICY MD2 - Design of New Development  
POLICY MD4 - Community Infrastructure and Planning Obligations  
POLICY MD7 - Environmental Protection  
POLICY MD8 - Historic Environment  
POLICY MD9 - Promoting Biodiversity  
POLICY MD13 - Tourism and Leisure  
POLICY MD14 - New Employment Proposals

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

#### **Planning Policy Wales:**

National planning policy 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 6 of PPW relates to the historic environment. The following paragraphs are considered to be of particular relevance to the proposals:

6.5.5 The conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect its setting. In cases involving less significant archaeological remains, local planning authorities will need to weigh the relative importance of the archaeological remains and their settings against other factors, including the need for the proposed development.

6.5.6 The needs of archaeology and development may be reconciled, and potential conflict very much reduced, if developers discuss their proposals with the local planning authority at an early stage in pre-application discussions. A desk-based archaeological assessment can be commissioned by a developer (sometimes as part of a wider Environmental Impact Assessment) to provide information on the archaeological significance of a site before submitting a planning application. Where archaeological remains are known to exist or there is a potential for them to survive and a study has not already been undertaken by the applicant, the local planning authority should request an applicant to undertake a desk-based archaeological assessment and, where appropriate, an archaeological evaluation. The results of any assessment and/or field evaluation should be provided as part of a planning application and form part of the local planning authority's consideration of that application. The amount of information and analysis required should be proportionate to the potential impact that the proposal has on the significance of the archaeological remains and sufficient to determine the extent of this impact. If this information is not provided to an appropriate standard, local planning authorities should consider whether it is necessary to request the applicant to supply further information, or whether to refuse permission for an inadequately documented proposal.

6.5.9 Local planning authorities are required to consult the Welsh Ministers on any development proposal that is likely to affect the site of a scheduled monument, or where development is likely to be visible from a scheduled monument and meets certain criteria.

#### **Technical Advice Notes:**

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

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 9 – Enforcement of Planning Control (1997)
- 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 23 – Economic Development (2014)
- Technical Advice Note 24 – The Historic Environment (2017)

### **Supplementary Planning Guidance:**

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- Biodiversity and Development
- Design in the Landscape
- Trees and Development
- Model Design Guide for Wales
- Parking Standards (Interactive Parking Standards Zones Map)
- Sustainable Development - A Developer's Guide

In addition, the following background evidence to the Local Development Plan is considered relevant to the consideration of this application insofar as it provides a factual analysis and information that is material to the issues addressed in this report:

- Agricultural Land Classification background paper (2015) (Also see LDP Hearing Session 1 Action Point 12 response)
- Plan Preparation and Flood Risk background paper update (2015)
- VOGC and Natural Resources Wales LDP Flooding Position Statement (2016) (LDP Hearing Session 4, Action Point 1)
- VOGC and Natural Resources Wales LDP Nature Conservation Position Statement (2016) (LDP Hearing Session 7, Action Point 2)
- Designation of Special Landscape Areas (2013 Update)
- Designation of SLAs Review Against Historic Landscapes Evaluations (2013 Update)

## Other relevant evidence or policy guidance:

- Welsh Office Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 11/99 – Environmental Impact Assessment
- 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

#### Principle of Development

The site is located within the countryside where policies MD1 and MD2 are considered to be relevance. Policy MD1 relates to the location of new development on unallocated sites and indicates that such development should meet a number of criteria. These include that development should 1. Have no unacceptable impact on the countryside; 3. Where appropriate promote new enterprises, tourism, leisure and community facilities in the Vale of Glamorgan; and 9. Have no unacceptable impact on the best and most versatile agricultural land.

The supporting text of this policy contained within paragraph 7.3 states that *‘within rural locations development will be managed carefully to ensure that it contributes positively to the rural economy and the viability and sustainability of rural communities, whilst ensuring the distinctive character of the Vale of Glamorgan is protected. In this regard, Policy MD1 still seeks to emphasise the importance of protecting the countryside from unacceptable and unjustified new development.’*

Similarly policy MD2 is a criteria based policy relating to the design of new development. The policy seeks to ensure that new development should (inter alia):

1. Be of a high standard of design that positively contributes to the context and character of surrounding natural and built environment and protects existing features of townscape or landscape interest;
2. Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density;
10. Incorporate sensitive landscaping, including the retention and enhancement where appropriate of existing landscape features and biodiversity interests;

Policy MD14 ‘New Employment Proposals’ relates to new employment proposals indicating that such development will be supported on existing allocated sites. It does however indicate that elsewhere proposals for new employment uses will be permitted where (inter alia):

1. It is located within or adjacent to an existing settlement boundary, where the scale and type of employment use is complimentary to its location and neighbouring uses; or
3. Where it is clearly demonstrated that the nature of the business necessitates a location away from existing settlements and/or employment areas in order to mitigate impact on amenity.

Firstly it is acknowledged that the particular use does not fall within B1, B2 or B8 use class to which this policy relates, although it is clear that this proposals relates to a business venture rather than a tourism or leisure proposal to which policy MD13 relates. Being mindful of this, it is nevertheless considered that the sentiment of this policy is applicable to this application, which is a relatively niche form of development.

Whilst the site does not fall within or adjacent to an existing settlement boundary it is apparent that the proposed use would be complementary to those currently taking place within the neighbouring Hensol Resort, including the training facilities currently used by Cardiff City, Cardiff Blues and the Welsh Rugby Union. Furthermore, given the nature of the proposed use, to provide a high level sporting club with a private training facility, there is a requirement for a relatively large degree of land take that could not readily be accommodated within existing settlements nor would it be appropriate to utilise employment land allocated for B1, B2 or B8 uses for this purpose.

National guidance is contained in PPW and TAN6-Planning for Sustainable Rural Communities, is generally supportive of business uses, including those that support the rural economy. Paragraph 7.6.1 of PPW indicates that local planning authorities should adopt a positive and constructive approach to applications for economic development. TAN23 defines economic development broadly so that it can include any form of development that generates wealth, jobs and income. The current application will evidently generate additional employment opportunities, in a context of similar uses at Hensol resort and other employment sites including those such as the Renishaw development at junction 34 of the M4.

On this basis, it is considered that subject to consideration of the criteria relating to relevant policies that the proposals are acceptable in principle.

### Agricultural Land

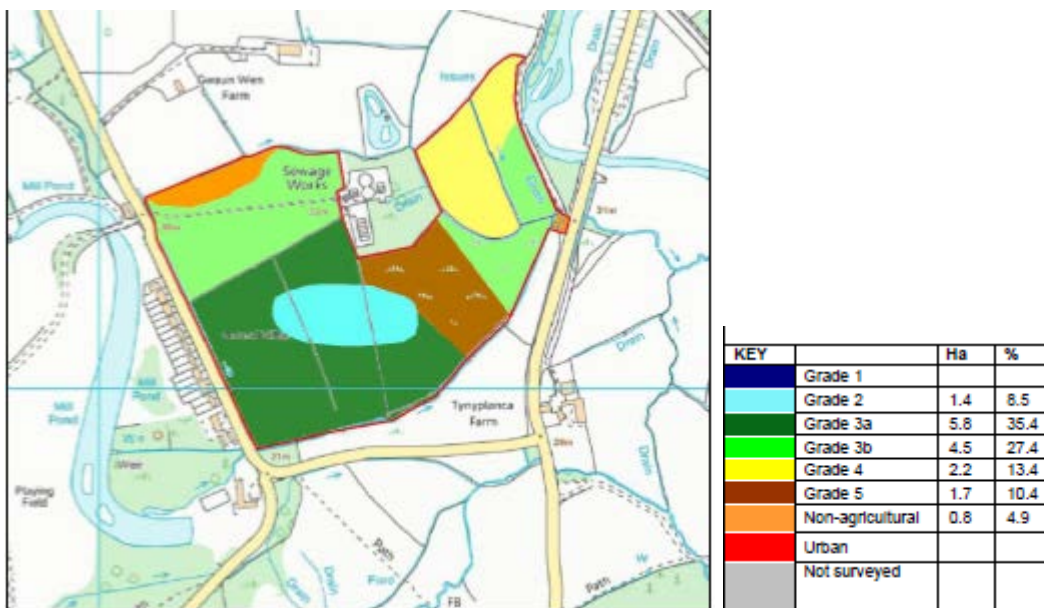
The proposed site for the development is primarily agricultural land with vegetated boundary, hedgerow field boundaries and a more marshy central area of the site. The majority of the site is currently grassed and having visited the site through the course of the application it appears that the fields are not being actively farmed.

Policy MD7 (Environmental Protection) also seeks, amongst other things, to protect against the loss of the best and the most versatile agricultural land. Technical Advice Note 6 notes that agricultural land within Grades 1, 2, and 3a that are considered to be the "most flexible, productive and efficient" land in terms of output. Planning Policy Wales states the following on this matter:

*4.10.1 In the case of agricultural/and, land of Grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future....Land in grades 1, 2 and 3a should only be developed if there*

is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in Grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.

The agricultural land classification map (MAFF 1966) classifies the site as a mix of Grade 3 and 4 agricultural land. The application is supported by an 'Agricultural Land Considerations' report prepared by Kernon Countryside Consultants dated May 2016. A detailed survey indicates that the site comprises a mix of quality of agricultural land. Of the 16.4 hectare site, the survey indicates that 1.4ha is Grade 2, 5.8ha is Grade 3a and remainder is Grades 3b, 4 and 5. As such approximately 44% of the site represents the best and most versatile agricultural land. An extract from this appraisal is shown below:



In conclusion the report states that *'due to the small area of BMV agricultural land, there is no need for significant weight to be afforded to agricultural land quality.'*

Criterion 9 of policy MD1 'Location of New Development' of the LDP states that *'new development on unallocated sites should... 9. Have no unacceptable impact on the best and most versatile agricultural land'*. This is reiterated within policy MD8 'Environmental Protection' of the LDP requires development proposals to demonstrate that they will not result in an unacceptable impact on the built or natural environment by reason of a number of criteria including *'7. The loss of the best and most versatile agricultural land'*.

It is noted that the land in question is not actively being farmed whilst the supporting survey indicates that the majority of land does not comprise the best graded land. Whilst some built development is proposed within the site, including the provision of the parking areas, the maintenance building to the north and the training centre building itself (subject of separate application), the proposals would largely maintain the site as a form of grassland. It is acknowledged that reprofiling of the land is required to provide level playing surfaces although this would not in itself result in the irreversible loss of agricultural land.



On balance therefore and noting the findings of the submitted agricultural land report it is considered that the proposals do not result in the unacceptable loss of the best and most versatile agricultural land in that the majority of the site would be maintained as a form of grassland and therefore comply with the requirements of policies MD1 and MD8 of the Development Plan and the advice contained within TAN6 and Planning Policy Wales.

### Visual impact

The site is positioned within the open countryside and the designated Special Landscape Area of the 'Ely Valley and Ridge Slopes'. In such highly sensitive landscape areas the visual and landscape impact of the proposals is of significant importance.

LDP Policy MG19 – Special Landscape Areas states: *“development proposals will be permitted where it is demonstrated they would cause no unacceptable harm to the important landscape character of the area.”* In addition, the supporting text states *“The designation of SLAs is not intended to prevent development but to ensure that where development is acceptable careful consideration is given to the design elements of the proposal such as the siting, orientation, layout and landscaping, to ensure that the special qualities and characteristics for which the SLAs have been designated are protected.”*

In regard to impact to the wider landscape, it is noted that there are a number of public vantage points surrounding the site given the pattern of the surrounding highway network that allow views across the site. The previous unauthorised removal of trees to the periphery of the site has also resulted in the limited loss of screening from the wider countryside although the periphery of the site remains reasonably densely vegetated.

As noted previously, the works proposed under this planning application primarily relate to the reprofiling of land within the site and the provision of tarmac service roads and parking areas, centrally within the site. Whilst the introduction of the football pitches and associated paraphernalia will undoubtedly change the nature of the use of the site, the reprofiling and level of hardstanding proposed is relatively minor in the wider context of the site

A General Maintenance Building is proposed to the northern end of the site and would largely be viewed in the context of the vegetated northern boundary of the site. This building is two storey in height and would be finished in a mix of brickwork and timber cladding beneath a metal sheet roof. The proposed design is utilitarian and generally agricultural in its appearance and would not be incongruous within this countryside setting.

In terms of wider visual impact, it is appreciated that there will be a degree of additional localised impact to viewpoints surrounding the development; however, it is considered given the nature of the works and the position of the proposed maintenance building would, result in a development that does not unacceptably harm the landscape character of the SLA. It is noted that Policy MG19 is not intended to prevent development, but ensure that *“where development is acceptable careful consideration is given to the design elements of the proposal such as the siting, orientation, layout and landscaping.”*

The application indicates that the site would be enclosed by a 2.4 metre paladin fence to the perimeter of the site, behind the tree line to the west of the site and in part to the east. The proposed use of paladin fence as shown on the submitted plan is considered to represent an appropriate form of enclosure within this location. The submitted details also indicate that 1.2 metre paladin fencing will be installed around each pitch in addition to 6m

high ballstop fencing to the end of each pitch. Whilst these enclosures may be visible from outside of the site, they would be relatively lightweight in terms of their appearance. A condition requiring additional details of the design and colours of all enclosures will be attached to any consent given (condition 14 refers).

The submitted plans provide indicative details of proposed planting mixes to be utilised in areas to the periphery. Noting this and the removal of a several identified trees on the site by the applicant (to which the tree officer at the time did not object), a condition requiring further details of a scheme of landscaping including of all trees to be retained/removed and further details of a scheme of landscaping, is recommended to be attached to any planning consent granted (conditions 11 and 12 refer).

Overall therefore, whilst the proposals would change the nature of the use of the land, it is considered that they would not result in unacceptable visual impact when viewed from outside of the site.

#### Impact upon amenity of neighbouring residential properties

Given the nature of the proposed works and lack of proximity of built development, it is considered that the provision of parking areas, reprofiling of the site and general maintenance building will not result in an unacceptable impact upon the amenity enjoyed by neighbouring residential properties.

It is acknowledged that concern has been raised by neighbouring residents with regard to the potential impact upon their amenity as a result of the introduction of floodlighting at the facility. However, following discussion with the agent, no floodlighting (including temporary moveable floodlights) are proposed as part of this application. A condition will be attached to any permission restricting the introduction of any such equipment, without consideration through a separate planning application (condition 16 refers).

Noting the above, it is considered that this element of the works will not result in an unacceptable impact upon the amenity enjoyed by occupiers of neighbouring residential properties.

#### Highways issues

The application is supported by a Transport Statement prepared by Mayer Brown. This statement concludes '*that there are no off-site highway safety issues that need to be addressed as part of the application*'. The statement indicates that the peak hours of traffic serving the development would be at 9.30-10.30 in the morning and 14.00-15.00 in the afternoon. As such they state that '*these hours are outside the network peak hours and hence, any traffic generated during the development peak periods on a weekday would not have any material impact on local road network.*'

The site would primarily be served from the east of the site with a new access being created adjacent to the lane running to the north-east of the site, with players and staff accessing the proposed training facility from this access. The access to the west of the site would be limited to use by maintenance staff only and to access the existing sewage disposal works. The access to the east of the site is from an unnumbered classified road that leads between Pendoylan to the south and junction 34 of the M4 to the north. Concerns have been raised by local neighbours with regard to potential increases in traffic arising from the scheme, although it is noted that the applicant already utilise a facility

within the Hensol Castle estate and that these proposals will result in traffic predominantly entering the east of the site, away from Hensol Villas.

A total of 123 car parking spaces would be provided primarily within 2 distinct areas including those adjacent to the proposed training centre building (subject of a separate application (2014/00042/FUL)) and centrally within the site. In addition to 2 coach parking spaces and 8 parking spaces to serve the maintenance building to the north of the site.

Following consultation with the Council's Highway Development section they requested further details including further information relating to staffing levels and visibility from the access points serving the site. The requested clarification was provided by the applicant, indicating the provision of suitable visibility splays on Pendoylan Road that the highways officer considered was acceptable. However, some concern remained with regard to visibility from the access opposite Hensol Villas. It must be noted that the access from Hensol Villas is an existing access and the applicant has indicated that this access will be used by maintenance vehicles only and will not result in a significant intensification of use. Furthermore it should be noted that the vehicular carriageway adjacent to this access is fairly urban in its scale being approximately 9.5 metres wide. As such whilst the street tree and existing bus restrict visibility to a degree, given the nature of the road it is not considered that the modest intensification of this access would represent a reason to refuse planning permission in this instance.

The Highways Officer also requested further details of swept paths and parking layouts within the confines of the site. It should be noted however, that internal arrangements within the site are not considered to represent issues of public highway safety and would generally appear to accord with best practice. The highways officer also requests clarification with regard to the future of the existing training facility within the Hensol Castle estate. The applicant has indicated that Cardiff City Football Club will cease to use this facility, and as such the LPA consider that any future use or development of this site are outside of the applicant's control and as such cannot be readily controlled under any permission.

With regard to the sustainability of the site in relation to traffic movements, although a countryside location, it is argued that the site is still relatively accessible, bearing in mind the existing tourism and recreational uses in the vicinity. The DAS also notes that there is a bus-stop at nearby Hensol, and it is suggested that a courtesy mini bus could shuttle visitors to and from the site.

Noting the above, it is considered that the proposal should not represent an unacceptable highway safety risk and as such this does not represent a reason to refuse planning permission in this instance.

### Ecological Issues

The application was initially supported by an ecological desk study and extended phase 1 habitat survey. As noted previously, objections were initially raised to the development of the site by the Council's Ecologist and Natural Resources Wales, due to concern with regard to the potential impact upon dormice; reptiles and great crested newts not being adequately considered. Pursuant to this additional submissions were provided including an Ecological Masterplan; A Reptile Mitigation Strategy and a Dormouse Mitigation Strategy.

The submitted details indicate that the site is used by a number of species including 9 species of bats; otters; reptiles (including slow worm, grass snake and toads and great crested newts. The submitted Ecological Mitigation Strategy assesses the impact of the proposed development on the range of habitats on the site including the loss of 9 hectares of semi-improved neutral grassland; 3.5 hectares of swamp; 0.2 hectares of trees and loss of 0.4 hectares of scrub and tall herbs. The proposals would also result in the loss of a pond on the site.

The mitigation strategy indicates that a total of 1.2 hectares of neutral grassland (to the periphery of the site), 0.6 hectares of swamp (adjacent to the southern boundary), 0.5 hectares of scrub and 0.5 hectares of woodland will be maintained on-site. The Mitigation Strategy indicates that given the loss of habitat, increase in activity and lighting that there would likely be an impact upon protected species using the site, although sets out a number of mitigation measures for each of these species. These measures include but are not limited to; maintenance of dark corridors through the site; provision of bat boxes; maintenance of 8m wide buffer adjacent to watercourse; translocation of reptiles from the site to a suitable receptor site; sensitive site clearance works and retention and enhancement of suitable habitats on the site including 4.3 hectares suitable for use by Great Crested Newts.

Policy MD9 'Promoting Biodiversity' of the Council's LDP new development proposals will be required to conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that:

1. The need for the development clearly outweighs the biodiversity value of the site; and
2. The impacts of the development can be satisfactorily mitigated and acceptably managed through appropriate future management regimes

Furthermore policy MG21 'Sites of importance for nature conservation, regionally important geological and geomorphological sites and priority habitats and species' of the LDP requires that Development proposals likely to have an adverse impact on priority habitats and species will only be permitted where it can be demonstrated that:

1. The need for the development clearly outweighs the nature conservation value of the site;
2. Adverse impacts on nature conservation... can be avoided
3. Appropriate and proportionate mitigation and compensation measures can be provided;
4. The development conserves and where possible enhances biodiversity interests

This is supported by the Council's SPG on Biodiversity and Development, and is in line with national guidance including the most recent Conservation of Habitats and Species Regulations 2010 ('habitat regulations'). Survey work undertaken identified the presence of protected species on the site, and therefore the need for a licence from the Welsh Assembly Government. In assessing the application the Council must have regard to the Habitats Directive's requirement to establish a system of strict protection and to the fact that derogations are allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, 6.3.6). It is essential that planning permission is only granted when the LPA is satisfied that all three tests are likely to be met as noted below.

Test i) - The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

It is considered that the proposed development is in the public interest, due to the potential economic benefit in terms of construction and to local businesses. The proposed use is complimentary to neighbouring land uses and will provide training facilities for a high level local sporting club that will also be beneficial to the local economy.

Test ii) - There is no satisfactory alternative

In terms of Test 2, the application site is located adjacent to similar neighbouring land uses and in a location near to junction 34 of the M4 motorway. As noted previously, such facilities cannot readily be provided within the confines of existing settlements or areas allocated for employment and are fairly niche in their form. As such a facility of this form can only be readily accommodated within a countryside location such as this, which lies in close proximity to existing infrastructure including the M4.

Test iii) - The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Natural Resources Wales and the Council's Ecologist have advised that subject to the measures in the mitigation statements being adhered to, there is no objection and, therefore, it is considered that the development would not be detrimental to the maintenance of the population of protected species identified. Natural Resources Wales have requested that the works shall comply with the ecological mitigation strategy; the preparation of a planting plan to ensure favourable habitats for protected species and long term management and monitoring plan to ensure the maintenance of species within the site. They are satisfied that the use of the site by protected species (particularly Great Crested Newt) can be ensured through the provision of these documents and conditions 3, 4, 5 and 6 refer.

In terms of locally protected species, the Council's Ecologist notes that the report indicates the presence of a small reptile and invertebrate populations on site and indicate the preventative measures must be taken to ensure the retention of habitat and sensitive site clearance. As such they request that planning conditions be attached to any consent ensuring that suitable habitat is maintained within the confines of the site. They also recommend that a condition, requiring an invasive plant strategy should be required by condition. Conditions 6, 7 and 19 relate to these requirements.

Overall therefore it is considered that the works would comply with the above tests and as such the proposals would not cause undue harm to protected species identified within the accompanying documentation.

### Flooding

Policy MD7 'Environmental Protection' requires development proposals to demonstrate that '*they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from... flood risk and consequences.*' The policy goes further to state that 'in respect of flood risk, new developments will be expected to avoid unnecessary flood risk and meet the requirements of TAN15' citing specific requirements relating to zone C2

The north-eastern part of the application site is located within Flood Zone C2. The application has been accompanied with a Flood Consequences Assessment prepared by RVW Consulting. This assessment concludes that due to its size and nature, the proposed development can be categorised as 'highly vulnerable' in accordance with Technical Advice Note 15: Development and Flood Risk. In conclusion it states that *'due to the nature of the development, the proposals do not aggravate or increase the risk of flooding to the existing site or to surrounding properties... in summary, based upon the published guidelines and relevant provisions of the technical advice note, the proposed development meets the acceptability criteria.'*

In consideration of the submitted Flood Consequences Assessment, NRW consider that the works constitute less vulnerable development. They note that the academy car park and pitches to the east of the site may be at risk of fluvial flooding, but advise that this could be managed by signing up to NRW's flood warning service and prepare a flood evacuation plan. They indicate that the requirement of these details could be required by condition attached to any consent granted however as this relates to the buildings more than this application, this will be covered in the separate application and an Informative is recommended for this consent.

As detailed previously, no objection has been raised from the Council's Drainage Section with regard to the works subject to a condition requiring a comprehensive scheme of drainage to be submitted to the Council for approval (condition 9 refers).

As such subject to suitable conditions, it is considered that the development complies with the requirements of policy MD7 of the LDP and TAN15 with respect to drainage or flood risk.

### Archaeology

Policy MD8 of the LDP seeks to ensure that development proposals protect the qualities of the historic environment including the preservation or enhancement of archaeological remains and where appropriate their settings.

The application as originally submitted was supported by a desk-based assessment dated March 2014 that identified seven sites of archaeological interest within the development site. Of these it was noted that the works would have a major impact upon 3 of these sites whilst the remaining works could be mitigated by photographic survey.

As a result of this an archaeological field evaluation was undertaken by Glamorgan Gwent Archaeological Trust dated August 2017 on the 3 sites where a major impact was expected.

The report identified archaeological features within the 3 trenches dug, including an archaeological cropmark that is likely to be of prehistoric date. In summary, the report states that *'the site has the potential to be of national importance. Planning Policy Wales (Chapter 6) Edition 9, 2016, sets out a presumption in favour of preservation in-situ of all types of archaeological sites and monuments. Advice should be sought to devise a strategy (combined archaeological and engineering solutions) to minimise any impact upon the archaeological resource prior to any development.'*

Following consultation with the planning division of Council's archaeological advisors, Glamorgan Gwent Archaeological Trust they recommend that the required details can be sought through way of condition requiring that a programme of archaeological work be submitted prior to the commencement of development and a detailed report of this work to be provided within 6 months of the completion of this work (condition 8) refers.

Noting the above, it is considered that there is not an archaeological constraint restricting the grant of planning consent.

#### Impact upon Listed Buildings and Scheduled Ancient Monuments

Policy MD8 of the LDP seeks to ensure that development proposals protect the qualities of the historic environment including listed buildings, historic parks and gardens and scheduled monuments.

The Grade 2 listed buildings of Hafod Lodge and bridge into Hensol Park are situated on the other side of the road from the application site. Given the nature of this application primarily relating to the modest reprofiling of land and the enclosure of the site with mature trees, it is considered that the proposals will not unacceptably impact upon the setting of these listed buildings.

Given the size of the site, Cadw were consulted as part of the application. They indicated that there are 2 no. Scheduled Ancient Monuments within the vicinity of the application site GM070 (Caer Gwanaf) and GM370 (Felin Isaf Castle Mound) and indicate that 'there are to be no direct impacts on the above-listed nearby SAMs. There will be a slight negative impact on the setting of the above-listed SAMs but this will be mitigated by the screening effect of trees around the development. In Cadw's opinion the impact of the proposed development on the nearby SAMs is minimal and acceptable.'

Local planning authorities must consult the Welsh Government's Historic Environment Service (Cadw) on all planning applications which in their opinion are within the setting of a scheduled monument and meet certain criteria. Where the site is within a distance of 5 kilometres from the perimeter of a scheduled monument and is 100 metres or more in height, or has an area of 1 hectare or more and is likely to be visible from a scheduled monument it will be necessary to consult Cadw. The site has an area of approximately 16ha so clearly meets this criteria.

The following monuments have been identified within the 5km buffer zone:

- St-y-Nyll Round Barrow
- Y Gaer
- Medieval Chapel of Talygarn (RCT)
- Caer Gwanaf (RCT)
- Llantrisant Castle (RCT)
- Cae-yr-Arfau Burial Chamber (Cardiff)
- Maes-y-Hwyaid Round Barrow
- Two Round Barrows, Naboth's Vineyard (RCT)
- Two Round Barrows 300m north of Tair Onnen
- Remains of Peterston Castle
- Castell Tal-y-Fan

- Felin Isaf Castle Mound
- Two Cooking Mounds E of Ty'n-y-Pwll
- Ystradowen Castle Mound
- Miskin Roman Fort (RCT)
- Rhiw Season Caerau (RCT)

Cadw have previously considered the scheme and identified Caer Gwanaf and Felin Isaf Castle Mound as being impacted in a slight negative manner. This, they noted, is mitigated by the proposed landscaping. The LPA consider that the contribution this part of the setting of the scheduled monument makes to their significance is negligible. Notwithstanding this, noting the intervening topography and trees the site is unlikely to be visible from the remaining scheduled monuments. As such, the LPA consider that there will be a negligible impact on the setting of the scheduled monuments.

In terms of the historic park and garden at Hensol Castle they state that 'the proposed development, particularly the site boundary fence and proposed fencing around each pitch, are still likely to be visible from the main entrance drive to Hensol Castle and its immediate environs, and therefore, in Cadw's view will have a slight negative impact on the setting of the registered park and garden at Hensol Castle.' They add that 'the proposed development is likely to be screened from the rest of the registered park and garden by existing trees and the dwellings known as 'Hensol Villas'. Noting this it is considered that the proposals will not result in an unacceptable detriment upon the character of the adjacent historic park and gardens and as such this does not represent a reason to refuse planning permission in this instance.

#### Mineral safeguarding

It is also noted that the east and south western corner of the site is covered by sand and gravel (Category 2) in the LDP. Strategic Policy SP9 (Minerals) and MG22 (Development In Minerals Safeguarding Areas) seek to safeguard known mineral resources. Policy MG22 states that, in such areas with known resources, new development will only be permitted in an area of known mineral resource where it has first been demonstrated that:

1. Any reserves of minerals can be economically extracted prior to the commencement of the development;
2. Or extraction would have an unacceptable impact on environmental or amenity considerations; or
3. The development would have no significant impact on the possible working of the resource by reason of its nature or size; or
4. The resource in question is of poor quality / quantity.

In relation to criterion 2, given the location of the application site and its proximity to existing dwellings to the west at Hensol Villas and within a Special Landscape Area, it is considered that any extraction of the mineral resource would likely have an unacceptable impact on amenity of nearby occupiers and upon the visual amenities of the site respectively. In addition in relation to criterion the proposals subject of this application relate only to reprofiling and hardsurfacing of the application site and would not therefore result in a significant impact on the possible working of the resource. The proposed



clubhouse (subject of a separate application) would also fall just within the western edge of this area.

Therefore as extraction would likely have an unacceptable impact on amenity, the proposal is in line with Policy MG22 in that it would satisfy criteria 2 and 3.

### 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. 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 Council have discussed the payment of relevant contributions during the course of the application as noted below:

Sustainable transport – According to the Council's Planning Obligations SPG a contribution would typically be required for commercial developments of a site area of 1 hectare or more. During the course of the application, the Council entered into discussion with the agent in this regard and it was agreed that the submission of a fully costed travel plan could adequate in lieu of this requirement, particularly noting the nature of the facility. A travel plan has been submitted to the Council although further details of monitoring and review mechanisms are required prior to these details being acceptable (condition 10 refers).

Public open space - Policy MD3 'Provision for Public Open Space' sets out that where there is an identified need for public open space, new developments of over 1000sqm floor area will be required to provide public open space. The Open Space Background Paper (2013) identified the amount and distribution of open space types within the Vale of Glamorgan, in order to determine areas of deficiency or surplus for the existing population. Given the nature of the facility and requirement to maintain privacy, it is not considered reasonable to require this contribution to be met on site. Furthermore planning obligations must be directly related to and cater for need arising from the development for provision on or in the vicinity of the site. In considering the nature of the development and open space availability within the site and nearby Hensol, it is not considered necessary to request a contribution towards public open space in this instance.

Public Art and Training & Development contributions may arise from the wider use of the site although these matters will be considered in greater detail of the application for the training facility building (2014/0042/FUL).

### RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development shall begin no later than five years from the date of this decision.

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:

Transport Statement prepared by ADL Traffic Engineering LTD received 29 November 2013

'Land at Hensol, Vale of Glamorgan. Great Crested Newt Population Monitoring Survey', Issue 1 dated 8 July 2016, by Ecosulis.; 'Land at Hensol, Vale of Glamorgan, South Wales. Ecological Mitigation Strategy', Issue 4 dated 8 July 2016, by Ecosulis.; 'CCFC Hensol, Training Pitches. Planning Drawings', Issue 11 dated 11 July 2016.

Archaeological field evaluation prepared by Glamorgan Gwent Archaeological Trust dated August 2017 received 12 September 2017

3003-P-100 a Site Location Plan; 3003-P-200 c Existing Site Layout; 3003-P-201 i Proposed Site Layout; 3003-P-202 g Proposed Car Park Layouts; 3003-P-204b Proposed Nature Areas; 3003-P-205a Proposed Means of Enclosure; 3003-P-300 a Existing Site Sections; 3003-P-301 c Proposed Site Sections; 3003-P-400 a GMB Area – Ground Floor Plan; 3003-P-401 GMB Area – Roof Plan; 3003-P-402 b GMB Area – Elevations A & B  
3003-P-403 a GMB Area – Elevations C & D; 3003-P-500 Proposed Car Park Layout - Squad; 3003-P-501 Proposed Car Park Layout - Academy  
3003-P-502 Proposed Car Park Layout - Staff received 26 April 2018

2837 'Primary Access Visibility Splays'; Refuse Vehicle Tracking Data; 15.0m Luxury Coach Tracking Data prepared by ADL

Reason:

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

3. The scheme should be implemented in accordance with Sections 5 – 7 and appendices I-IV of the report 'Land at Hensol, Vale of Glamorgan, South Wales. Ecological Mitigation Strategy', (issue 4) dated 8 July 2016, by Ecosulis.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity), MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species) and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species) of the Local Development Plan.

4. No development shall take place, including site clearance, until such time as a planting plan for the Nature Areas that ensures creation/provision of favourable habitats for the protected species on site (including details of phasing of planting), has been submitted to and approved in writing by the Local Planning Authority. The plan should set out the extent and locations of all types of new plantings and habitats to be retained, species to be planted, size and density of plantings. Planting shall be completed in accordance with the approved phasing and shall be retained at all times in accordance with the approved details.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity), MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species) and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species) of the Local Development Plan.

5. Notwithstanding the submitted details, no development shall take place, including site clearance, until a wildlife & habitat protection and management plan has been submitted to and approved in writing by the local planning authority. The wildlife & habitat protection plan shall include:

- i) Details of sensitive site clearance with respect to reptiles, bats, amphibians, reptiles and breeding birds;
- ii) Definition and description of habitats present and to be created;
- iii) Aims and objectives, to include the desired condition of each of the habitats present;
- iv) Appropriate management options to achieve and maintain these habitats and prescriptions for management including appropriate scheduling and timing of activities;
- v) Suitable monitoring of habitats and proposals for on-going review of management and remedial action to be undertaken where problems are identified by the monitoring;
- vi) Measures to be undertaken to enhance biodiversity on site;
- vii) A lighting scheme for the site in order to ensure minimal light spillage onto adjoining vegetation; and
- viii) A minimum of 100mm gap at the bottom of all fencing used on site.

The protection and management plan shall then be completed in accordance with the timings approved by the local planning authority.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity), MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species) and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species) of the Local Development Plan.

6. No development shall take place until a reptile strategy regarding site clearance and habitat retention and creation has been submitted to and approved in writing by the Local Planning Authority. The habitat protection plan shall include:

- i) A plan showing habitat protection zones;
- ii) Details of development and construction methods within habitat protection zones and measures to be taken to minimise the impact of any works; and
- iii) Details of phasing of completion of the protection [and enhancement] plan.

The habitat protection plan shall be completed in accordance with the approved phasing and shall be retained at all times in accordance with the approved details.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity), MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species) and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species) of the Local Development Plan.

7. No development shall take place until a invertebrate strategy regarding site clearance and habitat retention and creation has been submitted to and approved in writing by the Local Planning Authority. The habitat protection plan shall include:

- i) A plan showing habitat protection zones;
- ii) Details of development and construction methods within habitat protection zones and measures to be taken to minimise the impact of any works; and
- iii) Details of phasing of completion of the protection [and enhancement] plan.

The habitat protection plan shall be completed in accordance with the approved phasing and shall be retained at all times in accordance with the approved details.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity), MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species) and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species) of the Local Development Plan.

8. No development (including vegetation clearance, topsoil strip or other groundworks) shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a scheme of investigation which shall be submitted by the applicant and approved in writing by the Local Planning Authority. The programme and scheme shall be fully completed as defined in the approved details. A detailed report on the archaeological work, shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the archaeological fieldwork.

Reason:

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied and to ensure

compliance with Policies SP1 (Delivering the Strategy) and SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

9. No development shall commence until details of a comprehensive scheme of foul, land and surface water drainage has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.

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 Policies SP1 (Delivering the Strategy) and MD1 (Location of New Development) of the Local Development Plan.

10. Notwithstanding the submitted details, prior to the first beneficial use of the development hereby approved, a Travel Plan shall be submitted to and approved by the Local Planning Authority. The plan shall 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 Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

11. No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MD1 (Location of New Development), MD2 (Design of New Developments) and MD9 (Historic Environment) of the Local Development Plan.

12. 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 5 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.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MD1 (Location of New Development), MD2 (Design of New Developments) and MD9 (Historic Environment) of the Local Development Plan.

13. No development shall take place, nor any demolition works or site clearance, until there has been submitted to and approved in writing by the Local Planning Authority details of a scheme for the protection of trees to be retained. The approved scheme shall be carried out during the demolition of the buildings and throughout the course of the development and shall include:
- a) a plan, at 1:200 showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed;
  - b) and in relation to every tree identified a schedule listing:
    - information as specified in paragraph 4.4.2.5 of British Standard BS5837:2012 - Trees in Relation to Design, Demolition and Construction - Recommendations;
    - any proposed pruning, felling or other work;
  - c) and in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:
    - any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area;
    - all appropriate tree protection measures required before and during the course of development (in accordance with BS5837:2012).
  - d) areas of existing landscaping to be protected from construction operations and the method of protection.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with [ Policy / Policies SP1 (Delivering the Strategy), MG17 (Special Landscape Areas), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

14. All means of enclosure (including all perimeter, pitch enclosures and ballstop fencing) associated with the development hereby approved shall be completed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure shall be completed in accordance with the approved details prior to the first beneficial use of the development.

Reason:

To safeguard local visual amenities, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls other than those approved under Condition 14 of this consent.

Reason:

To safeguard local visual amenities, and to ensure compliance with Policy MD2 (Design of New Developments) of the Local Development Plan.

16. This consent does not grant approval for any flood lighting (including temporary) to be installed in connection with the approved pitches and no lighting shall be used, constructed or installed without the formal consent of the Local Planning Authority.

Reason:

To ensure that the rural character of this countryside location is preserved and protect the amenity of neighbouring residential properties is maintained in compliance with Policies MD1 (Location of New Development); MD2 (Design of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

17. Before commencement of any works for the new access (excluding clearance and demolition), full engineering details of all traffic arrangements (including carriageways, footways, kerb radii, means of surfacing, details of surface water management etc.), associated with the means of access to the site, shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented in full before the first beneficial use of the site hereby permitted.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, in accordance with the terms of Policies MD2-Design of New Development of the Local Development Plan.

18. No development shall commence, including any works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include the following details:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- v) wheel washing facilities;
- vi) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii) hours of construction;
- ix) lighting;
- x) management, control and mitigation of noise and vibration;
- xi) odour management and mitigation;
- xi) diesel and oil tank storage areas and bunds;
- xii) how the developer proposes to accord with the Considerate Constructors Scheme ([www.considerateconstructorscheme.org.uk](http://www.considerateconstructorscheme.org.uk)) during the course of the construction of the development; and
- xiii) a system for the management of complaints from local residents which will incorporate a reporting system.

The construction of the development shall be undertaken in accordance with the approved CEMP.

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 Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

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

Reason:

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

## 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 for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

Having regard to Policies SP1 – Delivering the Strategy, SP9 – Minerals, SP10 – Built and Natural Environment, , MG17 – Special Landscape Areas, MG19 – Sites and Species of European Importance, MG20 – Nationally Protected Sites and Species, MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and



Geomorphological Sites and Priority Habitats and Species, MG22 – Development in Minerals Safeguarding Areas, MD1 – Location of New Development, MD2 - Design of New Development, Policy MD4 – Community Infrastructure and Planning Obligations and Policy MD7 – Environmental Protection, MD8 – Historic Environment, MD9 – Promoting Biodiversity and MD14 – New Employment Proposals of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, and the advice contained within the Council's Supplementary Planning Guidance on Design in the Landscape, Planning Policy Wales 9th Edition, Technical Advice Notes 5 – Nature Conservation and Planning; 6 – Planning for Sustainable Rural Communities; 12- Design; 15 – Development and Flood Risk; 16 – Sport, Recreation and Open Space; 18 – Transport; 23 – Economic Development and 24 – The Historic Environment, the development is considered acceptable in terms of its visual and landscape impact; wider landscape value of the Special Landscape Area; archaeology; the impact to neighbouring properties; highways; minerals; flood risk and the local environment and ecology.

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

**NOTE:**

- 1. You will note that a condition has been attached to this consent and refers to an archaeologist being afforded the opportunity to carry out a watching brief during the course of developments. It would be advisable to contact the Glamorgan-Gwent Archaeological Trust, at Heathfield House, Heathfield, Swansea, SA1 6EL. Tel: (01792 655208) at least two weeks before commencing work on site in order to comply with the above condition.**
- 2. This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**
- 3. You are advised that there are 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).**
- 4. Please note that as the tree(s) referred to in this application are not situated on land in your ownership you are strongly advised to contact the owner in order to obtain their permission as necessary prior to carrying out the works hereby approved.**
- 5. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**

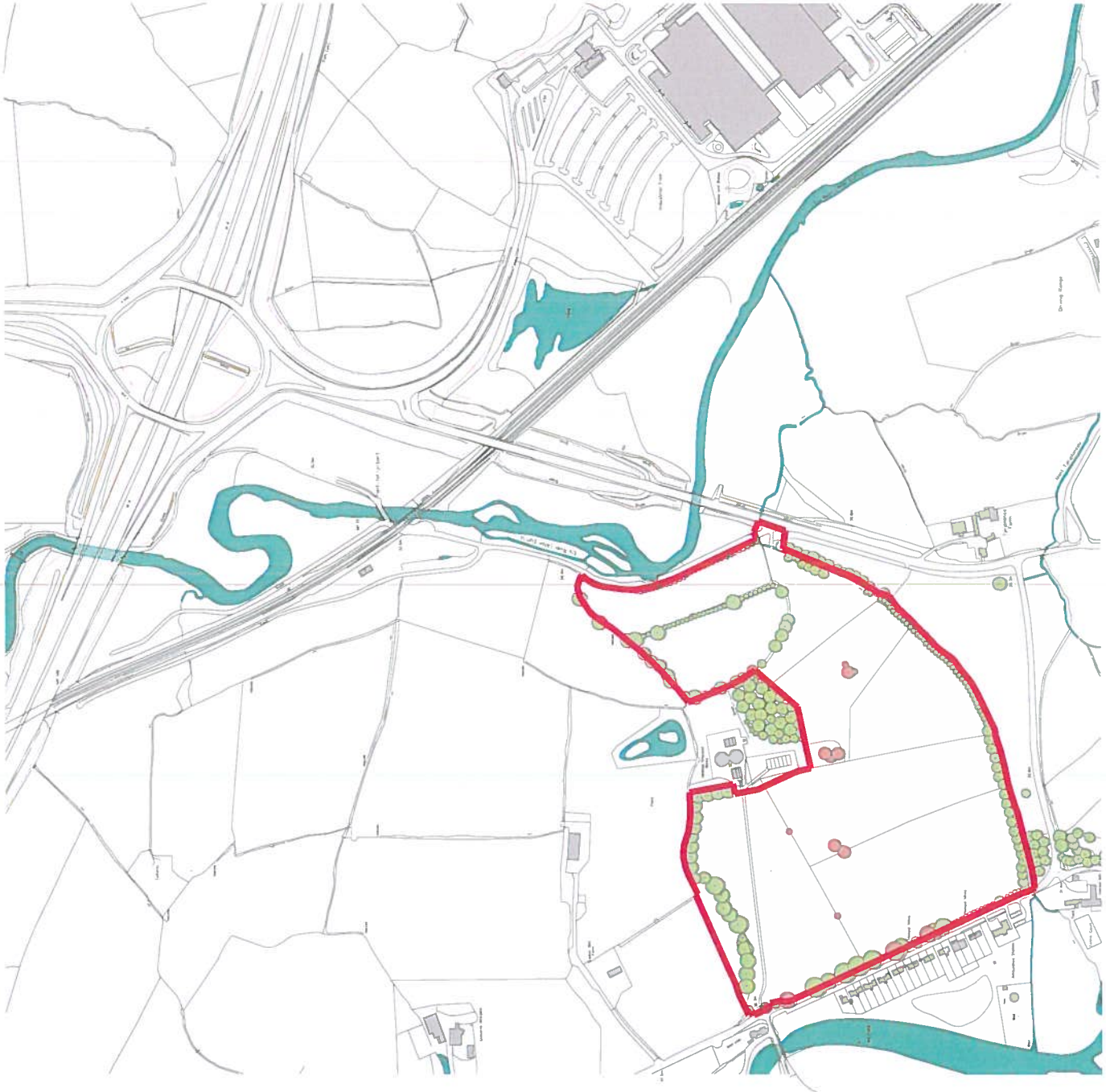
- 6. The applicants are advised that all necessary consents / licences must be obtained from Natural Resources Wales (formerly Environment Agency Wales) prior to commencing any site works. The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**
- 7. Warning: An European protected species (EPS) Licence is required for this development.  
This planning permission does not provide consent to undertake works that require an EPS licence.  
It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.  
To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>**
- 8. Please note NRW recommend that the applicant sign up to their flood warning service and ensure that appropriate plans/procedures are in place in the event of a flood (emergency flood plan). The details should include the erection of suitable warning signs to inform people entering the site, and the preparation of safe and effective flood warning and evacuation plans. Please contact 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.**



**SITE LOCATION PLAN**

3003-P-100a Scale 1:5000

Mr. Rhys Williams c/o agent  
Mrs. Arran Dallimore C2J Architects and Town Planners, Unit 1a, Compass Business Park, Pacific Road, Ocean Park, Cardiff, CF24 5HL

### **33, Holton Road, Barry**

Proposed conversion and extension of existing property to form ground floor commercial units with 7 self contained apartments at ground, first and second floors. On site cycle parking, and refuse storage facilities

#### **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 to Committee by Councillor Ian Johnson (Buttrills Ward) due to concerns that the proposals are overdevelopment of the site taking into account limited on street parking and waste collection facilities.

#### **BACKGROUND TO THIS REPORT**

This application was previously considered by Planning Committee on 2nd February 2017, where it was resolved to approve the application subject to the applicant entering into a Section 106 agreement to secure the delivery of two affordable units on-site and financial contributions relating to off-site affordable housing and public open space provision. Since then the section 106 agreement has not been entered into and no permission has been granted, and the applicant has provided information to demonstrate that these obligations render the development unviable. This financial viability information is commercially sensitive and not publically accessible but is available for Members to view on request. The principal issues to consider are therefore whether the development remains acceptable in relation to updated local and national planning policies and guidance; and, whether the development is acceptable without the aforementioned planning obligations due to site viability constraints.

#### **EXECUTIVE SUMMARY**

The proposal seeks to convert and extend the existing building to form 7 residential flats. This is a former retail building, although a smaller single retail unit (A1 use class) would remain at the ground floor towards the front of the building. There is no off-street parking provision included, but there is an area of amenity space included for occupants. The proposals include an extension to the end elevation and the raising of the roof of the rear section, to provide for a third storey.

There have been letters of objection from five neighbours citing the following issues: A lack of existing on-street parking; problems with refuse storage and collection; overdevelopment of the site and disruption to businesses as a result of construction.

There has also been an objection raised by the Council's Highways Department regarding lack of parking and the proposed rear fence obscuring vision from the rear lane onto Lombard Street.

Cllr Johnson called the application to Planning Committee due to concerns he has that the proposals overdevelop the site with limited on-street parking available for the “large number of flats”. The Councillor is also concerned about the waste facilities for the number of flats proposed.

It was resolved to approve the application at Planning Committee on 2<sup>nd</sup> February 2017, subject to the applicant entering into a legal agreement securing the delivery of two of the units as affordable housing and payment of financial contributions in lieu of off-site affordable housing and public open space, which the developer has subsequently advised are undeliverable. The main issues for this report are considered to be whether the development remains acceptable in consideration of updated planning policies and guidance, and without delivery of the previously agreed planning obligations due to development viability constraints.

It is considered that the proposals are acceptable, by reason of their design, materials and scale, with no adverse impact to the character of the area, or the amenities of neighbouring occupiers and no unacceptable parking impacts. The development viability information has been reviewed by Officers and it is apparent that the development would not be viable upon delivery of the affordable housing and public open space contributions. The proposals are therefore considered to comply with the relevant planning policies and supplementary planning guidance and the application is recommended for approval subject to a time limit for completion which triggers a further viability review if exceeded.

#### SITE AND CONTEXT

The site contains an end-of-terrace building on the corner of Holton Road and Lombard Street, which has been used commercially in recent decades, much of the time being a bank and more recently a hairdressers. The building is three storeys to the front (facing Holton Road), but two storey to the rear (alongside Lombard Street). The building has a traditional frontage, with ornate and rusticated stonework to the ground floor, with brick work above. The windows have a stone arch surround, with Dutch gables above. There is a slate pitched roof over the building. The two storey rear section is of a more simple appearance, with brick walls and a shallow slate pitched roof. The end elevation is rendered, with a fire escape metal staircase. To the rear of the building is a hardsurfaced yard area, which is currently used for parking, accessed off Lombard Street.



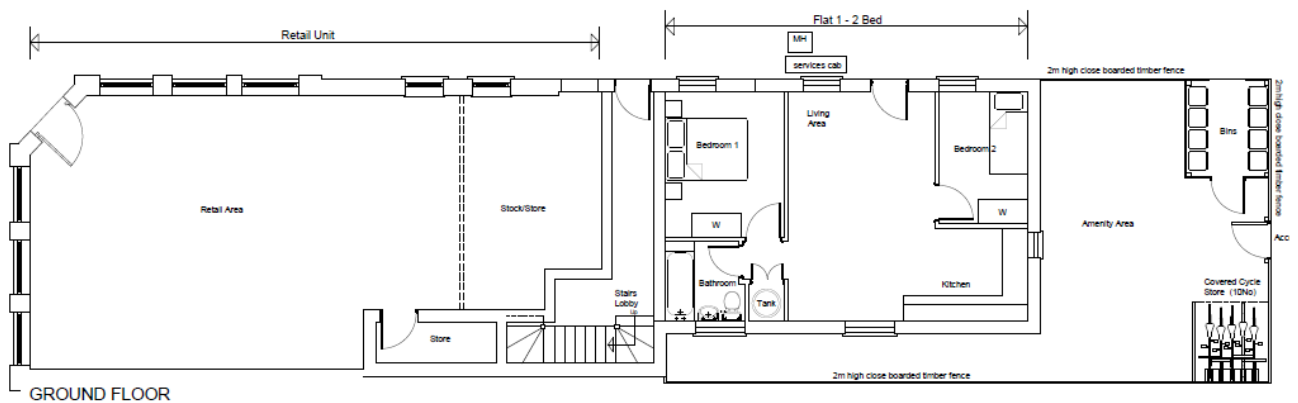
The building is in the centre of Barry, with Holton Road being largely a retail area but the site is outside of the 'Primary Shopping Area', which is further to the east. There are residential streets of primarily terraced houses to the north, including along Lombard Street. There are also some upper floor flats along Holton Road in the vicinity, including at No 35 Holton Road, which is next to the site.

### DESCRIPTION OF DEVELOPMENT

The proposal is to keep a smaller area of the building (the front section of the ground floor, fronting Holton Road) as A1 retail, and converting and extending the remainder of the building to include 7 flats, 4 x 1 bed and 3 x 2 bed. The extensions would be to the end of the two storey rear section (an addition of approximately 3m) and would also raise the roof to provide a third storey to the rear. This would result in an increase in roof height of approximately 2.2m. This includes eaves-dormers to the Lombard Street elevation due to the low eaves height, with a new cement slate roof. A new staircase section is proposed in the area to the side of the two storey section (facing the rear section of 35 Holton Road).



There is a new 2m fence proposed around the yard to the rear, which is to be used as amenity space and for bin and cycle storage.



## PLANNING HISTORY

No recent planning history.

## CONSULTATIONS

**Barry Town Council** - stated that the removal of parking from the site is unacceptable (the Town Council's original comments highlighted the loss of parking at the site which would result in more pressure to kerbside parking).

### **The Council's Highway Development Section –**

*“Further to reviewing amended details in relation to the above, it is noted that the proposed number of apartments at the site will be reduced to 7, with the existing ground floor retail use retained, albeit at a slightly reduced in size.*

*However, notwithstanding the reduction in the number of apartments, when taking account of the parking requirements associated with the existing use at the site, the development will increase the existing parking demand along the adjacent highway and fails to provide adequate car parking facilities in accordance with the councils adopted parking standards.*

*In addition the, existing car parking provision (2 No. spaces) located at the rear of the site will be removed and will not be replaced.*

*Furthermore, it is noted that visibility along Lombard Street from the rear lane will be obstructed, due to the provision of fencing at the rear of the site.*

*Therefore, the original objection in relation to the highway and transportation aspect of the development is still maintained.”*

**Buttrills Ward Members** – Councillor Ian Johnson called the application to Planning Committee before the scheme was amended from 10 to 7 apartments, due to concerns he has that the proposals overdevelop the site with limited on-street parking available for the “large number of flats”. There was also concern raised about the waste facilities for the number of flats proposed.

**Dwr Cymru/ Welsh Water** – Requested a condition that requires that no surface water from within the development as a result of the proposals drains directly or indirectly to the public sewer system.

**The Council’s Ecology Officer** – No comments made.

**The Council’s Housing Strategy Officer** – Based on a net increase of 7 dwellings proposed there would be a requirement for 2.1 affordable housing units, to contribute towards affordable housing demand in the area, equating to two affordable units. Stated increase need for smaller units as a result of the ‘Spare Room Subsidy’.

**The Council’s Private Sector Housing Section** – Provided comments relating to the minimum floor area expected for rooms and other criteria, such as fire detection systems and the need for storage space. This information has been forwarded to the agent.

## REPRESENTATIONS

The neighbouring properties were consulted on 18 August 2016. A site notice was also displayed on 9 September 2016 and the application was also advertised in the press on 6 September 2016. There have been 6 representations received citing objections and concerns with the proposals, summarised as follows:

- Lack of existing on-street parking available within Lombard Street which would be exacerbated by the proposed flats
- Additional flats would result in problems with refuse storage and collection
- The proposals would lead to the overdevelopment of the site
- Concern over access disruption to businesses as a result of construction

## REPORT

### Planning Policies and Guidance

#### **Local 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 Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

**Strategic Policies:**

POLICY SP1 – Delivering the Strategy  
POLICY SP4 – Affordable Housing Provision  
POLICY SP6 – Retail  
POLICY SP10 – Built and Natural Environment

**Managing Growth Policies:**

POLICY MG4 – Affordable Housing  
POLICY MG14 – Non A1 Retail Uses within Town and District Retail Centres

**Managing Development Policies:**

POLICY MD2 - Design of New Development  
POLICY MD3 - Provision for Open Space  
POLICY MD4 - Community Infrastructure and Planning Obligations  
POLICY MD5 - Development within Settlement Boundaries  
POLICY MD6 - Housing Densities  
POLICY MD7 - Environmental Protection

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

**Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application.

8.1.4 The Welsh Government supports a transport hierarchy in relation to new development that establishes priorities in such a way that, wherever possible, they are accessible in the first instance by walking and cycling, then by public transport and then finally by private motor vehicles.

8.4.2 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. Local authorities should develop an integrated strategy on parking to support the overall transport and locational policies of the development plan.

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

9.3.5 Where development plan policies make clear that an element of affordable housing, or other developer contributions, are required on specific sites, this will be a material consideration in determining relevant applications. Applicants for planning permission should therefore demonstrate and justify how they have arrived at a particular mix of housing, having regard to development plan policies. If, having had regard to all material considerations, the local planning authority considers that the proposal for a site does not contribute sufficiently towards the objective of creating mixed communities, then the authority will need to negotiate a revision of the mix of housing or may refuse the 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 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 4 – Retailing and commercial development (2016)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)

### **Supplementary Planning Guidance:**

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- Affordable Housing (2018)
- Barry Development Guidelines
- Parking Standards
- Planning Obligations (2017)
- Residential and Householder Development (2018)

### **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

This application was previously considered by Planning Committee on 2nd February 2017, where it was resolved to approve the application subject to the applicant entering into a Section 106 agreement to secure the delivery of two affordable units on-site and financial contributions relating to off-site affordable housing and public open space provision. Since then the section 106 agreement has not been entered into and no permission has been granted, and the applicant has provided information to demonstrate that these obligations render the development unviable. This financial viability information is commercially sensitive and not publically accessible but is available for Members to view on request.

The principal issues to consider are therefore whether the development remains acceptable in relation to updated local and national planning policies and guidance; and, whether the development is acceptable without the aforementioned planning obligations due to site viability constraints. These matters are discussed in turn below, alongside the acceptability of the proposals in relation to design, visual impact, residential amenity and parking provision, reported in light of relevant updated policies and guidance:-

### Principle of the Development

The proposal is to convert and extend the building to create 7 new flats (4 x 1 bed and 3 x 2 bed) and a smaller retail unit at ground floor fronting Holton Road. The site is within the Settlement Boundary of Barry as defined by the Local Development Plan. Policy MD14 seeks to restrict the proliferation of non-A1 units at ground floor, whilst the beneficial use of upper floors for other uses, including residential, is favoured in policy terms.

A part of the ground floor is proposed to be residential; however there would remain a sizable ground floor retail unit fronting Holton Road. A retail frontage would be maintained and the conversion of the rear and upper floors to residential would therefore not have any significant or adverse impact on the retail function of the building or the vitality of the Holton Road District Centre. As such, the proposals are considered to remain acceptable in principle and would be in keeping with the character and composition of the area, especially the retail frontages on Holton Road.

### Design and Visual Impact

The additional flats would be incorporated within the rear two storey section of the building. The main three storey section of the corner of Holton Road and Lombard Street is of a high quality design with a traditional appearance and features. This section on the corner is the most prominent aspect of the building with the highest architectural value, and is to remain largely unaltered. The only change to this section is the dropping of the sill levels to the ground floor windows to provide more of a shopfront style window (the smaller windows would have better suited the previous use as a bank). This is considered an acceptable and modest alteration that would create a more 'active' retail frontage to Holton Road. The principal elevation would otherwise remain as existing.

The two storey rear section would front Lombard Street and architecturally (and in terms of size) it is clearly a secondary and subservient element of the building, with less architectural detailing and no stone features. This arrangement is typical and similar to many of the corner plot buildings that front Holton Road. It is this rear section which was initially proposed as a full three storeys, however, the scale and bulk was considered out

of keeping with the traditional pattern of development (such as that opposite across Lombard Street).

The current proposals (unaltered since consideration at 2<sup>nd</sup> February 2017 Planning Committee) do include increasing the height, but with a low eaves level and dormers/small gable features in the side elevation facing Lombard Street. This would allow the ridge height to remain lower than the existing three storey section fronting Holton Road, which would remain, visually, the principal part of this building. The rear section would appear visually subservient to the Holton Road frontage, with the proposed increase in height of just over 2m considered acceptable in this regard.

The rear section would also be extended in length with an addition of approximately 3m to the end elevation. This still allows for a space to the rear which can be used for amenity space for future residents, and also provides a visual gap in between the end of the building and the rear lane. The rear wing would be longer than at present and it would be longer than the corresponding rear wing on the opposite side of the street; however, it is on balance considered to be of an acceptable size and form that would preserve the character of the building and the visual amenity of the wider street scene.

In terms of the detailed design, the extensions proposed would be of a character that is in keeping with the existing building, with matching materials (a mix of render and brick). The rear extensions do not include the level of detailing of the existing Holton Road frontage; however as noted, this reflects the existing building and its traditional design approach.

It is considered that the scale and form of the proposed extensions are acceptable and would be in keeping with the form of the existing building. The extensions would not overdevelop the plot or be overly prominent in the street scenes of either Holton Road or Lombard Street.

#### Parking Provision and Highway Safety

As stated above, the Highways Authority have raised concerns about a lack of parking being provided as part of the development. It is acknowledged that the amended proposals do not include any parking provision, with amenity space being provided to the rear of the building instead (this includes the loss of the current yard which is sometimes used to park up to 2 vehicles). However, the site is within a particularly sustainable location, being in the centre of the town, and in such locations it is considered justifiable to apply a relaxation to the parking standards, in order to accord with local and national policy which seeks to discourage over reliance on the car.

With regards the retail unit, the majority of other retail units along Holton Road do not have designated parking spaces, with public car parks or use of public transport being available. On this basis, it is considered unreasonable to require retention of a parking provision specifically for the retail unit.

The occupiers of the seven flats would have a number of sustainable transport options open to them, given the proximity to train stations and bus routes. There is also a wide range of shops and services within walking distance. It is therefore considered that occupants could realistically reside in these flats without the need to own a car. Furthermore, it is noted that the flats are relatively small; being one or two bedrooms in each case, and this would indicate sole occupiers or couples rather than families. This also suggests less of an essential need for private vehicle ownership; especially in such a

sustainable location (it is reasonable to expect that families would typically be more likely to require their own private transport). It should also be noted the provision of cycle parking within the site, catering for another sustainable means of travel.

It is noted that there is some on-street parking provision, with a residents parking scheme in operation. There is also a large disabled parking bay and double yellow lines in the vicinity of the site, albeit the majority of Lombard Street provides for residents parking. The parking within Lombard Street is often busy, albeit there would be some on-street parking available here for those residents who own a car, without resulting in significant disruption to existing residents or detriment to highway safety.

The need for sustainable development is promoted throughout Planning Policy Wales (PPW). 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'*.

In light of the direction of local and national planning policy, outlined above, which emphasises the importance of sustainability and discourages the prioritisation of the private motor vehicle, it is considered that a flexible approach to parking provision can and should be taken. Specifically, in Section 8 of Planning Policy Wales it states that minimum parking standards are no longer appropriate and that Local Planning Authorities should ensure that new developments should provide lower levels of parking than have been achieved in the past, whilst prioritising other modes of transport other than the car. The following extracts are of particular relevance:

*8.1.4 The Welsh Government supports a transport hierarchy in relation to new development that establishes priorities in such a way that, wherever possible, they are accessible in the first instance by walking and cycling, then by public transport and then finally by private motor vehicles.*

*8.4.2 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. Local authorities should develop an integrated strategy on parking to support the overall transport and locational policies of the development plan.*

To assist the relief of parking pressures within Lombard Street it is considered that there would not be any need for the current parking restrictions (double yellow lines) to continue across the full extent of their current location (across the parking spaces to the rear of 33 Holton Road). It is noted that it is likely that some extent of yellow lines would have to remain either side of the lane access to the rear of the site, but this could be reduced along the side of 33 Holton Road to provide an additional on-street parking space adjacent to the existing disabled bays. A condition requiring this is included with the recommendations.

Whilst the concerns of the Highway Authority, the Town Council and local residents have been considered, together with the content of the SPG 'Parking Standards', for the reasons outlined above the proposed development without designated parking spaces is

considered acceptable in this particular location and context. It is considered that would be in accordance with national and local policy principles and objectives.

It is also noted that the Highway Authority has raised concern about the visibility from the lane, due to the proposed 2m fence. This would to an extent impede vision for vehicles leaving the lane onto Lombard Street. However, it is considered that traffic out of this lane onto Lombard Street would generally be at a very low frequency and at low speeds. It is also noted that there is already a block wall and large hedge on the boundary between the site and the lane, with No 56 Lombard Street to the other side of the lane. Vision is already impeded when driving out onto Lombard Street and it is considered that the proposed fence would make very little difference to the existing situation, on what is a lane with very few traffic movements in any case.

There has also been concern raised with regards to access to business properties through the course of construction. The roads and also the rear lanes behind Holton Road are all adopted and these highways should not be obstructed at any time without permission from the Council's Highways Authority. As such, there should be no obstruction caused as a result of building the proposed development to the highway network, unless agreed to formally by the Highways Authority. It is noted that some disturbances can occur during construction, but such issues are temporary and rarely cause to justifiably refuse permission.

Overall, the proposed development is considered to be acceptable without any off-street parking provision and it is considered that it would not result in any demonstrable harm to highway safety. There impacts have also previously been considered acceptable and there has been no change to the proposal or material change in national planning policy since the application was previously reported at Planning Committee.

### Amenity Space

The revised plans include an area of amenity space of approximately 7.3m by 5.6m to the rear of the proposed flats. This would include a bin store and covered cycle store within this area, with the remaining space left for occupants to use. It is not a particularly large area for 7 flats (the Residential and Householder Development SPG suggests 20sqm per person), but is nonetheless an area sizeable enough to provide for basic outdoor functions such as for the drying of clothes and provides for functional needs such as bin and cycle storage. It is noted that the site is in a sustainable town centre location where the existing environment of buildings is very dense. It will very rarely be possible to provide amenity space to meet the above standards, especially given the need to ensure the efficient use of land.

No direct access from the flats is provided to the amenity space. A direct access could feasibly be provided from Flat 1 (but not indicated on the plans), however it would not be practical to achieve for the remaining flats without a complete re-design both internally and externally. It is not realistically achievable given the constraints of the site. It is acknowledged that the Council seek to encourage, and normally require, a direct means of access for all flats as stated within the SPG. In this case, whilst the access is not direct from the building, it would be possible for occupiers to access it by leave the building and waling a short distance along the public footway. The lack of direct access is likely to discourage occasional use for outdoor relaxation etc., but given the relatively short distance can still serve as a useful and functional area for the occupiers.

It is recognised that the proposed arrangement is not optimum for new flatted developments; however, this should also be considered against other flatted situations along Holton Road with similar arrangements or lack amenity space entirely. It is considered that the provision of the space, albeit limited in size and indirectly accessed, does cater for the basic functional needs of the occupiers. On this basis, the arrangement is considered acceptable in this regard.

### Neighbour Impact

The retail unit at ground floor level is not considered to have significant potential impact to neighbour amenities, given the existing retail uses in the area and within the building.

In terms of overlooking impact, it is noted that the proposals would introduce a residential use to the building, which is also to be catered for with additional windows proposed in the extended areas of the building. The Council's Residential and Householder Development SPG advises that there should be a distance of at least 21m between primary windows to avoid significant loss of privacy.

The majority of the existing and proposed windows front either Holton Road or Lombard Street. Whilst there are properties, including some residential flats/dwellings, within 21m of these windows, these are across the road from the site. It is therefore considered that windows that front the highway (especially when they are immediately adjacent to the boundary with the highway) are inherently less private than those on other more private elevations, and this is the established pattern of development along the road, as is the case here. On that basis, the windows facing the road are considered acceptable.

There are no windows in the main side elevation of 56 Lombard Street facing the rear of 33 Holton Road and so the proposed development would not result in any significant overlooking to occupants of this property, with only distanced and angled views towards their rear garden, which is also already overlooked to an extent by other properties.

The windows proposed to the side elevation facing the flats to the rear of No 35 Holton Road are shown to be high level and obscure glazed. This would be required by condition if approved, to ensure any potential overlooking is mitigated by the obscure glazing.

In terms of overshadowing, the proposed development would have no appreciable impact to any of the surrounding properties due to orientation and separation distance, other than potentially the flats to the rear of 35 Holton Road. These flats in No 35 are to the upper floors and the rear section of this neighbouring building. The proposals do involve increasing the height of the rear section of No 33 and extending towards the boundary with No 35. There are windows in the rear and side elevations at both ground and first floors on the flats at No. 35.

The proposed extensions would be in relative close proximity to these flat windows, but it is noted that these windows would already be largely overshadowed (at the relevant times of the day) by No 33 and the front section of No 35, given that the rear of these buildings are northwest facing. The rear sections of both of these buildings are close to each other, effectively forming an alley/corridor between the buildings that already limits significant levels of direct sunlight from reaching the flat windows. It is considered that the difference in the overshadowing impact from the proposed development in comparison to existing levels would not be significant or to a degree warranting the refusal of this application.

Furthermore, a light painted render to this elevation would be likely to provide some benefit through reflected light.

The initial submission was amended to change the projection which houses the proposed stairs between the flats, along the side boundary with No 35. This was amended to avoid any high wall being built adjacent to the first floor rear window in the flats at No 35, reduced the overbearing and light impact of this element to an acceptable level.

There are other windows in the side elevation of No 35 that face towards this proposed projection at a gap of approximately 2m. However, as this element has been amended to approximately 4.1m in width, it would be seen as a relatively minor element within this 16m long elevation as a whole. It should also be noted that the two most affected windows in the rear flats both appear to be mainly obscurely glazed, which would therefore significantly diminish the impact of this aspect of the proposals. Overall, it is considered that the scale and position of this amended side projection would not have a significant overbearing impact on the occupiers of the neighbouring flats. It should be noted that there have also been no objections received from the occupants of any of the flats at No 35 Holton Road.

### Planning Obligations

LDP policy MD4 'Community Infrastructure and Planning Obligations' sets out that where appropriate, and having regard to development viability, the Council will seek to secure new and improved community infrastructure, facilities and services through the use of planning obligations.

Supplementary Planning Guidance (SPGs) on Planning Obligations (adopted July 2017) and Affordable Housing (most recently adopted version, February 2018) provides more detail regarding where, what, when and how planning obligations will be sought via Section 106 Agreements, in order to assist the Council in creating sustainable communities that provide social, economic, and environmental benefits. The adopted SPGs have been applied to any applications received after 1st August 2017, following the adoption of the Local Development Plan (LDP).

Given that this application was received prior to the formal adoption of the SPGs, the financial obligations have been assessed against the 2015 formulae values set within the draft Planning Obligations SPG in use at the time. This is considered appropriate given how advanced negotiations had progressed and is consistent with the approach taken in other planning applications. To provide background, the Council prepared draft SPGs on Affordable Housing and Planning Obligation in November 2015 in response to updated evidence being used by the Council and to inform the Examination of the Deposit Local Development Plan. Since the adoption of the Council's Local Development Plan, the Council formally adopted the draft Planning Obligations and Affordable Housing SPGs in July 2017. Minor changes were made to the draft SPGs prior to their adoption, to reflect factual changes and relevant changes in national policy and guidance. In addition, the formulae used to calculate financial contributions were updated to reflect index increases since November 2015.

The proposals relate to a development of 7 flats. On this basis, the following planning obligations were requested and agreed with the applicant prior to consideration at Planning Committee on 2 February 2017:



## *Affordable Housing*

TAN 2 defines 'Affordable Housing' as housing provided to those whose needs are not met by the open market. It should meet the needs of eligible households, including affordability with regard to local incomes, and include provision for the home to remain affordable for future eligible households, or where stair-casing to full ownership takes place, receipts are recycled to provide replacement affordable housing. This includes two sub-categories: social rented housing where rent levels have regard to benchmark rents; and, intermediate housing where prices or rents are above social rented housing but below market housing prices or rents.

The Council's 2015 Local Housing Market Assessment (LHMA) identified a net annual need for 559 Affordable Housing per annum. This assessment has recently been reviewed (2017), and the actual need has increased to 576 affordable housing units, comprising a need of 479 social rented units and 97 intermediate units per annum.

Relevant policies within the LDP include, SP4-Affordable Housing Provision, MG4-Affordable Housing, and MD4-Community Infrastructure and Planning Obligations. Policy MG4 requires 30% affordable housing on residential developments in this area of the Vale resulting in a net gain of 5 dwellings or more. The affordable housing requirement therefore equates to 2 dwellings on site and an off-site contribution equivalent to 0.1 dwellings, calculated to be £7,743.00.

## Public Open Space

Residential developments are expected to make provision for Public Open Space and/or recreational facilities to meet the needs of the future population they will bring to the area. Open space offers vital opportunities for sport and recreation, and also act as a visual amenity. Policy MD3 of the LDP requires new residential developments to make provision for public open space at a minimum standard of,

- Outdoor sports provision 1.6 ha per 1,000 population;
- Children's equipped play space 0.25 ha per 1,000 population;
- Informal play space 0.55 ha per 1,000 population.

There is some outdoor space on site, although this is modest and to meet basic amenity requirements. Where it is impractical to provide public open space on site, the Council requested a financial contribution to provide and enhance off-site public open space and recreational facilities in the vicinity of the development site, to meet the need not catered for on-site. This was calculated on the basis of £2,552 per dwelling (or £1,100 per person), resulting in an off-site contribution of £17,863.

## Development viability

The applicant has subsequently raised concern that the Council's requirements for planning obligations threaten the economic viability of the development. Welsh 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.

LDP Policy MD4 recognises that regard should be given to development viability, and supporting paragraphs 7.29-7.30 advise as follows:

*“7.29 Where a developer contends that the Section 106 requirements are too onerous...and will potentially make the scheme unviable, they will be expected to submit a breakdown of the development costs and anticipated profits based on properly sourced evidence. Developers must take account of the necessary planning obligation requirements at an early stage to ensure these are reflected in the land value assumptions. The Council may seek independent verification of these details before considering whether to reduce the number and / or value of planning obligations sought.*

*7.30 The Council accepts that it may not always be possible for developers to satisfy all the planning obligation requirements. Where this is proven to be the case, the Council will need to consider what the planning obligation priorities will be for that particular development, having regard to the site location and the local needs in the vicinity. This will be considered on a site by site basis having regard to the statutory tests. The Welsh Government has advised that, in such circumstances, affordable housing should be the priority once sufficient infrastructure to enable the scheme to proceed has been made available”*

The applicant submitted a viability review which included details such as the projected sales revenue, development costs, professional and other fees. The review included two scenarios of a contractor appointed build and a direct build by the developer. The review concluded that based upon the above planning obligations, it would result in the development not being viable in either scenario, taking into consideration a reasonable benchmark land value and developer profit.

The financial data contained within these reports is confidential and contains commercially sensitive information and consequently cannot be released to the public, but is available on file for Member's to review, under Member privilege.

As set out above, Policy MD4 (paragraph 7.30) recognises and accepts that it may not always be possible for developers to satisfy all the planning obligation requirements, and has proven to be the case in this instance.

In circumstances whereby viability demonstrates that a scheme cannot provide for, that viability assessment is time sensitive. Markets can change schemes that were previously unviable to provide development obligations can become more profitable. That being the case, national guidance is that reduced commencement periods are appropriate. Moreover, national guidance advocates the use of legal agreements to secure completion of development within a reduced period or otherwise triggering a review of development viability. It is therefore recommended that the development is restricted with a commencement period of 18 months (secured by condition), with completion of development within 24 months (to be secured by Section 106 Agreement).

As an aside, the applicant has advised that there is an agreement in principle for the development to be wholly purchased by a Registered Social Landlord. It should be noted that, in doing so, the development would meet and exceed affordable housing requirements set out above and the associated financial obligations would not have been sought. The scheme would instead be subject to condition ensuring the delivery and retention of the affordable units. However, having demonstrated that the scheme is acceptable without such contributions as market housing, conditions or other restrictions

to provide solely affordable housing is not justified. The development is therefore considered acceptable as submitted and it would be unreasonable to condition it to be 100% affordable housing.

## RECOMMENDATION

Subject to the applicant first entering into a Section 106 Agreement to secure the following:

•Securing completion of the development within 24 months, or reviewing the viability of the scheme and making contributions as set out previously.

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: AL(00)04D and AL(00)03 C

Reason:

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

3. The materials to be used in the construction of the external surfaces of the proposed extensions shall match those used in the equivalent elements of the building that exist at the time of this approval.

Reason:

To safeguard local visual amenities, as required by Policies SP1 (Delivering the Strategy), MD2 (Design of New Development) and SP10 (Built and Natural Environment) of the Local Development Plan.

4. The implemented drainage scheme for the site 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 MD2 of the Local Development Plan.

5. Any part of the windows in the eastern elevation facing No.35 Holton Road that is below 1.7m in height above the level of the floor in the room that it serves shall be obscurely glazed to a minimum of level 3 of the "Pilkington" scale of obscuration and fixed pane at the time of installation, and so retained at all times thereafter.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

6. The cycle provision shown on the approved plans shall be completed prior to the first beneficial occupation of any of the flats hereby approved and thereafter kept free of obstruction and available for the parking of cycles associated with the development.

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 MD2 of the Local Development Plan.

7. The amenity area as shown on plan AL(00)03 C shall be kept freely available for use at all times for the occupants of all of the flats hereby approved.

Reason:

To provide suitable shared amenity space, in accordance with Policy MD2 (Design of New Developments) of the Local Development Plan.

8. A Traffic Regulation Order to partially remove the extent of the parking restrictions along the side of the site on Lombard Street (as per the attached plan and highlighted in red) to provide an additional potential on-street parking space shall be fully implemented prior to the first beneficial use of any of the flats hereby approved.

Reason:

To provide additional on-street parking provision, in accordance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local 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 for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

Having regard to Policies SP1 – Delivering the Strategy, SP4 – Affordable Housing Provision, SP6 – Retail, SP10 – Built and Natural Environment, MG4 – Affordable Housing, MG14 – Non A1 Retail Uses within Town and District Retail Centres, MD 2 – Design of New Development, MD3 – Provision for Open Space, MD4 – Community Infrastructure and Planning Obligations, MD 5 – Development within Settlement Boundaries, MD6 – Housing Densities and MD7 – Environmental Protection of the Vale of Glamorgan Local Development Plan 2011 – 2026, the Affordable Housing, Barry Development Guidelines, Parking Standards, Planning Obligations and Residential and Householder Development SPG's and national advice and guidance contained in Planning Policy Wales (2016) and TAN2 – Affordable Housing, TAN12 – Design, TAN16 – Sport, Recreation and Open Space and TAN18 – Transport, it is considered that the proposals are acceptable, by reason of their appropriate design, materials and scale, with no detrimental impact to the character and visual amenities of the area, the amenities of neighbouring occupiers and acceptable parking and amenity space arrangements.

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

**NOTE:**

- 1. Please be aware that any construction works should not result in any obstruction or blockage of the public highway, including the adopted lanes in the area of the site.**
- 2. This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**

**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.**



**LOCATION PLAN**  
1:1250



33 Hollon Road, Barry		Job No	16_031
		Drawn by	MB
		Scale	AL(00)01
Title		Date	30/08/16
Site Plan		Drawn	MG
		Scale	1:250(1250 @ A3

Architects  
Environmental & Urban design  
Town planners

Unit A, Smeaton Buildings Park,  
Park Road, Cardiff, CF21 1UL  
www.aedup.com  
tel: 0321 212729



**LOCATION PLAN**  
1:250

**2018/00279/FUL** Received on 1 May 2018

Mr. John Blain 12, Cwrt y Cadno, St. Fagans, Cardiff. CF5 4PJ  
Mr. Andrew Parker Andrew Parker Associates. The Great Barn, Lillipot, Bonvilston, Vale of Glamorgan. CF5 6TR

### **Rear of 2, Stanwell Road, Penarth**

Proposed pair of semi-detached 2 bedroom dwellings

### **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 N Thomas for the reason that it appears to be overdeveloped and unneighbourly imposing heavily on the rear of No 4 and No 2 Stanwell Rd. A site visit is also requested.

### **EXECUTIVE SUMMARY**

The application site was formerly part of an area of car parking, with garden curtilage, associated with, and to the rear of the former offices at 2 Stanwell Road. The existing detached frontage building, located on a corner plot at the junction of Rectory Road and Stanwell Road, was last used for office purposes and has recently been renovated for residential purposes.

The application site lies to the south and is accessed off an unadopted lane. The lane also serves a number of existing properties, including Penarth Bowls Club, and residential uses, such as Rectory Court.

This is an application for full planning permission for the construction of a pair of semi-detached two bedroom dwellings.

To date objections have been received from local ward Member Cllr N Thomas; and neighbours at 4 Stanwell Road, Flat 1 6 Stanwell Road, and 3 Rectory Court.

Having regard to both local policy and national guidance, it is considered that the main issues in the assessment of the application, include, the design and visual impact on the Penarth Conservation Area; the impact on neighbouring and residential amenity; any detriment to highway safety; and the S106 planning obligations.

It is recommended that the application be APPROVED subject to conditions, including, details of external materials; removal of permitted development rights; no additional windows; removal of permitted development for enclosures; landscape implementation; surface water drainage; controls for potential contaminants; a Construction and Environmental Management Plan (CEMP); and a S106 planning obligation to provide:

- A contribution of £5,336 towards improvements to off-site public open space.
- A contribution of £55,540.80 towards the off-site provision of Affordable Housing (subject to the Self Build Exemption).



## SITE AND CONTEXT

The application site was formerly part of an area of car parking, plus garden curtilage, associated with the former office use, to the rear of 2 Stanwell Road. That existing detached frontage building, located on a corner plot at the junction of Rectory Road and Stanwell Road, was last used for office purposes and has recently been renovated for residential purposes. The application site lies to the south and is accessed off an unadopted lane. The lane also serves a number of existing properties, including Penarth Bowls Club, and residential uses, such as Rectory Court.



The site is centrally located within Penarth with a mix of uses in the vicinity, including residential, and the tennis courts and a clubhouse immediately to the east on the opposite side of the lane which falls within the designated setting of the Alexandra Grade 2\* Historic Park.

The existing car park no longer provides parking for the former office building, but still serves a number of residential properties that bound the site and front onto Stanwell Road.

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

## DESCRIPTION OF DEVELOPMENT

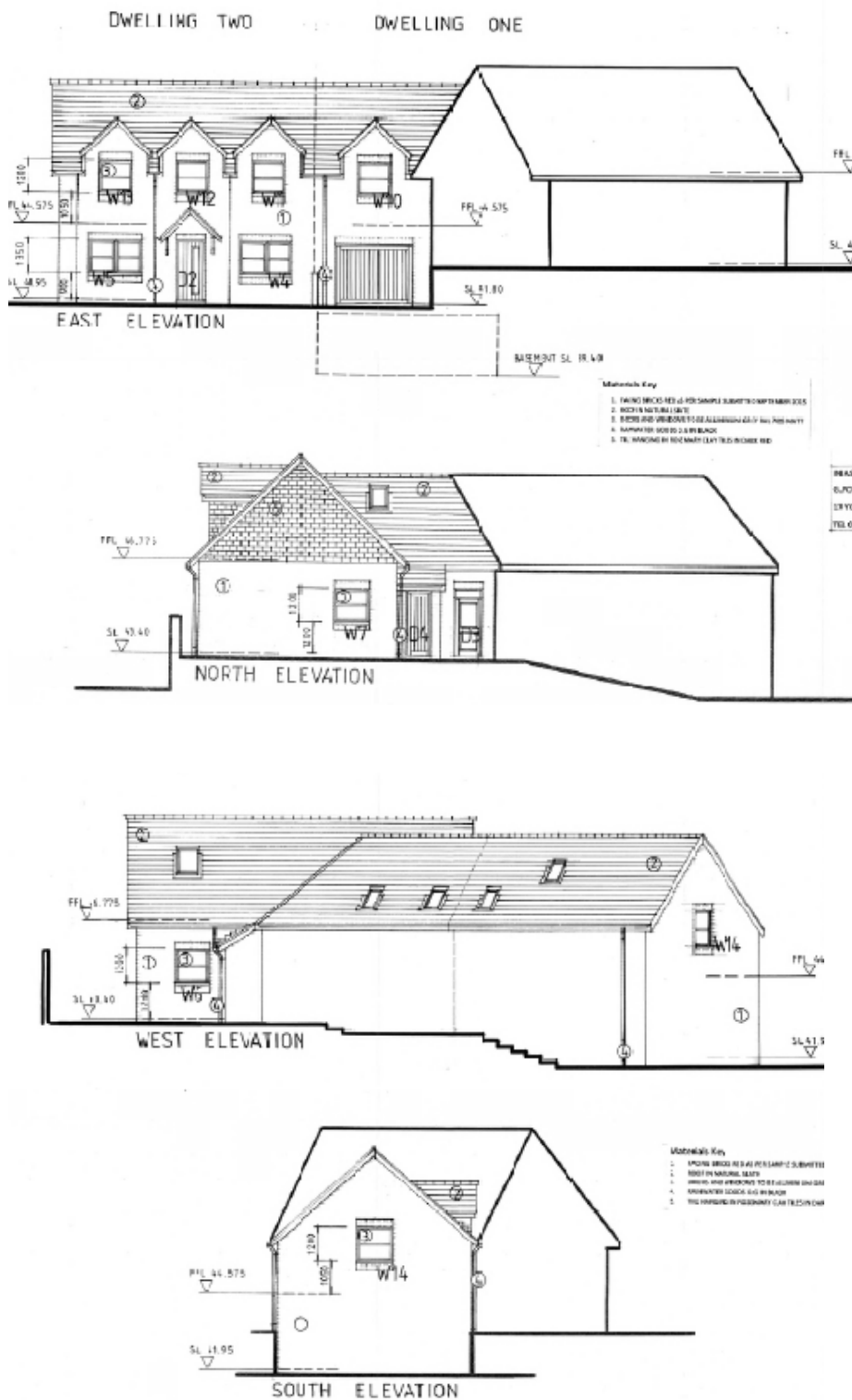
This is an application for full planning permission for the construction of a pair of two bed, semi-detached dwellings. The proposed building will be sited in the northern area of the car park close to the existing access. The 'L' shaped footprint will run alongside the boundary with the lane and the boundary with neighbouring properties on Stanwell Road.



The traditionally designed two storey, pitched roof building will include pitched roof dormer windows, a Juliet balcony, and an enclosed terrace. External finishes will include red facing brick walls, Rosemary clay tile hanging, and a natural slate roof.

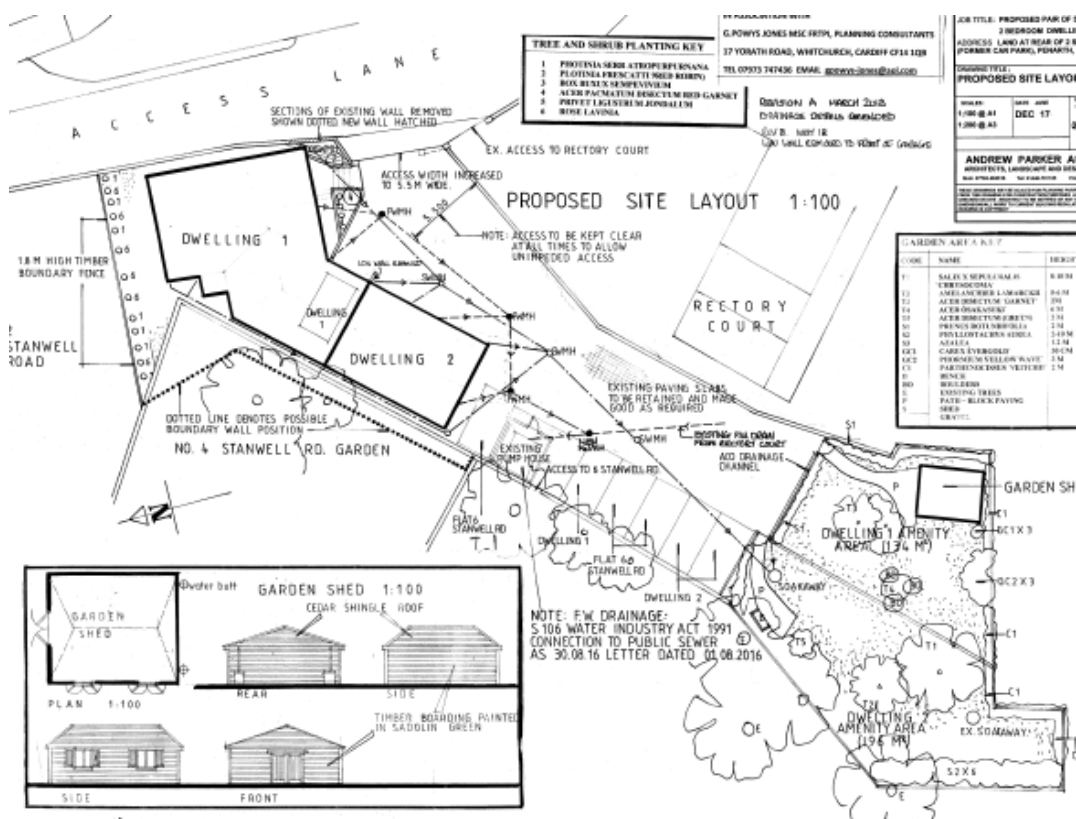
Due to the change in levels across the site the proposed Unit 1, adjacent to the lane, will sit at a higher level than Unit 2 to the south and will include a new retaining wall with No. 2 Stanwell Road. There will also be a basement level under the garage which will serve Unit 1.





The main garden for the properties will be located at the southern side of the car park, with a separate amenity area for each house. The garden to Unit 1 will include a single storey, hipped roof timber shed.

Vehicular access will be via the existing entrance off the lane. Unit 1 will have an integral garage with parking space to the front, plus an additional space to the south. Unit 2 will have two parking spaces at the southern end of the car park. In addition the proposed site layout plan also shows 3 No. car parking spaces for the flats at 6 Stanwell Road.



The application is accompanied by a Design and Access Statement (DAS), and a Planning Statement.

## PLANNING HISTORY

There is a long history of applications relating to the main property at No. 2 Stanwell Road plus the land adjoining the car park. These include:-

1977/01179/OUT - Land to the r/o 6 Stanwell Road (now Rectory Court) - Erection of two storey block of flats - Refused 15 November 1977 with subsequent appeal allowed 7 December 1978.

1980/01637/FUL - Land to the r/o 6 Stanwell Road (now Rectory Court) - Erection of two storey block of flats - Approved subject to conditions 10 February 1981.

1981/01382/FUL - Land to r/o 6 Stanwell Road - Two storey block of 4 No. flats with 4 No. garages - Refused 17 November 1981 on the grounds of the siting not complying with previous approval and more obtrusive to Rectory Lane. A subsequent appeal was allowed on 11 August 1982.

1983/00554/FUL - Occupation of existing office building at 2 Stanwell Road for same use with the construction of additional parking spaces within rear garden - Approved 11 October 1983, subject to conditions including landscaping.

1983/01007/FUL - Part of rear garden at 6 Stanwell Road (current car parking area) - Extension of existing parking area, demolition of existing garage - Approved 13 March 1984 subject to conditions relating to vision splays and landscaping.

2004/01269/FUL - Amey Buildings, Rectory Road (also known as 2 Stanwell Road) - Proposed alterations to existing building and extensions to form 2 No. maisonettes, part office to remain - Refused 1 July 2005 on the grounds that the proposed extension would fail to preserve the character and appearance of the Penarth Conservation Area, and would have an adverse impact on privacy.

2005/00533/FUL - Amey Buildings, Rectory Road (also known as 2 Stanwell Road) - Proposed alterations to existing building and extension to form 1 No. maisonette (south west side) part office to remain - Refused 24 June 2005 on the grounds that it would fail to preserve the character and appearance of the Penarth Conservation Area; would adversely affect the health and amenity value of a protected tree; and provide a poor level of privacy for adjoining neighbours.

2005/01313/FUL - Amey Buildings, Rectory Road (also known as 2 Stanwell Road) - Extension to existing office building - Refused 11 November 2005 for the same reasons as above.

2006/00172/FUL - 2 Stanwell Road - Proposed extension to existing offices to provide additional office accommodation and an enclosed fire escape - Approved 15 November 2006 subject to conditions, including, details of materials; tree protection; details of high level windows; and restriction on the use of the office extensions.

2008/01363/FUL - 2 Stanwell Road - Proposed conversion of existing office building together with new extension previously approved for office use to form 10 No. flats with 15 No. car parking spaces. This application was resolved to be approved by Planning Committee on 30 April 2009 subject to the prior signing of a Section 106 Agreement which was never entered into therefore the application was finally disposed of on 12 October 2009.

2014/00268/FUL - Car park to the rear of 2 Stanwell Road (current site) - Proposed new dwelling - Approved 6 August 2015 subject to a S106 legal agreement requiring the developer to pay a contribution of £2,280 towards improvements to off-site public open space, and subject to conditions, including, schedule of materials; retention of car port for parking and turning; removal of pd for extensions and outbuildings; no additional windows; further details of levels; landscaping; means of enclosure and removal of pd for any further; drainage; and details of proposed shed.

2014/00269/FUL - 2 Stanwell Road - Proposed alterations and extensions to existing building to form 5 No. flats - Approved 30 October 2014 subject to conditions, including, a schedule of materials; full details of windows, doors, roof light, balconies etc., further details of the proposed access and on-site car parking; further details of the boundary treatment; further details of layout with provision of a bin store and indicating how the occupiers of each flat will access the communal amenity area; details of landscaping; a Method Statement for tree work; and foul and surface water to drain separately, with no land drainage run-off to connect to the public sewerage system; and subject to a S106 legal agreement requiring a contribution of £11,400 towards improvements to off-site public open space.

2014/01392/FUL - 2 Stanwell Road - Extension and alterations of existing property to form nine self-contained residential apartments - Refused 28 January 2015 for the following reason:-

*“In the opinion of the Local Planning Authority it is considered that the proposal represents an unacceptable form of residential development that will appear as an incongruous and intrusive feature detracting from the character and appearance of the existing building and the wider street scene, and adversely affecting the existing protected Yew tree on the site. As such the proposal will neither preserve nor enhance the character and appearance of this part of the Penarth Conservation Area, and will cause harm to the neighbouring and general residential amenities of the area contrary to Policies ENV11-Protection of Landscape Features, ENV17-Protection of Built and Historic Environment, ENV20-Development in Conservation Areas, ENV27-Design of New Development, HOUS8-Residential Development Criteria, and Strategic Policy 1-The Environment of the Vale of Glamorgan Adopted Unitary Development Plan; Supplementary Planning Guidance on Trees and Development, and the Penarth Conservation Area Appraisal and Management Plan; and national guidance contained in Planning Policy Wales, and TAN12-Design.”*

2015/00647/FUL - 2 Stanwell Road - Extension and alteration of existing property to form seven self-contained residential apartments and one town house with on-site car parking, cycle and bin store facilities (resubmission of application ref: 2014/1392FUL) – Approved 9 June 2016 subject to a conditions, including, a schedule of materials; full details of windows, doors, roof light, balconies etc., further details of the proposed access and on-site car parking; further details of the boundary treatment; further details of layout with provision of a bin store and indicating how the occupiers of each flat will access the communal amenity area; details of landscaping; a Method Statement for tree work; and foul and surface water to drain separately, with no land drainage run-off to connect to the public sewerage system; and subject to a S106 legal agreement requiring a contribution of £18,240 towards improvements to off-site public open space.

2016/01275/FUL - Proposed pair of semi-detached 2 bedroom dwellings – Withdrawn 20 October 2017.

## CONSULTATIONS

**Penarth Town Council** were consulted and raised no objection, subject to access being satisfactory, that it is not considered to be overdevelopment with the amenity areas being separated from the dwelling houses and given location within conservation area should the window material be of wood rather than aluminium?

**Local Ward Member Cllr N Thomas** was consulted and has stated that It appears to be overdeveloped and unneighbourly imposing heavily on the rear of No 4 and No 2 Stanwell Rd particularly. If delegated officers are minded to allow this I think I would like to see it called in accompanied by a site visit.

**Dwr Cymru/Welsh Water** were consulted and their response referred to their previous consultation response (Ref: 2016/01275/FUL) for a “*pair of semi-detached dwellings*” where they offered no objection subject to recommended condition and advisory notes. One of the advisory notes referred to the proximity to a Sewerage Pumping Station (SPS) and accordingly advised that no habitable buildings should be constructed within a 15m vicinity of the SPS so as to minimise any effects of noise and odour nuisance. As previously stated they remind of the SPS’ close proximity, and note that the development would be sited within 15m of this SPS. Therefore, they advise that the Local Planning Authority may wish to contact their Environmental Health Department for their views on whether there is a potential for noise and odour nuisance from the SPS on this proposal.

Notwithstanding the above, they also acknowledge that the development would propose disposal of surface water flows into a soakaway system as shown on the 'Proposed Site Plan' (Drawing No. 706/P/02). Accordingly, if minded to grant planning consent for the above development, they request the addition of their standard conditions and advisory notes relating to no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

**The Council's Environmental Health section** were consulted in relation to potential contaminative issues. They advise the use of 'unforeseen contamination' conditions, and conditions relating to importation of soils and/or aggregates, plus and a contamination and unstable land advisory note.

Further comments request the submission of a Construction and Environmental Management Plan before commencement of any works.

**The Council's Housing Strategy Team** were consulted and confirm there is a need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2017 Local Housing Market Assessment (LHMA) which determined that 576 additional affordable housing units were required each year to meet housing need in the area.

The need is further evidenced by the following figures from the Council's Homes4U waiting list in the Stanwell area of Penarth.

STANWELL	
1 BED	103
2 BED	46
3 BED	34
4 BED	6
5 BED	1
	190

In line with the SPG and as this development will see a net gain of 2 units we expect a financial contribution of AHC x 0.8 of a one bed property in zone 5 i.e. £55,540.80.

**The Council's Highway Development Team** were consulted and requested an amended plan showing the small dividing wall that projects by approximately 1m between plot 1 and 2, which would effectively narrow the driveway in front of the access to the integral garage (plot 1).

Further comments are awaited following re-consultation on Amended plans, however it is noted that the requested amendments have been made.

**The Council's Drainage Engineers** were consulted on 19 April and 13 May 2018. No comments received to date. However, it is noted that comments on previous applications indicated that as the proposal is for a single pair of semi-detached dwellings, control of surface water disposal via Building Regulations will suffice. Therefore do not recommend any conditions.

## REPRESENTATIONS

The occupiers of neighbouring properties were notified on 1 May 2018. In addition, the application was advertised in the press and by way of a site notice on 26 April and 4 May 2018 respectively.

Objections have been received from the occupiers of 4 Stanwell Road, Flat 1 6 Stanwell Road, and 3 Rectory Court. These are all available on file for Member's inspection. However, in summary the main points of concern relate to:-

- Rights of access to off road parking, with reduction in number of spaces and manoeuvring difficulties.
- Excessive infill in Conservation Area.
- Suggested change of boundary not possible and owner will not cede land nor agree to the rebuild of boundary wall.
- Possible damage from construction works to foundations of Rectory Court and pumping station.
- Current surface water flooding of Rectory Court from site should be rectified.

## REPORT

### Planning Policies and Guidance

#### **Local 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 Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

#### **Strategic Policies:**

POLICY SP1 - Delivering the Strategy.  
POLICY SP3 - Residential Requirement.  
POLICY SP4 - Affordable Housing Provision.  
POLICY SP10 - Built and Natural Environment.

#### **Managing Growth Policies:**

POLICY MG1 - Housing Supply in the Vale of Glamorgan.  
POLICY MG4 - Affordable Housing.

#### **Managing Development Policies:**

POLICY MD2 - Design of New Development.  
POLICY MD3 - Provision for Open Space.  
POLICY MD4 - Community Infrastructure and Planning Obligations.  
POLICY MD5 - Development within Settlement Boundaries.  
POLICY MD7 - Environmental Protection.  
POLICY MD8 - Historic Environment.  
POLICY MD16 - Protection of Existing Employment Sites and Premises.

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

### **Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application.

In particular, Chapter 4 - Planning for Sustainability, including paragraph 4.11-Promoting sustainability through good design; Chapter 6-Conserving the Historic Environment, including 6.1.1, 6.1.2, 6.5.20 and 6.5.21; Chapter 7-Economic Development, including paragraphs 7.1.3, 7.2.1 and 7.6.3; and Chapter 9-Housing, including 9.3.3 and 9.3.4.

### **Technical Advice Notes:**

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

- TAN2 - Planning and Affordable Housing.
- TAN12 - Design, including paragraphs 2.6, 5.6.1 and 5.11.3, which states:  
*“The design of housing layouts and built form should reflect local context, including topography and building fabric. Response to context should not be confined to architectural finishes. The important contribution that can be made to local character by contemporary design, appropriate to context, should be acknowledged. To help integrate old and new development and reinforce hierarchy between spaces consideration should be given to retaining existing landmarks, established routes, mature trees and hedgerows within housing areas as well as introducing new planting appropriate to the area.”*
- TAN16 - Sport, Recreation and Open Space.
- TAN24 - The Historic Environment.

### **Supplementary Planning Guidance:**

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- Affordable Housing.
- Model Design Guide for Wales.
- Parking Standards.
- Planning Obligations.
- Residential and Householder Development.



- Trees and Development.
- Penarth Conservation Area.
- The Penarth Conservation Area Appraisal and Management Plan.

In addition, the following background evidence to the Local Development Plan is considered relevant to the consideration of this application insofar as it provides a factual analysis and information that is material to the issues addressed in this report:

- 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) 2017.
- Small Sites Viability Report (2013).
- Open Space Background Paper (2013).
- Sustainable Settlements Appraisal Review (2016).

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

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007).
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management.
- Welsh Office Circular 13/97 - Planning Obligations.
- 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

This is a revised proposal for residential development within the car park to a former office building at 2 Stanwell Road.

The current proposal seeks an additional unit to the one already approved on the site. The original application, reference 2014/00268/FUL, was assessed in conjunction with a separate application for the conversion of the main frontage building under application reference 2014/00269/FUL, as the likely impact of the two developments could not be considered in isolation. It is considered that this planning history remains material to the determination of the current application.

In assessing the proposal against the above policies and guidance it is considered that the main issues remain the same and include, the design and visual impact on the Penarth Conservation Area; the impact on neighbouring and residential amenity; any detriment to highway safety; and the S106 planning obligations. The justification for the loss of an office use and its replacement with residential has already been agreed with the approval of the previous applications, however, the implications of such a development are still relevant to the assessment of the current application in relation to the necessary planning obligations.

### Background

It will be noted from the planning history that there is an extant permission for a new dwelling on the site, reference 2014/00268/FUL. That application was considered in conjunction with a separate, but related proposal for the conversion of 2 Stanwell Road from office to residential, reference 2014/00269/FUL.

The previous approvals for both the main building at 2 Stanwell Road and the associated car park (current application), were subject to conditions and a S106 legal agreement requiring the developer to pay a contribution towards improvements to off-site public open space. The need for such an agreement in relation to the current proposal is considered relevant, and is examined in greater detail below.

### Principle of Development

As regards the principle of an additional new build dwelling, it is noted that the site is located within the settlement boundary for Penarth as defined in the current LDP. As such, the principle of additional residential development remains acceptable, subject to the criteria outlined in policy MD5-Development within Settlement Boundaries. This is in line with national guidance including paragraph 9.3.4 of Planning Policy Wales 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.”*

It is also noted that Objective 7 of the LDP is to provide the opportunity for people in the Vale of Glamorgan to meet their housing needs. In addition, MG1 refers to Housing Supply in the Vale of Glamorgan and specifies how the identified housing need will be met, which, in addition to allocated sites, includes unallocated windfall sites in sustainable locations, such as the current site.

## Design and visual impact

As already noted, the site lies within the Penarth Conservation Area, specifically within the Esplanade and Gardens Character Zone as identified within the Penarth Conservation Area Appraisal (CAMP). This is in contrast to the frontage of the site which lies within the neighbouring Town Centre Character Zone. In addition, although the main frontage building at 2 Stanwell Road is identified as a “Positive Building”, the current site area has no particular significance within the Appraisal. However, the nearby tennis courts, bowling green and Alexandra Park are identified as areas of ‘Significant Open Space’ and the designated setting of the Alexandra Grade 2\* Historic Park.

It is acknowledged that the likely impact of the development on the character and appearance of the existing building, the wider Conservation Area, and the setting of the listed buildings, requires special consideration, and carries substantial weight in the determination of the application. Of particular relevance is the duty imposed on the Council under Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, with respect to any buildings or other land in a conservation area, where special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. However, there is still a requirement for a planning balance, but it must be informed by the need to give weight to the desirability of preserving the setting of the Conservation Area.

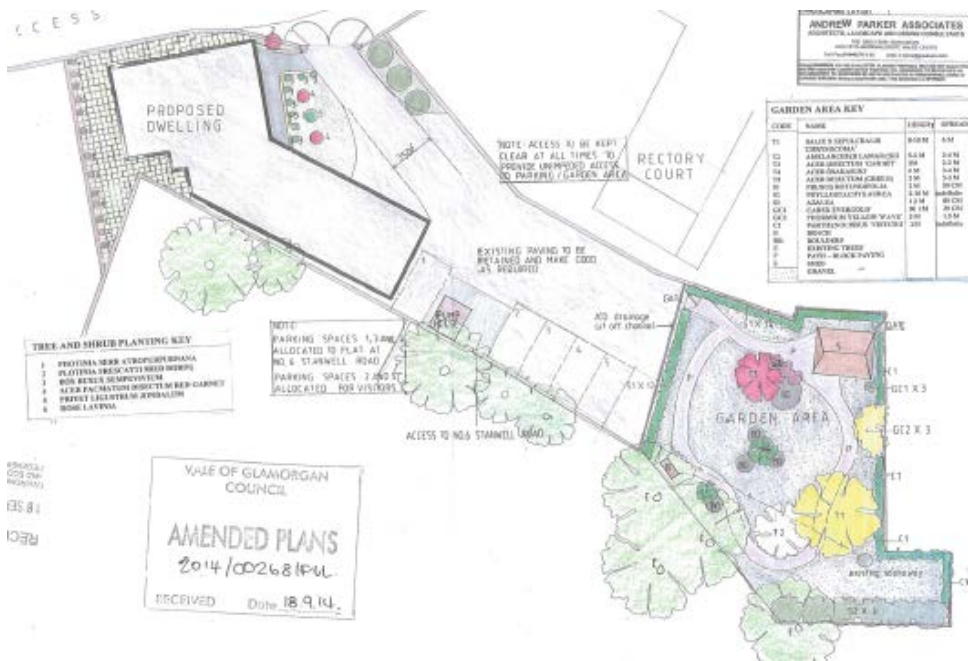
Relevant policies include SP10 and MD8 of the LDP which seek to protect the built and historic environment and ensure that development preserves or enhances the character of conservation areas. This is supported by national guidance including PPW, with the following of particular relevance:-

*“6.5.20 There should be a general presumption in favour of the preservation or enhancement of the character or appearance of a conservation area or its setting. It is preferable, for both the applicant and the local planning authority, for related applications for planning permission and conservation area consent to be considered concurrently. Consideration of proposals for development in a conservation area should be made on the basis of a full, rather than an outline, application.*

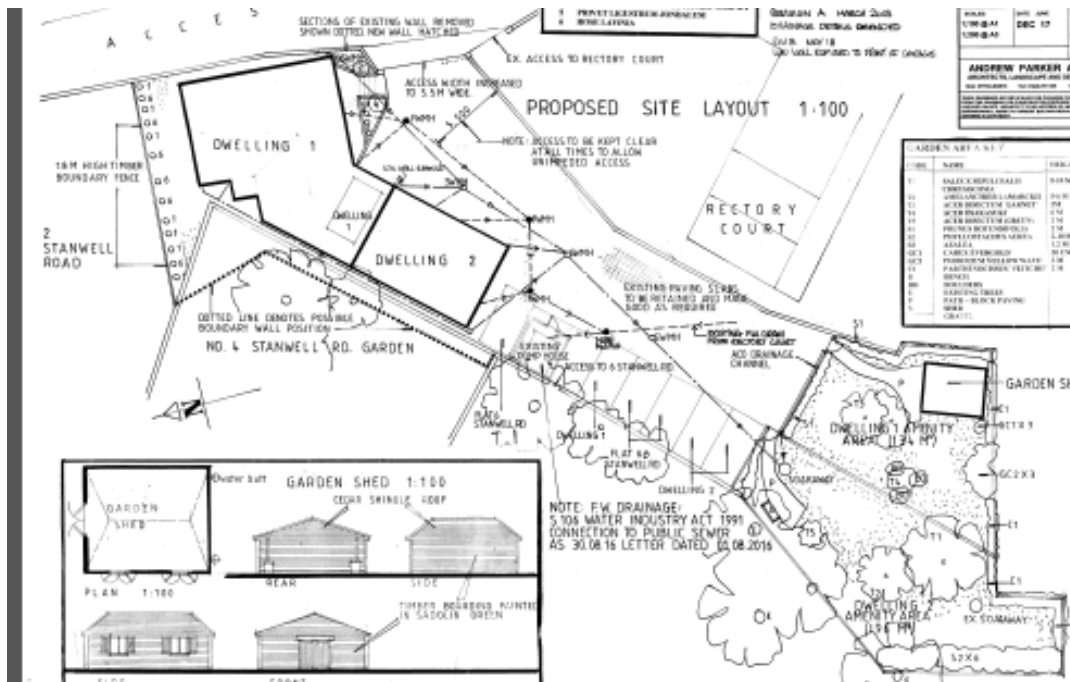
*6.5.21 There will be a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour 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.”*

It will be noted from the planning history that there is an extant permission for the erection of a single dwelling on the site. The current application seeks to introduce an additional dwelling on the site in the form of a pair of semi-detached houses.

Despite the introduction of a second dwelling, as the supporting Planning Statement points out, the footprint of the development remains almost identical.



Approved layout (ref 2014/00268/FUL)



Proposed layout

The Planning Statement also indicates that the scale remains the same, however, there is an increase in the massing of the roof, with additional dormers on the front elevation. Nevertheless, it is considered that this revised scheme will have little, if any, additional impact on the character of the Penarth Conservation Area.

When assessing the original application it was determined that the proposal would not detract from the character and appearance of the main frontage building. It remains the case that the position of the proposed dwellings is sufficiently distant, and is subservient in scale to the main building, which itself has been subject to conversion to residential use.

As regards the wider impact on this part of the Penarth Conservation Area and the issue of 'backland' development with no road frontage, this was assessed in the original

application. Again it is considered that there is no change on this issue. There is a precedent for such development in the immediate area, with the existing flats at Rectory Court, and the Bowling Club. The proposed building will be smaller in size and more traditional in design when compared with Rectory Court. The scale and positioning close to the lane will be similar to the existing tennis club building. As such, even with the higher finished floor levels over part of the building, it is considered that the development will not be an intrusive or alien feature in the wider context, or result in the problems typically associated with back land development . The Council's Conservation Officer has indicated that he has no objections to the proposal.

On the issue of the landscaping, it will be noted from the planning history that an earlier application for the removal of three trees from the car park, reference 2013/01111/TCA, was approved in December 2013. This revised proposal does not require the removal of any additional trees. New planting is identified on the proposed site layout plan, which is mostly ornamental and considered acceptable with a detailed schedule of tree, shrub and garden planting, without the need for any further details to be submitted by condition.

Thus, it is considered that the revised proposal represents an acceptable form of new residential development that would serve to preserve the character and appearance of this part of the Penarth Conservation Area and would not impact on the setting of the Alexandra Grade 2\* Historic Park.

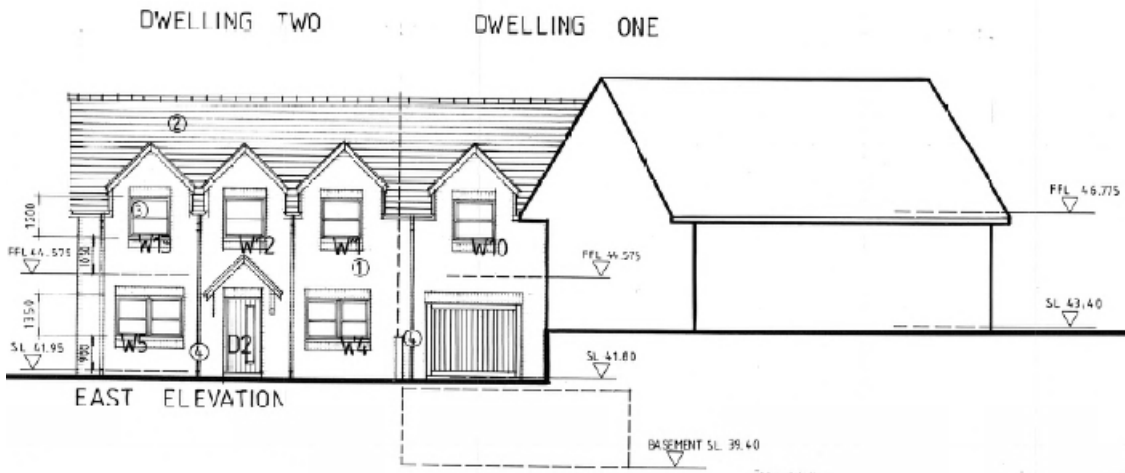
#### Neighbouring and residential amenity

There are a number of residential properties surrounding the site, including the recently converted main frontage building, the properties on Stanwell Road, and Rectory Court to the south east.

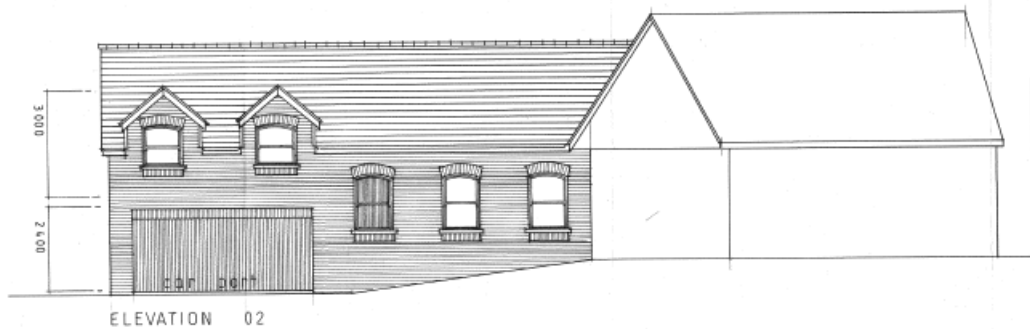
Policy MD2 of the LDP and the Council's SPG on Residential and Householder Development seek to ensure adequate amenity for the occupiers of not only new housing but also the existing properties. This is in line with national guidance including PPW, which states at paragraph 9.3.3:-

*“Insensitive infilling or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character and amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.”*

In relation to privacy, as with the approved scheme, it is noted that there are no first floor, habitable room windows in the elevations facing either the existing dwelling at 4 Stanwell Road or the flats at 2 Stanwell Road. Apart from those windows that will overlook the lane, the majority of habitable room windows are positioned on the south and eastern elevations facing Rectory Court. Once again, these include a terrace, a first floor Juliet balcony and dormer windows. However, in contrast to the approved scheme, the revised proposal includes additional dormer windows in the east elevation facing Rectory Court.



*Current proposal*



*Approved scheme*

The nearest of the first floor bedroom windows in dwelling 2 is approximately 6.5m from the boundary with Rectory Court. The distance from that boundary to the windows in Rectory Court is around another 14m, which means that the window to window distance is below the minimum 21m advised in the Residential and Householder Development SPG. However, it is recognised that the two properties will be separated by access roads and parking. As such, it is not considered that the impact on levels of privacy would be so significant as to justify a refusal.

On the question of any potential overshadowing, it is considered that this revised proposal will have no additional impact beyond the approved scheme. When assessing the original application, it was noted that as part of the proposed building will run along the south eastern boundary with 4 Stanwell Road, there would be some impact. However, as the proposed building remains a relatively low-lying structure, with any overshadowing would be at the far end of the neighbouring garden, and the degree of overshadowing would not be harmful to justify a refusal. Similarly for the flats at 2 Stanwell Road, the siting and massing of the proposed development will affect only a small area at the end of the communal amenity space.

### Amenity Space

Section 10 (Amenity Space) of the Residential and Householder Development SPG states, that amenity space is essential and provides a number of important functions that

contribute towards a resident's enjoyment of a property. Those essential functions include space for relaxation, entertainment and play; gardening and cultivation; clothes washing and drying; DIY; and waste, cycle and other domestic storage.

Design Standard 4 relates to amenity space provision for dwellings and states that "For houses, a minimum of 20 sq.m amenity space per person\* should be provided, and the majority should be private garden space."

The guidance states that proposals for new houses or conversions to create new dwellings and new householder development must ensure that an adequate provision of amenity space is provided and maintained. In particular it states that private (usually rear) gardens should be of a useable shape, form and topography.

In relation to the provision of amenity space for the proposal itself, it is noted that the area immediately around the two dwellings does not meet the Council's minimum guidelines as outlined above. However, as with the approved scheme, a separate area of garden is provided for each of the proposed houses in an area to the south. This will include a shed for dwelling 1 and landscaping comprising of shrub and tree planting. Although somewhat divorced from the proposed dwellings, its size and relative proximity is such that it is considered to be as acceptable garden space, in line with the above guidance and as previously considered in the original application (for a single dwelling). The acceptability of the reduced provision of amenity space needs to be considered against the planning merits of delivering new housing on brownfield land in a highly sustainable location, where the constrained size of the site limits the available amenity space.

### Access and Parking

Criterion 6 of MD2 of the LDP requires that new development has no unacceptable impact on highway safety nor cause or exacerbate existing traffic congestion to an unacceptable degree. In addition, Criterion 9 requires the provision of car parking in accordance with the Council's Parking Standards SPG.

Neighbour objections have been raised in relation to the access and parking arrangements. Reference is made to the rights of access that exist to car parking spaces for 6 Stanwell Road, with concerns over the loss of parking spaces and manoeuvring. This was an issue that was assessed in the original application, which recognised that the existing situation allows access and parking to the flats at 6 Stanwell Road, which has no other vehicular access/parking, nor any likelihood of providing any in the future due to its position at a traffic light controlled junction. The scheme was approved following some amendments to the layout which identified that the scheme would not obstruct access to the remainder of the parking area. However, it was recognised that the obstruction of any access on a day-to-day basis, and continued legal rights of access, were, and remain, matters outside of the control of planning legislation.

The current proposal shows a similar layout to the approved scheme. The Council's Highway Development team's initial observations were to request that the layout be amended to omit a small dividing wall that projected approximately 1m between plot 1 and 2. This was required as the wall would effectively narrow the driveway in front of the access to the integral garage at plot 1. The requested amended has now been submitted.

The original application also considered the generation of increased traffic on an un-adopted lane, and conflict between residential and other uses, concluding that a refusal

on such grounds would not be justified in planning terms. It is considered that the introduction of an additional dwelling does not alter this conclusion. As previously noted, there are already at least 7 No. residential properties at Rectory Court and the flats at 6 Stanwell Road that have access along the lane, and in terms of the conflict of movements between residential and other users, this has been reduced with the removal of parking associated with the former office use at 2 Stanwell Road.

Finally as regards the level of car parking for the two new dwellings, as a two bedroom property the Council's parking standards require two spaces for each, which are provided within the proposed layout. Notwithstanding this, it is recognised that the site is also a sustainable one, within the centre of Penarth, with facilities and services and public transport links.

### S106 Planning obligations

Policy MD4 of the LDP relates to Community Infrastructure and Planning Obligations and notes that the Council will seek to secure new and improved infrastructure, facilities, and services appropriate to the scale, type and location of proposed developments through the use of planning obligations. The Council's 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. In this instance there is a requirement relating to public open space and affordable housing.

#### Public Open Space

Policy MD3 of the LDP requires that new residential development with a net gain of five or more dwellings should make provision for public open space.

It is appreciated that the current application proposes only two dwellings, however, as highlighted above, the site was formerly part of the larger 2 Stanwell Road which has recently been developed for flats, and was subject to a contribution towards the provision of off-site public open space. Similarly, the extant permission for a single dwelling on the site, reference 2014/00268/FUL, was approved on 6 August 2015 and subject to a S106 obligation requiring a contribution towards off-site public open space of £2,280. Thus the current application remains subject to the S106 requirements on the basis that the development of the former car park serving 2 Stanwell Road, is part of the development of the wider site for which planning obligation contributions should be sought, to avoid issues of deliberate underdevelopment i.e. the site is capable of accommodating a level of residential development for which the local planning authority's SPG on Planning Obligations would seek contributions.

The requirement to provide an off-site contribution towards open space is in line with national guidance, which states at paragraph 4.15 of TAN16-Sport, Recreation and Open Space, that planning obligations can be used to provide or enhance existing open space and that these will be justified where the quantity or quality of provision for recreation is inadequate or under threat, or where new development increases local needs.

The SPG on Planning Obligations states that the off-site contribution payments are calculated on the basis of £1,150 per person (or £2,668 per dwelling) of those not catered for through on site provision to provide or enhance off-site public open space and/or recreational facilities.



In line with the Council's current SPG on Planning Obligations, and bearing in mind the applications for 2 Stanwell Road, a financial contribution of £5,336 is sought from the applicant towards improvements to public open space.

The agent has agreed to the level of contribution sought.

### Affordable Housing

In addition to the above, Policy MG4-Affordable Housing is relevant to the proposal. This requires all residential sites resulting in a net gain of one or more dwellings to provide an element of affordable housing.

The site falls within the Penarth area, and in this case where the provision is to provide two new dwellings, Policy MG4 requires that the site should deliver 40% affordable housing.

As such, the requirement would be to provide an off-site contribution based on the following equation set out in the Affordable Housing SPG:

Acceptable Cost Guidance (£) per unit x % Social Housing Grant x Number of affordable housing units = Financial contribution (£).

The Acceptable Cost Guidance band, in this case is based upon band 5. In contrast to the previous SPG the ACG value will reflect the type of house that the Council would seek to build offsite to meet housing need in the locality. The Council's Housing section has advised that in this instance the greatest need is for one bed properties.

Based on the table at Figure 1 paragraph 7.3.2 of the SPG the ACG is £119,700. As such the required contribution is calculated as £55,540.80 or £27,770 per new dwelling.

It should be noted that the agent accepts the affordable housing contribution, but has advised that the client intends to construct the dwelling adjacent to the lane and intends to occupy it for a period of in excess of 3 years.

Members should note that Section 12 of the SPG (Exemption for Self Build Housing Development) recognises that the self-build housing industry is important to the economy, delivering sustainable, innovative and custom designed homes and provides an important route into home ownership for individuals who want to play a role in developing their own homes, whilst contributing to overall housing provision.

Therefore, the requirement to pay an off-site affordable housing contribution is not applicable for Self-Build Housing developments. The exemption only applies to a person(s) building a new house as a self-build dwelling, who will occupy it as their sole or main residence for a minimum period of 3 years from first occupation.

However a Section 106 Agreement will still need to be entered into requiring the payment of an Affordable Housing Contribution unless an exemption is claimed and approved by the Local Planning Authority in accordance with the terms and provisions to be set out in the agreement and that no disqualifying event has occurred.

Thus the total S106 contribution is £60,876.80 (subject to the Self Build Exemption).

In addition, and separate to any obligation sought, the Council requires the developer to pay an administration fee, equivalent to 20% of the application fee or 2% of the total financial contribution being sought, whichever is the greater. This fee covers the Council's costs to negotiate, monitor and implement the terms of the necessary Section 106 agreement.

The applicant's agent has confirmed agreement to the requested S106 planning obligations.

### Other issues

Another concern raised by neighbours relates to surface water, which it is stated, currently floods Rectory Court. It is noted that the proposed drainage plans, would deal with the drainage matters within the site. In addition, Welsh Water having been consulted on the previous withdrawn scheme for two dwellings did not object on this issue, noting that the development proposes disposal of surface water flows into a soakaway system. They have requested a condition on any consent relating to no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. Furthermore, although the Council's own Drainage section have not yet commented on the scheme, it is noted that comments on previous applications indicated that as the proposal is for a single pair of semi-detached dwellings, control of surface water disposal via Building Regulations will suffice.

Notwithstanding the above, Welsh Water have referred to the proximity of the development to the existing Sewerage Pumping Station (SPS), as they generally advise that no habitable buildings should be constructed within a 15m vicinity of the SPS so as to minimise any effects of noise and odour nuisance. Although on previous applications they had no objections to the proposal, and recommended only an advisory note relating to the pumping station, on this occasion they advise consultation with the Council's Environmental Health department. It is noted that Environmental Health have not submitted any objections on this issue. They have requested conditions relating to possible contaminants and a Construction Environmental Management Plan. Furthermore, it is recognised that there is an extant permission for a dwelling in the same position relative to the pumping station. As such, it is considered that an informative should be added to any consent to advise developers of the potential nuisance.

Finally, other concerns raised by neighbours relate to boundary/ownership issues and possible damage to property. These are not matters that are within the control of planning legislation, but are rather civil matters between the persons concerned.

In view of the above the following recommendation is made.

### RECOMMENDATION

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

- A contribution of £5,336 towards improvements to off-site public open space.

- A contribution of £55,540.80 towards the off-site provision of Affordable Housing i.e. £27,770 per dwelling (subject to the Self Build Exemption)

APPROVE subject to the following condition(s):

1. The development shall begin no later than five years from the date of this decision.

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:-

- Site location plan, received 4 April 2018;
- Existing Site Layout, Drg. No. 706/P/01, received 9 March 2018;
- Proposed Site Layout, Drg. No. 706/P/02 Rev B, received 23 May 2018;
- Proposed Ground Floor Plans, Drg. No. 706/P/03, received 9 March 2018;
- Proposed First Floor Plans, Drg. No. 706/P/04, received 9 March 2018;
- Proposed Elevations - Sheet 1, Drg. No. 706/P/05, received 9 March 2018;
- Proposed Elevations - Sheet 2, Drg. No. 706/P/06, received 9 March 2018;
- Proposed Elevations - Sheet 3, Drg. No. 706/P/07, received 9 March 2018;
- Typical Window Details, Drg. No. 706/P/10, received 9 March 2018;
- Typical Door Details, Drg. No. 706/P/11, received 9 March 2018;
- Planning Statement, received 11 April 2018; and
- Design and Access Statement, received 1 May 2018.

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 their use on site, a schedule of materials to be used in the construction of the development hereby approved (including samples), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason:

To safeguard local visual amenities, and in the interests of the character of the Penarth Conservation Area, in accordance with Policies SP1-Delivering the Strategy, SP10-Built and Natural Environment, MD2-Design of New Development, MD5-Development within Settlement Boundaries, and MD8-Historic Environment of the Local Development Plan.

4. No development shall commence until details of existing ground levels within and adjacent to the site and proposed finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To ensure that the amenities of the area are safeguarded and to ensure the development accords Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

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

Reason:

To safeguard the privacy of adjoining occupiers in accordance with Policies SP1-Delivering the Strategy, and MD2-Design of New Development of the Local Development Plan.

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

Reason:

In the interests of the character and appearance of this part of the Penarth Conservation Area and residential amenity in accordance with Policies SP1-Delivering the Strategy, SP10-Built and Natural Environment, MD2-Design of New Development, MD5-Development within Settlement Boundaries, and MD8-Historic Environment of the Local Development Plan.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order) 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:

In the interests of the character and appearance of this part of the Penarth Conservation Area and residential amenity in accordance with Policies SP1-Delivering the Strategy, SP10-Built and Natural Environment, MD2-Design of New Development, MD5-Development within Settlement Boundaries, and MD8-Historic Environment of the Local Development Plan.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Orders revoking or re-enacting those Orders), no gates, fences, walls or other means of enclosure

shall be erected, constructed or placed on the application site without the prior written consent of the Local Planning Authority.

Reason:

In the interests of the character and appearance of this part of the Penarth Conservation Area, residential amenity and highway safety in accordance with Policies SP1-Delivering the Strategy, SP10-Built and Natural Environment, MD2-Design of New Development, MD5-Development within Settlement Boundaries, and MD8-Historic Environment of the Local Development Plan.

9. All planting, seeding or turfing comprised in the submitted scheme 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 5 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.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1-Delivering the Strategy, SP10-Built and Natural Environment, MD2-Design of New Developments, and MD8-Historic Environment of the Local Development Plan.

10. Foul water and surface water discharges shall be drained separately from the site, and no surface water or land drainage run-off shall be allowed to connect (either directly or indirectly) into the public sewerage system at any time.

Reason:

To protect the integrity, and prevent hydraulic overloading, of the Public Sewerage System, and to ensure compliance with the terms of Policies HOUS8-Residential Development Criteria and ENV27-Design of New Developments of the Local Development Plan.

11. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place until a scheme to deal with the contamination found has been submitted to and approved in writing by the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

12. Any topsoil (natural or manufactured), subsoil, aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

To ensure that the safety of future occupiers is not prejudiced in accordance with Policies SP1-Delivering the Strategy and MD7-Environmental Protection of the Local Development Plan.

13. No development shall commence, including any works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include the following details:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii) hours of construction;
- ix) lighting;
- x) management, control and mitigation of noise and vibration;
- xi) odour management and mitigation;
- xii) diesel and oil tank storage areas and bunds;
- xiii) how the developer proposes to accord with the Considerate Constructors Scheme ([www.considerateconstructorscheme.org.uk](http://www.considerateconstructorscheme.org.uk)) during the course of the construction of the development; and

xiii) a system for the management of complaints from local residents which will incorporate a reporting system.

The construction of the development shall be undertaken in accordance with the approved CEMP.

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 Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

**NOTE:**

- 1. This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**
- 2. 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 have advised that the developer should be aware that the proposed development is within close proximity of a public foul sewerage pumping station. They advise the developer that no habitable buildings should be constructed within a 15m vicinity of the pumping station so as to minimise any effects of noise and odour nuisance.**
- 4. 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.**



H.M. LAND REGISTRY

ORDNANCE SURVEY  
PLAN REFERENCE ②

ST 1871

COUNTY SOUTH GLAMORGAN DISTRICT

TITLE NUMBER

**WA388637**

SECTION L

Scale  
1:1250



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04 APR 2018

Regeneration  
and Planning

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~~26 OCT 2015~~

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and Planning~~

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