

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **2 MAY, 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:

2019/0139/BN	A	22, Cornwall Road, Barry	Bathroom to shower room adaptation
2019/0158/BN	A	12, Murch Crescent, Dinas Powys	Single storey side and rear extension
2019/0160/BR	AC	7, Clare Drive, Cowbridge. CF71 7HS	Single Story Kitchen Extension
2019/0180/BN	A	8, Mill Park, Cowbridge	Single storey side and rear extension
2019/0186/BN	A	89, St. Lukes Avenue, Penarth	EWI
2019/0197/BN	A	83, St. Lukes Avenue, Penarth	EWI
2019/0198/BN	A	82, St. Lukes Avenue, Penarth	EWI
2019/0199/BN	A	81, St. Lukes Avenue, Penarth	EWI
2019/0200/BN	A	80, St. Lukes Avenue, Penarth	EWI
2019/0201/BN	A	79, St. Lukes Avenue, Penarth	EWI
2019/0202/BN	A	78, St. Lukes Avenue, Penarth	EWI

2019/0203/BN	A	77, St. Lukes Avenue, Penarth	EWI
2019/0204/BN	A	76, St. Lukes Avenue, Penarth	EWI
2019/0205/BN	A	75, St. Lukes Avenue, Penarth	EWI
2019/0206/BN	A	74, St. Lukes Avenue, Penarth	EWI
2019/0220/BR	AC	10, Maes Lindys, Rhoose Point, Rhoose	Demolition of existing conservatory and erection of single storey orangery to rear
2019/0237/BR	AC	Community Hall, Cemetery Road, Barry	Proposed Community Hall
2019/0249/BN	A	Hill Cottage, Llantrithyd, CF71 7UB	Single storey rear extension to enlarge the lounge
2019/0253/BN	A	117, Plymouth Road, Penarth	Knock through and installation of steel beams
2019/0255/BN	A	82, Westbourne Road, Penarth	Alter opening to accommodate new screen
2019/0256/BN	A	61, Trinity Street, Barry	Loft conversion with dormer
2019/0258/BN	A	19, Carys Close, Penarth	Loft conversion with dormer
2019/0259/BN	A	1 Twyn Yr Eglwys, Colwinston	Proposed internal and external remodelling to include a two storey side extension and single storey rear extension
2019/0261/BN	A	2, Rowan Close, Penarth	Garage conversion to office/ utility room
2019/0263/BN	A	25, Warwick Way, Barry	Renew kitchen and bathroom and rewire
2019/0264/BN	A	3, St. Augustines Crescent, Penarth	Renew kitchen and bathroom and rewire
2019/0265/BN	A	8, Dale Court , Barry	Renew bathroom

2019/0266/BN	A	9, Butrills Walk , Barry	Remove and renew asbestos ceilings to bedrooms 1, 2, 3 and hallway
2019/0267/BN	A	9, Tensing Terrace , Barry	Supply and fit a fire door and frame
2019/0268/BN	A	21, Gwennog Court , Barry	Remove asbestos ceilings and renew kitchen and wetroom
2019/0269/BN	A	77, Westbourne Road, Penarth	garage conversion to W.C., Utility and kitchen
2019/0270/BN	A	6, Cennin Pedr, Barry	Garage conversion
2019/0273/BN	A	78, Plassey street, Penarth	Loft Conversion with dormer
2019/0274/BN	A	122, Andrew Road, Cogan	Two rooms into one
2019/0275/BN	A	The Bungalow, Bingle Lane, St. Athan	Internal renovations
2019/0276/BN	A	The Old Barn, Bonvilston, CF5 6TR	Renovation of residential property including external balcony
2019/0280/BN	A	Ael Y Bryn, Victoria Park Road, Barry	Garage extension
2019/0281/BN	A	Post Office, 3, Station Road, Dinas Powys	Change of use of ground floor A1 (post office) to C3 - 2 bedroom flat
2019/0284/BN	A	The Coach House, Beach Lane, Penarth	Re-render, new window and renew balustrade
2019/0285/BN	A	4, Mill Barn, Boverton, CF61 1UB	Single storey extension
2019/0287/BN	A	59 Dinas Road, Penarth	Replace roof covering
2019/0291/BN	A	24, Trem Elai, Penarth	Glazed lean-to extension to rear ground floor
2019/0292/BR	AC	141, Plassey Street, Penarth CF64 1EH	Loft conversion with rear dormer extension.
2019/0293/BN	A	2, Maes y Bryn, Colwinston	New internal floors and external paths

2019/0294/BN	A	45, Plassey Street, Penarth	Single storey kitchen extension with small shower room
2019/0295/BN	A	Vishwell Farm House, St. Andrews Road, Dinas Powys	Two rooms into one with the installation of two beams to hold supporting wall
2019/0297/BN	A	Cross Farm, Sigingstone	Garage conversion and rear in-fill extension
2019/0298/BN	A	11, St. Bleddians Close, Cowbridge	Single storey extension to enlarge the kitchen
2019/0301/BN	A	The Chestnuts, Welsh St. Donats, CF71 7SS	Single storey kitchen extension and lowered patio area
2019/0305/BN	A	107 South Road, Sully CF64 5SP	Single storey rear extension
2019/0306/BR	AC	23 Dulverton Drive, Sully. CF64 5EW	Single storey rear extension
2019/0309/BN	A	1, Jenkinsville, Penarth	Small single storey extension, removal of wall between kitchen and lounge and installation of downstairs toilet.
2019/0311/BN	A	13, Church View Close, Llandough, Penarth	Garage conversion to create play room
2019/0315/BN	A	25, Wordsworth Close, Llantwit Major	Single storey extension to enlarge kitchen. First floor timber frame extension over porch between garage and house
2019/0316/BN	A	30, Charlotte Street, Penarth	Change bathroom to shower room
2019/0318/BN	A	8, Cedar Road, St. Athan	Two rooms into one
2019/0319/BN	A	6, St. James Court, Penarth	Supply and fit fire door to kitchen
2019/0320/BN	A	19, Belle Vue, Penarth	Supply and fit fire door to kitchen
2019/0321/BN	A	62, Pendoylan Close, Barry	New kitchen, bathroom and re-wire

2019/0322/BN	A	45, West Walk, Barry	Partial re-wire
2019/0323/BN	A	59, Laleston Close, Barry	Renew kitchen
2019/0324/BN	A	23, Westbourne Road, Penarth	Single storey extension
2019/0327/BR	AC	26, Baroness Place, Penarth	Single storey extension to enlarge dining room and kitchen
2019/0328/BN	A	6, Windyridge, Dinas Powys	Conversion of garage into habitable room. Removal of non-supporting wall, move kitchen and formation of new lounge
2019/0331/BN	A	26, West Farm Road, Ogmore by Sea	Side extension with front and rear gables and front dormer
2019/0332/BN	A	6, Kathleen Street, Barry	Stairlift installation, including alteration to the top landing area
2019/0333/BN	A	15, Somerset Road East, Barry	Opening up conservatory to the house and removing internal wall
2019/0337/BN	A	29, Gwenog Court, Barry	Change bathroom to shower room
2019/0338/BN	A	45a, Queens Road, Penarth	Change use from bathroom to shower room

(b) Building Regulation Applications - Reject

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

2019/0196/BN	R	21, Plassey Square, Penarth	Demolition of single storey rear extension and construction of a new single and two storey extension to rear. Loft conversion to form bedroom with en-suite, including a rear dormer. New side elevation window at first floor level
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2019/0257/BN	R	Westgate, 25, Augusta Road, Penarth	Demolition of existing two storey extension and the erection of two storey side and rear extensions, with Juliette balconies to rear. Replace bay window. New roof and loft conversion
2019/0272/BN	R	9, Heol Merioneth, Boverton	Garage Conversion and alterations
2019/0277/BN	R	The Former Coach House, 1, The Ferns, Northcliff, Penarth	Conversion of former coach house to one bedroom dwelling
2019/0300/BN	R	21, Fferm Goch, Llangan	Extension in 3 stages. Ground floor single storey, first floor single storey to provide bathroom and 2nd storey loft conversion
2019/0310/BN	R	40, Harding Close, Llantwit Major	Single storey side extension
2019/0317/BN	R	30, Grange Gardens, Llantwit Major	Single rear storey extension
2019/0334/BN	R	12, Cornerswell Place, Penarth	Demolish existing garage and construct new garage to the side of the property

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

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

2019/0030/AI	A	1, O'Donnell Road, Barry	New dwelling
2019/0031/AI	A	Ty Draw Farmhouse, Colwinston	Loft Conversion and associated works
2019/0032/AI	A	Cardiff International Airport, Rhoose	Connection of new foul drainage into existing sewer within South side adjacent to Nornam Hanger
2019/0033/AI	A	Kingdom Hall. St. Brides Way, Barry	Internal alterations and refurbishment
2019/0034/AI	A	Llandough Hospital, Old Cytology Department Building, Penlan Road, Llandough	Fit out and Reconfiguration of the Cytology Building office space to allow for the relocation of staff and

			services from Rookwood Hospital
2019/0035/AI	A	10, Gaspard Place, Barry	Proposed single storey rear extension, works to include material alterations to structure, controlled services, fittings and thermal elements
2019/0036/AI	A	14, Upper Cosmeston Farm, Penarth	New insulated roof to existing conservatory
2019/0037/AI	A	4 River Walk, Cowbridge	Proposed single storey rear extension, works to include material alterations to structure, controlled services, fittings and thermal elements
2019/0038/AI	A	56, Heol Tre Forys, Penarth	Loft Conversion and associated works
2019/0039/AI	A	Cardiff Airport, Rhoose	Installation of modular cabins
2019/0040/AI	A	82, Shakespeare Avenue, Penarth	Extensions and alterations with associated works
2019/0041/AI	A	Pentire, Higher End, St. Athan	Two storey side extension and associated works
2019/0042/AI	A	88, Greenacres, Barry	Proposed two storey side extension with associated works
2019/0043/AI	A	2, Kateringham Close, Sully	Proposed conservatory solid Leka roof replacement and associated works
2019/0044/AI	A	1, Rectory Road, Penarth	Rebuild of a coach house to form a residential unit and associated works
2019/0045/AI	A	78, Westbourne Road, Penarth	Loft conversion and associated works
2019/0046/AI	A	96, Millfield Drive, Cowbridge	Loft conversion and associated works
2019/0047/AI	A	36, Heol Y Frenhines, Dinas Powys	Proposed replacement roof with warm roof system (works to include material

			alterations to structure, controlled services, fittings and thermal elements)
2019/0048/AI	A	The Old Barn, Higher End, St. Athan	Proposed new build conservatory with solid Leka roof and associated works
2019/0049/AI	A	18, Porlock Drive, Sully	Single storey extension

(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.

14/0560/BR
16/0197/BR
16/0199/BR
16/0232/BR
16/0260/BR
16/0300/BN
16/0445/BN
16/0510/BN
16/0522/BN

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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

2009/00946/12/C D	A	Land at Barry Waterfront adjacent to Dock No. 1, Barry	Discharge of Condition 34 - Drainage Details. Planning Permission ref. 2009/00946/OUT : Development of vacant land at Barry Waterfront for residential (C3), retail (A1), cafes, bars and restaurants (A3), hotel (C1), offices (B1) and community and leisure uses (D1 and D2). Development of vehicular and pedestrian/cycle access including a new link road, re-grading of site to form new site levels and associated infrastructure works, parking, servicing,
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			landscaping, public realm and public open space provision
2014/00081/1/N MA	A	Weycock Solar Farm, Land off of Waycock Road (A4226), Barry	Non-Material Amendment - To indicate works undertaken post construction to improve the stability, resistance and safety of the mounting structure, similar to what had been approved elsewhere within the site. Planning Permission ref. 2014/00081/FUL : Solar farm comprising of installation of photo/voltaic panels with a total capacity of up to 7MW, one electrical substation, eight power inverter stations, four pole mounted CCTV cameras, deer stock fencing and ancillary work
2014/00081/2/C D	A	Weycock Solar Farm, Land off Weycock Cross, Weycock Road, Barry	Discharge of Condition 20 - Highway Condition Survey No.2 and of Planning Permission Ref: 2014/00081/FUL for development of a solar farm
2014/00088/1/C D	A	Old Carriageway Stables, Hensol	Discharge of Condition 9 - Tree protection and management. Planning Permission ref. 2014/00088/FUL : Construction of Eco-centre visitors and educational building
2014/00088/2/N MA	A	Old Carriageway Stables, Hensol	Non Material Amendment - Repositioning of three car parking spaces to avoid any construction activities under the tree canopy of tree ref: T12B. Planning Permission ref. 2014/00088/FUL :

			Construction of eco-centre visitors and educational building
2014/00248/1/C D	A	The Grove, Corntown	Discharge of Condition 4 - Archaeological Written Scheme of Investigation. Planning Permission ref. 2014/00248/FUL : Two storey extension to side of existing house
2014/00580/2/C D	A	Yr Ysgubor, St Lythans	Discharge of Condition 2 - Windows details. Planning Permission ref. 2014/00580/FUL : Amendments to previous consent 2013/00272/FUL - Extension to utility area to rear of garage and alterations to existing dwelling and proposed link
2014/00859/2/N MA	A	The Woodlands Lodge, Hayes Road, Sully	Non-Material Amendment to Planning Application 2014/00859/FUL - Amend Condition 4 Cross Sections, 12 Tree Protection, 13 Arboricultural Watching Brief, 14 Tree Works and 16 Woodland Management to alter trigger for the submission of details
2015/00645/1/C D	A	6, Cold Knap Way, Barry	Discharge of Conditions 4 - Boundary Walls and 8 - Car Parking of Planning Permission Ref. 2015/00645/FUL
2015/00960/2/N MA	A	Land at Sycamore Cross, Bonvilston	Non Material Amendment - Alterations to facade treatments of plots 2, 39, 56 and 65 to improve existing unsightly front elevation and minor alterations to floorplans of plots 2, 39, 56 and 65. Planning Permission ref.

			2015/00960/FUL: Development of 120 homes including affordable homes, new vehicle, pedestrian and cycle access, improvement works to Pendoylan Lane, regrading of site, drainage, landscape works, provision of public open space, demolition of existing modern timber stables and all associated works
2016/00842/1/C D	A	Hand Car Wash, Broad Street, Barry	Approval of scheme for foul and surface drainage
2016/01425/1/N MA	A	The Coach House, Gileston Manor, Gileston	Non-material Amendment- Internal layout alterations. Planning Ref: 2016/01425/FUL: Change of use of coach house and cheese house into 4 no. additional holiday accommodation units, demolition of single storey lean-to attached to coach house and replacement with single storey conservatory, and internal and external alterations and associated works
2017/00282/FUL	R	Land to the rear of Amberley House, Llantwit Road, Wick	Retrospectively the erection of a dwelling house
2017/00564/3/N MA	A	St Athan Northern Access Road	None-Material Amendment - Amendment to text of Condition 5 - Engineering details. Planning Permission ref. 2017/00564/FUL : Proposed construction of a new highway (called the Northern Access Road) with footways and a cycleway, new junctions, lighting, signs, fencing, flood alleviation works,

			acoustic barriers and other environmental mitigation measures, landscaping, demolition of garage at Rose Cottage, and all associated engineering and building operations
2017/01203/4/C D	A	Cog Moors Wastewater Treatment Works, Cardiff Road, Dinas Powys	Discharge of Condition 7- Surface Water Drainage Systems Details
2017/01333/FUL	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.
2017/01337/1/N MA	A	St. Pauls Church Hall, Arcot Street, Penarth	Amendment of wording of Condition 9 (drainage scheme) and Condition 22 (lane improvements) to state 'prior to occupation' rather than 'before commencement of the development'. Planning Ref: 2017/01337/FUL : Redevelopment of the former St. Pauls Church site (including demolition of existing building with retention of front church elevation) to create 14 one and two bedroom affordable housing units; multi-purpose community hall (368 sq.m.); landscaping; car/cycle parking; access; and associated works at St. Pauls Church Hall, Arcot Street, Penarth
2017/01337/5/C D	A	St. Pauls Church Hall, Arcot Street, Penarth	Discharge of Conditions: Condition 12 - CEMP and Condition 23 - Construction

			Traffic Management Plan of Planning permission 2017/01337/FUL Redevelopment of the former St. Pauls Church site (including demolition of existing building with retention of front church elevation) to create 14 one and two- bedroom affordable housing units; multi-purpose community hall (368 sq.m.); landscaping; car/cycle parking; access; and associated works at St. Pauls Church Hall, Arcot Street, Penarth
2018/00246/RES	A	South Quay, Waterside, Barry Docks	Waterside public open space and public realm so far as it relates to Barratt Home's parcel
2018/00256/RES	A	South Quay, Waterside, Barry Docks	Waterside public open space and public realm so far as it relates to Taylor Wimpey's parcel
2018/00403/FUL	A	Vale District Scout Hall/Lodge, St. Brides Major	Proposed cladding to be added to the north east and south east elevations; the erection of a small canopy on the north east elevation; existing door to be removed, the opening partially filled and a new wooden door installed. Erection of a raised decking with storage and also the erection of a structure with a concrete base, block work and wooden roof
2018/00416/FUL	A	1, Seaview Court, 90, Fontygary Road, Rhoose	Removal of Conditions 8 - Tree Protection, 19 - Construction Environmental Management Plan and

			variation of Condition 9 - Landscaping and Tree Protection Implementation of Planning Permission 2016/00397/FUL
2018/00540/1/C D	A	The Bungalow, 1, Factory Road, Llanblethian, Cowbridge	Discharge of Condition 3- Materials Details, 4-Levels, 5-Means of Enclosure, 6-CEMP and 7-Landscaping Scheme of Planning ref: 2018/00540/FUL
2018/00548/1/C D	A	The Bungalow, 1, Factory Road, Llanblethian, Cowbridge	Discharge of condition 3 of permission 2018/00548/CAC – Construction Environmental Management Plan
2018/00678/1/N MA	A	18, Birch Grove, Barry	Non-Material Amendment - for inclusion of additional conservation roof light to front elevation roof pitch, totalling 3 no. 780mm X 1800mm conservatory roof light. Planning Permission ref 2018/00678/FUL for Proposed loft conversion comprising rear dormer extension with Juliet balcony, insertion of conservation roof lights and frontal porch extension
2018/00821/1/N MA	A	2, Channel View, Ogmore By Sea	Non-material Amendment: Timber cladding to be changed to dark grey stone cladding. Planning ref 2018/00821/FUL. The construction of a single storey timber cladded extension to adjoin the existing single storey extension and main house. Internal alterations to be carried out to make the spaces merge and create an open-plan living / kitchen area

2018/00901/FUL	A	6, Glebe Street, Penarth	Proposed alterations of an existing commercial unit, into 3 smaller units with 2 No. residential flats and 1 no. office above
2018/00985/FUL	R	Land at Graig Penllyn, Cowbridge	Detached dwelling house
2018/01043/FUL	A	Heol Ceiniog, Barry	Erection of 1 No. Use Class A1 / A3 drive thru' coffee shop with car parking, drive thru' lane, hard and soft landscaping, refuse areas and associated works
2018/01157/FUL	A	Pwll Sarn Farm, A48, St. Nicholas	Part demolition and conversion of derelict barn and stables at Pwll Sarn Farm to a single residential dwelling
2018/01187/CAC	A	Pwll Sarn Farm, A48, St. Nicholas	Part demolition of derelict barn and stables at Pwll Sarn Farm
2018/01199/FUL	A	Tyla Cottage, Lane - Old Post to Carmel Chapel, Bonvilston	Proposed alteration to existing dwelling with two storey extension, widening of existing access lane, enlargement of car parking area, and re-construction of retaining wall
2018/01202/LBC	A	5, Tower Hill Avenue, Penarth	Conversion of a ground floor empty space, currently used for storage to a toilet with wash basin fitting. Retiling existing floor of this area and back entry passage with appropriate light grey coloured tiles
2018/01231/1/C D	A	Cwrt Canna, Ruthin Road, Llangan	Discharge of Condition 8 - Drainage of planning ref 2018/01231/FUL

2018/01295/FUL	A	Ty Cerrig, Maerdy Newydd, Bonvilston	Replacement garage and implement store
2018/01314/FUL	A	Switch, 172, Holton Road, Barry	Retention of an installed ATM through the shop front corner window replacing glazing with a new white laminate security panel incorporating the ATM with white steel recessed liner
2018/01316/ADV	A	Switch, 172, Holton Road, Barry	Retention of signage associated ATM: Wincor 2050 ATM fascia and black and green polycarbonate Cashzone top Illuminated sign "free cash withdrawals" with illuminated white lettering and halo illumination. Within the ATM fascia is a green acrylic sign internally illuminated with white lettering "cashzone" and accepted card logos to top of ATM fascia.
2018/01317/FUL	A	Spider Camp, Hayes Lane, Sully	Construction of six portal framed buildings and associated roads, division of buildings to form 43 light industrial units
2018/01318/FUL	A	65, Colcot Road, Barry	Creation of a pair of semidetached homes from the existing 7 bed house. Creation of a 2 storey bay on the existing extension to mirror the twin bay on the original house. Seeking permission for a single garage on the extension, with off road parking and turning space
2018/01343/FUL	A	The Court House, High Street, Llantwit Major	Over cladding of rear, two storey 1950s prefabricated extension with timber studs and render to match existing colour and finish

2018/01346/LBC	A	The Court House, High Street, Llantwit Major	Over cladding of rear, two storey 1950s prefabricated extension with timber studs and render to match existing colour and finish
2018/01348/FUL	A	Ashlea, Cross Common Road, Dinas Powys	Existing dormer bungalow to be converted to a two storey dwelling, works to include alterations to existing accommodation
2018/01376/FUL	A	163, Lavernock Road, Penarth	Two storey rear extension, garage conversion and external alterations
2018/01392/FUL	A	25, Archer Road, Penarth	Demolition of conservatory and side lean-to extension. Proposed kitchen/family space rear extension complete with raised deck and minor alteration
2018/01403/FUL	A	82, Shakespeare Avenue, Penarth	Two storey side extension with single storey front and rear extension and associated alterations
2018/01404/FUL	A	The Hide Away, St. Lythans Road, St. Lythans	New stables on site of existing
2018/01410/RG3	A	Llansannor and Llanharry Church in Wales Primary School, Llansannor, Cowbridge	Construction of a single storey extension at Llansannor CIW Primary School, to provide an additional shared teaching area, circulation space and WC facilities. Associated external works to include erection of a canopy over external learning space
2018/01434/FUL	A	13, Marine Drive, Ogmore By Sea	Lower ground floor: Extension to build out the bedroom to the existing building line; Upper ground floor: New single storey entrance porch; New single storey glazed

			conservatory extension to kitchen; Demolish existing conservatory and construct new glazed south facing loggia. Alterations to existing windows and doors, including addition of Oriel window to lounge.
2018/01435/FUL	A	Cross Tree Cottage, Pen Y Lan Road, Aberthin	Demolish existing porch way, in-place construct a larger porch with cavity walls and wider doorway access for easier accessibility
2018/01437/FUL	A	Duffryn Lloff Barn, Tredodridge	Retrospective planning for a cabin to be constructed one storey 7m by 5m
2019/00005/FUL	A	30, Augusta Road, Penarth	Extension to an existing garage
2019/00006/LAW	A	32, Wordsworth Avenue, Penarth	Single extension to rear of property under permitted development
2019/00009/FUL	A	4, Clos Mancheldowne, Barry	Two storey side extension to form ground floor bedroom and associated sitting area and first floor bedroom. Porch to front elevation.
2019/00014/FUL	A	25, Heol Eryr Mor, Barry	Demolish existing conservatory to rear. Demolish existing dormer to front elevation. Demolish porch roof at front entrance. Construct new orangery to rear. Construct new enlarged dormer with Juliette balcony to front elevation. Construct new water proof balcony (flat roof) over existing porch at front entrance

2019/00022/FUL	A	Former Barry Ambulance Station, Unit G, Priority Business Park, Sully View, Barry	Proposed change of use from Sui Generis use to use class B1, B2, B8 For carpentry workshop. Construction and storage of event equipment
2019/00027/FUL	A	Westgate, 25, Augusta Road, Penarth	1) Demolition of existing rear two storey extension and the erection of two storey side and rear extensions, with Juliette balconies to the rear. 2) Demolition of existing bay window and construction of replacement. 3) Construction of new roof with rooms in roof space
2019/00029/FUL	A	Broadshoard House, 13, Westgate, Cowbridge	Demolition of existing detached garage (under 115 cubic metres) and larch lap fencing to side boundary. Erection of attached garage to side of house and construction of new stone wall to side boundary
2019/00030/FUL	A	7, Clos Cefni, Cwm Talwg, Barry	Single storey rear extension.
2019/00032/FUL	A	Flat 1, 5, Arcot Street, Penarth	Change of use from residential to D1- Tutor centre
2019/00037/FUL	A	29, Culver Close, Penarth	Erection of two storey side extension to existing property with side access to rear garden and additional windows to existing front and rear elevations
2019/00038/FUL	A	1, Brig Y Don Hill, Ogmore By Sea	Amendments to the previous planning application (2018/00053/FUL): Amendments consist of the installation of two Velux

			windows to the rear of the extension and approval, changes to the side dormer to form balconies and to install a single block pillar.
2019/00042/FUL	A	153, Westward Rise, Barry	Side and attic extensions with first and second floor balconies to south elevation, porch to north elevation, garage conversion and new garage to existing dwelling house
2019/00043/FUL	A	35, Lavernock Road, Penarth	Single storey rear extension and loft conversion with rear dormer and rear garden store
2019/00048/LAW	A	Weycock Cross Sewage Treatment Works, A4426, Barry	Proposed works including the installation of plant/machinery and 1no. kiosk upon operational land
2019/00050/FUL	A	1, Downs View Close, Aberthin	Construction of a workshop
2019/00054/ADV	A	1, Paget Road, Barry	One fascia sign and two internal posters
2019/00055/FUL	A	8, Eastgate, Cowbridge	Conversion of existing coach house into additional accommodation, conversion involves the removal of a profiled steel lean to roof and roller shutter to the side of the coach house and addition of a small extension
2019/00056/FUL	A	56, Stanwell Road, Penarth	Ground floor rear extension
2019/00057/FUL	A	16, Birch Lane, Penarth	Single storey rear extension
2019/00058/FUL	A	6, Caynham Avenue, Penarth	Proposed entrance porch

2019/00059/FUL	A	10, Gaspard Place, Barry	Proposed rear single storey extension
2019/00060/FUL	A	2, St. Andrews Road, Barry	Single storey extension to front and rear elevations
2019/00061/FG3	A	5, Castle Green, St. Georges Super Ely	Structural refurbishment of existing dwelling including demolition and reconstruction of external walls, demolition and replacement of existing rear extension, alterations to the existing fenestrations and removal of chimney
2019/00063/LBC	A	Ewenny Priory, Abbey Road, Ewenny	Porch roof structure improvements, widening and raising of Porch roof gutters (behind Porch parapets) and replacement of Porch roof coverings. Porch rainwater goods to be replaced and (provisionally) soil vent pipe to be partly replaced and reduced in height. Render and leadwork to Porch to be renewed and / or repaired like-for-like
2019/00064/FUL	A	8, Minehead Avenue, Sully	Single storey rear extension
2019/00065/FUL	A	Pentre Parc, Llysworney	Kitchen conservatory /extension to existing bungalow
2019/00067/FUL	A	Lower House Farm, Colwinston	Single storey side extension and front canopy porch
2019/00071/FUL	A	48, Smithies Avenue, Sully	Two storey extension to the rear of the property with a small balcony.

2019/00072/FUL	A	The Cross Inn, Llantwit Major Road, Llanblethian, Cowbridge	Renewal of Planning Permission 2014/00018/FUL: Extensions and alterations to ground and first floor.
2019/00075/FUL	A	Pant Wilkin Stables, Llanquian Road, Aberthin	Erection of stables and associated works
2019/00076/ADV	A	Unit 3, 1, Paget Road, Barry	Projecting sign
2019/00079/FUL	A	1, Berkrolles Avenue, St. Athan	Removal of existing porch and construction of new porch
2019/00082/FUL	A	32, Porthkerry Road, Rhoose	Erection of new front wall in Pennant Sandstone - height to match adjacent property front walls
2019/00084/FUL	A	Bryn Celyn, Castle Hill, Llanblethian, Cowbridge	Incorporation of single dormer on the front roof slope to match existing
2019/00086/LBC	A	Pwllwyrach, Colwinston	Demolition of modern conservatory
2019/00087/LAW	A	21, Dochdwy Road, Penarth	Single storey side extension
2019/00090/FUL	A	29, Augusta Road, Penarth	Proposed single storey extension and internal alterations
2019/00095/FUL	A	7/8, Croft John, Penmark	Install a treatment plant Klargester Bio Disc
2019/00097/FUL	A	Waunwyrdd, Port Road, Wenvoe	Proposed alterations and extensions
2019/00098/FUL	A	Waterway Cottage, The Limes, Cowbridge	Two storey extension to side (SW elevation). Renewal of Planning Permission ref. 2014/00150/FUL
2019/00100/FUL	A	156, Jenner Road, Barry	Summer House/Garden Shed

2019/00101/FUL	A	Haul Y Bryn, Wick Road, St. Brides Major	Two storey rear extension with Juliette balcony
2019/00110/FUL	A	Tree Tops, Penylan Road, St. Brides Major	Front and rear dormer extensions to existing bungalow, with balcony to front and external alterations
2019/00112/FUL	A	49, Southey Street, Barry	Two storey and single storey side extensions for new living and bedroom accommodation and new external steps
2019/00113/FUL	A	9, Coates Road, Penarth	Demolition of existing single storey building and construction of new single storey extension with roof lights
2019/00114/FUL	A	Suite 3, 5 and Meeting Room, The Stables, Castleland Street, Barry	Change of Use to Childrens Nursery (12 Children Max) in Suite 5B and 3B Meeting Room - No Changes to structure of building
2019/00117/FUL	A	University Hospital Llandough, Penlan Road, Llandough	Proposed engineering works to provide extended therapeutic garden area including landscape works and retaining wall
2019/00118/FUL	A	Land at the rear of 45, Fontygary Road, Rhoose	Two new dwellings and access. Alterations to 2018/0180/FUL
2019/00120/FUL	A	Rose Cottage, Froglands Farm Lane, Llanmaes	Change garage door orientation due to new road construction with Froglands Farm Lane to be cut and a new turning area to be constructed
2019/00121/FUL	A	2, Birch Grove, The Knap, Barry	Construction of single storey playroom and shed located within garden

2019/00122/FUL	A	1, Llantwit Road, Main Gate, MOD St. Athan	New vehicular access and estate road
2019/00124/FUL	A	Serenbrook, Chapel Road,, Broughton	Proposed single storey extension and minor internal alterations to the existing detached dwelling
2019/00127/PNA	A	Hensol Woodland, situated East of Welsh St. Donats	construction of a new track to facilitate the felling of larch trees infected and for purposes of restocking the woodland
2019/00130/FUL	A	20, Pardoe Crescent, Barry	Proposed single storey rear extension, insertion of roof light to rear pitch and replacement roof covering with associated external works
2019/00131/FUL	A	Rhos Y Nant, 5, Twchwyn Garth, Llangan	First floor rear and front extensions and ground floor front extension
2019/00132/FUL	A	15, The Wheate Close, Rhoose	Proposed first floor extension to the side of the existing dwelling
2019/00134/FUL	A	Pebbles, 3, Weston Avenue, Sully	Enlargement to front porch, front dormers, rear dormer, single storey rear extension and balcony to rear
2019/00135/FUL	A	Heritage Coast Campsite and Cafe, Monknash	Removal of Condition 4 of Planning Permission 2014/00164/FUL relating to extended opening
2019/00139/FUL	A	8, Balmoral Quays, Bridgeman Road, Penarth	Installation of sliding glass door and windows to the existing balcony area to make it a habitable space
2019/00141/FUL	A	27, Arcot Street, Penarth	Single storey side and rear extension
2019/00147/FUL	A	3, Kymin Terrace, Penarth	Single storey extension to rear side of property

2019/00152/FUL	A	5, Cadoc Crescent, Barry	Proposed single storey rear extension and dormer extension and entry porch
2019/00154/PNA	R	Cwm Derwen Farm, Waycock Road, Nr. Barry	Extension to existing farm building to accommodate in-door lambing and storage of machinery and fodder
2019/00192/FUL	A	Gileston Cottage, Gileston	The proposal is to replace existing flat roof to rear with a pitched roof with natural slate to match existing cottage
2019/00194/PNA	A	Land at Biglis Farm south of A4055 (Cardiff Road), Barry	Engineering works and alterations to existing field access track
2019/00196/FUL	A	17, Mariners Walk, Barry	Conservatory to rear elevation
2019/00211/ADV	A	Cardiff Airport, Vale of Glamorgan	Removal of existing static advertising to be replaced with digital advertising sign (Size of new, same as old)
2019/00223/FUL	A	YMCA Shop, 125-127, Broad Street, Barry	We propose to change the previous A1 use, a YMCA Charity shop, into a full D2 use. It will become a two-storey Martial Arts/Sports Training Hall
2019/00227/FUL	A	178, Redlands Road, Penarth	Ground floor kitchen extension

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **2 MAY, 2019**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2018/01203/FUL
Appeal Method: Written Representations
Appeal Reference No: 19/3224103
Appellant: Mrs. Sian Vesey
Location: 34, Longmeadow Drive, Dinas Powys
Proposal: New detached dwelling at the side of property
Start Date: 14 March 2019

L.P.A. Reference No: 2018/00800/OUT
Appeal Method: Written Representations
Appeal Reference No: 19/3224315
Appellant: Mr. Maxim John
Location: The Stables at 142, Fontygary Road, Rhoose
Proposal: Conversion, to include demolitions, of existing stables to provide residential cottage
Start Date: 20 March 2019

(b) Enforcement Appeals Received

None

(c) Planning Appeal Decisions

None

(d) Enforcement Appeal Decisions

L.P.A. Reference No: 2014/00003/TREEENF/2018/0347/PC
Appeal Method: Written Representations
Appeal Reference No: 19/3223343
Appellant: Kameljit Singh Dhesi & Parmjit Kaur Dhesi
Location: Land at 371, Barry Road, Barry
Proposal: Beech tree and Horsechestnut tree subject of Tree Preservation Order number 3 of 2014 have been removed as authorised by the Council on 14th June, 2017, by virtue of application reference 2017/00320/TPO, and a Silver Birch

tree and Turkey Oak tree have not been planted in replacement, as required by condition 4 of the 2017/00320/TPO consent.

Decision: Appeal Dismissed
Date: 12 April 2019
Inspector: Richard Duggan
Council Determination: Delegated

Summary

The Inspector considered the main issues to be the probable effects of the tree loss on the character and amenity of the area, and whether the place where the trees are required to be planted is unsuitable for that purpose.

Character and appearance

The inspector noted the prominent location of the removed trees. He also noted that both Barry Road and Buttrills Road were lined with mature trees and that the Cherry Orchard Public House opposite the appeal site contained many tall and mature tree species. He was of the view that the felling of the trees has left a clear gap in the pattern of trees in the area.

In this context the inspector was satisfied that the protected trees added to the verdant character of the area and the pattern of tree planting along Barry Road and Buttrills Road. He said that *“Their prominent position within the street scene would have contributed positively to the local tree population and to the character of the local landscape”*. As such, he concluded that *“the loss of the Horse Chestnut tree and Beech tree has had a negative effect on the local landscape and the character and appearance of the area, and that the replacement trees are justified in accordance with the TRN to replace the amenity features that have been lost.”*

Whether the place where the trees are required to be planted is unsuitable for that purpose

The inspector noted the appellant’s contention that there should be no requirement to replace the trees as this was a high crime area and it is now safer, cleaner and brighter without the trees. He also noted that no detailed information relating to specific incidents of crime in the area has been provided or any evidence linking crime to the presence of the trees. On this basis he was not able to draw any conclusions on whether or not the replacement trees would cause a security risk.

The Inspector acknowledged the concerns raised regarding the shading caused by the trees but was of the view that these issues can be remedied by tree management. He also noted that he had not been provided with any information to support the assertion that the area was untidy as a result of the presence of trees on the site.

The Inspector took into account the Appellant’s contentions with regard to issues of subsidence and the cover of the business insurance to be removed. Accordingly, he amended the TRN to enable the Appellants and the LPA to

agree the species of trees to be replanted to reduce any potential impact the roots could have on the property.

(e) April 2019 – March 2020 Appeal Statistics

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

Background Papers

Relevant appeal decision notices and application files (as detailed above).

Contact Officer:

Mrs Justina M Moss, Tel: 01446 704690

Officers Consulted:

HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **2 MAY 2019**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. TREES

(a) Delegated Powers

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

Decision Codes

A - Approved
E Split Decision
R - Refused

2019/00047/TPO	A	1, Ger Y Llan, St. Nicholas	Work to tree covered by TPO No. 9 of 2009 - Removal of one mature Beech Tree
2019/00069/TCA	A	2, Taynton Mews, North Road, Cowbridge	Work to Trees in Cowbridge Conservation Area: Fell Birch and replant with Malus Red Sentinel
2019/00070/TCA	A	Springdale, West Street, Llantwit Major	Work to trees in Llantwit Major Conservation Area: Remove two Ash trees
2019/00073/TPO	A	Recreation Ground (Parks Land), Side of 34 Old Port Road, Wenvoe	Work to trees covered by TPO No.4 of 1951: Removal of 3 Horse Chestnut trees
2019/00119/TPO	A	26, Maillards Haven, Penarth	Work to Trees covered by TPO No. 1 of 1988: 4 Lime trees (sited in front garden) 30% Crown reduction
2019/00128/TPO	A	Copper Beeches, 7, Cardiff Road, Dinas Powys	Works to Trees - 3 Beech Trees, 2 to rear and 1 to front of property, reduce

			branches back way from roof line of No. 9 and phone lines- TPO 14 of 1973
2019/00129/TCA	A	Holmesdale, 19, Cardiff Road, Dinas Powys	Work to trees in Dinas Powys Conservation Area - Fell Birch & reduce upper crown of Lime
2019/00138/TCA	A	29, Clive Place, Penarth	Work to trees in Penarth Conservation Area: Removal of pollarded lime tree in rear garden adjacent to the shared boundary between numbers 29 and 31
2019/00153/TCA	A	Hill House, Church Road, Llanblethian, Cowbridge	Remove Willow tree next to boundary wall
2019/00173/TCA	A	27, Victoria Road, Penarth	Work to trees in Penarth Conservation Area: Remove and replant T1 Judas, remove and replant T2 Lime and abate actionable nuisance from T3 Hawthorn all in rear garden
2019/00174/TCA	A	13, Station Road, Dinas Powys	Work to Trees in Dinas Powys Conservation Area: Fell one Holly Oak in rear garden
2019/00177/TCA	A	Brook House, 3, Maes Y Felin, Llandow	Work to Trees - Beech Front Garden - Fell, Ash and Sycamore stems rear garden - fell, Rowan front garden - thin crown and reduce away from wires in Llandow Conservation Area
2019/00179/TPO	A	Bowlee, High Meadow, Llantwit Major	Works to trees covered by TPO number 3 of 1977
2019/00181/TCA	A	Quince Cottage, Llysworney, Cowbridge	Work to tree in Llysworney Conservation Area: Removal of Cherry tree

2019/00235/TCA A 1, Well Walk, Barry

Work to tree in Barry
Marine Conservation Area:
Eucalyptus - Crown
reduction, rebalancing and
removal of one lateral limb

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **2 MAY, 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: Mrs. Hayley Clare 93a, Westbourne Road, Penarth, Vale of Glamorgan, CF64 3HD

AGENT: Mrs. Hayley Clare 93a, Westbourne Road, Penarth, Vale of Glamorgan, CF64 3HD

21, Plassey Square, Penarth

Demolition of existing single storey rear extension and construction of a new single and two storey extension to rear. Loft conversion to form bedroom with en suite, including a dormer to the rear elevation. New side elevation windows at first-floor level

REASON FOR COMMITTEE

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 Councillor N. Thomas as it is considered that the proposal is unneighbourly, even with amendments

EXECUTIVE SUMMARY

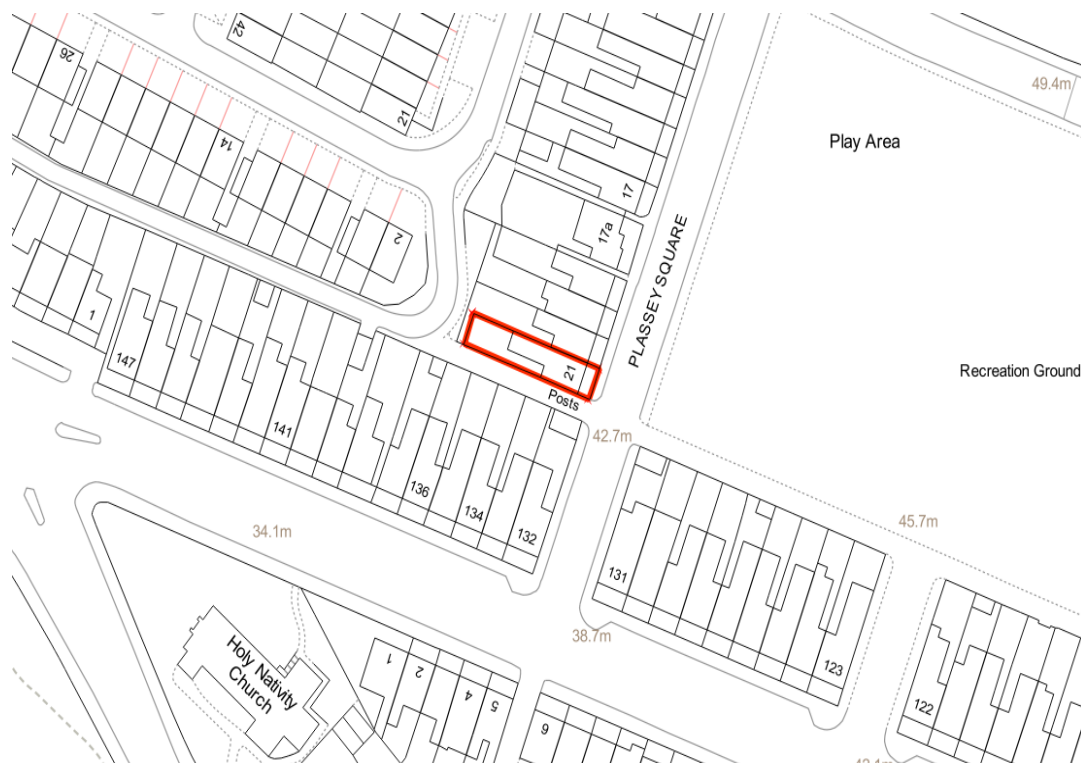
The application site relates to an end of terrace dwelling within the settlement of Penarth on Plassey Square. The proposal is for the demolition of the existing single storey annex and its replacement by a two storey extension and flat roof dormer to the rear.

At the time of writing this report, approximately 11 letters of representation from three neighbours adjoining the site have been received. Since amendments and re-consultation the neighbours have maintained their concerns with respect to loss of light, concerns over the construction period- dust, noise and disturbance, increased parking demand, loss of privacy, the extension being overbearing and out of scale with a poor design and insufficient amenity space and parking. Penarth Town Council have not objected to the proposals

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

SITE AND CONTEXT

The application site relates to an existing end-of-terrace, two storey, pitched roof dwellinghouse located on the west side of Plassey Square. The property lies within the settlement of Penarth as defined in the Local Development Plan (LDP).



The property sits adjacent to an unadopted side lane, which links Plassey Square to the adopted road to the rear of Trem Elai, Penarth Heights, which serves the rear of houses on Plassey Street to the south. There is no vehicular access to the site.

DESCRIPTION OF DEVELOPMENT

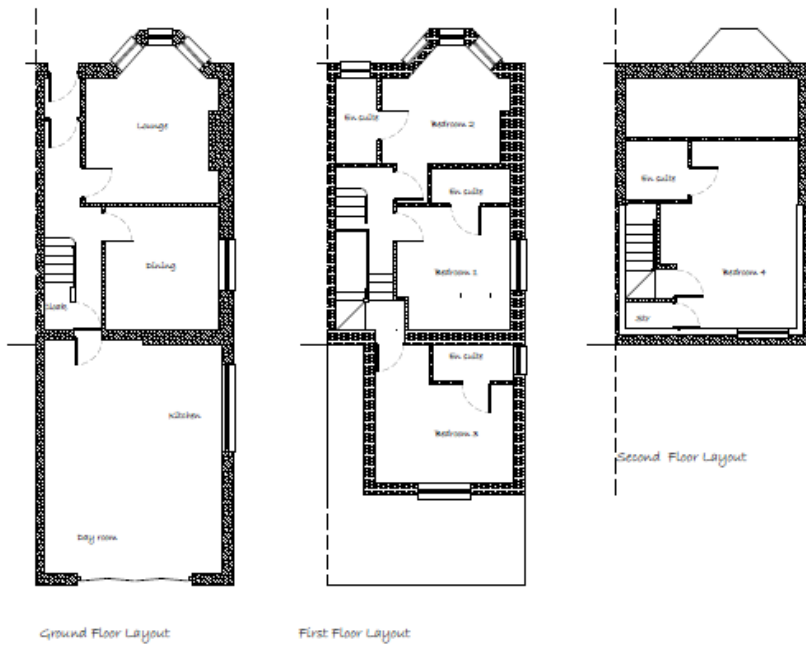
The application, as amended, seeks permission for the proposed construction of a single and two storey extension and flat roof dormer on the rear roof plane.

The rear extension would measure approximately 6.7m in depth by a width of 5.4m at ground floor (with flat roof), reduced to 4.1m depth at first floor by a width of 4.4m. The two storey element will have a hipped roof, 6.9m to the ridge. This element of the proposal will result in the demolition of the existing kitchen and bathroom in the single storey rear wing.

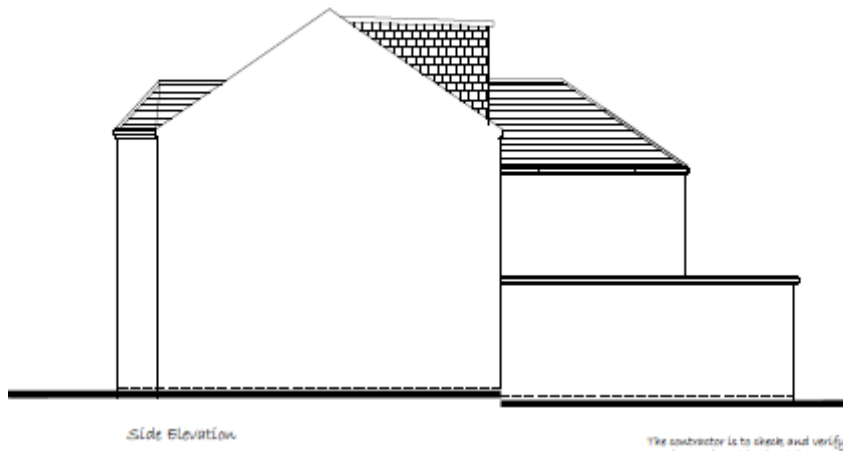
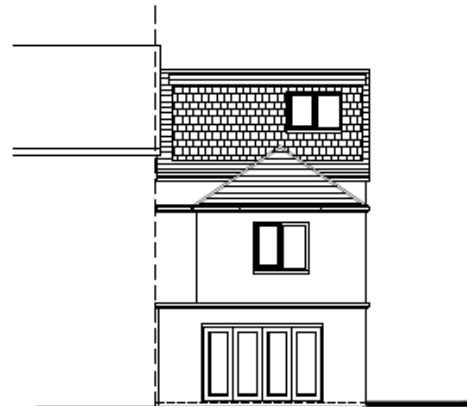
The flat roof rear dormer would measure 4.9m wide by 3.4m depth by 2.3m high. The dormer will be finished with hanging slates and the extension will be finished in slates and painted render, to match the existing dwelling.

The proposal includes additional windows in the existing side elevation of the dwelling at both first floor and ground floor.

The plans can be viewed below: -



Proposed Elevations and Floor Plan Layout



The contractor is to check and verify all building

PLANNING HISTORY

None

CONSULTATIONS

Penarth Town Council were consulted and raised no objection subject to the Vale of Glamorgan being satisfied there will be no adverse impact on 20 Plassey Square.

Following re-consultation on the amended plans Penarth Town Council raised no objection.

Local Ward Members were consulted and Cllr N Thomas has responded – “This is a heavily parked area and I would be concerned if the increase in bedrooms also heralds an increase in cars. I would also query whether this would adversely impact neighbours in terms of privacy or overshadowing given the orientation of the properties and the prevailing light. If both these worries are satisfied then I can see no good planning reasons to object.”

Councillor Thomas also requested on 10th December that if the Council is minded to approve without appropriate alterations to mitigate the neighbour concerns he would want the application to be considered by Planning Committee.

Following re-consultation on the amended plans Cllr N Thomas stated

Councillor Thomas indicated that if there is still a problem with the amount of residual amenity space remaining, the unneighbourly over massing of the build as well as overlooking and overbearing then these matters need to be addressed. Following consideration of the amendments and discussions with the neighbours Councillor Thomas indicated that there are still concerns about the proposed extensions impact on neighbours by way of being unneighbourly and he would still like the application be considered by planning committee.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 27 November 2018. In addition a site notice was posted on 6 December 2018. The neighbouring properties were re-notified on 23rd January 2019, in respect of the amended plans.

To date objections have been received from the occupiers of three neighbouring properties. The main reasons are set out below: -

- Loss of light
- Concerns over the Construction period- dust, noise and disturbance
- Whether there capacity of main sewer to cope with additional bathrooms
- Increased parking demand
- Loss of Privacy
- Overbearing and out of scale
- Poor design/overdevelopment
- Insufficient amenity space

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.

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.

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

- Good Design Making Better Places

Technical Advice Notes:

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

- TAN12 - Design including paragraph 2.6, 4.3, 4.8, and 5.11-Housing design and layout.

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

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 primary issues to consider are the potential impact upon the scale and character of the property and wider visual amenities, as well as the potential impact upon the amenity of neighbouring residential properties and parking.

Design and Visual impact

In policy terms the site lies within the settlement boundary for Penarth as defined in the LDP. Policy MD5 relates to development within settlement boundaries and permits development subject to certain criteria, including, criterion 3 – 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 1 requires new development to 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.

With regards to the scale of the proposed rear dormer, it would occupy a relatively large proportion of the roof plane, however given that it would be set in at the sides, and up from the eaves, it would not be overly dominate on the roof plane and would appear subservient within the rear roof plane. In terms of design, the dormer will have a flat roof with vertical cheeks and finished with a hanging slates to match the existing roof.

The single storey extension would be of a reduced depth, when compared to the existing rear annex extension, but will be of an increased width, up to the boundary wall with the lane. The first floor extension is also set down from the main roof ridge and eaves. Whilst the two storey extension would increase the overall depth and massing of the side elevation, the increase in depth is not considered excessive given the distinct step of the two storey element and would therefore not unacceptably impact the scale and appearance of the dwelling. Furthermore materials and finishes are also specified to match that of the existing dwelling.

The application site is visible from the south on Plassey Square and the whole of the rear terrace is visible from Trem Elai and the service lane to the rear. Although the dormer and rear extension would be visible from parts of the adjoining highway to the rear and Plassey Square, the extensions would only be visible from relatively close proximity and there are other dormers to the rear of the properties in this part of Plassey Square.

Overall, it is considered that the proposed dormer and extensions to the rear would be acceptable additions to the dwelling. The proposed changes would not have a detrimental impact upon the scale or appearance of the dwelling or the surrounding street scene, complying with the requirements of policies MD2, MD5 of the Adopted LDP 2011-2026.

Impact on neighbours

The dwelling is an end of terrace, adjoined by Highwinds, 20 Plassey Square to the north, a pedestrian access lane to the south and the properties at Trem Elai to the west. Beyond the lane to the south are the rear garden boundaries of a number of properties along Plassey Street. These dwellings are at a lower level and the neighbours potentially impacted by the extensions would be 132, 133 and 134 Plassey Street.

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 :

“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.”

“ 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.”

The extension would be a significant distance (approx. 30m) from the neighbours to the rear at Trem Elai (beyond the adopted vehicle Lane) and therefore there are no concerns over the extension being overbearing or impacting upon privacy in this instance.

The neighbour at 20, Plassey Square is at a slightly higher level than the application site and has an existing hipped roofed ground floor extension that extends from the rear. The neighbour's extension is, however, set off the application site boundary. Whilst the replacement single storey rear extension would increase the wall height of the existing extension by some 0.3m, the overall height is reduced by the removal of the hipped roof of the existing rear annex, as well as a reduction in the depth by 0.7m. As such, the single storey element of the proposal would not have significantly different impacts than the existing single storey annex and this element would not impact upon the neighbour by way of being overbearing or by increased overlooking.

The first floor element was initially proposed to be full width of the rear of the property, Following concerns raised in respect of overbearing impacts on the adjoining neighbour, (due to the proximity to the neighbours bedroom window) the extension has now been set off the boundary by approximately 1m, in addition to a reduction in the ridge height by approximately 0.2m

When taking into account the depth and height of the extension and the set off from the boundary, the extension would no longer be considered to be overbearing on the adjoining neighbours bedroom window to the rear. There are also no windows in the side elevation that increase any overlooking over and above the existing situation. While the rear elevation bedroom window facing the applicant's garden would provide some views of the neighbour's garden they are no more harmful than the existing rear bedroom windows.

Due to the alterations to the proposed extension, the extension is not considered to result in a harmful level of over shadowing and loss of light to the first floor bedroom.

The proposals would result in the ground floor and first floor extension being located closer to the neighbours to the south (No.s 132, 133 and 134 Plassey Street). However, given the distance of approximately 14m between the proposed extension and the dwellings, the separating foot path and the depth and height of the extension, it is considered that the extensions and dormer would not have a detrimental impact on their amenities by way of being overbearing.

The proposed windows in the side elevation at first floor (en-suite and bedroom) would offer views towards these properties. The cill height of the bedroom window has been significantly raised, where it would appear as a high level window. It is also shown indicatively to be obscure glazed. However, for the avoidance of doubt and clarity, it is considered necessary to condition both first windows to be obscured glazed and fixed pane up to 1.7m above the floor level of the room (**Condition 4** refers)

Although the neighbours have raised concerns over the ground floor windows, it is considered that the degree of separation coupled with the levels differences is such that any views from the ground floor windows would be limited. In any event, the applicant has proposed the windows at high level to mitigate any privacy impact and a similar condition can be included to require the applicant to install the window at least 1.7m above ground floor level. (**Condition 4** refers)

As such, it is considered that the extensions would not be overbearing or result in any increased overlooking to neighbouring properties (subject to compliance with conditions), complying with the requirements of MD2 and MD5 of the Adopted LDP 2011-2026

Parking

The extension would increase the level of accommodation from a three to four bedroom dwelling. Whilst the parking requirements for a three bedroom dwelling would require a maximum of three off street spaces (in line with the Parking Standards), the existing dwelling is not served by any off street provision. Therefore the increase in number of bedrooms would not require any additional increase in parking provision in line with the Parking Standards and the level of deficit would remain the same as the existing house.

It is considered that the site is sustainably located close to public transport (bus and rail links) along with the facilities and amenities available within Penarth Town Centre. Concerns have been raised about parking congestion, however, there are no parking restrictions (yellow lines, resident parking etc) on Plassey Square whilst on- street parking is considered to be at level of capacity where parking provision for the extended dwelling could be accommodated, if necessary. As such, it is considered that any increase in parking could be accommodated within the street without unacceptably impacting upon highway safety or the free flow of traffic.

Accordingly, there is sufficient parking on street to accommodate the extended dwelling, complying with Policies MD2 and MD5 of the Adopted LDP 2011-2026.

Amenity Space

The proposal would result in the loss of some amenity space, however the remaining area is considered of an acceptable size to serve the extended four bedroom dwelling in line with the guidance set out in the Residential and Householder Development SPG.

Other Matters

Whilst the issues of the visual impact and neighbours issues have been addressed above, it is considered necessary to outline the Councils position with respect to neighbours other comments on the construction period and whether there is capacity in the main sewer to cope with additional bathrooms

While the construction period can be an issue within an urban area, the temporary nature of the impact means it is not be so harmful to warrant the refusal of the planning application. It is also not common practice to condition householder applications requiring a construction management plan to be submitted prior to any works unless it is a particularly constrained and difficult site. In this instance, it is considered that it would be unnecessary to require such an onerous condition on this site

With respect to whether there is capacity of the main sewer to cope with additional bathrooms, an additional bathroom could be added to an existing dwelling at any time and the matter of the foul drainage connection and available capacity can be dealt with appropriately by Welsh water and building regulations.

RECOMMENDATION

APPROVE

APPROVE subject to the following condition(s):

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

Reason:

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

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

Site Location Plan received 23rd November 2018

Amended Proposed Elevations & Floor Plans Rev A received on 17th January 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.

3. The materials to be used in the construction of the external surfaces of the dormer and extension shall match those used in the existing dwelling.

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.

4. Any part of south side elevation windows at ground and first floor that are below 1.7m in height above the level of the floor in the room that it serves, shall be obscurely glazed to a minimum of level 3 of the "Pilkington" scale of obscuration and fixed pane at the time of installation and prior to the use of the respective rooms and so retained at all times thereafter.

Reason:

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

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 within Settlement Boundaries of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, and the advice contained within the Council's Supplementary Planning Guidance on Residential and Householder Development and Parking Standards in addition to 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.

H.M. LAND REGISTRY		TITLE NUMBER	
		WA 269759	
ORDNANCE SURVEY PLAN REFERENCE	ST 1772	SECTION H	Scale 1:1250
COUNTY SOUTH GLAMORGAN DISTRICT VALE OF GLAMORGAN			© Crown copyright 1975

PENARTH COMMUNITY

ADMINISTRATIVE AREA
OF THE DISTRICT OF
PENARTH

2018/01288/WL

ST 1772 SE
ST 1872 SW



2019/00007/FUL Received on 7 January 2019

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

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.

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.

At the time of writing this report, a total of 16 letters from nearby and adjoining occupiers have been received, in respect of the original and amended scheme. The neighbours have maintained their concerns with respect of the proximity of the extensions to boundaries, overbearing, overshadowing and overlooking impacts, design being out of character with the surrounding properties, inadequate parking and concerns in the 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

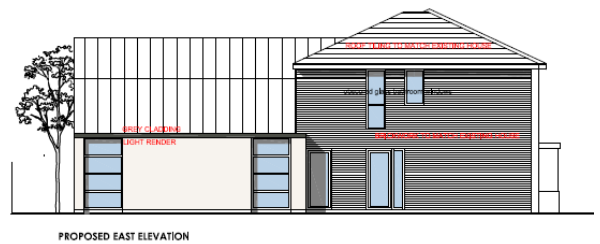
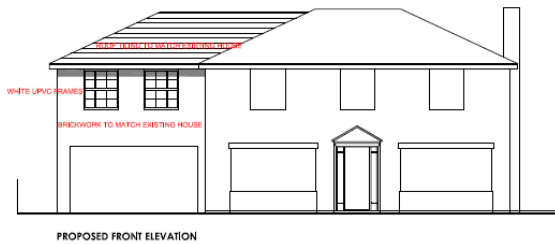
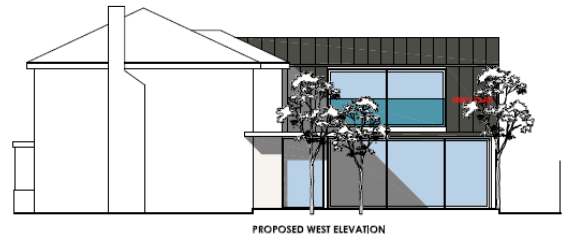
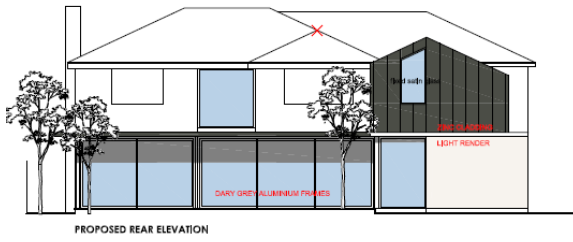
This is a full planning application, as amended, for the construction of a first floor side extension, two and single storey rear extensions. The works also include internal alterations to the existing dwelling.

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 and roof tiles and white UPVC windows.

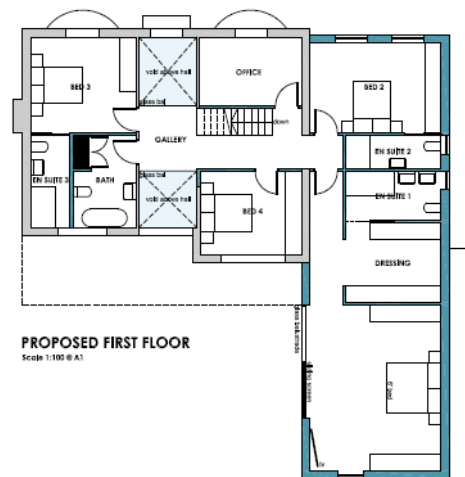
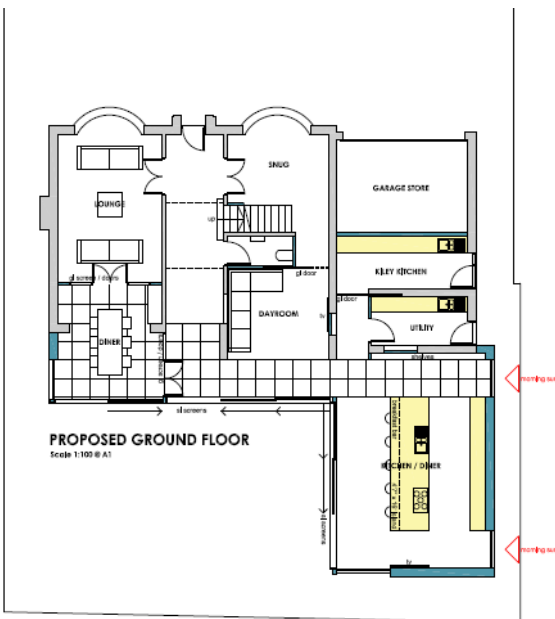
The two storey extension is to be located to the rear of the existing garage and proposed first floor extension. The extension has a depth of 7.7m by a width of 5.3m at ground floor and 4.8m at first floor. An asymmetrical roof is proposed with an eaves of 4.7 and 5m and ridge height of 6m. The extension will be finished in zinc/grey cladding at first floor level and light rendered at ground floor level.

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 extension will provide an additional bedroom to the front, served by two windows, an en-suite and second en-suite served by two windows on the site (served by obscure glazing) and to the a further bedroom with dressing room, served by a fixed obscure glass feature window.



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.

Following re-consultation on the amended plans, Penarth Town Council have 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.

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.

REPRESENTATIONS

The neighbouring properties were consulted on 10 January 2019 and a site notice was also posted.

To date a total of nine letters of representation have been 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 to date a further seven letters from nearby occupiers have been received, all of which continue to raise the same objections as 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

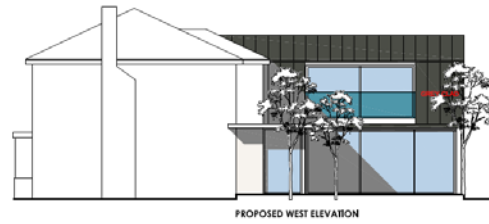
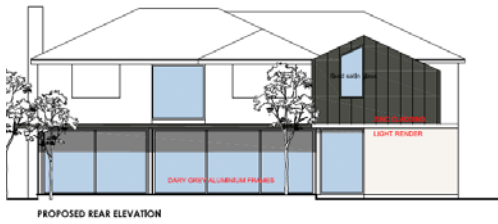


This element will be constructed over the footprint of the attached double garage with a depth of 8m. The hipped roof over will have the same eaves height as the existing dwelling and a ridge height set marginally below the main roof. The front elevation of the extension will be set back some 0.25m from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

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.



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

Whilst amendments have been sought in respect of the design of the extension, these have been largely to address concerns in respect of the impacts on the neighbouring dwelling (as set out below), in respect of the first floor element. However, the first floor element is now set in by some 0.6m from the main side elevation, which 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 use of zinc/grey cladding to the first floor element, whilst introducing a contemporary material within the close, is considered acceptable and due to the inset of the rear extension which would not be widely visible in the public street scene. The other materials used for the ground floor element (light render) and use of grey aluminium framed 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.

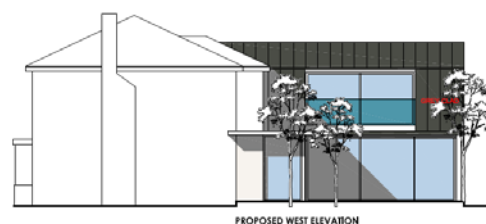
9.22 "New development that has a negative impact on the existing level of privacy enjoyed by a neighbour should be avoided wherever possible. Where new development results in an unavoidable impact, careful consideration must be given its design to ensure that the impact is kept to an acceptable level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

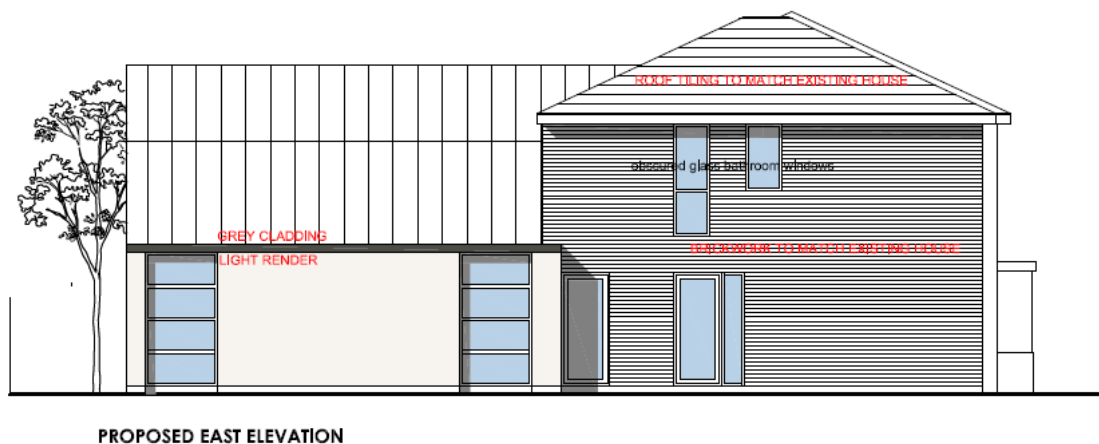
As originally submitted, the proposed two storey extension was shown to be sited within 1.5m of the rear boundary. Due to general concerns in respect of the depth of the extension and the proximity to the boundary, the extension has been reduced in depth to 7.7m, and is now set off the rear boundary by some 2m.

Furthermore the first floor element has been reduced in width, with a minor reduction in the ridge. Given that the dwellings to the south would be in excess of 20m (at their nearest) to the rear, it is not considered that the siting and resulting massing of the extension 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, the original proposal did include a full height feature window, which would have overlooked the garden area of the dwellings to the south. The amended scheme has now addressed this issue by reducing the width and height of the feature window. It is also specified as being "fixed stain glass". On the basis that the level of obscurity satisfies the Councils standards, and on the basis that it is not opening, 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. The extension to the side and rear would, in total be some 15m in length. However, due to the design, the massing of the extensions would be broken up and would appear as two distinct elements and the rear extension, particularly at first floor level would be subordinate to the main side extension.



From the representations received, it is noted that that the bow window which serves the sitting room on the front elevation of No.5 would face directly towards the proposed extension. As stated above, as originally submitted, the first floor element was considered to have an overbearing impact and would have enclosed the neighbour's immediate outlook. Following discussion with the agent, 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. Having regard to the distance of the bow window to the extension and the scale and massing of the amended first floor extension, whilst the first floor element would clearly be visible from the bow window and front garden of No. 5, it would no longer be considered to “unreasonably enclose” the outlook of the occupiers. Whilst concern has also been raised in respect of the dark colour choice of elevation material, it is considered that this does assist in breaking up the massing of the extension and it can also be read, in part, as forming part of the roof.

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.

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 reasonably 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 glass balustrade) is proposed facing this property, the distances to the opposing dwelling are such that this will not result in a 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 result in the loss of the use of the double garage, which due to its reduced depth is now shown as a store. 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 to 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 side 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 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:02 Rev D Existing and Proposed Plans
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.

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).

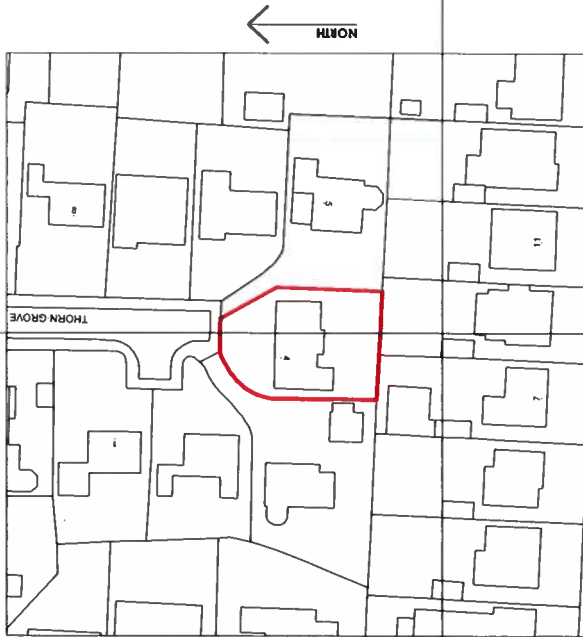
The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the

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

2017/00818/FUL Received on 5 November 2018

APPLICANT: Chet Dormer The Pound, Duffryn Lane, St. Nicholas, Vale of Glamorgan.

AGENT: Mr Barry Mayled BSC The Court, 16A, Augusta Road, Penarth, Vale of Glamorgan. CF64 5RH

Side Garden, The Pound, Duffryn Lane, St. Nicholas

Construction of four bedroom detached house in the side garden of 'The Pound', Duffryn Lane, St. Nicholas

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. Jonathan Bird for the reason that there are concerns relating to the impact of the proposal on the street scene and the effect on adjoining properties.

EXECUTIVE SUMMARY

The proposal seeks to erect a new 4 bedroom dwelling within the curtilage of The Pound, St Nicholas. The application site is located within the St Nicholas Conservation Area.

In addition to representations from statutory and internal consultees, letters of representation have been received from nine neighbours. The neighbour representations can be broadly defined as follows:

- Concerns over design and impact on conservation area;
- Concerns relating to privacy/amenity;
- Concerns over the impact on trees;
- Highway Safety concerns; and
- Concerns over the loss of green/open space.

Concerns were raised by Council Officers which resulted in the preparation of amended plans relating to the site layout.

The proposal is considered to be broadly policy compliant and it is recommended that the application be APPROVED having regard to all the submitted information subject to conditions

SITE AND CONTEXT

The application site relates to the side garden of The Pound, Duffryn Lane. The site is located within the St Nicholas settlement boundary as defined by the Vale of Glamorgan Local Development Plan. It is also located within the St. Nicholas Conservation Area.

The application site is located on the edge of the settlement and forms part of the transition from rural to urban. It is located between the historic core of the village and the relatively high density cul-de-sac developments of Broadway Green, Button Rise As a result, it has a semi-rural character.

The site measures approximately 600 sq m and is bounded to the north by the existing dwelling 'The Pound', to the east by dense tree coverage, to the south by No 1, Broadway Green and to the west by Duffryn Lane. The site gently slopes from the north-east corner to the south-west and is approximately 1m above the level of the adjacent highway.

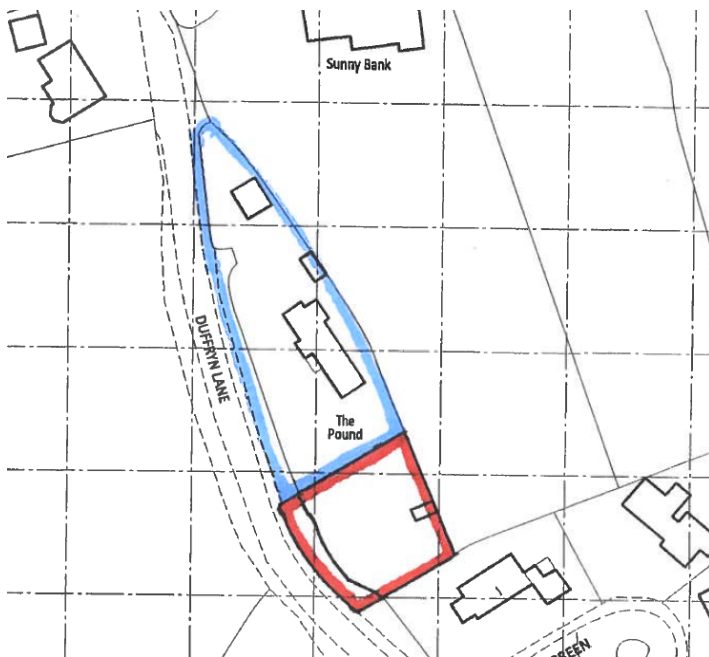


Figure 1: Site location plan

DESCRIPTION OF DEVELOPMENT

The application, as amended is for the erection of a 4 bedroom dwelling house with associated works in the side garden to the Pound. The application has been amended since its original submission in response to concerns raised by officers.

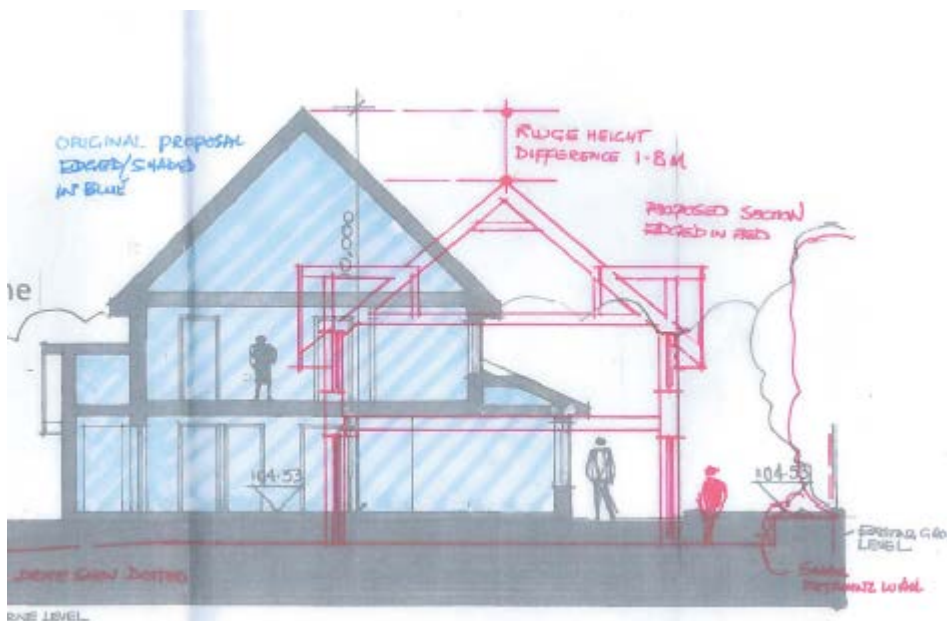


Figure 2: The amended scheme (in red) shown against the original submission (in blue)

The proposed dwelling is traditional in terms of its form, with some contemporary detailing. The proposed dwelling has a length of approximately 18.5m, an approximate width of 10m with an eaves height of approximately 3.9m and a ridge height of approximately 8.6m. Plans and elevations of the dwelling are shown below:



Figure 3: Front elevation

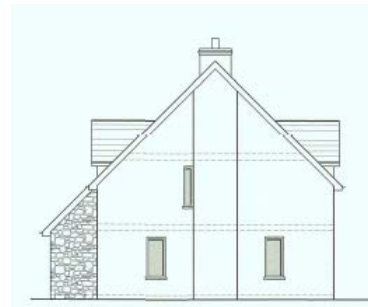


Figure 4: Side (south east) elevation



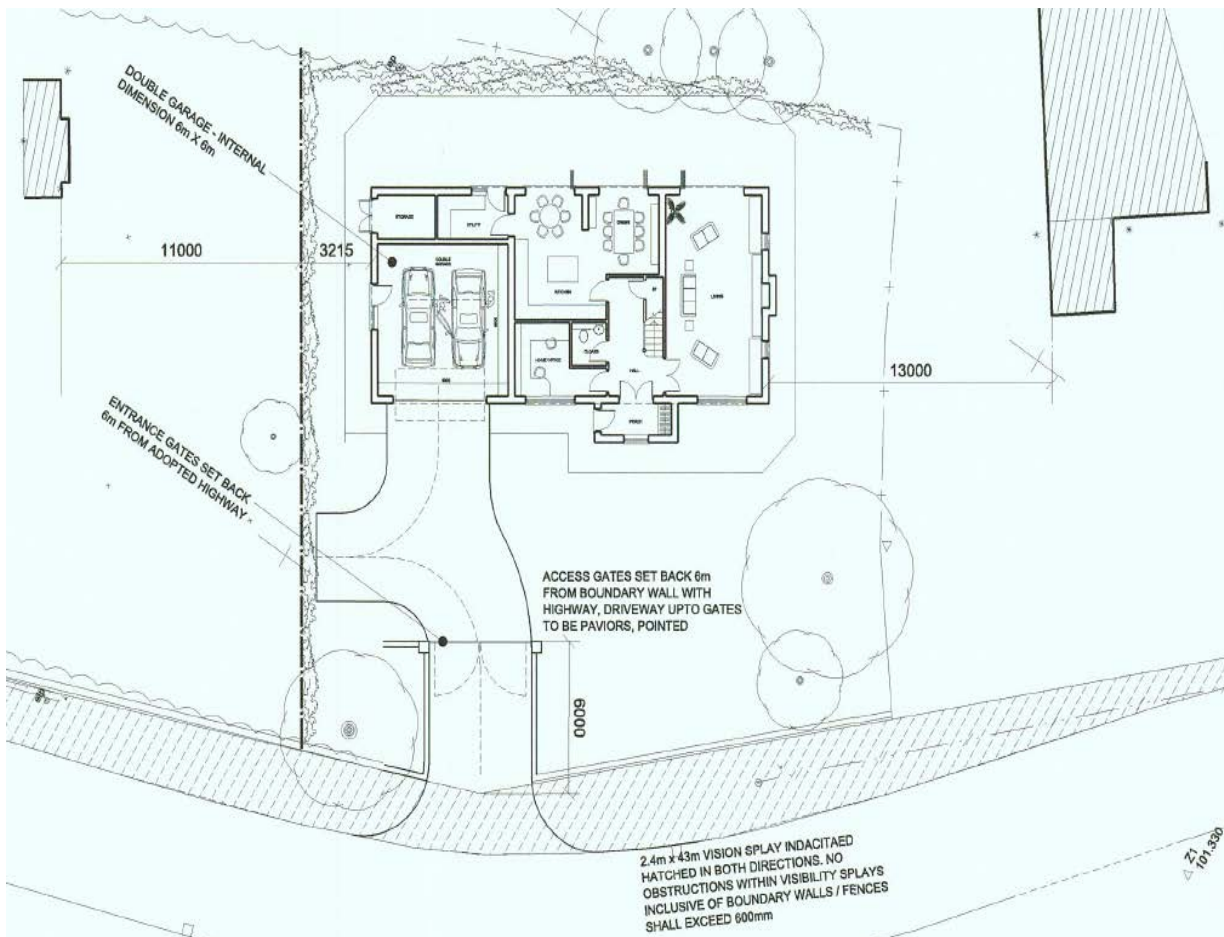
Figure 5: Ground floor plan



Figure 6: First floor plan

The proposed building is to be finished in render, painted white with limestone details under a composite slate roof. Windows and doors are proposed in a dark grey powder coated aluminium.

The building will be located approximately 14.2m from The Pound and 13m from 1, Broadway Green. A new access will be provided from Duffryn Lane with car parking provided within the plot.



The application is supported by a design and access statement, a financial viability study and a tree survey.

PLANNING HISTORY

2011/01215/TCA, Address: The Pound, Duffryn Lane, St. Nicholas, Proposal: Fell Western Red Cedar (behind garage). Within grounds of Sunnybank, fell 2 topped Cypresses and reduce height by 30% 5 Cypresses (behind the 2), Decision: Approved.

CONSULTATIONS

St. Nicholas and Bonvilston Community Council were consulted on 25 October 2017, 8 November and 2018 and 29 January 2019. In a response received on 18 February 2019 they objected to the proposal. A summary of the objection is as follows:

- They note the application site is in the St Nicholas Conservation Area;
- Loss of green space for wildlife;
- Precedent for more development; and
- Highway safety concerns.

These issues are considered in detail in the main body of the report.

Councils Highway Development were consulted on 25 October 2017, 8 November 2018 and 29 January 2019. In a response dated 26 October 2017 they raised no objection subject to a number of conditions being met, principally the need for visibility splays of 2.4m x 43.0m in both directions along the adjacent highway

Following the submission of revised plans, comments were received dated 28 November 2018 requiring further information. Further comments received 18 December 2018 (but dated 28 November 2018) confirmed there were no longer any highways objections to the scheme. A further response dated 26 February 2019 confirmed this.

Councils Highways and Engineering Team (Drainage) were consulted on 25 October 2017 and 18 November 2018. In a response dated 12 November 2018 they confirmed the site is "...not located within a DAM zone at risk of tidal or fluvial flooding, and NRW flood maps indicate that [there] is a very low risk of surface water flooding to the site."

They noted no details have been submitted with regard to surface water drainage for the proposed development and recommend a condition in this regard.

A further response received on 24 November provided an updated recommended condition.

Shared Regulatory Services were consulted on 25 October 2017 and 18 November 2018. In a response dated 26 October 2017 they recommended a condition limiting working hours to Monday to Friday 0800 – 1800; 0800 - 1300 Saturdays and not at all on Sunday or public holidays.

In addition, a request has been made for conditions relating to: investigation and monitoring of the site for the presence of gases; contaminated land measures (unforeseen contamination); importation of soils and aggregates; use of site won materials. In addition an informative is also requested in relation to contamination and unstable land advisory notice

A further response received on 17 December 2018 reiterated the recommendation of a condition limiting working hours.

Dwr Cymru Welsh Water were consulted on 25 October 2017. In a response dated 03 November 2017 they recommended the inclusion of a standard condition and informative relating to drainage and sewer connections.

The Council's Ecology Officer was consulted on 25 October 2017. In a response received on 14 November 2017, The Ecologist had "no comments" to make, however, stated the mature trees on the site should be retained. A further response received on 20 November 2018 reiterated this view.

Wenvoe Ward Member was consulted on 25 October 2017. Whilst no formal representation has been made, Cllr. Jonathan Bird has requested that the application be called in for determination by planning committee as noted above.

REPRESENTATIONS

The neighbouring properties were consulted on 25 October 2017, 8 November 2018 and 29 January 2019. A site notice was also displayed on 3 November 2017. The application was also advertised in the press on 2 November 2017.

Jane Hutt AM has advised that she has received concerns about the proposals from a constituent and asked for confirmation that it is being determined in line with planning policies.

17 (seventeen) representations have been received from nine addresses. The issues raised are summarised below as concerns relating to:

- the accuracy of the plans – in particular neighbouring properties and trees being incorrectly shown;
- the impact on the character and/or appearance of the conservation area
- the proposed design solution is not appropriate to the surrounding area with particular reference to the building line;
- the introduction of a balcony/roof garden;
- materials not being identified on the drawings;
- impact on amenity of neighbours;
- impact on trees;
- highway Safety concerns;
- loss of green/open space;
- the house being bought in order to develop the site;
- any precedent set for future developments;
- over development of the site;
- the lane being liable to flooding;
- the loss of views;
- the lack of community infrastructure;
- the extent of consultation;
- impacts during construction phase; and
- the impact on property values.

REPORT

Planning Policies and Guidance

Local Development Plan:

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – Delivering the Strategy

POLICY SP4 – Affordable Housing Provision

POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG4 – Affordable Housing

Managing Development Policies:

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD4 - Community Infrastructure and Planning Obligations
POLICY MD5 - Development within Settlement Boundaries
POLICY MD6 - Housing Densities
POLICY MD8 - Historic Environment

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,

- 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

- Good Design Making Better Places
- Previously Developed Land
- Managing Settlement Form –Green Wedges

Chapter 4 - Active and Social Places

- Living in a Place (housing, affordable housing and gypsies and travellers and rural enterprise dwellings)

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)

Technical Advice Notes:

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

- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 24 – The Historic Environment (2017)

Supplementary Planning Guidance:

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

- Affordable Housing (2018)
- Conservation Areas in the Rural Vale
- Parking Standards (2019)
- Planning Obligations (2018)
- Residential and Householder Development (2018)
- St. Nicholas Conservation Area Appraisal and Management Plan

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations
- Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

Well-being of Future Generations (Wales) Act 2015

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

Issues

The main issues to be considered are:

- Principle of development
- Impact on historic assets;
- Design and visual impact;
- Highway safety;
- Amenity and neighbour impact;

- Impact on trees; and
- Planning obligations

Procedural matters

Concerns have been raised regarding the accuracy of the drawings with particular reference to the neighbouring property 1 Broadway Green not being shown accurately in the submission. It is noted that the submission is based on an Ordnance Survey base. Whilst the OS mapping and the application drawings do not show this information, the impacts of the proposal were assessed as part of the site visit undertaken in consideration of the application. Therefore, the report below considers the 'as existing' situation in reaching a recommendation.

Principle of the Development

In policy terms, as already noted, the site lies within the settlement boundary of St Nicholas, a minor rural settlements, as defined in the LDP, where relevant policies include MD2-Design of New Development, and MD5-Development within Settlement Boundaries.

Whilst the development of the site for a dwelling is considered acceptable in principle, this is subject to any such proposals, in particular, complying with the aims and objective of the policies, as set out below.

Policy MD5 allows for new development within the identified settlement boundaries subject to certain criteria, including, criterion 3 which requires that the scale, form, layout and character 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.

In addition, policy MD2 is also a criteria based policy, including criterion 1-which requires 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; and 2 that it respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density.

Policy MD8 also requires that development proposals must protect the qualities of the built and historic environment and within conservation areas, development proposals must preserve or enhance the character or appearance of the area.

Furthermore, the Council's SPG on Residential and Householder Development has guidance relating to design and the impact on amenity, including paragraphs 7- Understanding and Responding to the Character of your Property and Area, and paragraph 9-Impact on Neighbours.

Impacts on historic assets

The application is located within the St Nicholas Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise of planning duties special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

The Courts have made it clear that the duty imposed in the Act means that in considering whether to grant permission for development that may cause harm to a designated asset

(listed building or conservation area) and its setting, the decision maker should give particular weight to the desirability of avoiding that harm. There is still a requirement for a planning balance, but it must be informed by the need to give weight to the desirability of preserving the asset and its setting.

The St Nicholas Conservation Area Appraisal and Management Plan (“the CAAMP”) identifies the qualities of the conservation area. Whilst the conservation area is an area of special architectural and/or historic interest, the character or appearance of which it is desirable to preserve or enhance, this does not mean that it is automatically of high sensitivity to all forms or scales of development or that parts of it are uniformly of the same value and sensitivity.

The CAAMP is not prescriptive about which areas may be suitable for development but is guidance on general principles. It provides more detail than the Local Development Plan and is the preferred guidance for assessing the impact of the proposed scheme.

The CAAMP identifies the as “...very spacious and maintains a strongly rural character...”. Much of this is derived from the spaciousness of plots away from the historic core. Specifically it identifies ‘Modern buildings around the edge of the Conservation Area of a variety of sizes, but still in fairly spacious plots’.

Whilst the site is located within the Conservation Area, it is noted that the only feature of particular significance in this part of the conservation area identified in the CAAMP is a significant view out (see Fig 7 below). This view would be preserved by any development of the site. However, the site does reflect the wider character of detached dwellings in spacious plots. It will be necessary, therefore, to assess the contribution of this spaciousness to the special interest of the conservation area; and to assess the impact, if any, of the proposed development on this contribution.



Figure 7: Extract from Conservation Area Appraisal and Management Plan

It is acknowledged that private gardens contribute to the spaciousness of the conservation area. The feeling of spaciousness of the application site is somewhat reduced by the dense tree coverage to the immediate east of the site and the existing topography and hedge planting at the front of the site. Given the particular characteristics of the application site, it is considered to make a neutral contribution to the special interest of the conservation area.

In order to achieve an acceptable visibility splay there is a requirement to take down a section of hedge, although the applicant's agent has confirmed that the visibility splays can be achieved without alteration of the wall. Domestic hedges fall outside planning control and this removal is, therefore, considered acceptable.

The wooded rural character of this part of the conservation area will still be read around and behind the proposed development from public views mitigating the immediate impact of the proposal. It is further recognised that the application site lies immediately adjacent to one of the highest density parts of the conservation area.

Whilst it is noted that the proposed dwelling will stand forward of the building line formed by The Pound and 1, Broadway Green it is accepted that Duffryn Lane has an irregular, organic layout, particularly when compared to the formalised layout of Broadway Green, Button Ride and Dyffryn Close. On this basis, it is accepted that the principle a dwelling in this location will preserve the character and appearance of the conservation area, subject to a more detailed consideration in respect of design and visual impact as set out below.

Design and visual impact

Intrinsically linked to the impact on the historic environment is the design and visual impact of the proposed development. Policy MD2 'Design of New Development' of the LDP seeks to ensure a high quality of design that respond to the local context and character of the surrounding natural and built environment. The Council's SPG on Amenity Standards also has policies relating to design and the impact on amenity, including policies 1 and 3, which highlight the need to respect existing character.

The site context includes late 20th century detached dwellings of traditional form with some contemporary features. Dwellings along Duffryn Lane vary considerably in size, form and materials. The proposal reflects the traditional form with contemporary detailing characteristic of this part of St. Nicholas being of a similar and form to its immediate neighbours to the north and south.

With regard to the effect of the proposal on the street scene, the main concern is considered to be the loss of the open space forming the extant garden to The Pound. This has been considered above.

The proposed dwelling is to be located approximately midway between The Pound and 1, Broadway Green. The separation of approximately 14m and 13m respectively between the buildings will ensure that the proposed development does not appear cramped and maintains a level of spaciousness.

The proposed dwelling is of a traditional form with contemporary detailing including a covered balcony above the proposed garage within the gable, however, the development would be viewed in a diverse context, which comprises buildings of varying age, appearance and architectural style. In this respect, it is considered that the scale and massing of the development is considered acceptable in principle, as is the design approach. The proposed materials generally reflect the character of the wider conservation area, where limestone and render under slate roofs dominate. Notwithstanding this, it is considered necessary to condition a schedule of materials and finishes for prior approval (**Condition 3**), samples of the proposed stone and slate (**Condition 4**) and further details of the proposed balcony (**Condition 5**).

Policy MD6 requires developments to meet minimum density standards in order to ensure land is used efficiently (25 dwellings per hectare in minor rural settlements). However, the policy does allow development at a lower density where development at a higher density would have an unacceptable impact on the character of the surrounding area. The general spaciousness of the conservation area has already been considered above and whilst it is considered that the introduction of this dwelling will not cause harm to the character and appearance of the area an increase in the number of the dwellings to meet the requirement of density of Policy MD6 would likely cause harm.

No information has been submitted in terms of landscaping or boundary treatments. Conditions requiring the submission of these are recommended (**Conditions 6 and 7**).

Overall, the siting, form and scale of the proposed dwelling reflects that of properties in this part of the conservation area and, as such, it is considered to comply with policies SP10, MD2, MD5, MD6 and MD8 of the LDP.

Highway safety

The dwelling would be accessed from a new access to the site from Duffryn Lane. The site would benefit from a garage providing parking for 2 cars and an area of hardstanding allowing cars to be able to manoeuvre and exit the site in a forward gear. In consideration of the original submission, the Council's Highways officer requested further details relating to the provision of visibility splays and amended details indicating the scheme would meet technical standards. These details are reflected in the additional details submitted and there are now no highways objections to the proposed scheme.

As noted above, the visibility splays of 2.4m x 43.0m in both directions along the adjacent highway, can be achieved without the loss or alteration of the boundary wall. The approved access and associated visibility splays shall be completed prior to the occupation of the proposed dwelling, and thereafter maintained (**Condition 17** refers)

It is considered that whilst the development would result in an additional access onto Duffryn Lane, the proposed access would not result in unacceptable detriment to highway safety.

The proposal is, therefore, considered to comply with policy MD2 in this regard.

Neighbour impacts

Policy MD2 of the LDP and the Council's SPG on Residential and Householder

Development seek to ensure adequate amenity for the occupiers of not only new housing but also the existing properties. Criterion 8 of policy MD2 of the LDP seeks to safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance.

In terms of neighbour impact, and in particular privacy, the Residential and Householder Development SPG notes *“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.”* The SPG identifies a design standard of “A minimum distance of 21 metres between opposing windows in habitable rooms should be achieved”.

Where habitable room windows of a neighbouring property are at an angle of less than 90° to the habitable room windows in new development (i.e. windows not directly opposing), the minimum distance between the opposing windows may be reduced. Two properties are within 21 metres of the proposed dwelling (The Pound and 1, Broadway Green). The effects on these dwellings are, therefore, assessed below.

The proposed dwelling includes one window to the north elevation (facing The Pound). This serves the garage and is not considered a habitable room. For this reason, there are not considered to be any privacy issues arising from the proposed development.

To the south elevation (side elevation), three windows are proposed. One, serving an ensuite bathroom (at first floor level) and two serving as tertiary windows to the living room (at ground floor level). The windows serving the living room measure approximately 1.5m in height by 0.5m wide. They are located approximately 13m away from 1, Broadway Green. Whilst the windows are not directly opposing, the distance between the two buildings is likely to fall short of the design standard set out above.

Noting that these windows are not the primary source of natural light a condition is recommended ensuring these windows are fitted with obscure glazing and non-openable (**Condition 8**). In addition, a condition requiring details of existing ground levels within and adjacent to the site and proposed finished ground and floor levels is recommended (**Condition 9**).

This will overcome the privacy issues identified above and will, therefore, comply with the requirements of Policy MD2 of the LDP and the Residential and Householder Development SPG.

Impact on trees

Trees make a significant contribution to the character and appearance of the Conservation Area with the CAAMP stating:

“Of particular note are the trees along Duffryn Lane and Brook Lane, which link the more built-up area along the main road with the countryside to the south.”

The application is accompanied by a Tree Survey prepared by arboricultural consultants, indicating that a group of western red cedar trees forming a hedge to the front boundary and a sycamore tree are to be felled with all other trees on the site retained. The

submitted details indicate that the dwelling itself will be outside of the root protection zone of the trees to be retained.

The hedge falls outside of planning control and no further consideration is given to this aspect of the proposal. A “Tree Evaluation Method for Tree Preservation Orders” (TEMPO) assessment has been undertaken taking in to account the condition of the tree. The assessment concludes that a tree preservation order could be defended, however, the relatively poor condition of the tree is noted and in this instance, whilst the amenity value of the tree meets the standard it is marginal.

Notwithstanding this, it is recommended that a condition (**Condition 10**) requiring a replacement tree to be planted is included as part of any positive recommendation.

Amenity Space

The Supplementary Planning Guidance ‘Residential and Householder Development’ indicates that for houses, a minimum of 20 sq. m of amenity space per occupier should be provided, and the majority should be private garden space.

The proposed dwelling would benefit from a garden of approximately 362 sq.m with approximately 90 sq.m of this being within the rear garden, representing a deficit when compared with the SPG. However, given the substantial difference in height between the garden and the adjacent highway, the area to the side of the proposed dwelling and part of the area to the front can also be considered as being generally ‘private’ and would be adequate to meet requirements of the SPG.

Whilst the proposal will result in the loss of amenity space serving the existing dwelling, sufficient amenity space will remain to meet the needs of the occupiers and would be in accordance with the SPG.

Planning obligations

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

The need for planning obligations based on the type of development proposed has been considered taking account of the local circumstances and needs arising from the development, and what it is reasonable to expect the developer to provide in light of the relevant national and local planning policies.

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

Affordable Housing

Criterion 4 of policy MD1 of the LDP requires new residential development to support the delivery of affordable housing in areas of identified need. The Council are aware of the acute need for such provision within the Penarth area. The Council’s policy on affordable housing is set down in Policy MG4 of the LDP relating to Affordable Housing, and requires

all residential sites resulting in a net gain of one or more dwellings to provide an element of affordable housing.

St Nicholas lies within an area where the requirement is for 40% affordable housing to be provided. Based upon sites of 1-9 dwellings, the Council's Adopted SPG on Affordable Housing (2018) sets out how to calculate the level of off-site contribution. At the time of considering the application, the affordable housing calculation in relation to the proposal was based on the payment of £62,268.80

The applicant was advised of the required contribution, although subsequently provided a formal response indicating that the overall development would be unviable based on the Affordable Housing Contribution.

The adopted Affordable Housing SPG states under para 7.1.2:

7.1.2. In line with the above advice, the Council will normally expect developments to deliver affordable housing on development sites, usually in the form of units built for and transferred to the Council or a Registered Social Landlord. LDP Policy MG4 specifies this to be required unless exceptional circumstances are demonstrated as to why this cannot be achieved, such as:

- *Insurmountable development viability issues caused or exacerbated by the affordable housing requirements;*

Chapter 8 of the Affordable Housing SPG provides further guidance with regard to the assessment of development and reviewing viability appraisals. The Council accepts that there may be sites within sub market housing areas, which may not be viable, due to site specific constraints, high abnormal build costs, and lower gross development values. Therefore in accordance with the above guidance set out within the SPGs, the applicant has submitted information in relation to the build/conversion costs and the likely value of the property once completed to demonstrate that the payment of the Affordable Housing contribution would render the scheme unviable.

The submitted figures are considered to reflect current market conditions that have been checked against the latest BCIS (Building Cost Information Service) of the Royal Institution of Chartered Surveyors (RICS), which sets out nationally accepted figures for the cost of building houses and flats. The results of this calculation show that with the projected sales value, when the build costs are considered, it is unlikely that there would be sufficient viability in the project to allow for the payment of the affordable housing contribution.

The developer has demonstrated that based on the particulars of the development costs and comparable up to date sales values, that an Affordable Housing Contribution would render the development unviable. As such, the requirement to provide the Affordable Housing Contribution, or even any reduced level of such contribution, would be unreasonable in this case.

Having considered the above, and in light of the advice published by Welsh Government, LDP Policy MD4 and the SPG on Affordable Housing, the Council consider that the absence of any planning obligations is only accepted in view of the development viability issues.

Environmental Impacts

The requested hours of construction are noted, which shall be imposed by way of Condition (**Condition 11**).

The comments made by the Specialist Services Officer in respect of investigation and monitoring of the site for the presence of gases; contaminated land measures (unforeseen contamination); importation of soils and aggregates and use of site won materials, have been secured by condition (**Conditions 12, 13, 14 and 15**).

Other Matters

A number of concerns were raised in representations which, whilst of significance to those making the representation cannot be afforded weight in the determination of planning applications. These include:

- the house being bought in order to develop the site;
- the loss of views; and
- the impact on property values.

Concerns were raised in relation to the lack of community infrastructure. The Council's Planning Obligations SPG recognises that new development can have an impact on existing community infrastructure and create the need for new facilities such as school places, parks, public transport and community halls. The SPG contains thresholds and formulas for each type of obligation and in this case there is no requirement to provide community infrastructure.

Concerns were raised in relation to the extent of consultation undertaken. The application was advertised by way of a site notice, in the press with immediate neighbours also directly consulted. This exceeds the minimum requirements set out in the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

Further concerns were raised that materials were not identified on the drawings, however, these are identified on the application form and the application has been considered on this basis.

Concerns were also raised relating to any precedent the approval of this application set for future developments. All applications must be determined on their own merits with the particular circumstances of each site being taken into account. It does not follow, therefore, that the determination of this application sets a precedent for other development sites.

Whilst concerns were raised relating to the lane being liable to flooding it is noted that the Council's Highways and Engineering department did not raise an objection in this regard.

RECOMMENDATION

APPROVE

APPROVE subject to the following condition(s):

1. The development shall begin no later than three 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:

P. 02 Proposed floor plans, elevations and site plan received 29 January 2019; 1097/Highways 01 received 05 December 2018; Tree survey dated 02 January 2019, Aboricultural Impact Assessment and Tree Constraints Plan received 03 January 2019; and Design and Access Statement received 20 October 2017.

Reason:

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

3. Notwithstanding the submitted details, a schedule of materials 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 be completed in accordance with the approved details and shall thereafter be so retained.

Reason:

To safeguard local visual amenities, as required by Policies SP1 (Delivering the Strategy), MD2 (Design of New Development), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

4. Notwithstanding the submitted plans and details, prior to their use samples of the proposed slate and stone shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved samples and shall thereafter be so retained.

Reason:

To safeguard local visual amenities, as required by Policies SP1 (Delivering the Strategy), MD2 (Design of New Development), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

5. Notwithstanding the submitted plans prior to their installation details of the proposed balcony shall be submitted to and approved in writing by the Local Planning Authority. The balcony shall be completed in accordance with the approved details prior to occupation and shall thereafter be so retained.

Reason:

To safeguard local visual amenities, as required by Policies SP1 (Delivering the Strategy), MD2 (Design of New Development), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

6. All means of enclosure associated with the development hereby approved shall be completed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure shall be completed in accordance with the approved details prior to the first beneficial use of the development.

Reason:

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

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

Reason:

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

8. The windows in the side (south) elevation, facing towards the property known as 1, Broadway Green, serving the living room and ensuite bathroom, shall be fitted with obscure glazing to Pilkington level 3 level of obscuration and non opening at the time of the construction of the development hereby approved and prior to the first beneficial use of the dwelling and shall thereafter be so maintained at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded.

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

Reason:

To ensure that amenity is safeguarded, and to ensure the development accords with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

10. A replacement tree (sycamore) shall be planted (within the application site) during the next available planting season (October to March) following felling and shall be properly staked and watered during periods of drought for a period of five years. In the event that the tree becomes diseased or dies another similar sized tree shall be planted in its place.

Reason:

To ensure that the visual amenities of the area are protected.

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

Monday to Friday	0800 – 1600
Saturday	0800 – 1300

Unless such work is:

(a) associated with an emergency (relating to health and safety or environmental issues);

(b) carried out with the prior written approval of the Local Planning Authority.

Reason:

To safeguard the amenities of local residents, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD7 (Environmental Protection) of the Local Development Plan.

12. Prior to the commencement of any development a scheme to investigate and monitor the site for the presence of gases being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval. Following completion of the approved monitoring scheme, the proposed details of any appropriate gas protection measures which may be required to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such

time as the Local Planning Authority agrees in writing that the measures are no longer required.

Reason:

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

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

Reason:

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

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

Reason:

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

15. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation.

Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

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

16. 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), SP10 (Built and Natural Environment), MD2 (Design of New Developments) and MD9 (Historic Environment)] of the Local Development Plan.

17. Prior to the first beneficial occupation of the dwelling, the 2.4m by 43m visibility splays shown on plans 1097/Highways and P. 02 (Proposed floor plans, elevations and site plan) shall be fully completed and thereafter shall be maintained free of any obstruction exceeding 0.6m in height for as long as the development exists.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1-Delivering the Strategy, SP4-Affordable Housing Provision, SP10-Built and Natural Environment, MG4-Affordable Housing, MD1-Location of New Development, MD2-Design of New Development, MD4-Community Infrastructure and

Planning Obligations, MD5-Development Within Settlement Boundaries, MD-6 Housing Densities and MD8-Historic Environment of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; Supplementary Planning Guidance, including Residential and Householder Development, Trees and Development, Biodiversity and Development, Affordable Housing, Planning Obligations and Parking Standards; and national guidance contained in Planning Policy Wales, TAN2-Planning for Affordable Housing, TAN10-Tree Preservation Orders, TAN12-Design, and TAN24-Historic Environment, it is considered that the proposal represents an acceptable form of residential redevelopment of the site that will preserve the character and appearance of the conservation area. The proposal is also considered acceptable in respect of neighbouring and general residential amenities of the area and highway safety.

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

NOTE:

1. Surface water run-off from the proposed development must not connect either directly or indirectly (i.e. via any existing or proposed private drainage system) to the public foul sewer under any circumstances.

2. The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

(i) determining the extent and effects of such constraints;

(ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;

- Unprocessed / unsorted demolition wastes.**
- Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.**
- Japanese Knotweed stems, leaves and rhizome infested soils.**

In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and

(iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

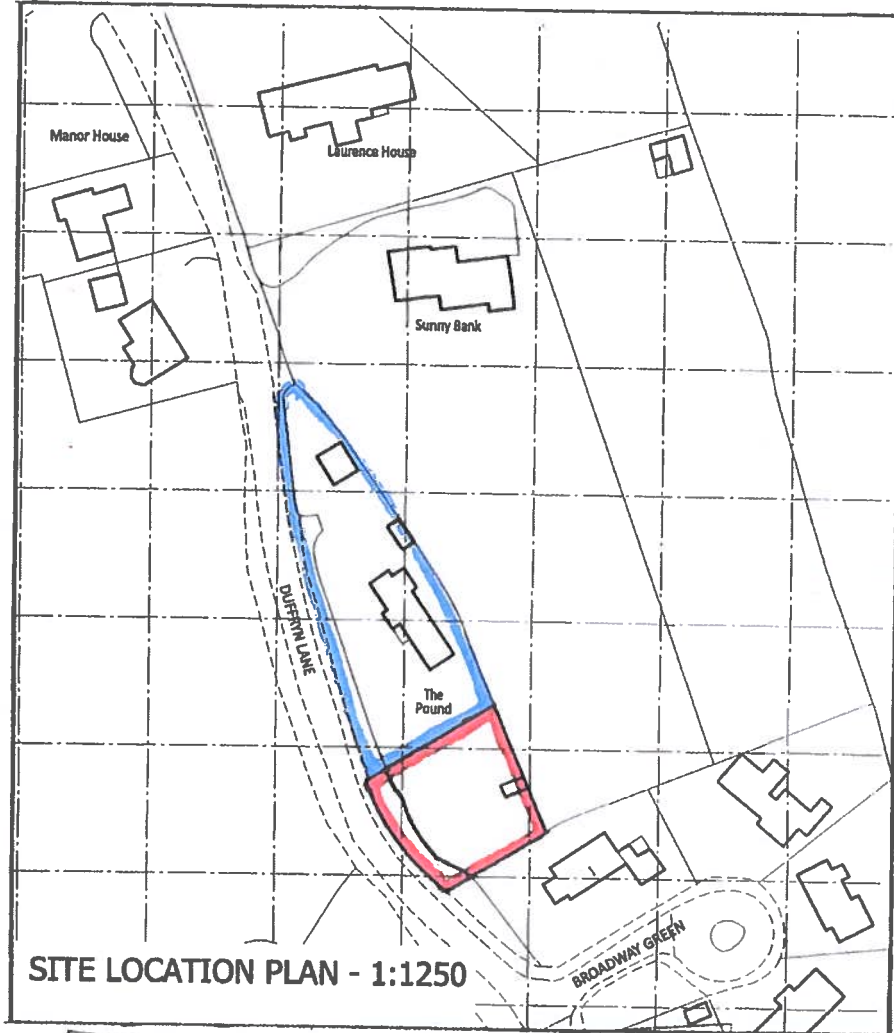
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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

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

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

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

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05 NOV 2018
Regeneration
and Planning

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2 NOV 2018
Regeneration
and Planning



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Do not scale this drawing.
Architect to be notified of any discrepancies in figured dimension.
Contractors must check all dimensions on site.
This drawing is copyright.

Preliminary
 Information
 Construction

Revisior:
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Job Title: **NEW DWELLING IN THE SIDE GARDEN OF THE POUND, ST NICHOLES**

Drawing Title: **SITE LOCATION PLAN**

Job No: **1097** Drawing No: **SL-01**

Scales: **1:1250**

Drawn: **BFM** Checked: Date: **NOV 18**

2018/01418/FUL Received on 21 December 2018

APPLICANT: Mr. Nigel Bond Poundfield Farm, Pound Lane, Wenvoe, Vale of Glamorgan, CF5 6PL

AGENT: Meridian Building Design, Mr Greg Tuck, The Rise, 41a, Highwalls Avenue, Dinas Powys, Vale of Glamorgan, CF64 4AQ

Poundfield Farm, Pound Lane, Wenvoe

The retention and completion of the existing building to provide ancillary living accommodation associated with the dwelling at Poundfield Farm

REASON FOR COMMITTEE DETERMINATION

The application is reported to Planning Committee under the Council's approved scheme of delegation because the report has a dual recommendation including planning enforcement action in the form of a Planning Enforcement Notice which is outside the scheme of delegated powers.

Executive Summary

This retrospective planning application, as amended, relates to the retention of an outbuilding as built and by nature the change of use of the associated land to residential. The land is located in the open countryside and part of it within Wenvoe Woods.

The principal issues to consider include the principle of development, the impact of the development on visual amenity and the wider rural character of the area, and Wenvoe Woods.

The report outlines the significant policy presumption in favour of the protection of the countryside of its own sake, as well as the impacts the development may have on the adjacent Wenvoe Wood. It concludes that the development is contrary to the established principles of the development plan and national planning policy and that it has a negative impact on the character and appearance of the rural setting that domesticates this otherwise undeveloped landscape.

It is recommended that the planning application be REFUSED and that PLANNING ENFORCEMENT ACTION BE AUTHORISED so that formal action in the form of a planning enforcement notice may be pursued to remedy the breach of planning control. In addition, in the event of non-compliance with the enforcement notice authorisation is also sought to take such legal proceeding that may be required.

SITE AND CONTEXT

The application site relates to an incomplete single storey building and surrounding land. The application site is adjacent to, but is considered to be outside the residential curtilage serving the dwellinghouse at Poundfield Farm. Poundfield Farm is located to the west of Wenvoe and is located within the open countryside as identified in the adopted Local Development Plan.

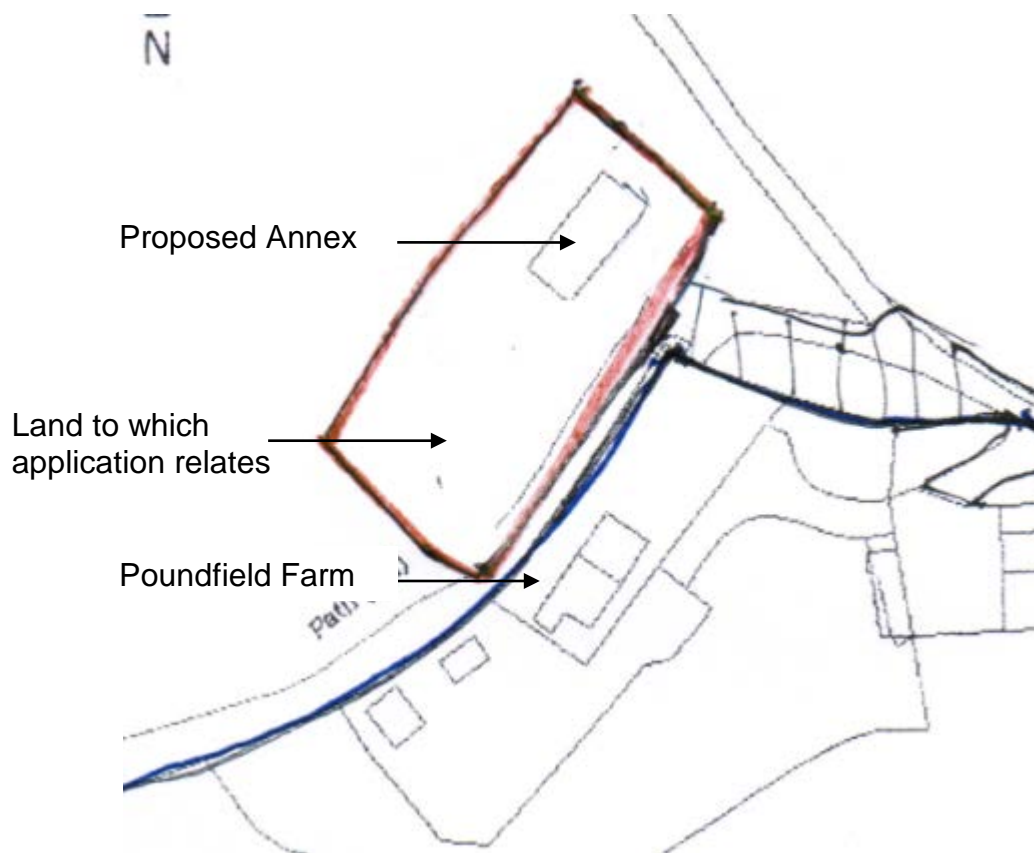
The application site is located within the Dyffryn Basin and Ridge Slops Special

Landscaping Area and a Mineral Safeguarding Zone for Limestone (including dolomite). The land is identified in Welsh Government Predictive Agricultural Land Classification as Grade 3a agricultural land, which is good to moderate quality.

Tree Protection Order (TPO) 4 of 1951, relating to Wenvoe Wood is shown to cover the land and the surrounding woodland. Wenvoe Wood itself is located to the north, west and east of the application site. This woodland is also designated as a Site of Importance for Nature Conservation and an Area of Ancient Semi-Natural Woodland, as identified on the Natural Resources Wales Ancient Woodland Inventory.

A public right of way runs to the south of the application site between the main dwelling and the proposed annex.

The land to which this application refers and the proposed annex can be seen below:



DESCRIPTION OF DEVELOPMENT

This is a full application, as amended, for the retention and completion of an existing partly constructed building, to provide ancillary living accommodation to the dwelling at Poundfield Farm.

The single storey outbuilding to be retained and completed is located outside of the residential curtilage of, but within, the ownership of Poundfield Farm. It is 16.6 metres in length and 8.0 metres in width. It has a gabled roof with an eaves height of 2 metres and a ridge height of 5.1 metres.

The proposals can be seen below:



As noted above, the application site is not considered to form part of the curtilage of the dwellinghouse at Poundfield Farm. Neither has the use of the land for residential purposes been established as lawful (this is considered later in the report). In view of the context of the site, the lawful use of the land would be for agriculture or forestry. Accordingly, the application also proposes the change of use of the land to residential. The land subject to the application covers an area of some 980 sq m.

PLANNING HISTORY

1999/00882/FUL, Address: Poundfield Farm, Pound Lane, Wenvoe, Proposal: Replacement domestic garage and store, Decision: Approved

CONSULTATIONS

Wenvoe Community Council were consulted on 03/01/19 and no representations have been received at the time of writing.

Wenvoe's Ward Member was consulted on 03/01/19 and no representations have been received at the time of writing.

REPRESENTATIONS

The neighbouring properties were consulted on 03/01/19 and a site notice was also displayed on 11/01/19.

At the time of writing one letter raising concerns about the impacts on the nearby Wenvoe Wood has been received from the Woodland Trust, this can be seen below (as summarised). No comments have been received from neighbours.

- The application concerns a building adjacent to Wenvoe which is an area of ancient semi-natural woodland (ASNW) designated on Natural Resources Wales' Ancient Woodland Inventory (AWI).
- Although the proposals are for the change of use of the land it is important that the impacts on the adjacent ancient woodland are taken into account.
- The change of use can lead to an intensification of use of the land which may impact surrounding habitats.
- It is important that the change of use does not impact upon trees on the woodlands edge and ancient interior.
- The applicant has not recognised the designation of the woodland in the application and it is important they address and mitigate potential impacts when undertaking works. For example, change of use may require construction work to occur within the building that could result in noise and dust pollution affecting the ancient wood.
- the Trust requests that the applicant confirms that potential impacts have been taken into consideration and that the applicants have ensure that mitigation measures are in place Any such mitigation should fall in line with the British Standards guidelines 'BS5837: Trees in relation to design, demolition and construction.

REPORT

Planning Policies and Guidance

Local Development Plan:

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

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

Managing Growth Policies:

POLICY MG17 – Special Landscape Areas
POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species
POLICY MG22 – Development in Minerals Safeguarding Areas

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD7 - Environmental Protection
POLICY MD12 - Dwellings in the Countryside

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 3 - Strategic and Spatial Choices

- Placemaking in Rural Areas
- The Best and Most Versatile Agricultural Land
- Development in the Countryside (including new housing)

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (Landscape)

Technical Advice Notes:

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

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 24 – The Historic Environment (2017)

Supplementary Planning Guidance:

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

- Design in the Landscape
- Minerals Safeguarding (2018)
- Residential and Householder Development (2018)
- Trees, Woodlands, Hedgerows and Development (2018)
- Parking Standards (2019)

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

- Designation of Special Landscape Areas (2013)

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 principal issues to consider when assessing these proposals against the above policies and guidance include the principle of development, the impact of the development on visual amenity and the wider rural character of the area, and Wenvoe Woods. Consideration will also be given to the impact on neighbouring amenity.

Principle of change of use of the land and history

Planning permission ref. 1999/00882/FUL was granted for a domestic garage and store, sited where the proposed retained building exists.

An analysis of the development on site found that the building (as partly constructed) was not built in accordance with the approved plans, in relation to the fact that the size and location of openings differ from the approved plans. Furthermore, aerial photography and a site visit (shown below) have proven that the building has only recently been roofed. The interior is not complete.

2000



2009



Circa. 2018





Image taken as part of site visit on 17/01/19

In light of the above, it is not considered that the development on site is an authorised development and does not have the benefit of planning permission ref. 1999/00882/FUL.

Originally this application related to a change of use of the outbuilding from a garage/store to an annexe. However, as stated above, given that the building does not benefit from planning permission and on the basis that it has only recently been roofed, it would not be considered to have become lawful as it has not been substantially complete for a period of 4 years or more.

On the basis that the building was never constructed in accordance with the approved plans, it is maintained that the building as a domestic garage and store was ever established, nor the use of the associated land as residential garden.

On the basis of the above, the application has now been amended to retain the outbuilding as built and for its use as ancillary accommodation to the main dwelling.

As the land is not located within the residential curtilage of Poundfield Farm and is located outside of a Settlement Boundary as identified in the Adopted Local Development Plan, the land to which this application relates is countryside.

Policy MD1 of the Vale of Glamorgan Adopted LDP 2011-2026 relates to the Location of New Development, and states that *“new development on unallocated sites should have no unacceptable impact on the countryside.”* The policy seeks to emphasise the importance of protecting the countryside from unacceptable and unjustified new development.

Whilst this application relates to an “outbuilding”, its use ancillary and as an extended part of the dwelling would result in a domestic building and the domestication of its immediate surroundings. This would likely include areas for parking, pathways and out-door amenity space which could include further planting, landscaping and other trappings of a residential nature such as garden sheds etc., which would as a result appear as an extended residential curtilage and garden to Poundfield Farm.

Operational development on the land can be controlled by the removal of permitted development rights. However, even if such rights were removed, the use of the building as a residential annex and the associated land in connection with that annex, if approved, would still result in a residential use of the land and associated impacts. This is particularly so given the size of the site subject to the change of use, is some 980 sq m.

The surrounding area is characterised by Poundfield Farm, forming the focal point of the small cultivated open area which is surrounded by Wenvoe Wood. Poundfield Farm and its associated residential garden form a proportionately suitable plot which sits within this forest enclosed area. The change of use of the land to which this application relates would add a significant residential extension on the northern section of this land.

On the basis of the above, and the size of the site and its relationship to the established residential garden of Poundfield Farm, such an extension of the residential garden and associated use of the building (as considered in detail below) would have a detrimental impact on the character of the countryside and would be widely visible from the public right of way runs to the south of the application site between the main dwelling and the proposed annex, contrary to Policy MD1 of the LDP.

Impact on Woodland and Protected Trees

The application site is within TPO No.4 of 1951, which suggests that historically this land formed part of the forest which surrounds Poundfield Farm. However, since 1951 this has been encroached upon and eroded back to the current site layout, where many trees that historically occupied the site have now been cleared. However along the north-west boundary, a number of protected trees remain, but which could be subject to further pressure from felling, if permission was granted.

Point 2, of Design Guidance 12, of the Design in Landscape SPG supports agricultural uses alongside areas of nature conservation. The land to which this application relates directly abuts Wenvoe Wood and at its closest the proposed retained building is located within approx. 3 metres of it. In terms of the impacts of this on the surrounding woodlands, LDP Policy MG21 and the Trees, Woodlands, Hedgerows and Development SPG are of note. Section 11 of The Trees, Woodlands, Hedgerows and Development SPG requires new development be set back from the woodland by a 15 metre ecotone and part 11.2 suggests greater widths may be required for ecologically or structurally vulnerable woodlands. Given that Wenvoe Wood is a SINC, an Ancient Semi-Natural Woodland and has a TPO it is considered that this is a sensitive site and a greater ecotone would be required. Further to this, criterion 1 of Policy MG21 states that development will only be permitted where '*the need for the development clearly outweighs the nature conservation value of the site*'. These proposals fail to provide an adequate transitional area between the edge of the forest and the new development and would likely lead to long term pressure on the remaining protected trees in Wenvoe Wood as set out in section 11 of the Trees, Woodlands, Hedgerows and Development SPG and Design Guidance 12 of the Design in Landscape SPG.

Wider Visual Impact

The following policies from the adopted Local Development Plan are relevant in assessing this application.

Criterion 1 of Policy MD2, Design of new Development requires development to: "*Positively contribute to the context and character of the surrounding built environment*". Criterion 2 of the same Policy states that development: "*Respond appropriately to the local context and character of neighbouring buildings in terms of type, form and scale.*" Furthermore, Criterion 6 of Policy SP1 requires: "*protection and enhancement of the built environment.*"

Policy MG17, Special Landscape Areas states that *'within the special landscape areas development proposals will be permitted where it is demonstrated they would cause no unacceptable harm to the important landscape character of the area.'*

A footpath exists directly to the south of the proposed dwelling and therefore views of it are prominent. The proposed annex is basic in appearance and does not have any distinctive features which are characteristic of Poundfield Farm or any other dwellings in the surrounding area. Given this, it fails to positively contribute and respond to the surrounding built environment and the local context. Furthermore, by virtue of its limited design quality it does not protect nor does it enhance the built environment. Thus these proposals are contrary to criterion's 1 and 2 of Policy MD2 and criterion 6 of Policy SP1.

Principle of ancillary accommodation

A granny annex is typically an ancillary building which is incidental to the enjoyment of the host dwelling and within the approved/lawful residential curtilage/garden of a dwelling. In many cases, applications to convert small outbuildings which are within the residential curtilage of a dwelling are supported, dependant on the scale of the accommodation proposed and their relationship to the host dwelling.

In this instance the proposed annex is physically divorced from the residential curtilage and established garden serving Poundfield Farm. It is located approx. 30 metres away (to the north) from the main dwelling house and a clear and obvious boundary exists between the main dwelling house and the proposed retained annex, in addition to a PROW. Furthermore, the accommodation within the proposed building is considered excessive to serve an ancillary "granny annex", since it comprises of all primary facilities required to function as a self-contained dwelling. Given that the annex could be accessed independently without any connection to the main dwelling and the fact that the annex has a large floorspace (of some 132 sq m), it could clearly function as a separate dwelling.

A building does not necessarily function as an ancillary annexe just because members of the same family as the principal dwelling are occupying it. Rather, the test is whether it functions as a separate dwelling, irrespective of whether there is a family link. Furthermore, the proposed annex would be served by its own car parking area, and amenity space, as stated above. This building is thus considered to be beyond ancillary, and the scale of what is being proposed and its relationship to the main dwelling would go beyond what would be considered incidental to the enjoyment of the host dwelling. It is therefore considered that the scale of the impacts of the proposal would be similar to a new dwelling in the countryside.

In assessing proposals for new dwellings in the countryside Policy MD1 is of relevance. Criterion 1 states that proposals should have *'no unacceptable impact on the countryside'*, Criterion 4 states that proposals should *'support the delivery of affordable housing'*, Criterion 5 states that proposals should *'have access to the use of sustainable modes of transport'* and Criterion 6 states that proposals should *'benefit from existing infrastructure or where necessary make provision for new infrastructure without unacceptable effect on the natural environment.'*

On the issue of new dwellings in the countryside paragraph 7.69 of the supporting text of Policy MD12 of the LDP states:

“National policy contained in chapter 9 of PPW seeks to strictly control the development of new dwellings in the open countryside, where there is generally an absence of existing employment opportunities, services and public transport facilities. However, PPW acknowledges that there may be instances where sensitive infilling or minor extensions to groups of dwellings may be acceptable (in particular for affordable housing to meet local need). Proposals for such development will be assessed against this national policy framework. Where new development is justified in the open countryside, relevant LDP policies will also apply such as Policies MD2 Design of New Development and MD10 Affordable Housing. In addition, national policy also makes provision for new rural enterprise dwellings and ‘one planet developments’ as exceptions for residential development in the open countryside and clear guidance on these types of development is set out in TAN 6 Planning for Sustainable Rural Communities (July 2010).”

Whilst Policy MD5 deals with development within settlement boundaries, the supporting text to the policy under paragraph 7.33 does make reference to development outside of settlement boundaries and states that “...development will only be permitted outside of the identified settlement boundaries where it complies with national policies set out in paragraph 9.3.2 of PPW”, which is referenced above.

It is noted that the national policy identified in the LDP is no longer contained within chapter 9 of PPW, however the principles highlighted exist within PPW 10, primarily in chapter 3.

In policy terms and having regard to the above, the proposal would not be considered as infilling of small gaps within small groups of houses, or minor extensions to groups.

Further to the above, and another principal consideration is the sustainability of the site. Whilst the site is located some 220 metres from the edge of the settlement of Wenvoe, the section of lane between the end of the defined settlement and the site, whilst fronted by dwellings, is not served by a footway or street lighting. As the route only provides access to Poundfield Farm and the surrounding neighbours, it is not considered a busy route. However, it is not considered that the pedestrian access is of an adequate standard to form a real alternative to the car, contrary to Criterion 5 of Policy MD1 and the wider sustainability policies in national policy.

Impact on neighbouring amenity

The application site exists in excess of 30 metres from Poundfield Farm and 110 metres of the next nearest neighbour. Given the size of these distances, no concerns of impact on the amenity of neighbouring occupiers exist.

Access and Parking

There are no objections to the proposal in terms of parking and access.

Conclusion

The proposed residential annex and associated use of the land as residential garden is considered to represent an unjustified and unacceptable form of development that would be widely visible from the adjacent public right of way and would have a harmful impact on the character and appearance of the countryside. In addition, the proposals will likely result in long term impacts on the protected Wenvoe Woods, part of which forms the application site.

In light of the matters raised in the preceding paragraphs, it is considered necessary to refuse the planning application and expedient to pursue formal enforcement action to remedy the breach of planning control at the site.

The decision to refuse 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, SP10 - Built and Natural Environment, MD1 - Location of New Development, MD2 Design of New Development of the Vale of Glamorgan Local Development Plan as well as Supplementary Planning Guidance on Design in the Landscape and the Trees, Woodlands, Hedgerows and Development and national guidance contained in Planning Policy Wales 10, and Technical Advice Note 12 – Design, it is considered that the retention of the outbuilding and subsequent change of use of the surrounding land to garden use is unjustified, would result in inappropriate development at the edge of Wenvoe Woods, and cause demonstrable harm to the countryside in general.

RESOURCE IMPLICATIONS (FINANCIAL AND EMPLOYMENT)

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

LEGAL IMPLICATIONS (TO INCLUDE HUMAN RIGHTS IMPLICATIONS)

If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).

The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.

EQUAL OPPORTUNITIES IMPLICATIONS (TO INCLUDE WELSH LANGUAGE ISSUES)

None.

WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015

Under the 2015 Act the Council not only have a duty to carry out sustainable development, but must also take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act, in recommending the service of an Enforcement Notice, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

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

RECOMMENDATION

REFUSE AND AUTHORISE ENFORCEMENT ACTION

- (1) That planning permission for the retention of the outbuilding and the associated change of use of the land to garden is refused.
- (2) That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
 - (i) The removal of the outbuilding and returning the land to its former state.
 - (ii) The cessation of any use of the land as garden.
- (3) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

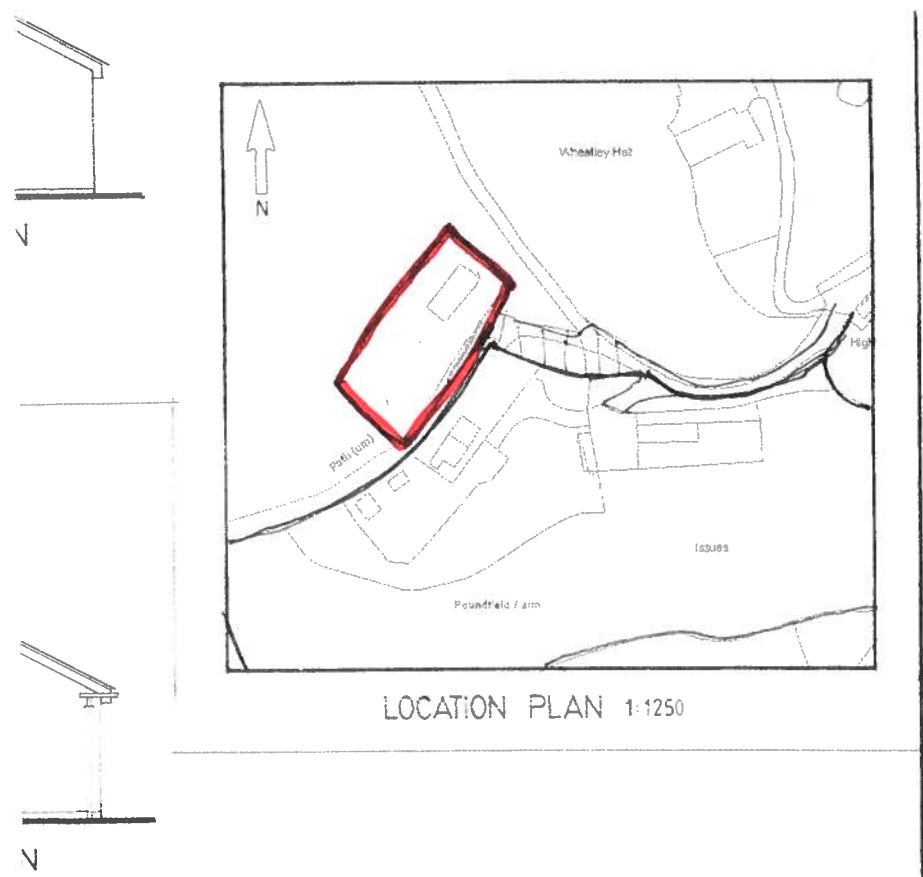
REFUSE

1. The proposed residential annex and associated use of land as extended residential garden is considered to represent an unjustified and unacceptable form of development that would be widely visible from the adjacent public right of way and would have a harmful impact on the character and appearance of the countryside. In addition, the proposals will likely result in long term impacts on the protected Wenvoe Woods, part of which forms the application site. The proposal is therefore considered contrary to Policies SP1 - Delivering the Strategy, SP10 - Built and Natural Environment, MD1 - Location of New Development, MD2 Design of New Development of the Vale of Glamorgan Local Development Plan as well as Supplementary Planning Guidance on Design in the Landscape and the Trees, Woodlands, Hedgerows and Development and national guidance contained in Planning Policy Wales 10, and Technical Advice Note 12 - Design.

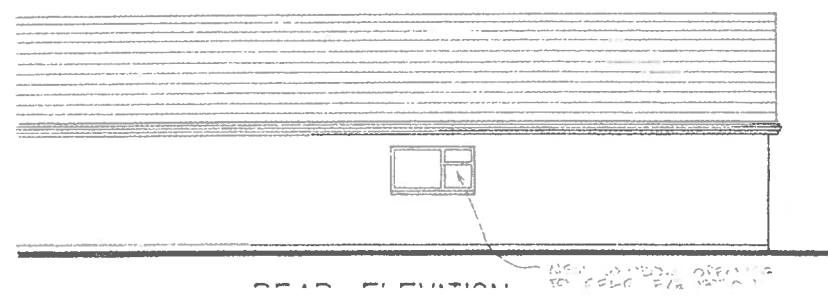
REASON FOR RECOMMENDATION

The proposed residential annex and associated use of land as garden is considered to represent an unjustified and unacceptable form of development that would be widely visible from the adjacent public right of way and would have a harmful impact on the character and appearance of the countryside. In addition, the proposals will likely result in long terms impacts on the protected Wenvoe Woods, part of which forms the application site. The proposal is therefore considered contrary to Policies SP1 - Delivering the Strategy, SP10 - Built and Natural Environment, MD1 - Location of New Development, MD2 Design of New Development of the Vale of Glamorgan Local Development Plan as well as Supplementary Planning Guidance on Design in the Landscape and the Trees, Woodlands, Hedgerows and Development and national guidance contained in Planning Policy Wales 10, and Technical Advice Note 12 - Design.

2018/01418/ful



LOCATION PLAN 1:1250



2019/00143/FUL Received on 4 March 2019

APPLICANT: Mr. Richard Wells 18, Bron Awelon, Barry, Vale of Glamorgan, CF62 6PR

AGENT: Mr. Richard Wells 18, Bron Awelon, Barry, Vale of Glamorgan, CF62 6PR

18, Bron Awelon, Barry

Garden outbuilding to front of property

REASON FOR COMMITTEE DETERMINATION

This application is reported to Planning committee under the Council's approved scheme of delegation because:

- The report has a dual recommendation including planning enforcement action in the form of a Planning Enforcement Notice which is outside the scheme of delegated powers.

EXECUTIVE SUMMARY

The application relates to an outbuilding in the front garden of 18 Bron Awelon, a two-storey semi-detached property located within the Barry Garden Suburb Conservation Area. The application seeks retrospective planning permission for works already carried out. The works relate to the erection of a wooden garden shed to the front of the property. The development is not considered to constitute 'permitted development' and the works were carried out without the benefit of planning permission.

The main issues to consider in this report are the visual impact and the impact upon the character of the Barry Garden Suburb Conservation Area.

The outbuilding is considered to fail to preserve or enhance the Barry Garden Suburb Conservation Area, given its prominence and visual impact. Objections have been received from neighbouring properties and from Barry Town Council.

It is therefore recommended that the planning application be refused and planning enforcement action be authorised in order that formal action in the form of a planning enforcement notice may be pursued to remedy the breach of planning control.

PRELIMINARY MATTERS

This application relates to a complaint that was submitted to the Council's Planning Enforcement team, which alleged that a wooden outbuilding had been erected in the front garden of the property. Following a planning enforcement investigation, planning permission was sought by the applicant for the outbuilding in an attempt to regularise the works.

SITE AND CONTEXT

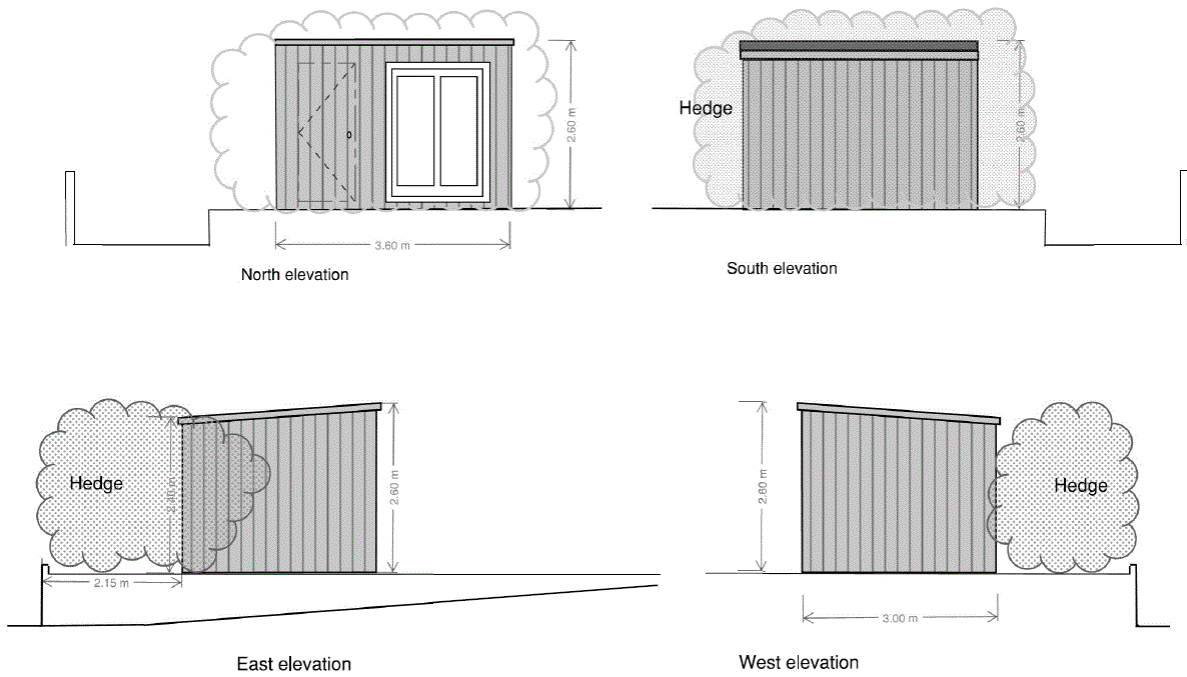
The application concerns the front garden of 18, Bron Awelon, a semi-detached property located within the settlement boundary as identified in the LDP and within the Barry Garden Suburb Conservation Area. Bron Awelon is a residential street which comprises semi-detached pairs of similar scale and design, although the pair of no. 18 and 20 are set back substantially within their plots as illustrated in the plan below:



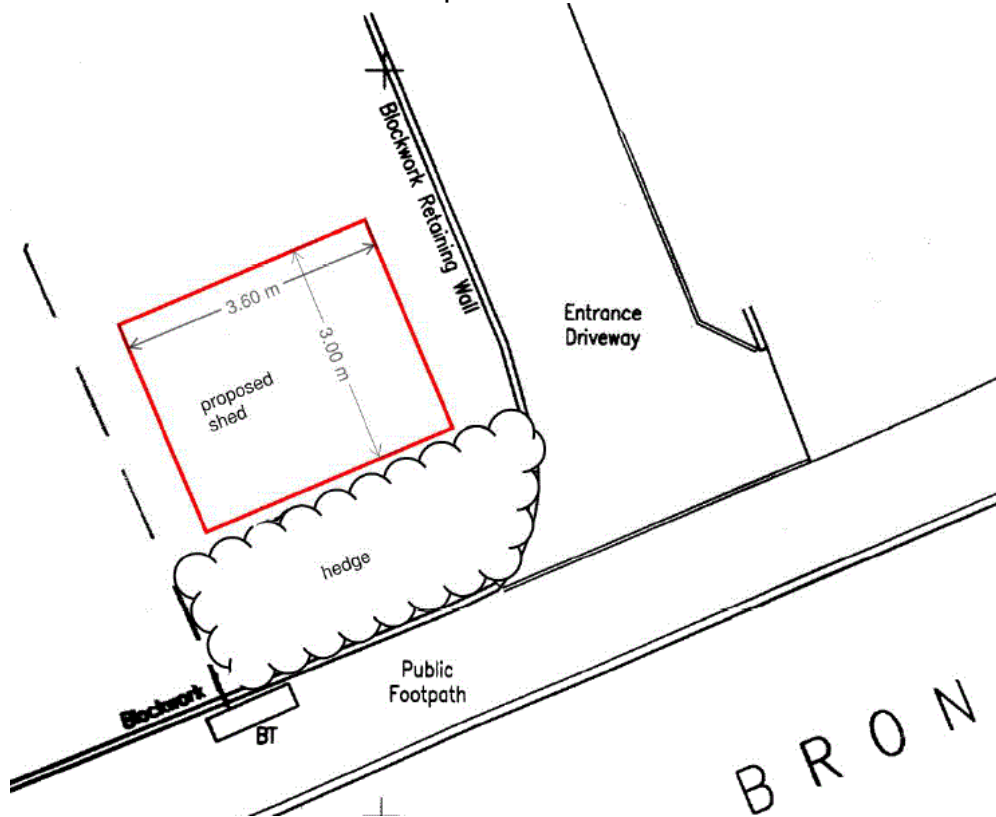
DESCRIPTION OF DEVELOPMENT

This is a retrospective application, as a result of planning enforcement investigations into the unauthorised erection of the outbuilding (ref. no. 2019/0001/CLL).

Proposed Elevations:



Proposed Plan:



The application proposes the retention of a wooden outbuilding measuring 3.6 metres in width and 3 metres in depth. The roof of the garden shed slopes down and therefore the height is 2.5 metres on one side and 2.6 metres on the other.



The development is partially screened by a hedge to the front and by two retaining walls and vegetation to the side, as shown on the photograph above.

PLANNING HISTORY

The property has the following planning history; however none of it is directly relevant to this application:

2018/00078/FUL, 18, Bron Awelon, Barry, Ground and first floor rear extension, Approved

2016/01092/FUL, 18, Bron Awelon, Barry, Ground and first floor rear extension, Refused

2016/00637/FUL, 18, Bron Awelon, Barry, Ground and first floor rear extension, Withdrawn

2006/01292/TCA, 18, Bron Awelon, Barry, Work to trees, Refused

2005/00692/FUL, 18 Bron Awelon, Barry, First floor en-suite/dressing room extension and conversion of garage, Approved

CONSULTATIONS

Barry Town Council were consulted and objected for the following reason:

- The proposed development adversely impact upon the integrity of the street scene within Bron Awelon and is a visually intrusive feature within the Barry Garden Suburbs Conservation Area.

Baruc Ward Members were consulted and to date no comments have been received.

REPRESENTATIONS

The neighbouring properties were consulted on 7 March 2019.

A site notice was also displayed along the public highway near the entrance to the property on 27 March 2019.

Four letters of representation have been received from four neighbours and their comments are summarised below:

- Planning permission was only sought as a result of planning enforcement action.
- Concerns that if the development would be granted permission it would create a precedent for other similar developments to the front of properties.
- Non-compliance with the Barry Garden Suburb Conservation Area Appraisal and Management Plan (July 2009).
- Concerns that the boundary hedges would be cut down or removed entirely.
- The size of the shed is excessive and inconsiderate.
- The application contains plans from a previous refused application (ref. no. 2016/01092/FUL) for a two storey extension and therefore the applicant wishes to regularise the outbuilding and at the same time press for consent to build the extension.

REPORT

Planning Policies and Guidance

Local Development Plan:

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – Delivering the Strategy

POLICY SP10 – Built and Natural Environment

Managing Development Policies:

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

POLICY MD8 - Historic Environment

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,

- 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

- Good Design Making Better Places
- Promoting Healthier Places

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Landscape)

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)

Paragraph 2.6 states:

“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.”

Paragraph 4.5 states:

“In many cases an appraisal of the local context will highlight distinctive patterns of development or landscape where the intention will be to sustain character. Appraisal is equally important in areas where patterns of development have failed to respond to context in the past. In these areas appraisal should point towards solution which reverse the trend.”

Paragraph 6.6 states:

“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.”

- Technical Advice Note 24 – The Historic Environment (2017)

Supplementary Planning Guidance:

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

- Residential and Householder Development (2018)
- Barry Garden Suburb Conservation Area Appraisal and Management Plan

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

Well-being of Future Generations (Wales) Act 2015

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

Issues

In assessing the application against the above policies and guidance, the principal issues to consider include the visual impact of the development and impact on the character of the street scene and wider conservation area, as well as the impact on the residential amenities of the neighbouring properties.

Design and Impact on the character of the Conservation Area

Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. This requirement is echoed in the aims of policies SP10 and MD8 of the LDP.

In terms of public viewpoints, the outbuilding is sited to the very front of the property and is particularly prominent within the street scene due to its large size and height (and as a consequence of the level on which it sits).

The character of the conservation area is largely derived by the consistency to the built environment and while the conservation area as a whole contains dwellings of varied designs, each street scene typically has a uniformity that contributes to its special character. In this case, while the dwelling itself (and its attached semi) are a relative anomaly in terms of their siting (given the larger front gardens and relatively smaller rear), there is a clear absence of outbuildings and similar structures to the fronts of dwellings and consequently the street scene has a pleasant and open character. The building has interrupted this open character and it jars with the wider pattern of development. It is considered that the building appears visually intrusive in this location and it is harmful to the character of the conservation area.

In this respect, it conflicts with policies SP10, MD2 and MD8 of the LDP, and Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, given that the development fails to preserve or enhance the character of the conservation area.

Impact on Residential Amenity

While the building has an unacceptable impact on the character of the conservation area, it is considered that its size and siting are such that there would not be a demonstrably harmful impact on the adjacent residential properties.

Amenity Space

The erection of the outbuilding has resulted in the loss of a small section of amenity space to the front of the property. However, the property has a relatively large front garden and therefore, whilst the garden is reduced in size, it is considered that the remaining amenity space is adequate to serve the needs of the occupiers.

Parking

The development has not resulted in the loss of any parking provision, nor does it result in material additional demand.

RECOMMENDATION

REFUSE AND AUTHORISE ENFORCEMENT ACTION

1. That planning permission for the retention and completion of the works be refused
2. That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
 - (i) The removal of any works associated with the construction of the development that is the subject of this planning application.

3. In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

REFUSE

1. By reason of its size and siting, the building appears as a visually intrusive and incongruous form of development which is at odds with the pattern of development in the wider area and is harmful to the appearance and character of the Barry Garden Suburb Conservation Area. the development is therefore contrary to Policies SP1 (Delivering the Strategy); SP10 (Built and Natural Environment); MD2 (Design of New Development); MD5 (Development within Settlement Boundaries) and MD8 (Historic Environment) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Planning Policy Wales (Edition 10) and TAN 12 (Design) as well as the Council's Barry Garden Suburb Conservation Area Appraisal and Management Plan.

REASON FOR RECOMMENDATION

The decision to refuse planning permission and recommend the issue of an Enforcement Notice 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.

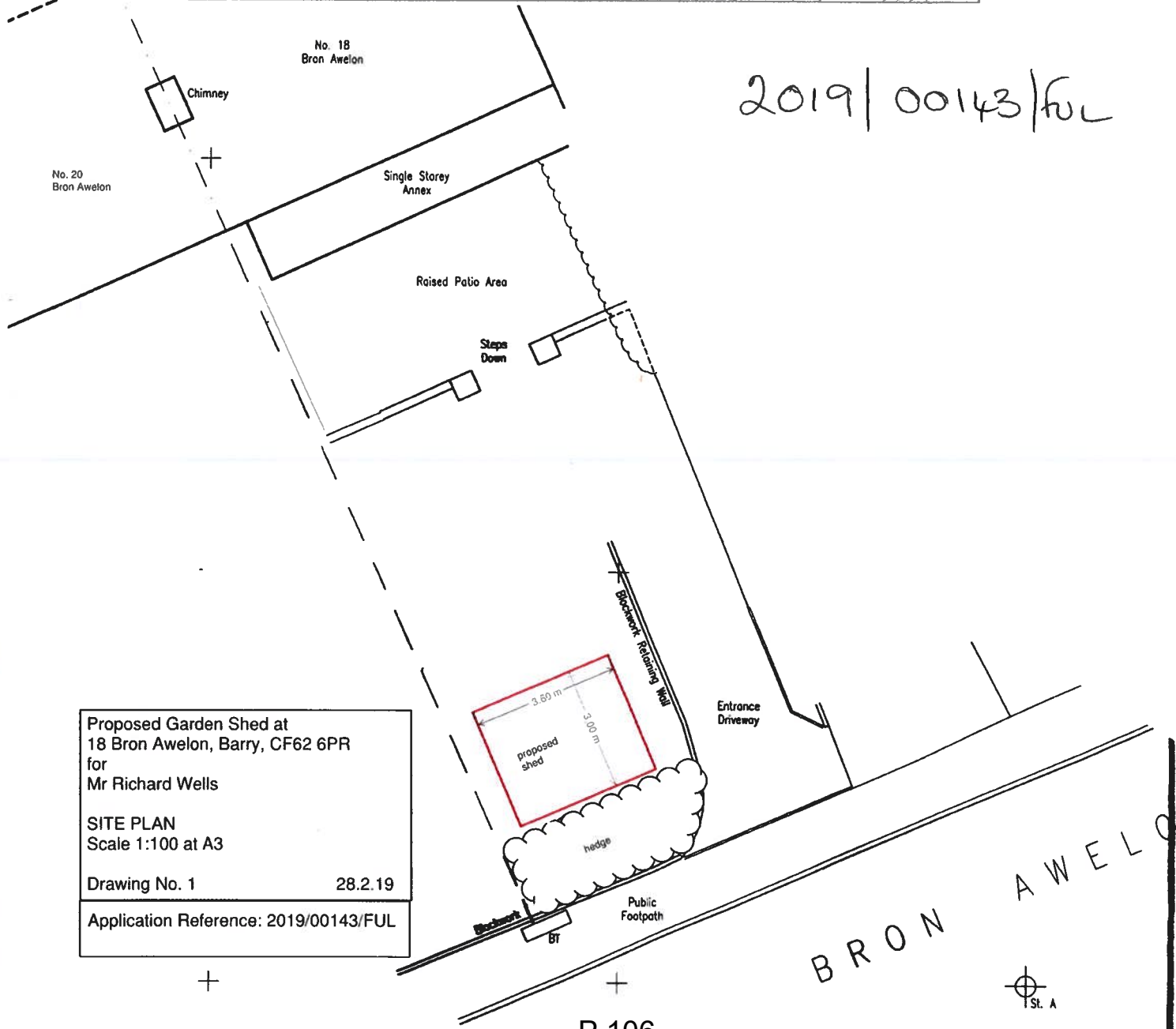
It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.



Location Plan
1:1250 at A3



2019/00143/FUL



Proposed Garden Shed at
18 Bron Awelon, Barry, CF62 6PR
for
Mr Richard Wells

SITE PLAN
Scale 1:100 at A3

Drawing No. 1 28.2.19

Application Reference: 2019/00143/FUL

