

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **26 JUNE, 2019**

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:

2018/0908/BR	AC	2, Cwrt Y Vil Road, Penarth	Single storey rear extension and improvements to existing rear extension
2019/0099/BR	AC	St. Josephs RC Primary School, Sully Road, Penarth	Construction of a new standalone building to provide a Nursery and Early Intervention Base. External works to provide additional hard play areas, additional car park spaces and upgrade of surface water drainage system.
2019/0210/BR	AC	Former St. Pauls Church site, Arcot street, Penarth	Demolition of existing church and construction of 14 No. flats and 350sq m of community facilities space including parking courtyard and landscaping
2019/0246/BN	A	Windsor Chambers, 36, Windsor Terrace, Penarth	Turning part of the offices to a 3 bedroom flat. Property will be converted from commercial to domestic
2019/0325/BR	AC	Spindrift, 61, Craig Yr Eos Road, Ogmores By Sea	Demolish ground floor conservatory and build a two storey extension. Loft conversion and raise roof height

2019/0344/BN	A	86, Millfield Drive, Cowbridge	Single storey downstairs toilet
2019/0372/BR	AC	Phase 1, Cog Road, Sully	325 new dwellings
2019/0394/BN	A	48, Smithies Avenue, Sully	Two storey rear extension to extend living room and bedroom including en-suite
2019/0400/BN	A	17, Glynbridge Close, Barry	Garage converted into a lounge and a wet room. Extension to rear of garage
2019/0405/BN	A	23, Windsor Road, Barry	Loft conversion with dormer
2019/0407/BN	A	181, Stanwell Road, Penarth	Remove chimney breast in kitchen and bathroom above. Remove wall between kitchen and lounge and removal of stud wall in attic and addition of windows
2019/0409/BN	A	8, Summerland Crescent, Llandough	Knock through and steels inserted
2019/0410/BR	AC	7, Coleridge Avenue, Penarth	Single storey side and rear extensions
2019/0413/BN	A	33, Raglan Close, Dinas Powys	New roof
2019/0414/BN	A	70, John Batchelor Way, Penarth	Garage conversion. Patio sliding doors (structural steel inserted) to rear ground floor, French doors to lounge/balcony area, external door and two windows to existing open porch
2019/0415/BN	A	30, Purdey Close, Barry	Enlarge opening in kitchen wall by installing steel beams
2019/0416/BN	A	37, Paget Road, Penarth	Conversion of integral double garage into habitable accommodation
2019/0417/BN	A	33, Crawshay Court, Llantwit Major	Change bathroom into shower room

2019/0419/BN	A	5, Romilly Park Road, Barry	Single and two storey rear extension to enlarge the kitchen and living area and provide utility area
2019/0422/BN	A	174, Redlands Road, Penarth	Proposed single storey side and rear extensions and internal alterations
2019/0424/BN	A	Knottsberry, Old Rectory Drive, St. Nicholas	External and internal works
2019/0425/BN	A	22, Sunny Croft Lane, Dinas Powys	Re-roof
2019/0427/BN	A	28, Melyn Y Gors, Barry	Single storey extension
2019/0428/BN	A	6 Rectory Close, Barry	Conversion of bathroom to shower room
2019/0431/BN	A	8, Mill Park, Cowbridge	1. Change 2 x patio doors to windows -1 x on ground floor rear extension and 1 x rear upstairs bedroom and change patio door to window on ground floor rear extension; 2. Install roof lantern on single storey flat roof max size 2.5m x 1.5m and change roof covering to EPDM rubber roof; 3. Install new en suite bathroom in rear bedroom; 4. Installation of wood burning stove
2019/0432/BN	A	Village House, Peterston Super Ely	Knock through and install RSJ
2019/0433/BN	A	3, Byrd Crescent, Penarth	Double storey rear extension
2019/0434/BN	A	14, Clos Celyn, Barry	Single storey extension with removal of ground floor back wall of house. One full brick wall 2.1m high with a 600mm wall with windows and 2 top openers. With bi-fold doors

2019/0435/BR	AC	4, East View Terrace, Barry	Shower and toilet to be installed in existing out-building
2019/0436/BN	A	Brooklands Lodge, Llanmaes	Single storey rear extension to enlarge the kitchen/dining room
2019/0437/BN	A	16, Amhurst Crescent, Barry	Removal of internal breast wall and enlarge existing door opening
2019/0438/BN	A	Pensarn Farmhouse, Llanmaes, Llantwit Major	Single storey extension to enlarge kitchen / utility
2019/0440/BN	A	32, Dock Street, Penarth	Single storey extension to enlarge kitchen
2019/0441/BN	A	4, Joseph Parry Close, Llandough	Multi fuel burner installation with twin wall flue in kitchen diner
2019/0443/BN	A	19, Baron Road, Penarth	Dormer and gable end extension to loft space to create a bedroom, bathroom and wardrobe space
2019/0445/BN	A	27, Heol Y Felin, Llantwit Major	Double storey extension
2019/0446/BN	A	51, Broadway, Llanblethian	Proposed alterations and extensions to existing property
2019/0447/BN	A	22, Baron Road, Penarth	Loft Conversion with dormer
2019/0448/BN	A	Old Mill, Mill Road, Dinas Powys	Single storey extension and infill extension to upper ground level of existing dwelling
2019/0449/BN	A	12, Crescent Close, Cowbridge	Two storey extension to side of existing house
2019/0455/BN	A	Haul y Bryn, Wick Road, St Brides Major	Two storey extension with Juliet balcony
2019/0456/BN	A	47, Vincent Close, Barry	Change bathroom into shower room

2019/0457/BR	AC	32, Hastings Avenue, Penarth	Loft conversion with dormer
2019/0459/BN	A	27a, South Road, Sully	Internal alteration and structural alterations
2019/0460/BN	A	84, Redlands Road, Penarth	Single storey rear extension to house bedroom and wet room for a disabled person
2019/0462/BN	A	29, Pontalun Close, Barry	Change of use from bathroom to shower room
2019/0463/BN	A	37, Enfield Drive, Barry	Single and two storey extension
2019/0464/BN	A	31, Afal Sur, Barry	Garage conversion
2019/0472/BN	A	178, Redlands Road, Penarth	Single storey extension to enlarge kitchen
2019/0473/BN	A	9, Fonmon Road, Rhoose	Dormer
2019/0474/BN	A	42, Heol Collen, Wenvoe	Extension for utility room

(b) Building Regulation Applications - Reject

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

2019/0458/BN	R	4, Clos Manchledowne, Barry	Two storey extension
2019/0468/BN	R	27, Rectory Close, Wenvoe	Demolition of existing single storey extension and replacement with two storey hipped roof extension, comprising of kitchen/ dining room and first floor bedroom, new bathroom and increased front bedroom to benefit from en-suite

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

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

2019/0062/AI	A	Aberthaw Power Station, The Leys, Aberthaw	Single storey modular building to form office space, meeting room and ancillary accommodation
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2019/0063/AI	A	Rock Cottage, Ewenny	Proposed single storey side extension (works to include material alterations to structure, controlled services, fittings and thermal elements)
2019/0064/AI	A	Unit B, Windmill Park, Hayes Road, Barry	Proposed construction of new industrial unit (shell only)
2019/0065/AI	A	69, Blackberry Drive, Barry	Extension to rear of property, internal works, garage conversion (works to include material alterations to structure, controlled services, fittings and thermal elements)
2019/0066/AI	A	47, Rhodfar Morwydd, Penarth	Proposed loft conversion with en-suite facility at second floor level
2019/0067/AI	A	Rose Cottage, Prisk	Replacement of existing conservatory roof
2019/0068/AI	A	35, Monmouth Way, Boverton	Proposed Solid Leka roof replacement and associated works
2019/0069/AI	A	Subway Road, Barry	72 residential units
2019/0070/AI	A	122, Woodlands Road, Barry	Rear dormer loft conversion
2019/0071/AI	A	McDonalds Restaurant, Store 498, Valegate Retail Park	Internal alterations and refurbishment (Geometry EotF re-image)
2019/0072/AI	A	19, Salisbury Road, Barry	Proposed dormer loft conversion to create additional en-suite bedroom at 2nd storey level (works to include material alterations to structure, controlled services, fittings and thermal elements)
2019/0073/AI	A	25, Mariners Walk, Barry	Proposed single storey rear extension (works to include material alterations to structure, controlled

services, fittings and  
thermal elements)

(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.

2016/0493/BN  
2016/0518/BR  
2016/0656/BR  
2016/0830/BN  
2016/0846/BR  
2016/0942/BR  
2016/0943/BR  
2016/1023/BR

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2. 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

2013/01143/1/C D	A	Tyr Ardd, Llandough	Discharge of Condition 3- Permitted Development - For Walls, Gates, etc. Planning Ref 2013/01143/FUL. Two storey extension providing bathroom and additional kitchen area
2014/00831/1/N MA	A	Plot 148, Heritage Gate, Llantwit Major	Non-Material Amendment - To include rear conservatory extension to Plot 148. Planning Permission Ref. 2014/00831/FUL : Construction of 149 dwellings, informal and formal open space, new



			means of vehicular and pedestrian access from Cowbridge Road and associated infrastructure
2015/00572/1/N MA	A	Pen Y Bryn Barns, Llanmaes	Non Material Amendment - Amendments to wording/trigger of conditions 10 and 12 to allow discharge following commencement. Planning permission 2015/00572/FUL [Conversion of existing barns into single dwelling (Change to Planning Permission 2012/00941/FUL granted for the conversion of the existing barns into two dwellings)].
2016/00174/1/N MA	A	142, Fontygary Road, Rhoose	Non Material Amendment - Garden wall alterations to enable cars to enter and leave the site in forward gear. Planning permission ref. 2016/00174/FUL - Conversion of existing barn to a dwelling
2016/00433/1/C D	A	81, Brookfield Avenue, Barry	Discharge of Condition 3 Planning permission ref: 2016/00433/FUL - Two storey extension including balcony.
2017/00334/1/C D	A	4, Glan-y-Mor, Barry	Discharge of Condition 4 - Programme of Archaeological Work. Planning Permission ref. 2017/00334/FUL: Two storey extension to rear of existing property
2017/00863/1/C D	A	Ty Twyn, Mill Road, Dinas Powys	Discharge of Condition 3 - Material Details - Permission ref: 2017/00863/FUL - Replacement of failed front

			garden wall with new two tiered retaining wall
2017/01351/LBC	A	Hensol Castle, Hensol Castle Park, Hensol	The provision of an amended functions area within the outer courtyard, development to the north of the castle to provide a new restaurant, bar and servicing facilities, along with hard and soft landscaping
2018/00039/LAW	R	The Coach House, Gileston Manor, Gileston Road, Gileston	Use of part of ground floor and upper floor of the Coach House building as a single dwellinghouse
2018/00042/1/C D	A	Land adjoining Aberthin Lane, Aberthin	Discharge of Conditions 4-Landscaping Scheme, 6-Levels and 7-Drainage
2018/00747/1/C D	A	Bargain Booze, 27, Eastgate, Cowbridge	Discharge of Condition 3 - Further details. Planning Permission ref. 2018/00747/FUL: A change of use from a vacant A1 retail unit to residential C3 use with external alterations and associated works
2018/00747/1/N MA	A	Bargain Booze, 27, Eastgate, Cowbridge	Non Material Amendment: Vary the wording of condition 3 of Planning Ref: 2018/00747/FUL – A change of use from a vacant A1 retail unit to residential C3 use with external alterations and associated works
2018/00757/1/C D	A	Former Lafarge Redlands Ltd. Site, Atlantic Way, Barry Docks, Barry	Discharge of Conditions 5 - Drainage Details and 8 - Ground Gas Assessment. Planning permission ref: 2018/00757/FUL: Extend existing building, installation of associated plant and machinery and

			other ancillary development including parking and storage provision
2018/00757/1/N MA	A	Former Lafarge Redland Limited Site, Atlantic Way, Barry Docks, Barry	Non-Material Amendment - Variation of the wording of conditions 5 and 8 of Planning Permission ref. 2018/00757/FUL : Extend existing building, installation of associated plant and machinery and other ancillary development including parking and storage provision
2018/00841/FUL	A	33, Wick Road, Ewenny	Two storey side and rear extension, and single storey rear extension
2018/00909/1/N MA	A	118, Morel Street, Barry	Non-Material Amendment - Swap the two patio doors approved on original application to one 4 metre bi-fold door. Planning Permission ref. 2018/00909/FUL: Single storey rear extension, including the provision of a WC and a raised deck area
2018/00915/1/N MA	A	Arosfa, 77, Cog Road, Sully	Demolition of garage and construction of two storey extension
2018/00929/1/N MA	A	Hillrise, 100, Crompton Way, Ogmores By Sea	Change of the roof from the pitched tiled roof with 2 velum windows in a vaulted ceiling to a double hipped glass and aluminium framed roof with boxed guttering.
2018/00965/1/C D	A	Llwynhelig Cottage, Llwynhelig, Cowbridge	Discharge of Conditions 4 - Levels, 9 - Building Recording and 10 - Programme of Archaeological Work.

			Planning permission ref. 2018/00965/FUL : Replacement dwelling
2018/00965/2/C D	A	Llwynhelig Cottage, Llwynhelig, Cowbridge	Discharge of Condition 3 - Material Specification. Planning permission ref: 2018/00965/FUL - Replacement dwelling
2018/00967/1/C D	A	1 and 2, Stone House, Dyffryn	Discharge of Condition 5 - Car Parking. Planning Permission ref: 2018/00967/FUL: Conversion of two semi- detached properties into a single detached property and erection of a sustainable (energy positive) rural exceptions bungalow, new access and associated works
2018/00967/1/N MA	A	1 and 2, Stone House, Dyffryn	Amendment to wording of Condition 6 of Planning Permission ref. 2018/00967/FUL: Conversion of two semi- detached properties into a single detached property and erection of a sustainable (energy positive) rural exceptions bungalow, new access and associated works
2018/00967/2/C D	A	1 and 2, Stone House, Dyffryn	Discharge of Condition 7 - Drainage. Planning Permission ref. 2018/00967/FUL : Conversion of two semi- detached properties into a single detached property and erection of a sustainable (energy positive) rural exceptions bungalow, new access and associated works

2018/00988/LBC	A	Cwrt Yr Ala House, Michaelston Le Pit, Dinas Powys	Conversion and minor alteration of existing garage into 1no. 2 bedroom dwelling, conversion and alteration of 2 no. existing external store rooms within the Old Dairy into 1no. bedroom and en-suite and reinstatement of missing boathouse construction atop existing stone plinth / base walls
2018/01196/FUL	A	Church Farm, Welsh St. Donats, Cowbridge	Erection of a principal dwelling for a Farm Manager
2018/01226/FUL	A	1-3, Adenfield Way, Rhoose	Change of use from commercial to residential and construction of 1 no. detached and 2 no. semi-detached 3/4 bedroom dwellings
2018/01358/1/C D	A	The Goods Shed, Hood Road, Innovation Quarter, Barry	Discharge of Conditions 6-CEMP, 10 - Contamination 1, 11 - Contamination 2 and 15 - Foul, Land and Surface Drainage. Details Of Planning Permission 2018/01358/FUL: Change of use, conversion and alterations to the Goods Sheds to provide a mixed use scheme comprising 11 live-work units (sui generis/ Class C3 use), restaurant (Class A3 use), technology hub/community workshop (Class A1, A2, B1 and/or D1 use) and flexible events space (Class A1, A2, A3 and/or D1 use), erection of entrepreneurial incubator business units not exceeding 68 units (converted shipping containers) (Class A1, A3, B1, D1 and/or D2 use),

			drive-thru coffee shop (Class A3), outdoor cinema (Class D2), farmers market/pop-up street food area (Class A1 and/or Class A3), children's playground (Class D2), access and servicing arrangements, car parking and associated works. at The Goods Shed, Hood Road, The Innovation Quarter, Barry
2018/01368/FUL	A	Land to rear of Westgate (East of Eagle Lane), Cowbridge	Retention and completion of development by variation of Application ref. 2016/00809/FUL including amendment to layout and addition of one car parking space.
2018/01436/FUL	R	42, Stanwell Road, Penarth	Alteration to existing lower rear dormer to provide a reduced sized dormer on the roof of the existing rear annexe
2019/00004/FUL	A	The Croft, 17, South Road, Sully	Proposed new single and double storey extensions and loft conversion
2019/00091/1/C D	A	Barry Dock Conservative Club, 17, Station Street, Barry	Discharge of Condition 3 - Finished Levels, 8 - Hard Landscaping, 15 - Access/Lighting/Drainage, 17 - Drainage.: Planning permission ref. 2019/00091/FUL. Proposed demolition of existing buildings and construction of 21 self-contained affordable apartments with on-site parking and amenity facilities
2019/00107/FUL	A	Meadow View, Crossways, Cowbridge	Proposed two storey extension with balcony to front

2019/00111/RES	A	Land to the South of Cog Road, Sully	The development of 325 new homes, new public open space, landscaping, ecological area, access points and highways infrastructure, pursuant to Outline Planning Permission 2013/01279/OUT
2019/00134/1/N MA	A	Pebbles, 3, Weston Avenue, Sully	Non-Material Amendment - Minor window/door alterations. Planning Permission ref. 2019/00134/FUL : Enlargement to front porch, front dormers, rear dormer, single storey rear extension and balcony to rear
2019/00136/FUL	A	19, Eastgate, Cowbridge	Demolish existing rear addition. Construct new two storey rear annex and single storey addition
2019/00150/1/N MA	A	3, Lucas Close, Barry	Non Material Amendment - Change of the external wall material from render to facing bricks to match the existing brick. Planning permission ref. 2019/00150/FUL: Single storey rear ground floor extension
2019/00157/FUL	A	12, Crescent Close, Cowbridge	Two storey extension to side of existing house
2019/00182/LAW	A	3, Clive Crescent, Penarth	Use of lower ground floor flat, also known as the garden flat, as separate residential dwelling
2019/00193/FUL	A	45, Murlande Way, Rhoose	Single storey extension to comprise dining room and entrance porch

2019/00199/FUL	A	49 - 50, Glebe Street, Penarth	Loft conversion including rear / side dormers to provide 1 no. additional dwelling to existing development
2019/00203/FUL	A	Pentwyn, Leckwith Road, Llandough	Alterations and extensions to Pentwyn, Llandough
2019/00215/LAW	A	Clych Meithrin Y Bontfaen, The Broad Shoard, Cowbridge	Continued use of building as 'Cylch Meithrin' nursery school
2019/00251/FUL	A	25, Murch Crescent, Dinas Powys	Single storey rear extension
2019/00255/FUL	A	141, Plymouth Road, Penarth	Ground and first floor rear extensions and first floor side extension and attic conversion with rear dormer
2019/00260/FUL	A	104, Lavernock Road, Penarth	Demolition of existing garage and dilapidated conservatory, construction of single storey rear / side extension, garage, loft conversion to include rear dormer to roof, raised terrace to rear and other external alterations
2019/00265/FUL	A	34, Eastgate, Cowbridge	Change of use from A1, last occupied as a hairdresser, to A2, financial services retail premises, Insurance brokers
2019/00269/FUL	A	29, Castle Avenue, Penarth	Double storey rear extension
2019/00277/FUL	A	Cwmeldeg, Llancadle	Double garage to front of property
2019/00282/FUL	A	Ashwood, Beach Road, Marcross	Single storey extension to create new entrance hall and living room



2019/00284/FUL	A	Glebelands, 27, Rectory Close, Wenvoe	2 Storey side extension to replace the existing single storey side extension.
2019/00285/FUL	A	14, Plassey Street, Penarth	Extension to rear of existing property
2019/00289/FUL	A	57, The Parade, Barry	Garage conversion with infill side extension. First floor extension. Removal of chimney.
2019/00296/FUL	A	6, Bittern Way, Penarth	Proposed two storey rear extension, single storey side extension, new first floor windows, together with alterations and garage conversion
2019/00297/FUL	A	3, Maughan Terrace, Penarth	Proposed Ground Floor Side Kitchen Extension and First Floor Rear Study Extension (above existing ground floor kitchen)
2019/00298/FUL	A	Llanerch Vineyard, Hensol	Proposed new entrance area and covered walkway
2019/00304/FUL	A	Tudor Lodge, Cowbridge Road, Ystradowen	Demolition of Substandard 4 bed detached dwelling with replacement upgraded 4 bed roomed detached dwelling
2019/00305/FUL	A	18, St. Owains Crescent, Ystradowen	Demolition of dilapidated single storey rear extension and replacement with a slightly larger single storey rear extension
2019/00308/FUL	A	17, Eastgate, Cowbridge	Rear two storey extension
2019/00313/FUL	A	43, Cae Leon, Barry	Extension to rear of bungalow
2019/00315/FUL	A	37, Brean Close, Sully	Two storey side extension
2019/00316/FUL	A	140, South Road, Sully	New detached garage

2019/00317/FUL	A	Pen Y Bryn, Llanmaes	Realignment and amendment to the track layout of the private use narrow gauge (609mm) railway approved under Planning Permission ref. 2016/00323/FUL, together with additional siding capacity to provide improved safe operation and storage capacity for rolling stock
2019/00326/FUL	A	44, Bendrick Road, Barry	Ground floor extension to rear of property
2019/00327/FUL	R	St. Brides Court, St. Brides Major	Proposed demolition of existing dwelling and construction of replacement two storey detached dwelling
2019/00328/FUL	A	Ambury, Nash	Two storey extension to the East elevation
2019/00329/FUL	A	Hendre Alcam, Wick Road, Llantwit Major	Provision of three stables (retrospective) associated yard area with field shelter and manege (private use)
2019/00330/FUL	A	75, Redlands Road, Penarth	Proposed two storey side extension with new hipped roof
2019/00333/FUL	A	22, Cornerswell Road, Penarth	Change of use from residential to D1 tutor centre
2019/00336/FUL	A	16, Rhodfar Morwydd, Penarth	Extend the attic with a dormer and stairs going to the attic
2019/00341/FUL	A	8, Old Village Road, Barry	Remove existing lean-to roof. Part demolish existing rear pitched roof. Construct new single storey side extension. Construct new first floor over existing ground floor rear lean-to

2019/00342/FUL	R	Rythdale, 35, Station Road, Dinas Powys	Proposed double storey extension to include kitchen and living area at ground floor and bedroom and bathroom at first floor
2019/00343/FUL	A	21, Glastonbury Road, Sully	Two storey side extension
2019/00346/FUL	A	57, John Batchelor Way, Penarth	Proposed balcony to first floor front elevation
2019/00348/FUL	A	13, Perclose, Dinas Powys	Replacement of a single storey attached garage with two storey side extension. Single storey rear extension and front entrance porch
2019/00355/FUL	A	Winton, 40, Forrest Road, Penarth	Demolition and reconstruction of a new three storey house
2019/00356/FUL	A	43, Tan Y Fron, Barry	Erection of a side extension and rear infill alteration, in conjunction with alterations and extension to existing porch
2019/00357/CAC	A	43, Tan Y Fron, Barry	Erection of a side extension and rear infill alteration, in conjunction with alterations and extension to existing porch
2019/00362/FUL	A	24, Elm Grove Road, Dinas Powys	Single storey rear extension, and two storey infill extension to the side return with windows added to side elevation
2019/00363/FUL	A	Tymynydd Isaf, Grants Field, The Downs. St. Nicholas	Double storey rear extension to include kitchen and dining area at ground floor and two bedrooms at first floor
2019/00364/FUL	A	22, Chamberlain Row, Dinas Powys	Demolition of existing rear extension and construction

			of new extension with conservatory including all associated roof works, building works, windows and external doors and buildings services
2019/00365/FUL	A	33, Castle Avenue, Penarth	Proposals to include a two storey rear extension with Juliette balcony, single storey side extension, new entrance porch and a detached sun room in rear garden. New render and windows to existing
2019/00367/FUL	A	18, Whitcliffe Drive, Penarth	Single storey side and rear extensions
2019/00369/LAW	A	21, Grove Place, Penarth	Loft Conversion comprising of a full width flat roof dormer, tiled to match existing material, two Velux windows to front elevation
2019/00371/FUL	A	18, Vale View Crescent, Llandough, Penarth	Roof works and first floor window to side elevation
2019/00372/FUL	A	Clych Meithrin Y Bontfaen, The Broad Shoard, Cowbridge	Small extension to the front of the building
2019/00373/FUL	A	Ty Garreg, Llangan	Glazed linked extension between existing annexe and bungalow and alterations to existing bungalow and annexe
2019/00374/FUL	A	8, Larchwood, Wenvoe	Bespoke single storey orangery extension to the rear of the existing dwelling
2019/00377/FUL	A	22, Nailsea Court, Sully	Demolition of existing detached garage, erection of a single storey extension
2019/00380/FUL	A	7, Lower Morel Street, Barry	Sub-division of a dwelling to form two self-contained apartments and associated external alterations

2019/00381/FUL	A	93, Wordsworth Avenue, Penarth	Demolition of flat roofed single storey extension and replacement with pitched roof rear extension. Minor alterations to existing single storey portion of the house
2019/00382/FUL	A	14, Mountjoy Place, Penarth	Proposed single storey rear extension and internal alterations
2019/00383/FUL	A	2, Highwalls Avenue, Dinas Powys	Single storey side/rear accessible wet-room extension
2019/00384/FUL	A	2, Mill Park, Cowbridge	Two storey side extension with balcony, remodelling of front elevation and the erection of a garden studio
2019/00391/FUL	A	104, Redlands Road, Penarth	Loft conversion to include hip to gable extension to side elevation plus flat roof dormer to rear
2019/00392/FUL	A	22, St. Ambrose Close, Dinas Powys	Proposed single storey extension to front. Existing car port to be converted into habitable usage
2019/00393/FUL	R	Cartref, Ty Draw Farm, Llantrithyd Road, Llantrithyd	Proposed part first floor roof extension
2019/00394/LBC	R	Cartref, Ty Draw Farm, Llantrithyd Road, Llantrithyd	Proposed part first floor roof extension
2019/00396/FUL	A	Rhyd Forge / Pont Y Rhyd, Llansannor	Extension to south elevation of existing barn/forge building. Change existing window to doorway on west elevation. Provision of hardstanding to west of barn/forge building

2019/00397/FUL	A	60, Westward Rise, Barry	Proposed garden store to rear of garden
2019/00399/FUL	A	16, Plas Pamir, Penarth	Proposed balcony to first floor south elevation and conversion of garage to entrance hallway
2019/00400/LAW	A	4, Erwr-Delyn Close, Penarth	Single storey extension to replace existing conservatory and internal alterations. Conversion of existing front garage into play room, garage door to be removed and replaced with UPVC window to match existing, opening blocked up and false stone cladding replaced with render finish
2019/00402/FUL	A	Arcadia, Port Road West, Barry	Demolish existing garage and construct replacement outbuilding, replacement dwarf wall to boundary and changes in levels
2019/00403/FUL	A	25, Heol Leubren, Barry	Conversion of garage to habitable room. New window to front elevation in place of garage door
2019/00409/FUL	A	19, Laburnum Way, Penarth	Proposed rear single storey and two storey extensions
2019/00412/ADV	A	8, Romilly Buildings, The Sir Samuel Romilly, Broad Street, Barry	Two fascia signs
2019/00413/FUL	A	Amelia Trust Farm, A4226 Sycamore Cross A48 to Whitton Mawr Cross Roads, Bonvilston	Conversion of an existing car park grass field to hard standing to provide improved access for service users and visitors with mobility issues and to prevent vehicles getting stuck in mud

2019/00414/FUL	A	34, Marine Drive, Barry	Proposed ground floor, first floor and roof extensions. Creation of terrace and other alterations to property (revised scheme following approval 2018/00781/FUL)
2019/00415/FUL	A	9, Robin Hill, Dinas Powys	Proposed entrance porch. Proposed single storey rear extension
2019/00416/FUL	A	Midwell, West End, Llantwit Major	Remove existing conservatory and construct new extensions to rear of dwelling to provide sun lounge, extended lounge and new bedroom
2019/00419/FUL	A	Ewenny Garden Centre, Wick Road, Ewenny	Variation of Condition 1 of 2014/00442/FUL (Renewal of consent) for new access for existing garden centre
2019/00422/FUL	A	Stanwell Comprehensive School, Salisbury Avenue, Penarth	The erection of a 20m long 6m high netting fence to prevent balls exiting the site
2019/00423/FUL	A	79, Penlan Road, Llandough, Penarth	Single storey extension to rear elevation
2019/00425/FUL	A	4, Sunnycroft Rise, Dinas Powys	Demolish existing single storey structure and construct new two storey extension to rear of dwelling. New dormer to first floor roof (to side elevation)
2019/00426/FUL	A	Gelert West, 2 St. Augustines Crescent, Penarth	Construct single storey sun room to rear
2019/00431/FUL	A	3, Clos Y Fulfran, Barry	Proposed conservatory to rear elevation
2019/00432/FUL	A	Lingfield, 34, Old Port Road, Wenvoe	Extension of existing detached garage

2019/00434/FUL	A	19, Uppercliff Drive, Penarth	Change of use to C2, single storey extension and conversion of garage to residential accommodation in conjunction with this use
2019/00441/PND	A	Barry Power Station, Sully Moors Road, Sully	The proposed demolition works will involve, but are not limited to, the following items being demolished and removed from Area A shown on attached plan 11281-0001-04: 60m high stack, gas above ground installation, turbine hall, admin. block, water treatment plans and fuel oil tanks. Built elements within Area B are not to be demolished as part of this application
2019/00454/FUL	A	Coed Masarnen, 3, Sycamore Hill, Colwinston	Alterations to front roof form
2019/00465/FUL	A	26, John Batchelor Way, Penarth	Proposed glass infinity balcony
2019/00466/FUL	A	27, John Batchelor Way, Portway Marina, Penarth	Proposed glass infinity balcony
2019/00535/PNA	A	Land off Llan Road, Marcross	Proposed steel portal frame grain store building



Agenda Item No.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **26 JUNE, 2019**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. APPEALS

(a) Planning Appeals Received

None

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(b) Enforcement Appeals Received

None

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(c) Planning Appeal Decisions

L.P.A. Reference No:	2016/01160/OUT
Appeal Method:	Written Representations
Appeal Reference No:	19/3223102
Appellant:	Mr. Nicholas Rubenstein
<b>Location:</b>	<b>Woodside Hamlet, Ham Manor, Llantwit Major</b>
Proposal:	Proposed tourist (Tree Tent) accommodation development on land adjacent to Woodside Hamlet, with associated parking, wash up and toilet facilities
Decision:	Appeal Dismissed
Date:	13 June 2019
Inspector:	R. Jenkins
Council Determination:	Committee

**Summary**

The Inspector considered the main issue in this case to be the effect of the proposed development upon the living conditions of the occupiers of neighbouring residential properties, with particular reference to levels of noise and general disturbance.

The Inspector noted that, whilst the site is located within the countryside for the purposes of planning policy, a residential development adjoins the site to the north and Ham Manor Estate retirement park and Woodside Hamlet holiday lodges are located to the east and south.

The Inspector saw that the proposed tree tents would be sited within close proximity to the existing lodges located to the south of the site, but noted that

these lodges comprise holiday accommodation and, given that the proposed tree tents would be no closer to those lodges than the existing adjoining lodges, he did not consider that amenity levels at those properties would fall below what would reasonably be expected of such accommodation.

With regard to the vehicle movements, he thought that no material harm would be caused to the living conditions of the occupiers of the properties located off Ham Manor Estate, not least because the proportion of traffic that would be generated by the proposed development would be modest relative to the wider traffic utilising the proposed route.

The Inspector did, however, note that the tree tents would be located within relative close proximity to a number of permanent residential dwellings, including those located at the southern ends of Raglande Court and Whitewell Drive. He shared the Council's concerns that the development would fail to satisfactorily safeguard levels of residential amenity at neighbouring properties, with specific reference to levels of noise and general disturbance. In coming to this conclusion, the Inspector was particularly mindful of the fact that the tree tents would not be insulated in the same way as more permanent structures and that they would, therefore, be unlikely to effectively suppress noise generated from the holiday accommodation. Moreover, he said that he was conscious of the difficulties in controlling such impacts through a management plan or other such strategy.

The Inspector considered the fact that such impacts could be minimised through a revised layout, but remained concerned over the wider change of use of the land across the entirety of the appeal site and the close proximity of the permanent residential properties.

For the reasons summarised above, the Inspector concluded that the proposed development would cause material harm to the living conditions of the occupiers of neighbouring residential properties, with particular reference to increased levels of noise and disturbance. He concluded that the development would conflict with the general thrust of LDP Policy MD2(8) of the adopted LDP which, amongst other things, seeks to safeguard existing residential amenity, having particular regard to levels of noise and general disturbance.

As a separate matter, the Inspector considered the third party representations made regarding the loss of trees. He considered the appellant's Arboricultural Impact Assessment, which concluded that a number of the trees on site are classified as dead or are of poor value and that they could not be retained for more than 10 years. As no evidence was submitted to counter the conclusions of the assessment, and bearing in mind the fact that it is clearly stated that no trees are required to be removed to facilitate the development itself, the Inspector attributed no weight to the third party concerns in determining the appeal.

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(d) Enforcement Appeal Decisions

None

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(e) April 2019 – March 2020 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
<b>Planning Appeals</b> (to measure performance)	<b>W</b>	5	-	5	-
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Planning Total</b>		5 (100%)	-	5	-
<b>Committee Determination</b>		1 (100%)	-	1	-
<b>Other Planning appeals</b> (inc. appeal against a condition)		-	-	-	-
<b>Enforcement Appeals</b>	<b>W</b>	1	-	1	-
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Enforcement Total</b>		1 (100%)	-	1	-
<b>All Appeals</b>	<b>W</b>	6	-	6	-
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Combined Total</b>		6 (100%)	-	6	-

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



2019/00437/TPO	A	21, Pwll Y Min Crescent, Wyndham Park, Peterston Super Ely	Work to Trees covered by TPO No. 2, 1959: i) Monterey Cypress - Front Garden; Crown lift off garden by 2m. Remove existing bracing and install new; ii) Birch - Front Garden; Remove branch overhanging telephone line
2019/00446/TPO	A	Cog Moor WWTW, Green Lane, Cardiff Road, Dinas Powys	Work to trees covered by TPO No.5 of 1996: Trim back overhanging branches to allow demolition of digester tanks
2019/00458/TCA	A	Station House, Peterston Super Ely	(A) Felling of a group of Beech trees on the Northern boundary. (B) Felling and replacement of 7 Leylandii along the Southern boundary. (C) Felling and replacement of a group of Lawson Cypress along the Eastern boundary
2019/00477/TCA	A	22, Archer Road, Penarth	Work to tree in Penarth Conservation Area: Dismantle Sycamore in rear garden, grind stump and replant with specimen tree

THE VALE OF GLAMORGAN COUNCIL

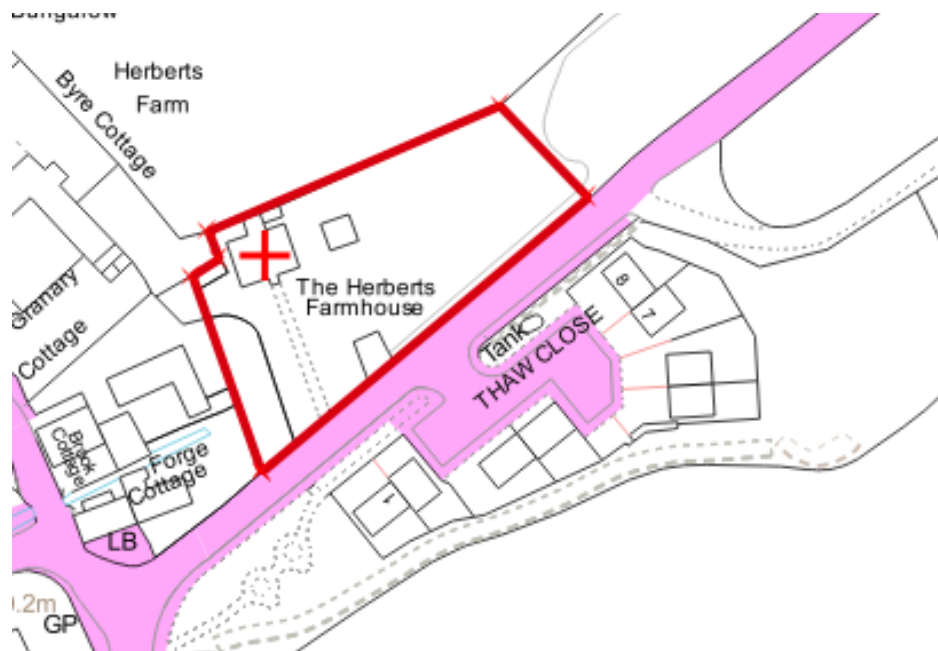
PLANNING COMMITTEE : 26 JUNE, 2019

REPORT OF THE HEAD OF REGENERATION AND PLANNING

**(b) TO CONFIRM TREE PRESERVATION ORDER (NO. 1) 2019  
FOR TREES AT THE HERBERTS FARMHOUSE, ST MARY CHURCH**

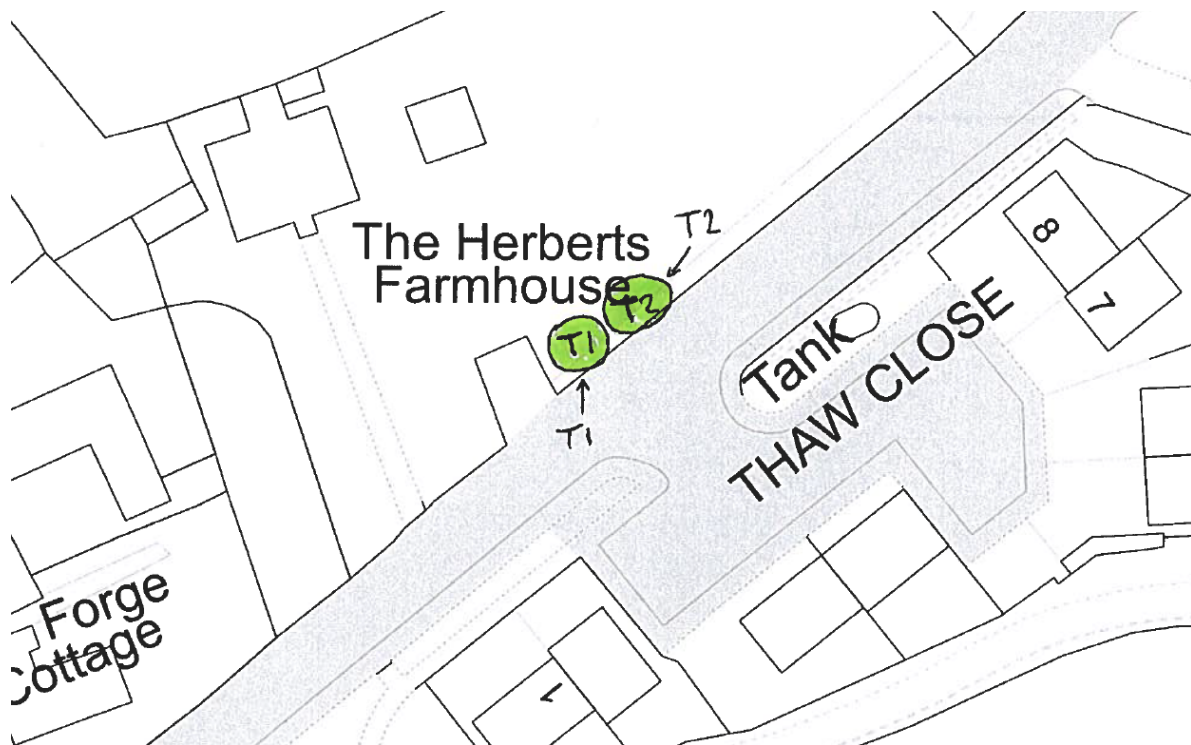
**SITE CONTEXT AND TREE DESCRIPTION**

The site relates to The Herberts Farmhouse, a large detached, two storey dwelling located in The Herberts, St Mary Church. The dwelling is set-back from the highway, with the front area laid to lawn. The site is located just off the main road running through St Mary Church; St Athan Road.



The site is not located within any settlement boundary as identified in the LDP, and is therefore classified as falling within the open countryside. Within the site, and within approximately two metres of the trees at the subject of this application is a stream. The site is not located within any conservation area.

The report relates to two mature sycamore trees located at the front of the site, within close proximity to St Athan Road.



The TPO was originally served for the two Sycamores in January 2019, and this report seeks Planning Committee's authorisation to confirm the TPO.

### **RELEVANT PLANNING HISTORY**

2018/01312/FUL, Address: The Herberts Farmhouse, The Herberts, St. Mary Church, Cowbridge, Proposal: Proposed alterations and extensions, Decision: Withdrawn

2019/00386/FUL, Address: The Herberts Farmhouse, The Herberts, St Mary Church, Cowbridge, Proposal: Proposed alterations and extensions to existing farmhouse to provide attached granny annexe, Decision: Approved

2019/00388/FUL, Address: The Herberts Farmhouse, The Herberts, St Mary Church, Cowbridge, Proposal: Garage with games room over, Decision: Application not yet determined.

### **REPRESENTATIONS**

#### **Objections**

A letter dated 21<sup>st</sup> February 2019, from Mr Andrew Parker, the Agent acting on behalf of the owners of the site for the above planning applications, which objects to the Tree Preservation Order (TPO).

The reason given within the letter for objecting to the TPO on the two Sycamore trees is:

*"In my view they do not contribute in any way to the overall quality of the landscape in The Herberts and my advice would be to appeal the T.P.O Order."*

## **REPORT**

### **Planning Policies and Guidance**

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

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application to confirm TPO (No. 1) 2019.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales,

The following chapters and sections are of particular relevance in the assessment of this application:

#### Chapter 2 - People and Places: Achieving Well-being through Placemaking:

- Maximising well-being and sustainable places through placemaking (key Planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking)

#### Chapter 3 - Strategic and Spatial Choices:

- Sustainable Management of Natural Resources
- Placemaking in Rural Areas

3.34 The countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources.

#### Chapter 6 - Distinctive and Natural Places:

- Recognising the Special Characteristics of Places: Green Infrastructure

#### **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 10 – Tree Preservation Orders (1997)
  3. Local Planning Authorities are empowered, in the interests of amenity, to protect trees and woodlands by making Tree Preservation Orders (TPOs).



14. A Local Planning Authority may make a TPO if it is considered expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area.
15. TPOs should be used to protect trees and woodlands whose removal would have a significant impact on the environment and its enjoyment by the public. Protected trees, or part of them, should normally be visible from a public place or from a reasonable number of neighbouring properties.
16. ... It may be expedient to make a TPO if the Local Planning Authority believes a tree that meets the criteria in paragraph 15 is at risk.

### **Supplementary Planning Guidance:**

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

- Trees, Woodlands, Hedgerows and Development (2018)

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

- Town and Country Planning (Trees) Regulations 1999
- BS5837: 2012 Trees in relation to design, demolition and construction – Recommendations
- Tree Evaluation Method for Preservation Orders
- Section 198(1) of the Town and Country Planning Act 1990 empowers a local planning authority, where it appears to them that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.

### **Well-being of Future Generations (Wales) Act 2015**

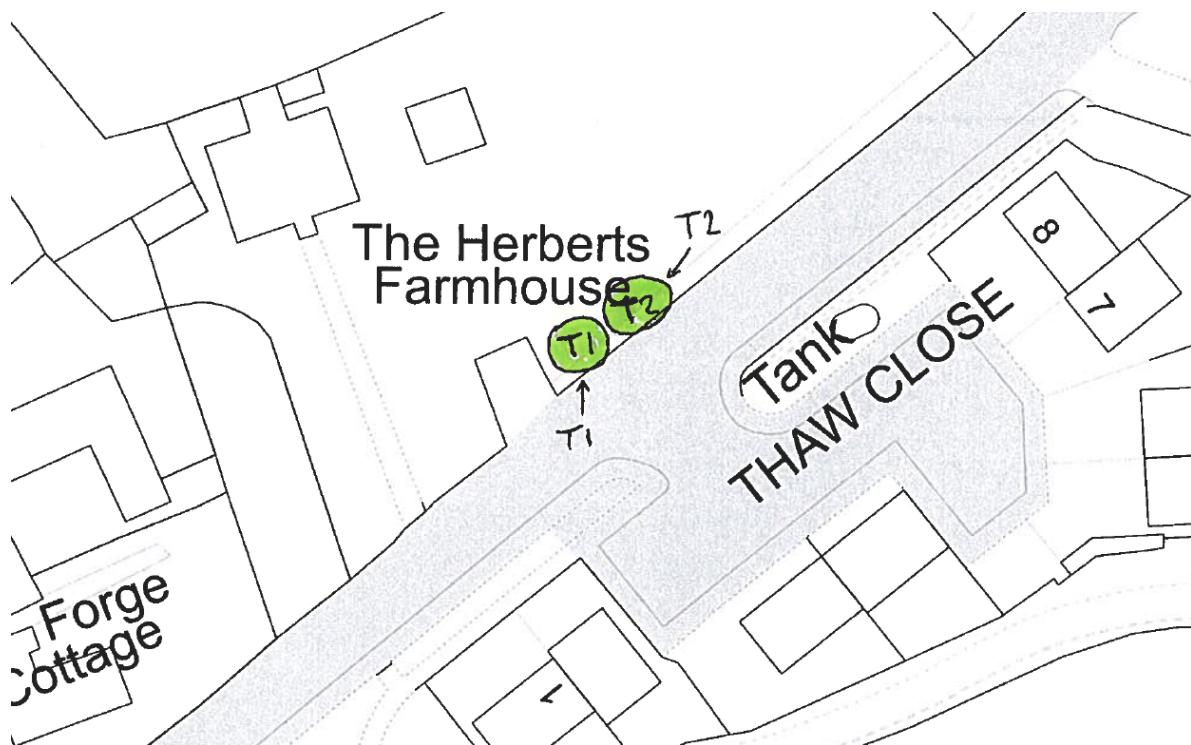
The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

### **Issues**

The principal issue to consider in this report relates to whether the trees under consideration provide sufficient public amenity to warrant the serving of a Tree Preservation Order. The report will also assess the objection received relating to the placement of a TPO on the two Sycamore trees to the front of the site.

An initial site visit was carried out on 17.12.18 and a Tree Evaluation Method for Preservation Orders (“TEMPO”) assessment has been undertaken for each of the trees in order to assess their contribution to visual amenity. TEMPO is a standardised method to assess if a tree merits a TPO. A further site visit was undertaken, when the trees were in leaf, on 30.04.19.

At the time of writing this report, the Local Planning Authority is in receipt of a full planning application on the site (application ref: 2019/00388/FUL) which could potentially cause harm to the two trees. Consequently, following officer concerns that the works could result in harm to the trees, they are under consideration in this report for the confirmation of the TPO served on the site in January 2019, in relation to two Sycamores shown at the location below:



The photograph below shows the trees in leaf in the foreground, with T1 on the left and T2 on the right. The photograph is taken from St Athan Road.



The TEMPO assessment identifies the condition of the tree, the retention span, its visibility to the public, as well as the level of threat to the tree, and any other factors.

The TEMPO assessment for tree T1 (Sycamore) resulted in a score of 16, meaning that the tree 'definitely merits TPO'.

The basis of this score is that the Sycamore tree:

- Is in a fair/satisfactory condition. (3)
- Has a potential remaining retention span of over 100 years (based on averages for a Sycamore). (5)
- Is a medium-sized tree which is clearly visible to the public travelling along St Athan Road. (4)
- No additional features to note. (1)
- There is a foreseeable threat to the tree as the owner has submitted a full planning application on the site, which is currently under consideration by the Local Planning Authority. (3)

The TEMPO assessment for tree T2 (Sycamore) resulted in a score of 14, meaning that a TPO on that tree is defensible, and it could therefore reasonably be subject to a TPO.

The basis of this score is that the Sycamore tree:

- Is in a fair/satisfactory condition. (3)
- Has a potential remaining retention span of over 100 years (based on averages for a Sycamore). (5)
- Is a medium tree which is clearly visible to the public travelling along St Athan Road. (4)
- Is of relatively poor form, being multi-stemmed. (-1)
- There is a foreseeable threat to the tree as the owner has submitted a full planning application on the site, which is currently under consideration by the Local Planning Authority. (3)

Being located at the front of the site, adjacent to St Athan Road - the main route from St Athan and St Mary Church to Cowbridge, it is considered that the trees are both highly visible within the public domain, and form an important contribution to the visual amenity and character of the area surrounding The Herberts. Whilst tree T2 is of irregular form, it nevertheless is considered to greatly enhance the character of the local area, with both trees being good examples of the Sycamore variety. It is considered that the loss of the trees would indeed result in a detrimental impact on the character of the site and the surrounding area, and as they are not located within any conservation area, they are not afforded protection by any other means other than the confirmation of this TPO. Taking this into account, along with the results of the TEMPO assessment on both trees, it is recommended that it is appropriate to serve a Tree Preservation Order on the trees.

The letter of objection from Mr Parker, which also contained comments regarding a previous application on The Herberts Farmhouse site, stated the reason for objecting to the TPO as being that the trees “*do not contribute in any way to the overall quality of the landscape in The Herberts*”. For the reasons outlined above, the Local Planning Authority does not share this view, and consider the trees under consideration to add significantly to the important landscape character of The Herberts area and provide sufficient public amenity to warrant the confirmation of this Tree Preservation Order. Indeed the trees are highly prominent features of the area upon entering and leaving The Herberts along St Athan Road, being located within close proximity to the highway, and therefore highly visible. Section 15 of TAN 10 (Tree Preservation Orders) states that: “*protected trees, or part of them, should normally be visible from a public place*” and in this instance the trees certainly comply with that requirement.

Whilst there is no immediate threat to the two Sycamores, it should be noted that there is a foreseeable threat, with a current planning application proposing a new double garage within close proximity to the trees, which could result in their removal or at least damage to the root structures; and as they are not afforded any protection by being located within a conservation area, it is considered acceptable and appropriate to confirm the protection of the trees with a Tree Preservation Order.

As a result of the above it is considered that the TPO warrants confirmation and the objection raised does not take into account the amenity and character value that the trees add to The Herberts area.

## Conclusion

Taking into account the result of the TEMPO assessment on the two Sycamore trees, the amenity and character value they contribute to the area surrounding the site, their prominent location along St Athan Road, and the fact that there is a foreseeable threat to the trees' health, it is considered appropriate to recommend that Tree Preservation Order (No.1) 2019, served on T1 (Sycamore) and T2 (Sycamore), is confirmed. It is considered that the letter of objection received on 21<sup>st</sup> February 2019 does not raise any points which alter this recommendation, and does not provide any evidence contrary to the recommendation.

## REASON FOR RECOMMENDATION

The decision to recommend the approval and confirmation of the Tree Preservation Order has been taken in accordance with Section 198 of the Town and Country Planning Act 1990 (as amended), which empowers the local planning authority to make provision for the preservation of trees or woodlands.

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.

## RECOMMENDATION:

### APPROVE AND CONFIRM TREE PRESERVATION ORDER (NO.1) 2019

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **26 JUNE, 2019**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. 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.



**APPLICANT:** Mr & Mrs Greenaway 4, Thorn Grove, Penarth, CF64 5BZ

**AGENT:** Nigel Arnold Nigel Arnold Architects, The Studio, 5, Penarth Head Lane, Penarth, CF64 1BB

#### **4, Thorn Grove, Penarth**

Proposed extension and re-modelling works

#### **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 McCaffer due to the concerns raised by local residents in respects of the impacts of the development.

#### **UPDATED POSITION**

The application was first reported to Planning Committee on 2 May 2019. At that meeting Members determined to defer the application in order for officers to negotiate a reduction in the length/impact of the first floor extension to the rear and to seek amendments to the proposed materials to minimise any impact on the neighbour.

#### **EXECUTIVE SUMMARY**

The application site relates to a detached four bedroom dwelling located at the head of Thorn Grove, a small Cul de Sac, Penarth. This is a full planning application, as amended, for the construction of a first floor side extension, two and single storey rear extensions. The works also include internal alterations to the existing dwelling.

Following deferral at Planning Committee, the scheme has been amended, where the first floor rear extension has been reduced in depth to 4.5m (from 7.7m) and the extension will now be finished with render to both ground and first floors, with a grey zinc roof.

At the time of writing this report, a total of 23 letters from nearby and adjoining occupiers have been received, in respect of the original and amended schemes. The neighbours have maintained their concerns with respect of the proximity of the extensions to boundaries, overbearing, overshadowing and overlooking impacts, design and materials being out of character with the surrounding properties, inadequate parking and concerns in respect of a business being run at the property.

The primary issues in consideration of this application are the visual impact of the extensions on the existing dwelling and wider street scene and in particular, the impact upon amenity of neighbouring residential properties as well as parking and amenity provision. The application is recommended for approval, subject to conditions.

## SITE AND CONTEXT

The application site relates to a detached four bedroom dwelling located at the head of Thorn Grove, a small Cul de Sac within the settlement of Penarth. The dwelling is served by a flat roof attached double garage.



The close comprises of detached, circa 1970's dwellings of a loose Georgian style, constructed with brown brick and brown interlocking concrete roof tiles.

Several of the dwellings within the close have been extended, in particular the two storey side extensions at No's 6 and 7 Thorn Grove.

## DESCRIPTION OF DEVELOPMENT

This is a full planning application, as amended, for the construction of a first floor side extension, two and single storey rear extensions. The works also include internal alterations to the existing dwelling.

The first floor side extension, will be constructed over the width of the double garage, some 5.1m in width by a depth of 8m. The hipped roof will have the same eaves height as the existing dwelling (4.9m) and a ridge height of 6.9m, set marginally below the main roof. The front elevation of the extension will be set back some 0.25m from the front of the main dwelling. Materials and finishes of this element are shown to match the existing dwelling, being brown brick, concrete roof tiles and white UPVC windows.

The two storey extension is to be located to the rear of the existing garage and proposed first floor extension. The extension has a depth of 7.5m by a width of 5.3m at ground floor and as amended, a reduced depth of 4.5m and width of 4.8m at first floor. An asymmetrical roof is proposed with an eaves of 4.7 and 5m and ridge height of 6m. The extension will be finished with render to both ground and first floors, with a grey zinc roof.

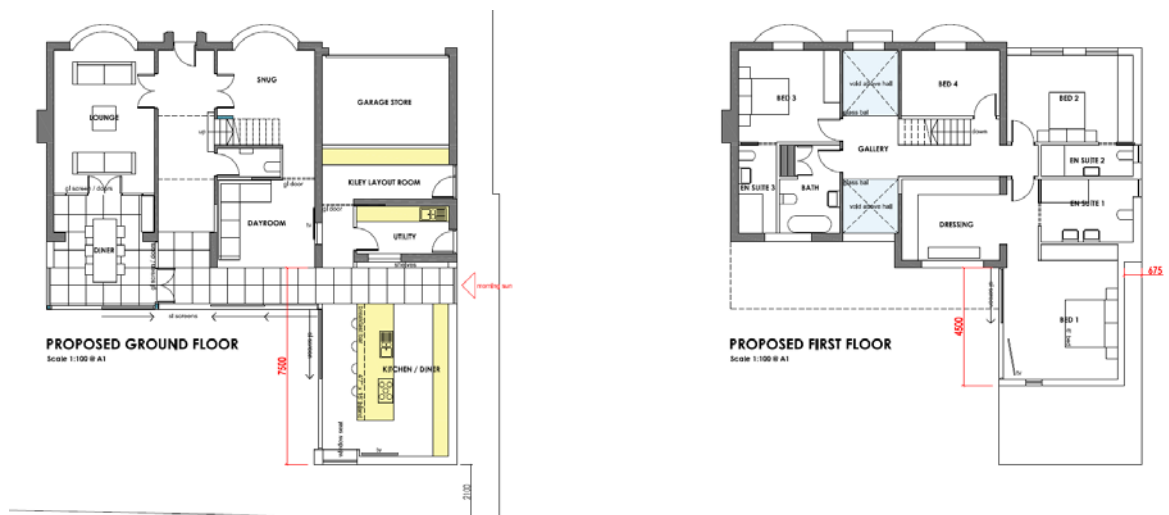


A flat roof extension is proposed along the remainder of the rear elevation, with a maximum depth of 3.5m by a width of 10.2m, with a flat roof to a height of 2.6m, with an over-sailing roof detail, finished with render and dark aluminium grey framed windows.

The first floor side extension will provide an additional bedroom to the front, served by two windows, and two en-suites served by two windows to the site (served by obscure glazing). The first floor rear extension will accommodate a further bedroom served by a fixed obscure glass feature window in the gable and full height glazing with a sliding screen to the side.



*Proposed Elevations*



*Proposed Floor Plans*

The proposal includes a reduction in the depth of the existing double garage to accommodate a second kitchen, resulting in the use of the garage as a store.

## PLANNING HISTORY

None

## CONSULTATIONS

**Penarth Town Council** were consulted and raised an objection to the original scheme.

Following re-consultation on the first set of amended plans, Penarth Town Council continued to raise an objection on over-massing of the site, potential loss of light for neighbouring properties and loss of parking in an already congested area.

Following further consultation in respect of the most recent amended scheme, Penarth Town Council have raised no objection, and consider that the amendments to the first floor of the extension have reduced the over-massing and impact on the neighbouring property

**Plymouth Ward Members** were consulted. To date comments have been received from **Cllr McCaffer**, with a request that the application is called into Planning Committee for determination.

Following further consultation in respect of the most recent amended scheme, no additional comments have been received to date.

## REPRESENTATIONS

The neighbouring properties were consulted on 10 January 2019 and a site notice was also posted. At that time, a total of nine letters of representation were received, objecting to the application on the following summarised grounds:

- proposal is extremely near the boundary especially toward the back of the property
- Impacts on daylight and sunlight
- Proposal will cause significant overbearing, overshadowing and overlooking impacts
- Design out of character with the surrounding properties
- the use of materials and finishes for the side extension would not be in keeping
- Parking will be inadequate for the proposed business extension.

- Concerns that the proposal will support/intensify a business being run at the property.

The neighbouring properties were re-consulted on the amended plans on 15 March 2019 and a further seven letters from nearby occupiers were then received, all of which continued to raise the same objection's as set out above.

Following the deferral of the application at Planning Committee on 2 May 2019 and the submission further amended plans, the neighbouring properties were re-consulted. To date a further 10 letters of representation have been received.

Whilst the letters acknowledge the changes to the first floor extension, they generally continue to object to the amended scheme on the same grounds as those set out above.

## 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

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

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

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 10, 2018) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

The following chapters and sections are of particular relevance in the assessment of this planning application:

Chapter 2 - People and Places: Achieving Well-being Through Placemaking,

## Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places

Para 3.16 states : *Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.*

## Chapter 4 - Active and Social Places

### **Technical Advice Notes:**

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

Technical Advice Note 12 – Design (2016). The following paragraphs are considered to be of relevance :

2.6 *“Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.”*

3.16 *“...However, they (LPAs) should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.”*

6.16 *“The appearance and function of proposed development, its scale and its relationship to its surroundings are material considerations in determining planning applications and appeals. Developments that do not address the objectives of good design should not be accepted.”*

### **Supplementary Planning Guidance:**

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

- Parking Standards (2019)
- Residential and Householder Development (2018)

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

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

### **Well-being of Future Generations (Wales) Act 2015**

The Well-being of Future Generations Act (Wales) 2015 places a duty on the

Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

### Issues

The main issues in assessing this application relate to the siting, scale and design of the extensions on the character of the existing dwelling and the wider street scene, the impacts on the amenities of adjacent and nearby residential occupiers and impact on parking provision at the site.

### Visual Impact

In policy terms the site is located within the Settlement Boundary for Penarth, as identified in the LDP. Policy MD5 (Development within Settlement Boundaries) states that new development within settlements will be permitted where the proposed development (inter alia):

- Makes efficient use of land or buildings.
- Is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality.
- The proposal would not result in the loss of natural or built features that individually or cumulatively contribute to the character of the settlement or its setting.

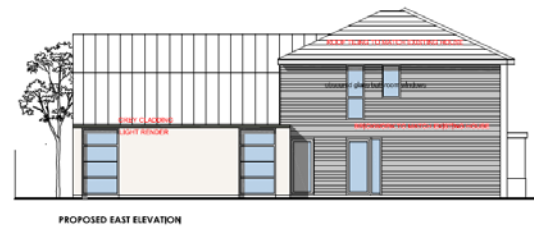
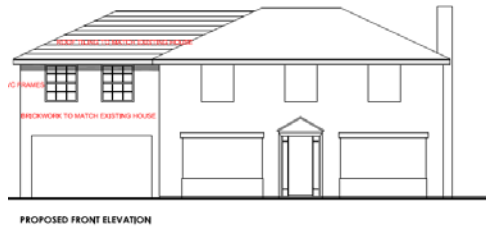
Policy MD2 (Design of New Development) is also relevant, and states that in order to create high quality, healthy, sustainable and locally distinct places development proposals should (inter alia):

- Be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest.
- Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density.
- Safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance.

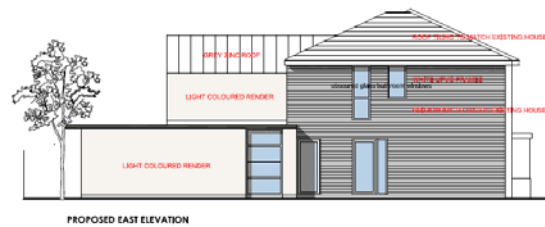
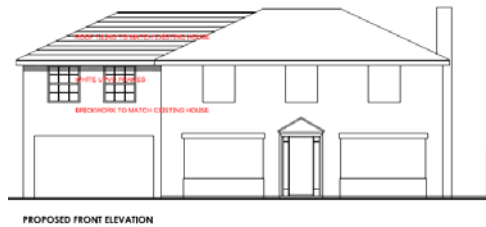
### First floor side extension

This element will be constructed over the footprint of the attached double garage with a depth of 8m and remains unchanged in the amended scheme. The hipped roof over will have the same eaves height as the existing dwelling and a ridge height set marginally below the main roof. The front elevation of the extension will be set back some 0.25m from the front of the main dwelling. As materials and

finishes of this element (front and side walls) are shown to match the existing dwelling, the extension, due its set down and set back, and overall proportions, will appear subordinate to the existing house. Moreover the first floor window detailing to the front will reflect the scale and proportions of the windows in the main house, whilst the proposed windows in the side elevation are of more contemporary proportions.



*Original Scheme*

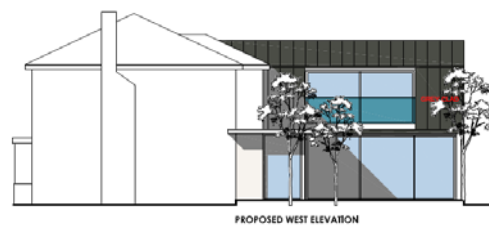


*Amended scheme*

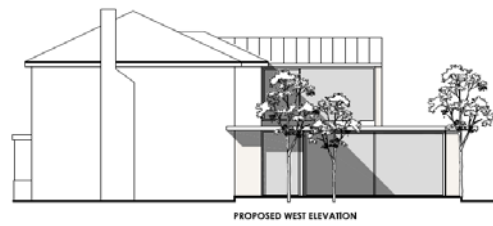
In respect of its impacts on the wider street scene, the dwelling is sited prominently at the head of this small close. However the first floor extension would not impact on the general spaciousness and distances between detached dwellings and would not be out of keeping with the dwellings in the close, two of which have also been extended to the side by way of first floor side extensions, albeit of a lesser width.

Rear extensions (two storey and single storey)

The architect has chosen a different design approach for the extension to the rear, being more contemporary in respect of design and materials. Whilst the original scheme proposed zinc/grey cladding at first floor level, this has now been amended to a light render to match the proposed ground floor finishes.



*Original Scheme*



*Amended scheme*

The two storey extension, as amended, is proposed to be sited to the rear of the existing garage and the proposed first floor side extension as amended would have a reduced depth of some 4.5m (originally 7.7m) by a width of 5.3m to the ground floor and 4.8m at first floor. The extension will have an asymmetrical roof, with an eaves of 4.7 and 5m and ridge height of 6m.

The amendments sought in respect of the design of the extension have been largely to address concerns raised in respect of the impacts on the neighbouring dwelling (as set out below), in respect of the first floor element. The first floor element is set in by some 0.6m from the main side elevation and being of a reduced depth of some 4.5m together with the low eaves level and ridge line (0.9m below the main ridge) and width of 4.8m, would result in an extension would which not be over dominating, or out of keeping with the character and scale of the existing dwelling. Furthermore, the single storey rear extension is considered acceptable in respect of its overall design and form.

The original scheme proposed the use of zinc/grey cladding to the first floor element, which has now been revised to render to provide a lighter finish, and the zinc cladding is now only proposed on the roof. As previously considered, the use of render and zinc/grey cladding for the roof, whilst introducing a more contemporary material than the predominant brick and concrete roof tiles found within the close, is considered acceptable, given that this element is largely screened from the street scene. The other materials used for the ground floor element (light render) and use of grey aluminium framed windows/doors are considered acceptable.

### Impact upon amenities

Regard should be given in assessing the proposal in light of the advice and guidance set out in Section 9. (Impact on Neighbours) of the Residential and Householder Development SPG. The guidance states:

*9.11 "Development can have a negative impact on a neighbour's amenity, depending on the size of it and its location in relation to the principal outlook of a neighbour's garden or rooms. Similarly, development that causes a harmful level of over shadowing will be considered unneighbourly and, therefore, unacceptable. New development must ensure that your neighbour's existing residential amenity is safeguarded."*

#### 9.1.2. Key principles:

*i. Two-storey development, large single storey extensions and/or large structures should in most cases be set away from the boundary adjacent to the garden of a neighbour's property.*

*ii. Development should not unreasonably enclose a neighbour's immediate outlook.*

*iii. Development should not cast large shadows onto a neighbour's house or garden.*

*iv. Development that results in a significant loss of daylight and / or sunlight to habitable rooms (i.e. living room, main bedroom, kitchen and dining room) or private garden areas of neighbouring properties are likely to be harmful.*

*v. Thought should be given to the orientation of the development in relating to the sun so as to minimise its overshadowing impact on a neighbour's property.*

*vi. Consideration should be given where there is a change in levels between your property and a neighbouring property must ensure that your neighbour's existing residential amenity is safeguarded.*

*9.22 "New development that has a negative impact on the existing level of privacy enjoyed by a neighbour should be avoided wherever possible. Where new development results in an unavoidable impact, careful consideration must be given its design to ensure that the impact is kept to an acceptable level so as to safeguard your neighbour's existing residential amenity."*

As stated above the proposed extensions are located in close proximity with the boundary of the adjoining occupiers to the south (No. 7 and 9 Craven Walk), to the east (Nos. 5 and 6 Thorn Grove) and to the west No's 3 and 2 Thorn Grove)

As originally submitted, the proposed two storey extension was shown to be sited within 1.5m of the rear boundary. Due to general concerns in respect of the depth of the extension and the proximity to the boundary, the extension (as amended) was reduced in depth to 7.7m, and set off the rear boundary by some 2m. Furthermore the first floor element was reduced in width, with a minor reduction in the ridge.

The application was deferred in order for officers to negotiate a reduction in the length/impact of the first floor extension to minimise any impact on the neighbour.

As stated above, the first floor extension has now been further amended and has been reduced in depth by 3.2m (from 7.7m to 4.5m).

In light of the amended scheme, the dwellings to the south would now be in excess of 23m (at their nearest) from the rear of the first floor extension. Given the distance from the extension to the dwellings to the rear, it is not considered that the siting and resulting massing of the extension as a whole would result in any over shadowing impacts or unreasonably enclose the neighbour's immediate outlook, in line with the guidance set out in para 9.1.2 of Residential and Householder Development SPG.

In respect of overlooking of the dwellings to the south, the original scheme proposed a feature window, which was specified as being "fixed stain glass". The amended scheme has now revised the design of the window by introducing a full



height window, albeit slightly narrower. However given that this window is set some 3.2m further back than the previous scheme and would still be obscure glazed, the proposed window would not result in any overlooking of the dwellings to the rear. It is however considered necessary to Condition any planning permission (**Condition 3** refers) to ensure that the obscure and fixed glazed is installed and retained in perpetuity. The enlargement of the existing window in the rear elevation would not result in any additional impacts, as this will serve a void area over the hall, with landing area behind.

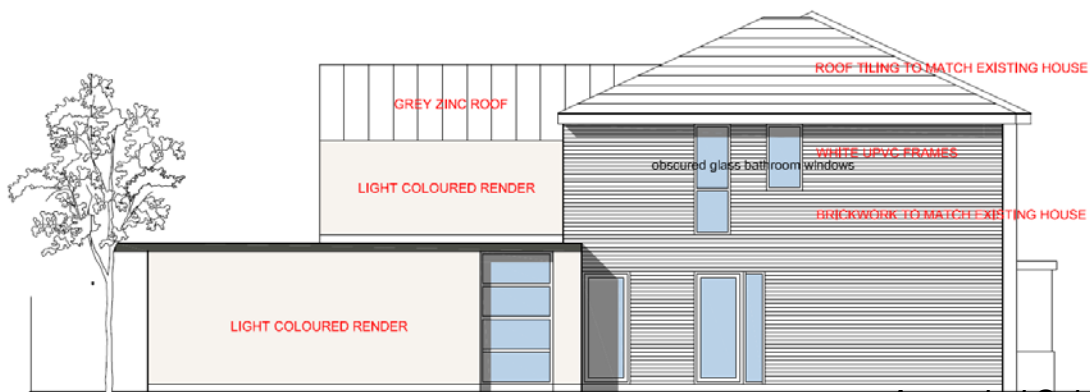
With regard to the impacts on the dwellings to the east, it is recognised that No.5 would most likely be affected by the proposals. In light of the concerns raised by Members of Planning Committee, the scheme has been amended to specifically address the impacts on the occupier of No.5.

The extension to the side and rear, as originally proposed was some 15m in length. However, due to the design, the massing of the extensions was broken up and would appear as two distinct elements.



PROPOSED EAST ELEVATION

*Original Scheme*



PROPOSED EAST ELEVATION

*Amended Scheme*

From the representations received, it is noted that that the window which serves the sitting room on the front elevation of No.5 would face directly towards the proposed extension.

As originally submitted, the first floor element was set in by some 0.6m from the main side elevation, resulting in a distance of approx. 2m to the boundary. The amended scheme has reduced the length of the first floor element by some 40%, from 7.7m down to 4.5m together with the use of render to the first floor.

Having regard to the distance of the front window of No. 5 to the extension and the scale and massing of the amended first floor extension, the revised scheme would retain more of an open aspect/outlook when viewed from the front window of No. 5. Whilst the first floor element would still be visible from the window and front garden of No. 5, it would not be considered to “unreasonably enclose” the outlook of the occupiers.

In terms of impact on privacy, no windows are proposed in the side (east facing) elevation of the rear two storey extension. Whilst windows are proposed in the side first floor extension, they are specified as being obscure glazed. It is however considered necessary to Condition any planning permission (**Condition 3** refers) to ensure that the obscure and fixed glazed is installed and retained in perpetuity.

Concern has been raised in respect of the proposed windows and doors to be installed in the ground floor side elevation of the existing property, facing No.5. There is a low boundary wall between properties and the introduction of fully glazed doors and a full height window, in close proximity to the boundary, could result in overlooking of the front garden and windows of No. 5. Whilst there is currently a line of conifer trees which would generally screen views from the proposed doors and windows, these trees may fail and cannot be relied upon as permanent means of screening. On this basis, it is considered necessary to ensure that a 2m high means of enclosure is installed on the boundary, by way of condition (**Condition 6** refers).

The first floor side elevation would be visible from No. 6 located to the north-east, however, this property does not directly overlook the application dwelling in the same way that No. 5 does. Whilst the extension above the garage would bring the built form of development closer to this property, and would clearly be visible from ground and first floor habitable windows of No. 6, due to the orientation and distance between these dwellings, it is not considered that the extension would be overbearing/unreasonably overshadow or would unreasonably enclose the outlook of these occupiers in line with the above referenced guidance.

In respect of overlooking, the proposed first floor window on the front elevation would, due to the acute angle and distance to the habitable windows in the front of No.6 not cause any overlooking, when assessed against the table in Figure 15 (Distance between opposing habitable windows of dwelling) in the SPG.

Finally in respect of the impacts on No. 3 Thorn Grove, this property is located to the west of the application dwelling. The main built form of the extensions are located on the eastern part of the application property and would be some 23m away, at their nearest. However given the distance of the extension to the No. 3 and the distance to the boundary (12m), it is not considered that the extension will have any overbearing impacts on these occupiers. Whilst a large first floor window (with balustrade required by condition 7) is proposed facing this property, the glazing has been sited closer to the existing dwelling in the amended plans

and the distances to the opposing dwelling are such that this will not result in an unreasonable loss of privacy to either garden space or habitable windows.

### Parking

The extension would increase the level of accommodation from a four bedroom dwelling to a four/five bedroom dwelling.

The parking requirements for a four bedroom dwelling, would require a maximum of three off street spaces (in line with the Parking Standards).

The proposals will reduced the depth of the double garage, which is now shown as a garage/store and will prevent it from being use for parking. As such, two off street spaces will be lost from the application property, leaving only off street parking to the front of the property to serve the extended dwelling. It is considered, based on the maximum standards, that a dwelling of this size, having regard or its location, should have provision of two off street spaces. It is considered that a second space can easily be accommodated on the site without any detriment to the street scene, details of which shall be submitted by way of condition (**Condition 4** refers).

### Amenity Space

The proposed extensions would significantly increase the size of the existing dwelling. Whilst the rear two storey extension would result in the loss of approximately a third of the rear garden, there would still be sufficient level of amenity space in the rear garden, to provide for the occupiers needs, in addition to amenity space in the front garden, in line with the with the guidance set out in the Residential and Householder Development SPG.

### Other Matters

A number of letters of representation received have stated that the applicant runs a catering business from the property. It is noted that a second kitchen is shown in part of the existing dwelling. However this second kitchen is shown in the reconfigured existing layout, forming part of the existing utility and garage. As such these internal alterations could be made without planning permission, outside of the consideration of this planning application. The application does not seek to change the use of the dwelling to operate a business and the impacts associated with such a change are not material to the consideration of this application for domestic extensions.

However, should the business activities at the existing property or within the extended dwelling be subject to any complaint made to the Councils Planning Enforcement Team, the matter can be investigated to consider whether the nature of any business activities at the property, would result in a partial change of use of the property requiring permission.

## 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:

371TG:04 Proposed Remodelling and Extension Works received 09/05/2019  
371TG:03 Location Plan

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 windows in the south facing gable end (serving bedroom 6) and east facing side elevation (serving en suite 1 and 2) at first floor level shall be installed as a non-opening window and fitted with obscure glazing to a minimum of level 3 of the "Pilkington" scale of obscuration at the time of construction of the development and prior to the first beneficial use of the respective rooms and shall thereafter be so retained at all times.

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.

4. Notwithstanding the submitted plans and details, and prior to the first beneficial occupation / completion of the extension or the conversion of the existing garage (which ever is the sooner), details of a revised parking area to the front of the dwelling to accommodate parking for two vehicles to include details of the construction and surfacing of the parking area, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to the occupation of the extension/converted garage and the car parking spaces shall remain available for their designated use in perpetuity.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

5. Where specified on the approved plan, the materials to be used in the construction of the first floor side extension shall match those used in the existing dwelling that exists at the time of this approval.

Reason:

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

6. Prior to the installation of the ground floor doors and window in the side elevation of the existing house, details of a 2m high means of enclosure along the boundary with No. 5, shall be submitted to and approved in writing by the Local Planning Authority. The means of enclosure hereby approved shall be erected prior to the completion/ first beneficial use of the respective rooms which they serve (whichever is the sooner) and shall thereafter be maintained and retained at all times thereafter.

Reason:

In the interests of privacy and to ensure compliance with Policy MD2 (Design of New Development) 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, MD 2 – Design of New Development and MD5 – Development and the advice contained within the Council’s Supplementary Planning Guidance on Residential and Householder Development and Parking Standards and Planning Policy Wales 10th Edition and TAN 12- Design, the proposed extensions and alterations are considered acceptable in terms of its scale, design and impact upon the street scene, impact on neighbours, parking and amenity space.

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:

**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.**

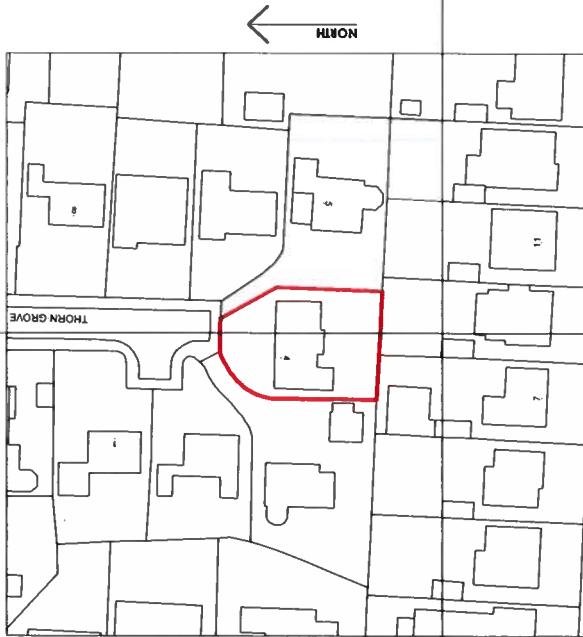
**In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).**

**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.**

2019/00007/FUL

318500m



318500m

3

Client

**MR AND MRS GREENAWAY**

Project

**4 THORN GROVE, PENARTH - EXTENSION AND RE-MODELLING WORKS**

Title

**LOCATION PLAN**

Status

Planning

Date

December 2018

Scale

1:1250 @ A4

Drawing No.

**371TG:03**

Rev

- The Studio,
- 5 Penarth Head Lane,
- Penarth,
- Vale of Glamorgan, CF64 1BB
- t: 029 2070 2501
- e: studio@nigel-arnold.com

**nigel arnold / architect**

**APPLICANT:** Vale of Glamorgan Council Ysgol Gymraeg Bro Morgannwg, Colcot Road, Barry, Vale of Glamorgan, CF62 8YU

**AGENT:** Ms. Kathryn Williams KEW Planning, KEW House, 14, Grantham Close, Cardiff, CF5 2EX

**Ysgol Gymraeg Bro Morgannwg, Colcot Road, Barry**

Erection of extensions to the school for a new Sports Block with link to existing building; Design and Technology Block; new Reception Area; creation of a Plant Room; new Muga and 3G All-weather Pitch aswell as external alterations to the facade treatment

**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 proposes various extensions to Ysgol Gymraeg Bro Morgannwg, which is accessed off Colcot Road, Barry. The application also includes a new 3G sports pitch with external lighting, a Multi-Use Games Area and a new coach/mini bus drop off/pick up zone, to be accessed off Port Road.

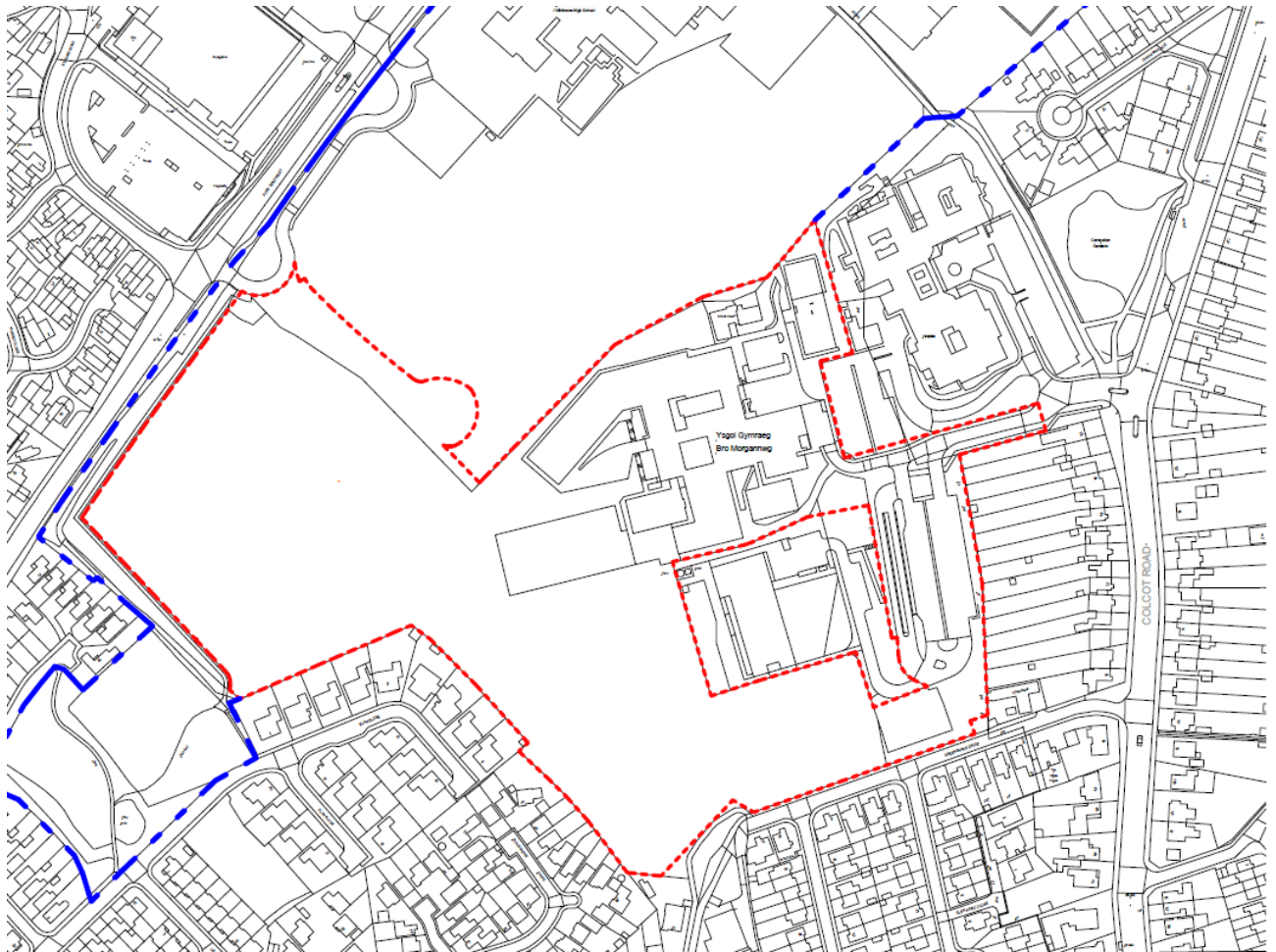
The main issues involved in the assessment of the application are the scale, design and visual impact of the development, impact on residential amenity, highways issues (including parking and traffic generation), sports pitch/open space provision and drainage.

Objections have been received from 6 neighbouring properties, while Barry Town Council have raised no objection, subject to the development being considered acceptable in terms of design and visual impact, highway safety, traffic and drainage. The application is recommended for approval subject to conditions.

**SITE AND CONTEXT**

The application site is land at Ysgol Gymraeg Bro Morgannwg, as shown on the plan below:





The land lies within a predominantly residential context, with dwellings located immediately to the South, East, West and North-West. Barry Hospital and Barry Comprehensive School lie to the north. Barry Comprehensive School is currently subject to a separate planning application (2019/00435/RG3) for a replacement High School.

Vehicular access to the application site is currently from Colcot Road to the east, at the same point from which the hospital is accessed.

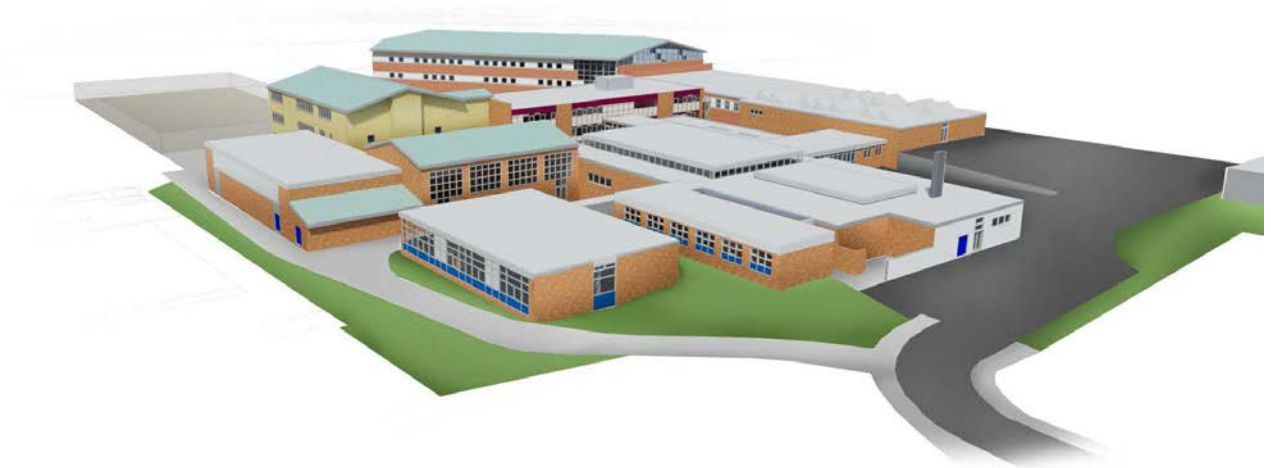
### DESCRIPTION OF DEVELOPMENT

The application proposes the following:

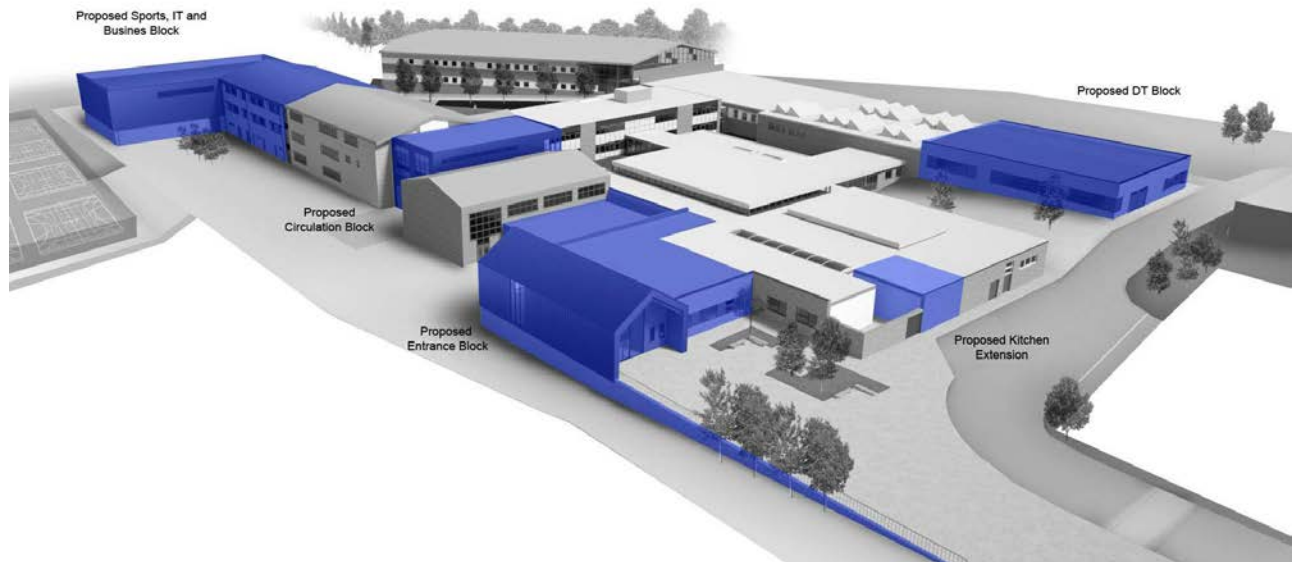
- Extensions to the school for a new sports and IT block.
- A new design and technology block.
- A link 'circulation' extension.
- A new reception area.
- A plant kitchen extension.
- A new Multi Use Games Area (MUGA) and 3G all-weather pitch.
- External alterations and façade treatment to the existing building.
- A new coach drop off/pick up area.



Existing complex of buildings:



Proposed complex of buildings:







The proposed entrance block would have a modern pitched roof section and a flat roof section to adjoin the adjacent part of the existing building (maximum height to ridge of 8.5m)- see below:

1:100



The proposed sports and IT block would be sited on the western end of the building. It would be L-shaped in form, with both a continuation of an existing pitched roof section and an adjoining flat roof section (maximum height of approximately 12m):

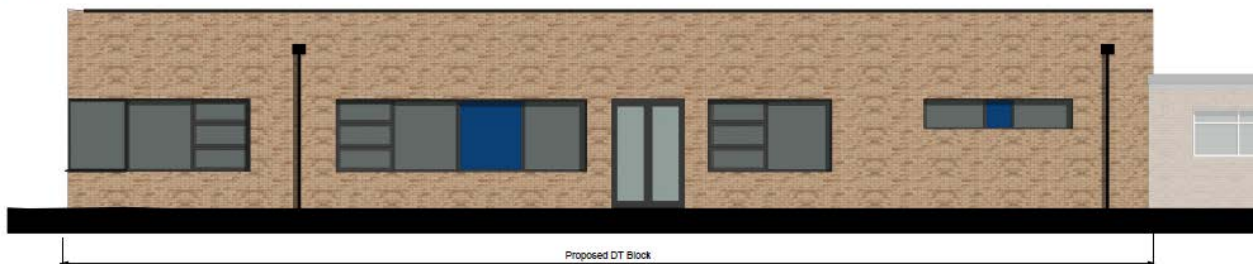


① Sports, IT & Business Block - North  
1:50



The proposed Design and Technology (DT) block would be sited in the north eastern part of the site, and would measure approximately 5m in height, with a flat roof:

② DT Block - South  
1:50



③ DT Block - North  
1:50

The existing school population comprises 1,133 pupils (1,015 primary/secondary and 118 sixth form) and there is capacity for up to 1,361 pupils. The existing staff numbers total 109; of which 91 are connected with the secondary component (74 of those are teachers).

The proposals would give capacity for 1,660 pupils, of which 250 would be sixth form. The staff numbers are proposed to remain the same as currently exists. The proposals for expansion and refurbishment are solely for the comprehensive element of the school.

## PLANNING HISTORY

1999/00564/REG3, Address: Adjacent ATP playing fields, adjacent Barry Comprehensive School and Colcot Sport Centre, Proposal: Four court sports hall with ancillary changing and storage facilities, Decision: Approved

1999/00773/REG3, Address: Barry Comprehensive School, Port Road West, Barry, Proposal: Demolition of 2 no. pavilions, formation of new access, erection of new three storey teaching block, kitchen/dining hall and creation of temporary contractors access, Decision: Approved

2000/00541/REG3, Address: Ysgol Gyfun Bro Morgannwg, Colcot Road, Barry, Proposal: Revised entrance and provision of temporary girls changing rooms and toilets (Minute No. 878, 5th January, 2000), Decision: Approved

2001/01137/FUL, Address: Barry Comprehensive School, Port Road West, Barry, Proposal: Extension to existing gymnasium to accommodate fitness training equipment, Decision: Approved

2002/00105/REG3, Address: Ysgol Gyfun Bro Morgannwg, Colcot Road, Barry, Proposal: Refurbishment of 5 No. Classrooms and toilets, and the construction of 4 no. new classrooms and circulation areas (Policy Committee Date 31st January, 2002, Minute No. 1437), Decision: Approved

2002/00248/REG3, Address: Ysgol Gyfun Bro Morgannwg, Colcot Road, Barry, Proposal: Construction of a new car park (additional) including drop-off point and coach drop-off area (Policy Committee resolution on 31st January, 2002), Decision: Approved

2002/00721/REG3, Address: Ysgol Gyfun Bro Morgannwg, Colcot Road, Barry, Proposal: Construction of a new extension containing 12 classrooms and 7 science rooms and toilets and link atrium, Decision: Approved

2003/00506/REG3, Address: Ysgol Gyfun Bro Morgannwg, Colcot Road, Barry, Proposal: Construction/development of a three storey teaching block comprising eight classrooms, one sports practical area, one resources area, changing room, toilets (male and female), stores linked to the existing school building with link corridors at all t, Decision: Approved

2004/00111/REG3, Address: Ysgol Gyfun Bro Morgannwg, Colcot Road, Barry, Proposal: Single storey extension consisting of enlarged staffroom, offices, first aid room and corridor to existing Administrative area inside a courtyard. The proposal also includes three store rooms for the Gym, Sports Barn and Outdoor Activities, second acc, Decision: Approved

2004/01511/REG3, Address: Ysgol Gyfun Bro Morgannwg, Colcot Road, Barry, Proposal: Single storey extension of existing gymnasium (following demolition of roof and external wall to the east of the gymnasium), provision of single storey dining annex connected to existing kitchen and dining hall via existing corridor, Decision: Approved

2007/00448/FUL, Address: Ysgol Gyfun Bro Morgannwg, Colcot Road, Barry, Proposal: Extension to the drama block, Decision: Approved

2008/00530/FUL, Address: Ysgol Bro Morgannwg, Colcot Road, Barry, Proposal: Extension to the boys changing room, Decision: Approved

2010/01206/RG3, Address: Ysgol Gyfun Bro Morgannwg Site, Colcot Road, Barry, Proposal: New Welsh medium school, Decision: Approved

2011/00577/RG3, Address: Ysgol Gyfun Bro Morgannwg, Colcot Road, Barry, Proposal: Amendment to planning consent granted 4 March, 2011 - new school and rugby pitch, Decision: Approved

2013/00672/RG3, Address: Ysgol Gymraeg Nant Talwg, Colcot Road, Barry, Proposal: Removal of existing demountable classroom units and creation of new primary school building with associated playground, parking, landscaping and lighting., Decision: Approved

2014/01473/FUL, Address: Ysgol Gymraeg Nant Talwg, Heol Colcot, Barry, Proposal: Proposal to include overspill car park to existing site, Decision: Approved

2018/00614/RG3, Address: Barry Comprehensive School, Port Road West, Barry, Proposal: External temporary changing room, Decision: Approved

## CONSULTATIONS

**Barry Town Council-** No objection, while the following further comment is made:

*Council supports the proposed development subject to the following matters; 1. The Vale of Glamorgan Planning Department are satisfied with (1) the proposed external materials and finishes to the new buildings are (2) the proposed landscaping scheme. 2. The Highways Department are satisfied with the internal arrangements for the new drop off with space to accommodate 11 coaches, with 3 no. parking spaces for mini buses. 3. The Vale of Glamorgan Highways department undertake a traffic management plan for the proposed development to assess the implications for access/egress to the site and to ensure highway safety on the roads surrounding the site . 4. The proposed surface water drainage scheme be thoroughly examined and vetted by the Vale of Glamorgan Council under the new Sustainable Urban Drainage Approval Body (SAB) regulations January 2019, as dictated by Schedule 3 of the Flood and Water management Act 2010.*

**Highway Development-** Comments have been received in respect of parking, traffic generation, highway safety and pedestrian/cycling access. A series of requests have been made in respect of the above, and those are considered below in the Issues section of the report.

**Sport Wales-** Sport Wales is satisfied that the proposal will improve the site's sporting capacity particularly with the new floodlit 3G pitch allowing greater intensity of use including new community use during the evenings and weekends.

On that basis Sport Wales has no objection. However, concern is raised regarding playing field provision.

**Highways and Engineering-** Advice has been provided in respect of the Suds Approval Body (SAB) process. No objection is raised.

**Shared Regulatory Services (Pollution)-** No representations received.

**Dwr Cymru Welsh Water-** no objection subject to a condition requiring the approved drainage layout to be completed prior to occupation of the development.

**Ecology Officer-** No objection subject to a condition to require an Ecological Design Strategy.

**Local ward members: Councillor Janice Charles** has raised concerns in respect of drainage.

**Natural Resources Wales-** No objection and NRW have stated that the development (with the mitigation proposed) would not unacceptably impact upon bats.

## REPRESENTATIONS

The neighbouring properties were consulted and the development has been advertised on site and in the press. Objections and representations have been received from 6 neighbouring properties, and the grounds are summarised as follows:

- Inappropriate footpath link to Greenbanks Drive.
- Adverse impact on traffic and congestion on port Road and Colcot Road.
- Noise pollution, particularly in respect of the outdoor pitches.
- Light pollution.
- There is no synergy between this proposal and that at the adjacent Whitmore High School site.
- The development would be cramped and there would be no scope for future expansion.

A number of other points were queried, particularly with reference to the costs of the scheme, the rationale for the sports provision, tree removal and construction timescales.

An example letter of representation is attached as **Appendix A**

## 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

**Managing Growth Policies:**

POLICY MG6 – Provision of Educational Facilities

POLICY MG7 – Provision of Community Facilities

POLICY MG16 – Transport Proposals

**Managing Development Policies:**

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

POLICY MD7 - Environmental Protection

POLICY MD9 - Promoting Biodiversity

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 10, 2018) (PPW) is of relevance to the determination of this application.

**Technical Advice Notes:**

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

- Technical Advice Note 11 – Noise (1997)
- 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). The following SPG are of relevance:

- Biodiversity and Development
- Parking Standards
- Sustainable Development - A Developer's Guide
- Travel Plan
- Trees, Woodlands, Hedgerows and Development

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

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

### **Well-being of Future Generations (Wales) Act 2015**

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

### Issues

The main issues involved in the assessment of the application are:

- Scale, design and visual impact
- Impact on residential amenity
- Highways issues
- Sports pitch/open space provision
- Drainage

### Scale, design and visual impact

The proposed extensions would increase the overall scope and extent of buildings within the site, but each is closely related to the existing complex in terms of scale and form. The extensions would be most highly visible from Greenbanks Drive and they are also likely to be visible from parts of Port Road, however, they would be viewed directly in the context of the existing group of buildings and they would not be visually intrusive from these locations. The extensions would be largely screened from view from the residential areas to the east, north and west of the site (other than from the rear gardens of dwellings).

Notwithstanding the above, the extensions are considered to be of a size and massing that are in keeping with the existing school complex, such that they would not appear over scaled in this context. The new entrance and circulation block would be more contemporary in appearance, while the sports, IT and DT blocks would be more conventional/utilitarian in form and appearance. The existing complex already comprises a relatively eclectic group of buildings and it is considered that the proposed designs (which each relate in appearance and character to one or more elements of the existing school) are compatible with the existing buildings and would not appear visually incongruous.

The new arrangement of pitches (and the associated enclosures and lights) would be visible from Greenbanks Drive and Port Road, however, these would not have a significant visual impact within the wider context.

The development is, therefore, considered acceptable in respect of the scale, form, design and visual impact of the respective sections.

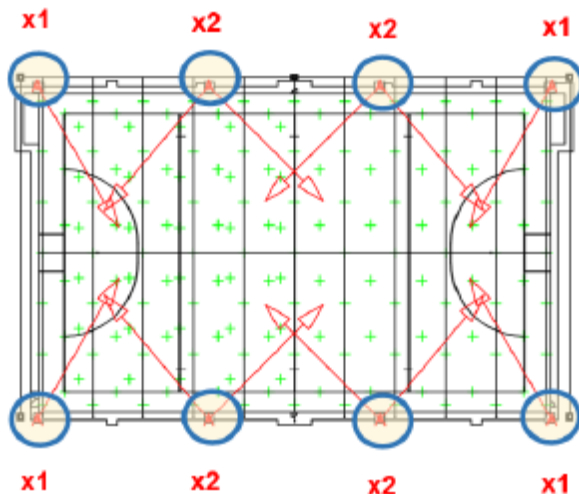
### Trees and landscaping

There would be some trees removed around the perimeter of the site closest to Elan Close, however, these are not protected and the plans indicate new tree 'whip' planting in place of those that would be removed. Condition 4 requires full detail of the landscaping scheme to be approved. It is considered that the removal of those trees (which does not require consent) and their replacement with new planting would not unacceptably impact upon either visual amenity or residential amenity.

### Impact on neighbours

The proposed extensions to the existing buildings would all be sited well away from the boundaries with residential properties around the site and consequently it is considered that they would not be overbearing or unneighbourly, and there would be no unacceptable impacts in respect of overshadowing. The extensions would be at least 50m away from neighbouring boundaries and consequently, there would be no unacceptable impacts in respect of privacy. There would be no significant change in levels that would affect amenity or privacy.

The proposals include a new 3G sports pitch in the northern part of the site. This would be lit and the applicant is seeking approval for its use up 10pm (i.e. school and community use outside of normal school hours). The application is accompanied by a lighting strategy, which shows that there would be four no. 15m high lighting columns on both sides of the pitch:



The lit pitch would be approximately 70m away from the gardens of properties on Brenig Close and between 25m and 30m from the gardens of properties on Elan Close. The applicant is proposing to light the pitch to 200 lux and given the distance to the nearest neighbouring properties, it is considered that there would not be an unacceptable level of light spill. For completeness, condition 9 requires further details of the lighting units (including details of the mechanisms to

minimise light spill) to be submitted and approved prior to their erection. Subject to this, it is considered that residential amenity would not be unacceptably affected by light pollution.

The application proposes use of the pitch (and lights) up to 10pm, to enable the pitch to function as a comprehensive community facility, in addition to a school facility. The pitch would not be immediately adjacent to neighbouring properties and the parking and access arrangements would also not rely on the nearest residential streets. It is likely that parking or drop off demand for the pitch would be met by either the coach drop off area or car park (at the proposed Whitmore High School) that are accessed from Port Road, or the school car park that is accessed from Colcot Road.

Whilst each case is treated on its merits, members will note the recent case at Stanwell School that was reported to Planning Committee (2019/00368/FUL). While the pitch at that school is subject to more restrictive hours than those proposed in this case, the access arrangements (and their relationship to residential properties) are different in that case and there was concern with regard to potential noise and disturbance associated with comings and goings at later hours. In this case, it is considered that hours of 0800-2200 on weekdays and 0900-1700 on weekends would not unreasonably impact upon residential amenity.

The MUGA in the southern part of the site would not be lit and the application states that it would be operational during school hours only. This part of the development would be within approximately 20m of residential property boundaries at Elan Close and it is considered that use of these pitches/courts during school hours would not unreasonably impact upon residential amenity. While it is noted that the MUGA would formalise the use of this area, it is already part of the operational school area and use of it for outdoor activities is unrestricted. Similarly, the area closest to the properties on Brenig Close (indicated on the plan above as accommodating a grass pitch) is within the school's operational area and use of it does not require consent.

### Highways issues

#### Description of existing and proposed arrangements

The application is accompanied by a transport assessment (TA) and travel plan, which assesses existing and proposed travel/transport arrangements and considers how the proposed development will impact upon the highway network.

The application proposes changes to the travel and transportation arrangements linked to the school. At present, all on site vehicular activity associated with the school occurs via the access point from Colcot Road (noting there are likely to be vehicular drop offs elsewhere within the surrounding highway network).

The existing car park comprises 88 spaces, and there is a separate car park located near the school reception which has capacity to accommodate 16 parking spaces (plus 2 parking spaces designated for disabled users and spaces for visitors). Another parking area, adjacent and separate to this provides parking for school minibuses. In addition to these, there is an unmade overflow car park

located to the south of the main parking area that provides an additional informal 36 spaces. In terms of cycle parking there is an existing provision of 10 Sheffield cycle parking stands providing spaces to park 20 bicycles.

The existing school population comprises 1,133 pupils (1,015 primary/secondary and 118 sixth form) and there is capacity for up to 1,361 pupils. The existing staff numbers total 109; of which 91 are connected with the secondary component (74 of those are teachers).

The proposals would give capacity for 1,660 pupils, of which 250 would be sixth form. The staff numbers are proposed to remain the same as currently exists. The proposals for expansion and refurbishment are solely for the comprehensive element of the school.

As context, there is a separate planning application currently before the Council for a new high school (Whitmore High) at the adjacent site, in place of the existing Barry Comprehensive School (application 2019/00435/RG3).

The proposed development involves creating a new bus drop off/pick up zone at the northern end of the site, which would be accessed from Port Road via a shared entrance with Whitmore High. See plan below:



The further plan below shows the existing layout of the site that is the subject of application 2019/00435/RG3, and that shows the link from the proposed bus drop off zone to the highway:



The school bus service provision is currently a mix of nine coaches and five minibuses, with a number of the buses running with spare capacity. The proposals would result in eleven coaches and three minibuses, thereby increasing the capacity of school bus places to allow for the proposed increase in pupils.

The school currently has a main car park for secondary staff, which is also used by sixth form students. This car park currently has 88 car parking spaces, seven motorcycle spaces and a drop off area used by school buses. This drop off area would remain in place, whereby one lane would facilitate parking for the three minibuses and the second lane and the adjacent layby would be used for parent pick up/drop off. The school has additional parking for visitors and disabled users at a car park located near the existing school entrance with capacity for 16 vehicles. In addition to these, there is an unmade overflow car park to the south of the existing main car park, this provides informal parking for 36 cars in unmarked bays. Therefore, the current car parking capacity at the comprehensive school equates to 140 parking spaces.

The proposals for car parking at the secondary school are as follows:

- Retain the 88 spaces in the existing general car park;
- Remove of the visitor and disabled parking at the existing entrance, to allow the expansion of the school building; and
- Formalise the unmade over flow car parking area, providing 34 parking spaces.

This would result in 122 spaces, 18 less than at present.

### Parking

The Council's parking guidelines require 1 space per each member of teaching staff, 1 space per 2 ancillary staff, 1 space per 20 students of age 17 (or above)

and 3 visitor spaces. This would equate to 108 spaces based on the pupil and staff numbers and consequently, while the overall level of parking would decrease, the 122 spaces are considered to be sufficient to meet the needs of the school as extended.

The coach and mini bus parking in the northern part of the school would accommodate 11 coaches and 3 mini buses, and this reflects the larger capacity of the proposed school (compared to an existing service of nine coaches and 5 mini buses). This provision is also considered acceptable and commensurate to need.

In summary, it is considered that the proposed parking capacity is appropriate and satisfies the requirements of the Council's Supplementary Planning Guidance.

### Traffic impacts

The proposed development would accommodate an increase in capacity of 299 pupils. The development at Whitmore High School would (if approved and implemented) result in a reduction of 323 pupils, meaning that there would be no overall increase in pupil capacity across the two schools. While travel patterns may vary across the two schools it is also unlikely that the two developments would together result in additional traffic across the wider highway network. However, in the interests of robustness the application must be considered alone, given that application 2019/00435/RG3 has not been approved and given that the two schools are accessed (other than proposed bus provision) from different roads. i.e. there are potentially different traffic implications for different parts of the highway network.

The TA concludes that the proposed development would result in an increase in traffic flows at the Colcot Road junction of approximately 12% during the peak AM and PM hours (considering the likely change between existing and proposed pupil numbers). However, the variation in traffic flows at this junction when considering total existing capacity and proposed capacity is approximately 5%, which the applicant considers is within the scope of 'daily variation'. i.e. not a significant change to traffic patterns. The impact would be further reduced (to approximately a 4% increase) by the re-location of coach/mini-bus movements to Port Road.

The Highways Engineer initially requested further modelling of the junction, and no further comments have been received since the applicant's clarification (as summarised above) on the potential traffic % impacts at this junction. Consequently, it is for the Local Planning Authority and Members to consider the magnitude of these impacts and to weigh them against the education benefits. In this case, it is likely that the additional pupil numbers will result in additional waiting time along Colcot Road during the peak hours. However, while it is acknowledged that the school is not currently at full capacity, it is considered reasonable to have regard to that capacity when assessing the magnitude of impact that would be caused by this development. It is considered that a 4% increase in flows is not significant in its own right and while that would potentially result in some extra queuing time along Colcot Road as a consequence, it is considered that the additional time would not be significant.



Weighed against that is the benefits in terms of education provision. The Local Education Authority is required to provide educational facilities to meet the demand in the area, and this application (along with application 2019/00435/RG3) demonstrates an evolving change in demand towards Welsh secondary education in this area. Consequently the LEA is required to increase capacity at this site and, while it is acknowledged that there are likely traffic impacts, it is considered that there are not reasonable and practicable alternative means to provide this capacity. There is not scope to undertake significant highway works that would locally resolve existing queuing issues and consequently the merit of the application must be considered on the basis of the likely impacts described above.

The proposed bus/coach arrangements would result in extra vehicle movements on Port Road, however, it is considered that these would not be significant in the context of the overall levels of traffic already using that road, and would not result in undue congestion in their own right.

In summary, it is considered in this case that the adverse traffic impacts are outweighed by the need to provide the appropriate and fundamentally necessary improvements to capacity and education provision at the school and, therefore, it is considered that the application should not be refused on this basis.

#### Highway safety

While traffic flows would be increasing at the Colcot Road signalised junction, this is an existing junction which is considered to operate safely. It is considered that the additional traffic would not render it unsafe and the additional vehicle movements that would be a consequence of the development would benefit from adequate visibility along the carriageway. The coaches and mini buses using the new drop off/pick up zone on Port Road would utilise the existing entrance and exit from and onto Port Road, and these are also considered to be safe junctions that enable users to see appropriately along the highway. It is considered that the increased use of these junctions would also not adversely impact upon highway safety.

#### Pedestrian and cycle access/facilities

There are comprehensive pedestrian and cycling links to the school that would serve the needs of the increased pupil capacity. Footways along Colcot Road have sufficient capacity to deal with the increased capacity and there are further links from Port Road along the footpath/cycleway that starts opposite Highlight Lane and through the education site itself (adjacent to the new bus drop off/pick up zone).

The Highways Engineer has requested upgraded facilities within the site, particularly to link the main access from Colcot Road to the cycle shelter area. There is not space to provide this within the confines of the site, however, it is considered that vehicle speeds and flows within the internal school road will be low and it is considered that the absence of a comprehensive cycle way link to the cycle shelter area would not render cycle use unsafe or be likely to discourage cycle trips to the school. The Council's standards would require provision for 72 bicycles to be stored (on stands/in shelters), however, only 36 are proposed (in



light of current local take up). It is considered that there should be additional cycle provision made available within the site, to encourage greater cycle use, which in itself would reduce traffic pressures around the site. The submitted TA suggests that further cycle provision could potentially be provided as part of on-going Travel Plan measures, however, it is considered to be necessary now and this is the subject of condition 6.

The Highways Engineer has requested off site works to provide a pedestrian crossing at the signalised junction adjacent to Stirling Road, however, there are already a number of pedestrian crossing points along Port Road, and it is considered that the additional need for pedestrian crossing facilities as a consequence of the development (specifically to deal with pupils walking from Stirling Road) is very limited. It is, therefore, considered that works to provide an additional pedestrian crossing as a consequence of the development would not be justified. The application proposes the removal of the footway on the northern side of the site access road, given that this terminates at the mouth of the site access road, where there are not crossing facilities for pedestrians. The removal of this footway would encourage pupils to use the footway on the southern side, which leads to the more formal crossing point adjacent to Colcot Road.

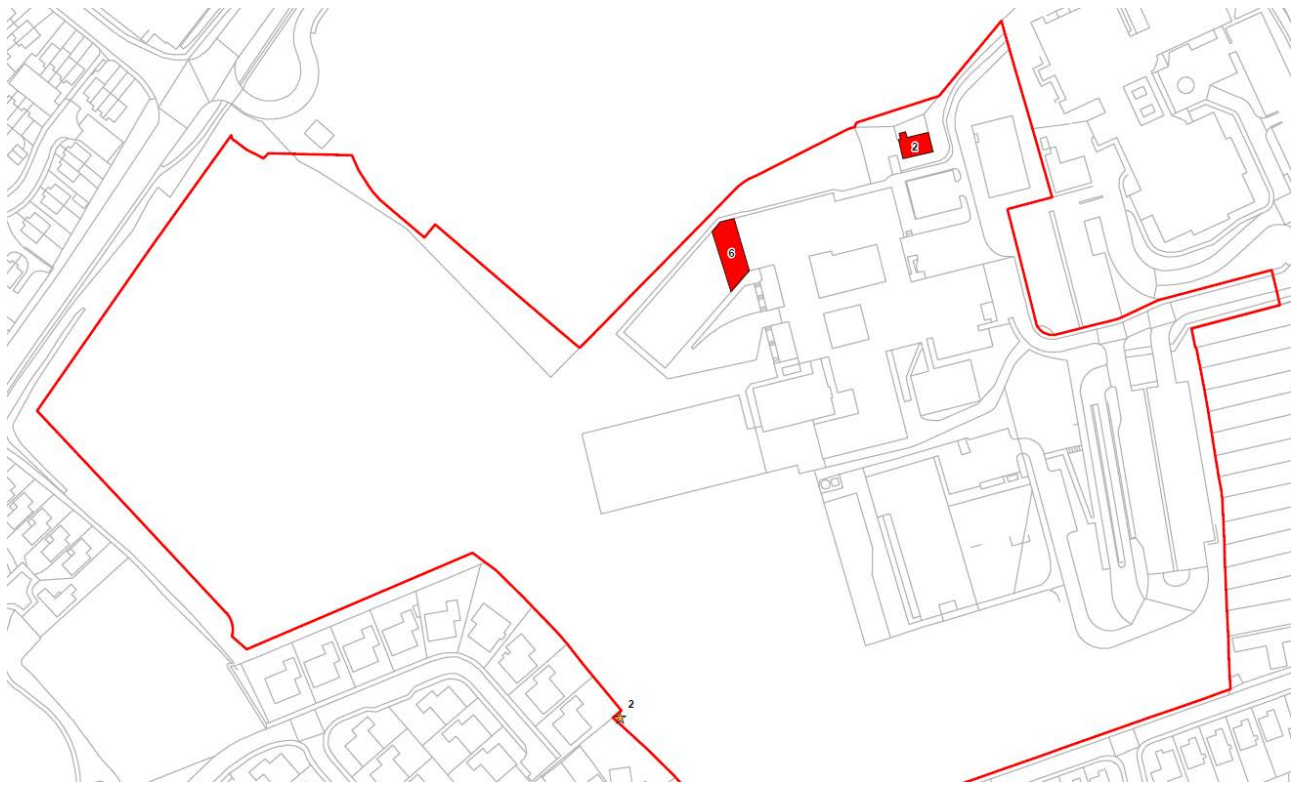
Representations make reference to a footpath link to Greenbanks Drive, and this was incorrectly contained within the TA. This link was omitted from the scheme following concerns being raised by local residents during the statutory Pre-Application Consultation process.

#### Summary of Highways issues

Having regard to the above, it is considered that the proposed development would be served by safe access points for vehicles, pedestrians and cyclists, and sufficient parking. While existing congestion along Colcot Road is likely to be affected to a degree, it is considered that the impacts would not be so significant that they would warrant the refusal of an application which has significant education benefits.

#### Ecology

The application is accompanied by a Bat Activity Survey Report and a Bat Roost Survey Report. Building 2 (the right hand building in red on the plan below) has been confirmed as a non-maternity, summer roost for at least one common pipistrelle bat. No refurbishment is proposed to Building 2 and, therefore, there will be no direct impact to roosting bats within Building 2 as a consequence of the proposed development.



Building 6 (the left hand red building on the plan above) was confirmed as a non-maternity, summer roost for at least one lone roosting common pipistrelle bat. The report states that the bat is likely to have emerged from a feature either on the north-east corner of Building 6, from the soffit box along the eastern face of Building 6 or where the lower roof of Building 5 joins Building 6.

The exact emergence location point could not be identified due to the height of the building and angle of the roofline, however, the application states that there will not be any external roofing works or works to soffits on Building 6. Consequently, the roost will be retained, however, if works are completed between April and Mid October, when bats are active, there is the potential for roosting bats to be disturbed or injured by the proposed refurbishment works which include the construction of a mezzanine in building 6.

The application proposes an alternate roost location away from the temporary disturbance in order to mitigate against these impacts. One bat roost box is proposed in a tree in the broadleaved plantation woodland strip, north of Building 6, situated away from light spill, with clear flight paths towards corridors and foraging areas known to be used by bats.

As a competent authority under the Conservation of Habitats and Species Regulations 2010 ('habitat regulations'), the Local Planning Authority 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). The three tests are:

- 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.
- Test ii) There is no satisfactory alternative.
- 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.

If the tests cannot be satisfied, then refusal of planning permission may be justified. A proportional approach can adapt the application of the tests, i.e. the severity of any of the tests will increase with the severity of the impact of derogation on a species / population.

In terms of Test 1, it is considered that the proposed development is in the public interest, due to the contribution it would make towards meeting local education need.

In terms of Test 2, there is considered to be no satisfactory alternative, given that the element of the proposal which may affect the bat would make the most efficient use of the existing educational building (as opposed to constructing a wholly new building to meet the same purpose)

In terms of Test 3, NRW have advised that having regard to the proposed mitigation measures, the development would not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

The application is also accompanied by a reptile survey, at the request of the Council's Ecologist. The reptile survey found a single slow worm and concludes that it is very likely a larger population is present on site. The slow-worm was found at the south-east boundary of the site, with residential gardens being in close proximity. This makes it likely that there is a continuous interchange/movement between the site and the surrounding properties.

The report states that prior to any development works occurring, an Ecological Method Statement (EMS) must be provided, to set out the various processes for protecting against harm to slow worms during the course of works, including a timetable for works. The Council's Ecologist has considered the survey and raises no objection, subject to a condition to require an Ecological Design Strategy to be submitted and approved, to include a method statement for conserving reptiles during and after construction, details of ecological enhancements, provision of dark, vegetated flight lines and gaps under fences.

On this basis, there is no ecological objection to the development and it is considered that the proposal satisfied the requirements of Policy MD9 of the LDP.

### Open space and outdoor sports provision

The development, which involves a new sports hall, new and larger games court and a floodlit 3G pitch will improve the site's sporting capacity, particularly with the new floodlit 3G pitch allowing greater intensity of use (and community use). Sport Wales have received no objection on this basis.

While Sport Wales have raised concerns in respect of playing field provision, it is considered that overall sport/play space would be improved as a consequence of the development. It is noted that part of that provision would be on the 3G pitch and hard surfaced MUGA, however, this would still enable comprehensive outdoor use for pupils. The LEA have confirmed that alternative playing field provision can also be made available at other local schools, should the need arise.

### Drainage

The site currently drains to a surface water outfall in the south west corner of the site and there is a further surface water at the eastern part of the site, to drain the car park and access road. Foul water is drained to a pumping station on the southern boundary with the primary school.

The submissions outline the proposed drainage principles and there is a preliminary drainage plan. The scheme proposes that all surface water runoff from previously undeveloped areas would be limited to greenfield runoff rates. Surface water drainage catchments have been identified at the bus drop off/pick up loop, the 3G sports pitch, the car park extension, the Multi Use Games Area, the DT unit are external dining area and from the other extensions (excluding the DT unit). New foul drainage sewers and a new pumping station are proposed to deal with increased foul sewerage demand.

The drainage proposals are to be subject to the Suds Approval Body (SAB) regulations and the Council's Drainage Engineer has noted this in the consultation response, however, no concerns are raised in principle with the drainage proposals. Dwr Cymru Welsh Water have similarly offered no objection in principle to the proposals and have requested a condition which requires the approved drainage scheme to be implemented prior to occupation of the development (and that thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system).

Part of the site is located in a Development Advice Map Zone B (known to have flooded in the past and Natural Resources Wales (NRW) maps indicate that there is a low - medium risk of surface water flooding to the site. Notwithstanding that, subject to the design of an appropriate surface water drainage scheme, there is no objection to the proposed development in respect of flood risk outside of the site and NRW have raised no objection to the development.

Subject to a condition to require the detailed scheme to be approved and subject to the approval of the development by the SAB, it is considered that the proposed development is acceptable in respect of drainage.

## Other points of representation

While the representations in respect of synergies with the adjacent school site have been considered, ultimately the application must be treated on its own merit. The two proposals would make use of shared access facilities onto and from Port Road, and while there are no other significant synergies, this is principally a matter for the Local Education Authority (LEA) and does not render this proposal unacceptable. The queries in relation to costs are also matters for the LEA and are not considered to be matters which affect the planning merits of the application. Should there be a requirement for future expansion, that would have to be considered on its merits, or the LEA would need to consider the merits of alternative sites, if any such expansion could not be appropriately accommodated here. There are no protected trees at the site and the construction period is not likely to be significant, due to LEA requirements to deliver the development to meet imminent need.

## RECOMMENDATION

Deemed planning consent be GRANTED 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:

200 P4, 201 P4, 202 P4, 203 P4, 251 P5, 252 P5, 253 P6, 254 P6, 256 P5, 257 P2, 258 P2, 900 P17, 925 P2, 928 P2, 940 P1 and 630-3001 Rev T00.

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

Reason:

To safeguard local visual amenities, as required by Policy MD2 (Design of New Development) of the Local Development Plan.

4. Notwithstanding the submitted plans, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority, prior to the occupation of any element of the development hereby approved. 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) and MD2 (Design of New Developments of the Local Development Plan).

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 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) and MD2 (Design of New Developments) of the Local Development Plan.

6. Notwithstanding the submitted plans, the development shall not be brought into beneficial use until facilities for the secure storage of cycles have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and they shall be retained in perpetuity.

Reason:

To ensure that satisfactory parking for cycles is provided on site to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

7. No part of the development hereby approved shall be brought into beneficial use (and no hard surfaces shall be laid- including the MUGA and 3G sports pitch) until a 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 first 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 MD2 of the Local Development Plan.

8. The 3G pitch shall only be open for use between the following hours:

08:00 until 22:00 on Mondays to Fridays

09:00 until 17:00 on Saturdays and Sundays

and the associated flood lights shall also only be operational within those hours.

Reason:

In the interests of residential amenity and to ensure compliance with Policies MD2 and MD7 of the LDP.

9. Prior to their first operational use, further details of the floodlights and measures to minimise light spill shall be submitted to and approved in writing by the Local Planning Authority. The lights shall thereafter only be operated in accordance with the approved details.

Reason:

In the interests of residential amenity and to ensure compliance with Policies MD2 and MD7 of the LDP.

10. Prior to the laying of any new hard surfaces (including the 3G pitch) an Ecological Design Strategy to conserve and enhance biodiversity must be submitted to the Local Planning Authority and approved in writing. The scheme shall include, but not exclusively limited to:

Method Statement for conserving reptiles during and after construction  
Ecological enhancements  
(Bat) provision of dark, vegetated flight lines,  
Gaps under fences.

The development shall thereafter be carried out in accordance with the strategy and any measures/recommendation in the strategy shall be implemented and retained at all times.

Reason:

In the interests of biodiversity and to ensure compliance with Policy MD9 of the LDP.

11. The development shall be carried out at all times in accordance with the Aecom Travel plan: March 2019.

Reason:

In the interests of sustainable travel and to ensure compliance with Policies MD2 and MD5 of the LDP.

12. Prior to the first beneficial use of the development hereby approved, the new parking and drop off areas shall be constructed and laid out in full, and they shall be retained at all times thereafter to serve the school.

Reason:

In the interests of highway safety and to ensure compliance with Policies SP1, MS2 and MD5 of the LDP.

### 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, MG6 – Provision of Educational Facilities, MG7 – Provision of Community Facilities, MG16 – Transport Proposals, MD2 - Design of New Development, MD5 - Development within Settlement Boundaries, MD7 - Environmental Protection and MD9 - Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Planning Policy Wales (Edition 10, 2018) (PPW), Technical Advice Notes 11, 12, 16 and 18 and the Council's Supplementary Planning Guidance on Biodiversity and Development, Parking Standards, Sustainable Development - A Developer's Guide, Travel Plans and Trees, Woodlands, Hedgerows and Development, the proposed development is considered acceptable in terms of design, impact on residential amenity, highway safety, traffic, parking, drainage, play/sport space 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:**

**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).**

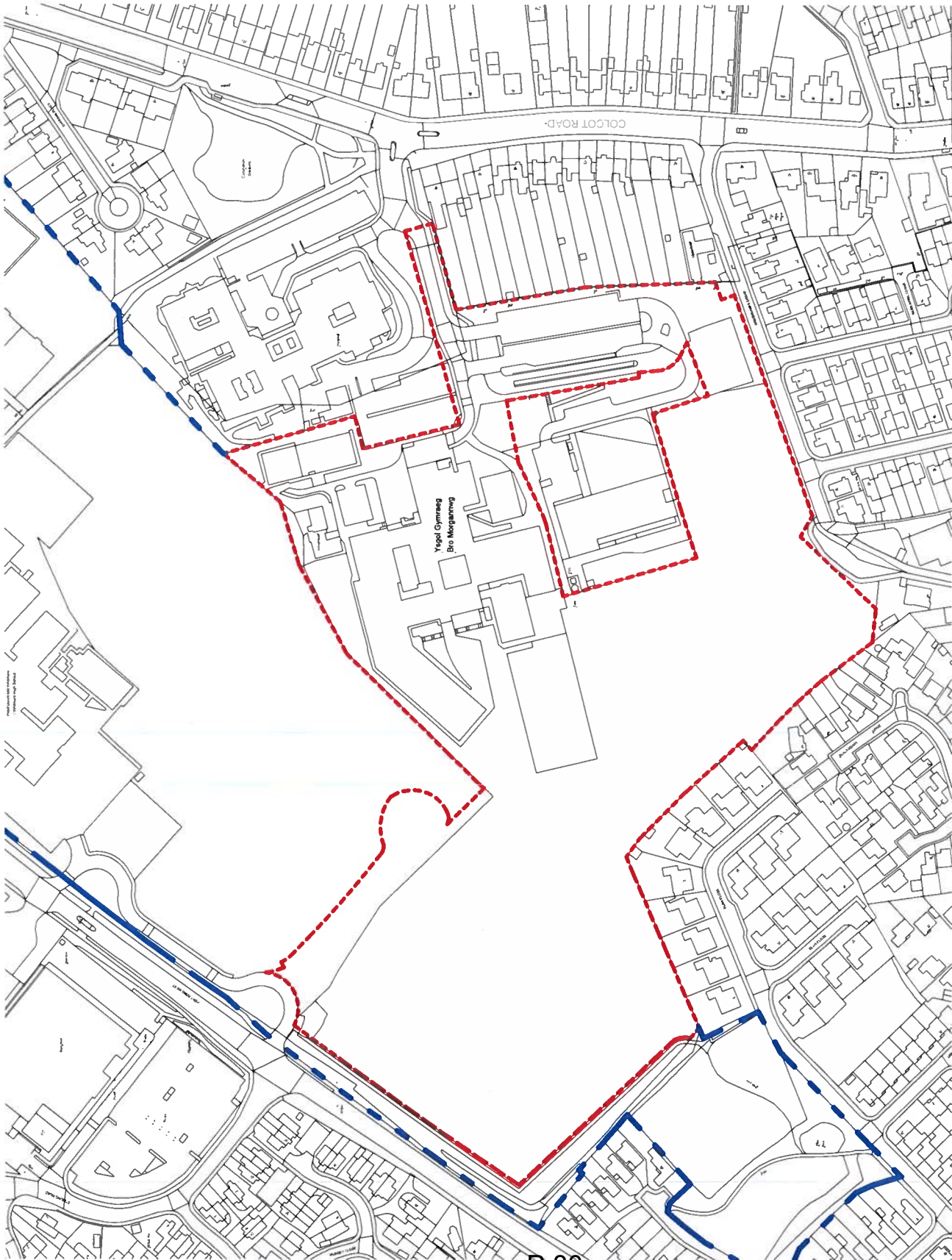
**The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised 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.**



2019/00280/RQ3

Application Site  
Ownership Boundary



**Austin-Smith:Lord**

Project Ysgol Bro Morgannwg  
Description Site Location Plan

Job No. 318052  
Drawing No. YBM-ASL-00-XX-DR-A-0900  
Revision P3

Austin-Smith:Lord LLP  
Architects Designers Planners  
and Landscape Architects  
One Parkway Drive  
Cardiff  
CF11 9SN  
t +44 (0)2920 225 208  
e cardiff@austinsmithlord.com

JJ  
JAN 2019  
1 : 2000  
S0

Drawn  
Date  
Scale @ A3  
Status

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Rev	Description	Drawn	Checked	Date Issued
P1	DRAWN	JW	JW	23/01/19
P2	REVISED	JJ	JW	11/02/19
P3	REVISED	JJ	JW	11/02/19

Mr I Robinson  
VGC Development Management  
Dock Office, Barry  
CF63 4RT

APPENDIX "A"

06.04.2019

Planning Reference: 2019/00280/RG3

Dear Mr Robinson

Having spoken with a number of my neighbours domicile in Elan Close and in regards to this Planning Application we find ourselves once again with major School development proposals affecting our well-being and environment.

Our experience regarding recent VGC local school developments has overall been negative and proved detrimental to our Close with increased traffic, noise, litter and poor student behaviours doing nothing to endear these schools to our community. Prior school developments resulted in months of additional traffic, noise and pollution from construction/site levelling operations, i.e. New Buildings, New Car Parks, Grading, Rugby fields Re-location and a New Nursery Provision - which was subsequently demolished within 2 years and another much larger New Nursery Provision constructed.

Notwithstanding the huge funds expended on these works with little demonstrable benefit, irresponsible waste of public funds, i.e. Rugby Felds relocation project which cost hundreds of thousands of pounds and yet is hardly used, as are any of the annexed previously public green spaces which were apparently gifted to Bro Morgannwg as their upper sports fields!

None of the above works aside from the original Nursery School Proposals were afforded adequate prior Public Consultation opportunities!

In regards to the referenced Bro Morgannwg Planning Application, we have the following Questions, Comments, Concerns and Objections:

1. Why is VGC considering such a congested Bro Morgannwg planning application, reference General Arrangement 318052-ASL-00-ZZ-DR-L-0900, which is made worse when considered alongside the proposed New Whitmore High School General Arrangement 26W006-ATK-0-XX-DR-L-X-9106. There appears to be no synergy, shared benefits or resources with either of these schemes. Both proposed new developments are cramped and located on the busiest parts of Port Road. Neither provide any scope for any future expansion or development, whereas there is ample space available for future development on the existing Pencoedtre High School Site?
2. Please advise the projected costs of the Eight Elements of the proposed School Re-Development?
3. Please advise the proposed construction timescales for each of the eight Elements of the proposed School Re-Development, together with the Project Critical Path timelines?
4. We note some works have already been carried out prior to Planning Consent:-
  - a. Removal of trees and shrubs around the proposed Port Road drop-off Area.
  - b. Also received a Demolition Works Notice related to this application dated 14.03.19.
5. How does VGC plan to address increased traffic congestion resulting from these proposals, i.e. increased Pupils/Teachers/Parking also new Port Road schools drop-off facilities for both schools located directly across from the Barry Emergency Services Station and Tesco Superstore?

- a. Proposed new Bro Morgannwg drop point merged with the Whitmore HS drop point.
  - b. Planning associated traffic/travel report concludes Port Road is already at saturation point
6. We note there is no mention of the proposed Colour/Materials Scheme associated with these proposals and one would hope that these new structures will blend in naturally with their surroundings - unlike the recent Welsh Nursery provision which was painted Dark Blue, an eyesore which stands out like a carbuncle on an otherwise harmonious landscape.
7. What is rationale and the costs associated with increasing the existing sports related provision? As mentioned previously, the upper fields and lower Rugby fields are very rarely used, so why are VGC planning to construct even more?  
There is considerable spare local multipurpose sports capacity provision, i.e. Colcot Sports Fields (including Floodlighting); Buttrills Sports Fields with numerous sports pitches.  
Also the new Whitmore High School development includes 3 large Multi-Sports pitches, Running Track and 3 MUGA areas.
8. As a general concern to residents and a specific objection in relation to Point 7, is the proposal for MUGA pitches to be located directly adjacent to our properties. We already suffer noise during daytime with playtimes 45 dba and during single sports episodes excess 60 dba, throughout the day and occasional weekends. Most Elan Close residents are retired and would be very unhappy to accept further increases in Sports facilities and particularly floodlit usage in the evenings and at weekends when there is already more than adequate Local provision available.
9. In relation to Points 7 & 8 above and as a constructive suggestion. If the VGC after due deliberation really wants to install additional New MUGA Pitches wouldn't it be far more sensible to locate these in the unused Top field away from our residences and close to car parking. An added benefit to residents and students alike would be to provide Lighting on the Public Footpath (relocated Public Right of Way) to and from Cwmtalwg to Port Road. This path is a rat run, unsafe and dangerous in the dark and power could be easily be fed to peripheral LED Automatic Lighting from the MUGA floodlight assemblies.

There some other concerns but these are the main issues that we would ask the VGC to consider during their planning deliberations.

Should you have any questions or queries, my contact details are given below.

Kind regards

Brian Hortop  
9 Elan Close Barry CF62 7LJ

Home:

Mobile:

Email:

**APPLICANT:** Mr Chris Jones Flat 5, Kinsheron Place, 2, Pemberton Road, East Molesey, KT8 9LH

**AGENT:** Mr Chris Jones Flat 5, Kinsheron Place, 2, Pemberton Road, East Molesey, KT8 9LH

**15, Romilly Road, Barry**

Change of Use from C3 to C4 House of Multiple Occupation totalling 6 people

**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 Councillors Hodges and Charles for the following reasons:

- Overdevelopment
- Un-neighbourly use
- Concerns over construction works

Councillor Hodges has declared an interest as he lives on Romilly Road.

**EXECUTIVE SUMMARY**

The application site comprises a mid-terrace property located along Romilly Road, Barry. The property falls within use class C3 (Dwelling houses) under the Town and Country Planning (Use Classes) Order 1987 as amended which allows the property to be occupied by:

- a) single person or by people to be regarded as forming a single household;
- b) not more than six residents living together as a single household where care is provided for tenants; or
- c) not more than six residents living together as a single household where no care is provided to residents (other than a use within class C4)

This application proposes the conversion of the property to a five bedroom House of Multiple Occupation (HMO) which falls under use class C4. This allows the use of the dwelling house by not more than six residents as a "house in multiple occupation" (HMO).

The main issues to consider include the principle of the use, impact on the character of the area, the amenities of the neighbouring properties and parking.

It is recommended that the application be approved.

**SITE AND CONTEXT**

The application site relates to 15, Romilly Road, a two storey mid terrace property

located within the settlement boundary of Barry. The property benefits from accommodation on the second floor which is facilitated by dormers. The property benefits from a small raised front garden and an enclosed rear garden.

There is no off street parking serving the property. The site is not located within a conservation area or Listed.

The map extract below shows the sites context.



## DESCRIPTION OF DEVELOPMENT

This application seeks planning permission for the conversion of the dwelling from a C3 dwellinghouse to a five bedroom House in Multiple Occupation (HMO) falling under a C4 use class (with potential for up to 6 persons residing).

This application has been made following amendments to The Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2016 having come into force on 25 February 2016. The Order created a new use class C4, that covers use of a dwelling house as a small House in Multiple Occupation as defined in section 254 of the Housing Act 2004. In broad terms, this use occurs where tenanted living accommodation is occupied by up to 6 people, who are not related and who share one or more basic amenities, as their only or main residence.

Prior to the changes in 2016, owners of properties would not have required planning permission for up to 6 residents, which are now defined separately as a new use class.

Internally the building would accommodate a bedroom, a bathroom, kitchen and living room at ground floor, two bedrooms and bathroom at first floor and 2 bedrooms at second floor.

No external alterations are proposed.

## PLANNING HISTORY

No planning history.

## CONSULTATIONS

Barry Town Council were consulted on 16 May 2019. A response received on 30 May 2019 states: "Barry Town Council strongly object to the proposed development for the following reasons: 1) The proposed developments fails to provide adequate amenity provision, off street car parking, appropriate fire escapes, 2) the proposed development would be detrimental to neighbouring properties in terms of the residential amenity they currently enjoy".

Shared Regulatory Services (Pollution) were consulted on 16 May 2019. A response received on 22 May 2019 states no objection.

Baruc Ward Members were consulted on 16 May 2019. Cllr Hodges and Cllr Charles have both requested that the application be called-in to planning committee because of local resident's concerns.

Highway Development were consulted on 16 May 2019. A response received on 05 June 2019 states:

"The proposal is for the change of use from C3 to C4 house of multiple occupancy totalling 6 people. In according to the Council's Car Parking Standards for house conversions a requirement of 0.5 to 1 space per unit normally applies to this type of development. However, it is appropriate to utilise the lower figure where the site is in a sustainable and accessible location. Currently the property does not have its own parking spaces within the property boundary and relies on availability on street parking and no improvement will be made to parking as a result of this development.

The Highway Authority is concerned in the reduction in parking standards and reliance on on-street parking associated with recently approved developments (Windsor Road Reform Church and Methodist Church developments) within the vicinity of this development.

It is therefore considered that this development will further exacerbate the on street parking availability and as a result of the above issues the Highway Authority would object to this application in the interest of highway / public safety."

## REPRESENTATIONS

The neighbouring properties were consulted on 16 May 2019 and site notice was also displayed on 20 May 2019. To date 22 letters of representation have been received objecting to the proposal. The objections are summarised below:

- Loss of family home and social impacts from HMO
- Potential impacts from transient nature of the use
- Noise
- Potential harm to children by those residing at the property
- Concerns about management as owners live outside of Barry



- Lack of parking
- Applicants have started advertising prior to being granted permission
- Concerns about noise and hours of operation from refurbishment works
- Granting consent will set precedent
- Overdevelopment
- Littering
- Concerns relating to the use of community garden
- Lack of fire escapes/consideration to fire safety
- Impact on house prices
- Concern that certain properties in the road were not consulted
- Poor plans
- Inadequate storage of waste

## 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

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

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

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 10, 2018) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

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

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

- Parking Standards (2019)

- Residential and Householder Development (2018)

**Other relevant evidence or policy guidance:**

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

**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 seeks planning permission to change the use of a C3 residential property into a 5 bedroom C4 HMO. Use class C4 allows for tenanted living accommodation occupied by up to 6 people, who are not related and who share one or more basic amenities, as their only or main residence.

As such the main issues to consider are: the principle of a C4 use including the impact on the character of the area; the impact on the amenities of neighbouring properties; amenity provision and parking.

Principle of change of use

The site is in a residential area and within the settlement boundary of Barry, as such there is no objection to the principle of the conversion to a HMO which is a residential use in a residential area. The house is large enough to accommodate 6 occupants and is not considered to result in overcrowding of the building. The proposed C4 HMO use is not considered to be significantly different in character to a C3 dwelling house use and as such would be compatible within this residential context.

In policy terms the site lies within the settlement boundary for Barry as defined in the LDP. Policy MD5 relates to Development within Settlement Boundaries and permits development subject to certain criteria, including, criterion 1- makes efficient use of land or buildings, criterion 2 – is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality.

Policy MD2 which relates to the Design of New Development also has a criteria relating to context, and criterion 2 which requires new development to respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density. The application does not propose any external changes and therefore the proposal would have no impact on the visual amenities of the wider area.



### Impact on residential amenities

Criterion 8 of policy MD2 requires that new development should safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance. Additional guidance is contained in the Council's SPG on Residential and Householder Development.

The proposal does not include any new window openings and the application does not propose any extensions that could potentially affect neighbour amenity. However, neighbours have objected to the application and are concerned about the intensification of the residential use of the site (from a dwellinghouse to a house of multiple occupation) and the impacts of this intensification on their amenity.

Neighbours have stated that five or six adults will create far more waste than the average family and the lack of adequate bin storage increases the likelihood of littering in the street. A condition (3) is recommended to require waste / recycling storage details to be submitted for approval and implemented prior to beneficial use.

Neighbours have also raised concerns that where HMOs are introduced an increase in anti-social behaviour often follows, particularly raising concerns about the potential for other homes in the street to be subsequently converted into HMOs once the precedent has been set. In this case, no evidence has been put forward to support the contention that a single HMO would be likely to cause an increase in anti-social behaviour, and the neighbours refer to comments made by the police regarding a much larger scale proposal for bed-sit type accommodation nearby, which is of limited relevance to this proposal. With regard to the latter point, each case must be considered on its own merits having regard to the material considerations at that time. A proliferation or concentration of such uses could have more impact than a single HMO and would therefore need to be considered in that context, which is not the case here at this time.

Whilst the nature of residential use for a HMO can be different to a single dwellinghouse, it is nevertheless a residential use with very similar impacts / potential impacts, with many of the concerns raised around noise, nuisance, anti-social behaviour or nuisance, falling under separate legal controls and outside the consideration of the planning authority. Given the scale proposed in this instance, i.e. a single HMO providing 5 bedrooms, it is not considered that this would have a significant effect on the residential amenity of the area.

### Amenity Space provision

In terms of the provision of amenity space, the Council's Residential and Householder Development SPG does not make specific reference to houses of multiple occupation. However, it requires between 12.5sq.m-20sq.m as a minimum of amenity space per person in flatted developments and 20sqm per person for new houses, the majority of which should be private in nature.

The proposed development is typical of residential dwellings in the area and benefits from a small front garden (35sqm) and rear garden (55sqm). It is noted that the proposal is a conversion where a degree of flexibility can be shown. In

this instance, an area of 90 sqm is considered adequate to meet the day to day functional needs of the residents similar to the residents of Romilly Road. In addition, it is noted that residents in the area have access to a communal garden which they could potentially use. This level of amenity space is considered sufficient to serve the development.

### Parking

Criterion 3 of Policy MD2 requires proposed development to have no unacceptable impact on the amenity and character of the locality by way of noise, traffic congestion and parking. The Council's Car Parking Standards for residential development require 0.5 to 1 space per bedroom in such conversions, but recognises that the lower figure is appropriate in sustainable locations such as the application site.

The existing 4 bedroom property does not have its own parking space within the property and relies on availability on street parking. A four bedroom dwelling according to the Council's Parking Standards would require a maximum of 3 spaces, in this instance the proposal would require 2.5 spaces.

As aforementioned, the application site does not benefit from any off road parking and it is recognised that there has been an objection raised from the Highways Officer on the lack of parking provided. The application site is in a sustainable location, with good public transport links, together with shops and services within walkable distances. Cycle parking could be provided for within the rear garden area also.

The existing dwelling is able to be accommodated by large extended family with potentially more occupants than a six bedroom HMO. On this basis, weight must be afforded to the 'fall back position'. Whilst the proposed occupants may drive, car ownership levels of those occupying HMO's tends to be lower and given the distance to public transport and the highly sustainable location relative to shops and facilities, residents would not necessarily need access to a car on a daily basis.

It is noted that a planning appeal at the United Reformed Church located close to the site to flats was allowed despite a lack of parking. In reaching his decision the Inspector gave weight to the sites fall-back position, the aims of PPW and the site sustainable location. In particular, he states "Given the site's proximity to a rail station providing regular services, and that it is within walking distance to shops on High Street, the proposed development would be attractive to non-car owners and would offer a choice of transport modes in line with the thrust of PPW".

He concludes "I am mindful that pressure for parking can have an effect on residential amenity, especially if residents have to park further from their homes, or need to frequently circle the area to find a space. I am particularly aware of the strength of local feeling on this issue. However, on the evidence before me, I have nothing of substance to indicate that the proposal would materially exacerbate the existing parking situation to the extent that there would be unacceptable harm to the amenities of the area.[...] There would be some effects on parking conditions in the area but relative to the existing use, these would be minor and would not amount to any serious harm to highway safety interests". As

Local Planning Authority we must have regard to these conclusions which are relevant to this application.

Considering all the circumstances for this proposed HMO it is considered that the development would not result in an increase of on-street parking pressure over and above the existing level that would be expected for a large single dwelling house, which is the current use of the property. It is considered on balance that the proposal is acceptable in parking terms and refusal on this basis could not be sustained at appeal. Comments by the Council's Highway Officer are noted, however these pay little regard to the fall-back position, the above planning appeal decision or the thrust of planning policy in PPW supported by the Council's Parking Standards SPG.

### Other Matters

It is recognised that the application has generated significant concern with 22 letters of objection and local members calling the application in to committee. Comments from local residents relating to the loss of a family home are noted, however there is no planning policy relating to the retention of family homes. There is also no evidence that the residents of this HMO would cause social cohesion issues nor has any empirical evidence been provided to suggest that the residents of this HMO would be transient, would cause noise disturbance or as some residents suggest take part in anti-social behaviour, drug use, littering or public drunkenness.

Comments regarding noise from future occupants have been noted, however it is considered that at this stage there is no reason to believe that following a conversion to HMO there would be a significant rise in general noise levels compared to the existing use. If it transpired that there was a future noise issue then the Council's Environmental Health Department have power under separate legislation.

A number of objectors have raised concerns relating to a communal garden currently being operated close to the site. The concerns are that the new residents may not contribute or may not engage. There are also concerns that there would be no vetting of those living at the property by the police who could potentially harm children living nearby. There is nothing to suggest that ex-offenders or criminals would reside at the property and matters relating to the communal garden would need to be discussed with the future residents should planning permission be granted. These matters are not material to the consideration of this application.

Concerns relating to overdevelopment and parking have been addressed in the body of the report. The neighbouring properties were consulted and a site notice was displayed on site, this is considered sufficient consultation for an application of this scale. The submitted floor plans are considered adequate to determine the application. The impact on house prices is not a material planning consideration. Fire safety is covered by the Building Regulations regime and not considered relevant to the determination of this application.

Concerns have been raised about the management of HMO given that the applicant lives outside of the town. The management of the HMO is not planning

consideration, however the applicant has confirmed his mother lives locally and would be available should the residents require management. It has been alleged that the property has been marketed prior to permission being granted and potentially occupied, should this be the case, the applicant is doing so at his own risk. Comments also highlight concerns relating to noise and hours of operation of building works during recent refurbishment works, these are a matter for the Council's Environmental Health Team and not material to this planning application.

Residents have also highlighted that granting of planning permission would set precedent, however if the proposal is acceptable on planning grounds, the issue of precedent does not arise, in this instance the granting of the application is not considered to set any precedent.

On this basis the application is considered acceptable.

### 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:

Ground floor plan received on 24 April 2019.

First floor plan received on 24 April 2019.

Second floor plan received on 24 April 2019.

Reason:

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

### REASON FOR RECOMMENDATION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

Having regard to Policies SP1-Delivering the Strategy, MD2-Design of New Development, and MD5-Development Within Settlement Boundaries of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; Supplementary

Planning Guidance on, Residential and Householder Development (2018) and Parking Standards; and national guidance contained in Planning Policy Wales, and TAN12-Design; it is considered that the proposal is an acceptable use in this location, that would have no significant detrimental impact to the character of the area or the amenities of neighbouring occupiers. The proposal is also considered acceptable in respect of amenity and parking provision. The proposals therefore comply with the relevant planning policies and supplementary planning guidance.

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:**

**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 GENERAL MAP

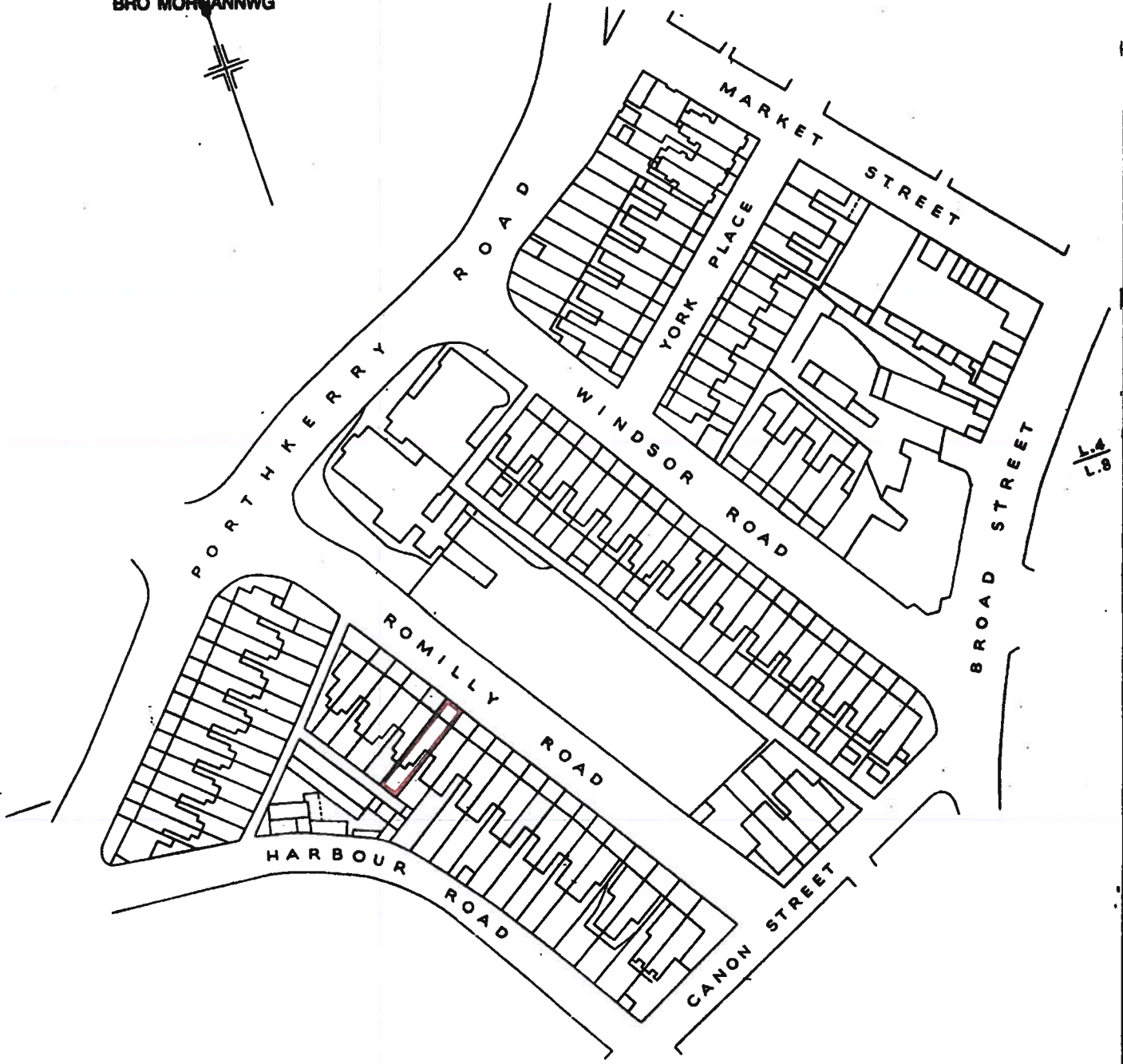
GLAMORGAN SHEET L.4 SECTION G

Scale 1/1250. Enlarged from 1/2500.

~~COUNTY OF SOUTH GLAMORGAN~~  
~~VALE OF GLAMORGAN DISTRICT~~

COMMUNITY  
~~BARRY PARISH~~

ADMINISTRATIVE AREA  
THE VALE OF GLAMORGAN  
BRO MORGANNWG



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RECEIVED  
24 APR 2019  
Regeneration  
and Planning



Filed Plan of Title No. **WA4822**

This official copy is incomplete without the preceding notes page.  
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