

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **25 SEPTEMBER, 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:

2019/0401/BN	A	75, Jenner Road, Barry	Like for like replacement of slate roof
2019/0565/BR	AC	32 Salop Place, Penarth	Two storey front/side entrance extension. Single storey front/side utility extension. Single storey rear/side kitchen extension. Re roofing to existing rear utility extension.
2019/0608/BR	AC	Golau Fryn, Ruthin Road, St. Mary Hill, Cowbridge	Two storey side and rear extension
2019/0762/BN	A	20, Ffordd Cwm Ciddy, Barry	Take out wall, fit steel beam, fit aluminium 'patio doors', take out stud wall, refit kitchen and window
2019/0767/BR	AC	Land at Ynyston Farm, Leckwith	Proposed cabin with Installation of septic tank and associated drainage
2019/0770/BR	AC	22, St. Brides Road, Wick	Single storey side and rear extension
2019/0776/BN	A	12, Walker Road, Barry	Single storey extension to enlarge kitchen and bathroom
2019/0777/BN	A	10, Southesk Place, Barry	Single storey rear extension
2019/0778/BN	A	108, Windsor Road, Penarth	Two rooms into one

2019/0782/BN	A	Northcliff Rise, St. Lythans Road, Dyffryn	Internal structural openings, ground floor and installation of lintels
2019/0784/BR	AC	43, Glebe Street, Penarth	Single storey detached garage
2019/0785/BR	AC	Cradleigh, Swanbridge Road, Sully	Two storey extension to side and rear and new front access gates
2019/0786/BR	AC	37, Brean Close, Sully	Two storey side extension
2019/0787/BN	A	101, Windsor Road, Penarth	Create a new opening to rear of property in exterior wall for new sliding doors. Create downstairs toilet under stairs.
2019/0788/BN	A	10, Owains Court, St. Athan	Fire door and frame
2019/0789/BN	A	71, College Road, Barry	Renew kitchen, take down kitchen ceiling asbestos, renew kitchen ceiling
2019/0790/BN	A	1, Amroth Court, Barry	Partial re-wire
2019/0791/BN	A	15, Severn Avenue, Barry	Remove asbestos ceilings and renew kitchen and bathroom
2019/0792/BN	A	43, Coychurch Rise, Barry	Fit new kitchen and wetroom, take down 2 x ceilings asbestos and renew kitchen and bathroom. Take down dividing wall w/c and bathroom, partial re-wire
2019/0793/BN	A	14, Gwenog Court, Barry	Take down kitchen and bathroom ceiling asbestos and renew
2019/0794/BN	A	15, East View, Llandow	Renew bathroom
2019/0795/BN	A	3, Harlech Gardens, Barry	Take out partition and renew with plaster board wall and fir new fire door and frame
2019/0796/BN	A	3, Collard Crescent, Barry	Partial re-wire

2019/0797/BN	A	90, St. Lukes Avenue, Penarth	Renew kitchen and bathroom, partial re-wire
2019/0798/BR	AC	Tyn Y Cae Cottage, Peterston Super Ely	Demolition of rear lean-to and replacement with new single storey conservatory.
2019/0799/BN	A	27, Monmouth Way, Barry	Renew kitchen and bathroom, take down asbestos ceiling kitchen and bathroom and renew. Partial rewire, fire doors and frame
2019/0800/BN	A	36. Pendine Close, Barry	Renew kitchen and bathroom, full re-wire, renew heating
2019/0801/BN	A	9, Coates, Road, Penarth	Demolition of existing single storey building and construction of new single storey extension with roof lights
2019/0806/BN	A	29, Llanmaes Road, Llantwit Major	New roof on existing conservatory
2019/0807/BN	A	Ivy Cottage, Bakers Lane, Llantwit Major	Detached garage renovation with new roof structure
2019/0808/BN	A	19 Eastgate, Cowbridge	Two storey extension
2019/0809/BN	A	5, Beatty Close, Barry	Single storey rear extension
2019/0810/BN	A	17, High Street, Penarth	Rebuild gable end wall
2019/0811/BN	A	The Bothy, Lane - Junction Port Road to Wenvoe Castle Golf Club, Wenvoe	Demolition of existing rear porch. Construction of new garden room with associated storage provision, landscape and external works.
2019/0813/BN	A	71, Lavernock Road, Penarth	Loft conversion into two bedrooms. Hip to gable and rear dormer
2019/0822/BN	A	6, Robinswood Close, Penarth	Single storey extension to extend utility room

(b) Building Regulation Applications - Reject

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

2019/0765/BN	R	5, Highgrove, Ystradowen	Internal alterations
2019/0783/BN	R	33, Bedford Rise, Llantwit Major	Single storey extension to front of property, kitchen and lounge
2019/0803/BN	R	53, St. Brannocks Close, Barry	Single storey extension to enlarge kitchen with utility room and toilet
2019/0818/BN	R	13, Lee Close, Dinas Powys	Single storey extension to enlarge the kitchen and to provide a downstairs toilet

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

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

2019/0114/AI	A	South View off Llantwit Road, Boverton.	21 Residential units
2019/0115/AI	A	79, Penlan Road, Penarth	Proposed new extension with Leka solid roof and associated works
2019/0116/AI	A	Briscombe Cleaning Services,(now known as Briscombe Retail Park), Cardiff Road, Barry	Fit out new/part existing B1 unit to form a First Impression veterinary facility
2019/0117/AI	A	Keepers Lodge, St. Mary Church Cowbridge	Extension/alterations to form an orangery
2019/0118/AI	A	Ashtree Lodge, Llandow, Cowbridge	Proposed two storey front extension (works to include material alterations to structure, controlled services, fittings and thermal elements)
2019/0119/AI	A	Tesco Store, Culverhouse Cross, Cardiff	Splitting up of areas on the ground floor & mezzanine area which includes three new tenant areas, alterations to the shop layouts, decorations works, alterations to the controlled fittings and services and associated works

2019/0120/AI	A	24, Pardoe Crescent, Barry	Internal layout reconfiguration with associated works
2019/0121/AI	A	32, Redbrink Crescent, Barry	Loft conversion and associated works
2019/0122/AI	A	13, Perclose, Dinas Powys	Side, rear and front extensions. Internal alterations and associated works
2019/0123/AI	A	4, St. Augustines Road, Penarth	Loft conversion & associated works
2019/0124/AI	A	Plough and Harrow, Monknash	Rebuilding of existing outbuildings to provide holiday lets, (works to include material alterations to structure, controlled services, fittings and thermal elements)
2019/0125/AI	A	New Savers store, 57 High Street, Cowbridge	Fit out to existing retail unit
2019/0126/AI	A	6 St Augustine's Road, Penarth	Loft conversion and associated works
2019/0127/AI	A	34, Marine Drive, Barry	Proposed first floor extension and refurbishment of property (works to include material alterations to structure, controlled services, fittings and thermal elements)
2019/0128/AI	A	Burger King, Waterfront Retail Park, Heol Ceiniog, Barry	Fitting out of shell to form Burger King

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PLANNING COMMITTEE : 25 SEPTEMBER, 2019

REPORT OF THE HEAD OF REGENERATION AND PLANNING

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

2015/00163/1/C A 1, Rectory Road, Penarth Discharge of Condition 9 -  
D Rooflights Details, 10 -  
Window(s) Details, 11 -  
Gate Details and 12 - Roof  
Slate Details. Planning Ref  
2015/00163/FUL: Partial  
demolition and rebuild of  
coach house to form  
residential unit

2016/00219/4/C A United Reformed Church, Discharge of Conditions 8 -  
D Windsor Road, Barry Enclosure; 10 - Hard  
Landscaping; 17 - Travel  
Plan; 18 - Cycle Parking  
and 19 - Lighting; :  
Planning permission ref.  
2016/00219/FUL :  
Conversion and minor  
extension to the existing

			church and school buildings to create live-work units (C3), office space (B1a) and associated works
2016/00723/2/C D	A	University Hospital Llandough, Penlan Road, Llandough	Discharge of Condition 4 - Schedule of Materials in Construction (incl. samples). Planning application reference 2016/00723/FUL: Extensions to existing building for use by Specialist Rehabilitation Services, plus observation building, and highway improvements, and landscape works
2016/01070/2/C D	A	Waterfront Retail Park, Heol Ceiniog, Barry	Discharge of Conditions 4 - Parking Circulation, 5 - Landscaping Scheme, 7 - Materials in Construction, 10 - Lighting, 11 - Plant and Extraction Details and 13 - Delivery Management Plan of planning permission reference. 2016/01070/FUL
2017/00712/1/C D	A	Disused Farm Complex, Pwll y Myn Farm, Main Avenue, Peterston Super Ely	Discharge of Condition 12 - Tree Protection Details and Condition 20 - Construction Environment Management Plan. Planning permission reference: 2017/00712/FUL : Demolition of existing stone and brick built farm building, construction of 2 two storey detached dwellings (H1 and H2), reconstruction and modification of single storey outbuildings to provide covered car parking spaces. Class B1 business accommodation, stables and workshop /

			domestic storage ancillary to dwelling H1, construction of single storey detached garage / domestic storage ancillary to dwelling H2, formation of new residential curtilages for the two dwellings and accompanying hard and soft landscaping schemes
2017/00778/1/C D	A	Holiday Inn Express, Port Road, Rhoose	Discharge of Condition 3 - Landscaping Details. Planning permission reference 2017/00778/FUL : Replacement car parking in an alternative location
2018/00092/3/C D	A	Provincial House, Kendrick Road, Barry	Discharge of Conditions 6 (cycle and parking) and 7 (travel plan). Planning permission reference 2018/00092/FUL: Change of use and conversion of building to provide 32 affordable residential units, external alterations and associated works
2018/00246/1/N MA	A	Barry Waterfront Waterside POS in so far as it relates to the Barratt Section of South Quay Waterside	Non-Material Amendment to the layout and landscaping detail within the Waterside Public Open Space, so far as it relates to Barratt Home's parcel at South Quay, Waterside, Barry Docks. Planning Permission reference 2018/00246/RES
2018/00256/1/N MA	A	Barry Waterfront Waterside POS in so far as it relates to the Taylor Wimpey Section of South Quay Waterside	Non-Material Amendment to the layout and landscaping detail within the Waterside Public Open Space, so far as it relates to Taylor Wimpey's parcel at South Quay, Waterside, Barry Docks



2018/00562/1/C D	A	26, Hickman Road, Penarth	Discharge of Condition 2 - Privacy Screen. Planning permission reference 2018/00562/FUL: The change of use of part of the existing building from commercial / financial services to residential accommodation with a ground floor extension to the existing building
2018/00818/1/C D	A	10, Stradling Close, Cowbridge	Discharge of Condition 3 - Materials Details. Planning Permission reference 2018/00818/FUL: Single storey side extension and front and rear Dormer extension with Juliet balconies to the rear
2018/01119/FUL	A	Site behind 34/36, High Street, Cowbridge	New dwelling in an existing parking area including the demolition of existing garage
2018/01180/FUL	R	3, Hill Terrace, Twyn Yr Odyn	Change of use of land to domestic use
2018/01226/1/C D	A	1-3, Adenfield Way, Rhoose	Discharge of Condition 9 - Construction Environment Management Plan (CEMP). Planning Permission reference. 2018/01226/FUL: Change of use from commercial to residential and construction of 1 no. detached and 2 no. semi-detached 3/4 bedroom dwellings
2018/01359/2/C D	A	Land East of the Goodsheds, Hood Road, Innovation Quarter, Barry	Discharge of Condition 5 – Materials / Samples. Planning permission ref. 2018/01359/FUL : Erection of five storey residential block to comprise 23 affordable and 19 market units with undercroft car parking & associated works

2018/01368/1/C D	A	Land to rear of Westgate (East of Eagle Lane), Cowbridge	Discharge of Condition 16 - Noise Limit. Planning Permission reference 2018/01368/FUL: Retention and completion of development by variation of application reference 2016/00809/FUL including amendment to layout and addition of one car parking space
2019/00041/FUL	R	2, Evenlode Avenue, Penarth	Construction of four bedroom detached house with attached single garage and formation of driveway and parking
2019/00063/1/C D	A	Ewenny Priory House, Abbey Road, Ewenny	Discharge of Condition 2 - Contact and 4 - RWG Details. Planning reference 2019/00063/LBC - 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
2019/00160/FUL	A	New Broad Street Motors, Ty Verlon Industrial Estate, Barry	Change of use of part of the property from car sales (sui generis) to B8 warehousing and distribution
2019/00228/FUL	A	Llantwit Major Tennis Courts, Illtyd Avenue, Llantwit Major	Installation of LED floodlighting to Llantwit Major Tennis Courts

2019/00249/FUL	A	34A, Tynewydd Road, Barry	Change of use from clinic D1 to residential (1 bed flat)
2019/00311/1/N MA	A	UWC Atlantic College, St. Donats Castle, East Drive, St. Donats	Non-Material Amendment to remove 'dark rustic bricks patterning' to North-East and North-West Elevations. Planning application reference 2019/00311/FUL - Variation of Conditions 2 and 7 of planning application 2018/00133/FUL
2019/00315/1/N MA	A	37, Brean Close, Sully	Non-Material Amendment - We are seeking to change the proposed first floor rear window to a glazed door with Juliet balcony. Planning permission reference 2019/00315/FUL: Two storey side extension
2019/00459/1/C D	A	15, Romilly Road, Barry	Discharge of Condition 3 - External Waste / Recycling Storage Details. Planning reference 2019/00459/FUL: Change of use from C3 to C4 house of multiple occupation totalling 6 people
2019/00461/FUL	A	Hand Car Wash, Broad Street, Barry	To position a Portacabin along the rear boundary wall at the South East corner of the site. The Portacabin to be used as an office and storage space
2019/00508/FUL	A	Land South of Weycock Cross Waste Water Treatment Works, Barry	Installation of 2 no. pipe bridges, 5.3 square metres of concrete hardstanding to be surrounded by 9.5 metres of stock proof fencing and 1 no. access

			gate extending to a height of 1.2 metres.
2019/00566/FUL	A	Acorn Camping And Caravanning, Ham Lane South, Llantwit Major	Proposed construction of 7 self contained holiday log cabins and associated works
2019/00640/FUL	A	Robert James, 6, Glebe Street, Penarth	Change of use of Unit 1 of the building (ground and first floor) to A3 cafe use with outdoor seating (no hot food to be cooked on the premises)
2019/00644/FUL	A	St. Marys Church, Holton Road, Barry	Replacement of (largely collapsed) northern boundary wall with new fence and proposed car park
2019/00646/LBC	R	Navron, Boverton Road, Boverton	Reconstruction of the stone boundary wall of a lower height, to improve accessible car parking and safer passage for pedestrians
2019/00649/FUL	A	36, Laburnum Way, Penarth	Double storey rear extension plus all associated works
2019/00652/FUL	A	33, Hanover Court, Barry	Conversion of a two storey three bedroomed house into two separate one bedroomed flats, one flat on each floor with separate entrances
2019/00655/FUL	A	42, Purcell Road, Penarth	Rear two storey extension with new front porch
2019/00656/FUL	R	Land at Romilly Park Road, Barry	Proposed construction of 2 x 1 bed units with onsite parking
2019/00662/FUL	A	Westlands, Dimlands Road, Llantwit Major	Single storey rear extension

2019/00663/FUL	A	22, Rhodfa Felin, Barry	Porch extension to enlarge entrance hall
2019/00669/FUL	A	6, Stacey Road, Dinas Powys	Demolition of the existing rear annex and the replacement with a new single storey utility, WC and garden room structure
2019/00674/FUL	R	16, Croffta, Dinas Powys	Detached garage
2019/00675/FUL	A	Glen Tarran, Llangan	Removal of Condition 1 of Planning reference 1977/01668/FUL
2019/00682/FUL	A	12, Whitcliffe Drive, Penarth	Alteration and extension to an existing three bedroom, two storey residential property to add a fourth bedroom over the existing garage, a new entrance lobby, extended utility and sun room and extend first floor balcony
2019/00687/FUL	A	32, Clos Yr Wylan, Barry	Convert existing garage to leisure / play room
2019/00694/FUL	A	Seawinds, 18, Fairfield Rise, Llantwit Major	Single storey extension to the side and rear, to incl. a link extension to side with access ramp. Proposed roof conversion to include two side dormers and the removal of two chimneys. Alterations to the front to include two bay windows, widening of the access to the driveway and a roof overhang to the garage
2019/00696/FUL	A	Hensol Cottage, Welsh St. Donats	Proposed stable block
2019/00698/FUL	A	5, Lord Street, Penarth	Extent decking over existing flat roof to rear of the house. Fencing would be provided on either side to allow for privacy to neighbours

2019/00699/FUL	A	Danes Lodge, Highlight Lane, Barry	Rear single storey kitchen extension with roof terrace above
2019/00705/FUL	A	Marcross Court, Marcross	Proposed stable block
2019/00709/FUL	A	77, Enfield Drive, Barry	Single storey rear extension and conversion of garage to disabled access living accommodation
2019/00714/ADV	R	2, Denys Close, Dinas Powys	1 No. hoarding sign. Directional sign to show homes and sales centre
2019/00717/FUL	A	16, Plymouth Road, Penarth	Proposed single storey extension to the rear, material alterations and window replacement
2019/00718/FUL	A	22, Uppercliff Close, Penarth	Moving glass balustrade out to edge of existing wall from location already approved
2019/00723/FUL	A	Seaview Cottage, St Athan	Installing rooflights into rooms with either no natural light or inadequate natural light
2019/00726/FUL	A	Briscombe Cleaning Services, Cardiff Road, Barry	Proposed extension and subdivision of existing single storey retail unit (A1 use) to form one retail unit (A1 use) and one Sui Generis unit (veterinary) - Minor amendments to the elevations and introduction of 3 No. additional parking spaces
2019/00729/FUL	A	23, Clevedon Avenue, Sully	Rear / side ground floor single storey extension and side dormer extension to attic room. Proposed balcony to the rear elevation

2019/00730/FUL	A	St. Quentins House, Castle Hill, Llanblethian	Proposed rear conservatory
2019/00732/FUL	A	4, Llwyn Passat, Penarth	Proposed balcony at first floor to front elevation
2019/00740/FUL	A	12, Upper Cosmeston Farm, Penarth	To construct a first floor side extension, to create a larger bedroom and a larger master bedroom with en-suite facilities
2019/00744/FUL	A	Sunny Bank, Cross Common Road, Dinas Powys	Construction of double garage with Dormer bedroom with balcony
2019/00745/FUL	A	2, Pinklands, Church Road, Llanblethian, Cowbridge	New single storey and two storey extension to rear and new porch to front
2019/00751/FUL	A	35, Perclose, Dinas Powys	Single storey side and rear extension
2019/00757/FUL	A	24, Mill Park, Cowbridge	Two storey extension. Alterations to lower ground floor, extension of ground floor and creation of room at first floor
2019/00758/FUL	A	5, Pembroke Terrace, Penarth	Demolition of single storey store and construction of single storey side extension to existing kitchen
2019/00764/FUL	A	23, Castle Avenue, Penarth	Proposed two storey rear extension to replace single storey conservatory with side single storey utility room extension
2019/00768/FUL	A	1, Heol Neuadd, Cogan, Penarth	Proposed single storey extension to the rear of the property
2019/00770/FUL	A	14, Gileston Road, St. Athan	Demolition of existing porch. Construction of single storey front extension

2019/00773/FUL	R	Land at the rear of No. 27, High Street, Cowbridge	Construction of a detached building to provide office space
2019/00778/FUL	A	7, Plas Taliesin, Penarth	Proposed first floor front balcony, proposed window alterations and internal room changes
2019/00790/FUL	A	43, Glebe Street, Penarth	Proposed garage
2019/00795/FUL	A	31, The Verlands, Cowbridge	Erection of porch to front of building with pitched roof over existing flat roof
2019/00801/FUL	A	17, Penarth Portway, Penarth	Replace several current windows and French doors
2019/00809/FUL	A	69, Plymouth Road, Penarth	Replacement of current wooden sash windows on the street aspect of the property with white sliding pvc sash units
2019/00817/FUL	A	8, Plas Taliesin, Penarth	Proposed first floor front balcony and new window
2019/00828/FUL	A	Ty Dafydd, Westgate, Cowbridge	Proposed single storey side and rear extension
2019/00833/LBC	A	Cogan Railway Station, Station Approach Road, Penarth	Repairs and alterations to footbridge at Cogan Railway Station
2019/00846/LAW	A	19, Millbrook Close, Dinas Powys	Single storey rear extension
2019/00879/LAW	A	Old Cogan Hall Cottages, 2, Sully Road, Penarth	Widening patio doors at the rear of house. Existing doors are 2700mm wide, new doors will be 3700mm wide.



Agenda Item No.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **25 SEPTEMBER, 2019**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. APPEALS

(a) Planning Appeals Received

LPA Reference No: 2019/00513/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 19/3234596  
Appellant: Mr Gregory White  
**Location: Apple Blossom Cattery, Land at Nant Rhydhalog, Cowbridge**  
Proposal: To convert a section of existing animal grooming parlour to new ladies / unisex hairdresser Class A1.  
Start Date: 16 August 2019

LPA Reference No: 2018/01436/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 19/3235670  
Appellant: Mr Kenny Willan  
**Location: 42, Stanwell Road, Penarth**  
Proposal: Alteration to existing lower rear dormer to provide a reduced sized dormer on the roof of the existing rear annexe.  
Start Date: 22 August 2019

LPA Reference No: 2019/00618/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 19/3235726  
Appellant: Mrs Caroline Harries  
**Location: Pontsarn Farm, Pontsarn Lane, Peterston Super Ely**  
Proposal: Proposed conversion of B1 business building to residential (C3), to include extension and stables  
Start Date: 29 August 2019

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(b) Enforcement Appeals Received

LPA Reference No: ENF/2018/0303/PC  
Appeal Method: Written Representations  
Appeal Reference No: 19/3233997  
Appellant: Mr Andrew Peters  
**Location: Tinkins Hall, St Nicholas**

Proposal: Without planning permission, the material change of use of the property from a community / church hall to a dwellinghouse.

Start Date: 9 September 2019

(c) Planning Appeal Decisions

None

(d) Enforcement Appeal Decisions

None

(e) April 2019 – March 2020 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
<b>Planning Appeals</b> (to measure performance)	<b>W</b>	7	-	7	1
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Planning Total</b>		7 (100%)	-	7	1
<b>Committee Determination</b>		1 (100%)	-	1	-
<b>Other Planning appeals (inc. appeal against a condition)</b>		-	-	-	-
<b>Enforcement Appeals</b>	<b>W</b>	1	1	2	-
	<b>H</b>	-	-	-	-
	<b>PI</b>	1	-	1	-
<b>Enforcement Total</b>		2 (67%)	1	3	-
<b>All Appeals</b>	<b>W</b>	8	1	9	-
	<b>H</b>	-	-	-	-
	<b>PI</b>	1	-	1	-
<b>Combined Total</b>		9 (90%)	1	10	1

Background Papers

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

Contact Officer:

Mrs Sarah J Feist - Tel: 01446 704690

Officers Consulted:

HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **25 SEPTEMBER, 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

2019/00661/TPO	A	Stanwell Road Baptist Church, Stanwell Road, Penarth	Work to trees covered by Tree Preservation Order No. 10, 1998 - Reduce the height of 2 Yew trees by crowning
2019/00711/TPO	A	Wisteria Lodge, 7 The Mount, Dinas Powys	Work to tree covered by Tree Preservation Order No. 12 1995 - Sycamore (Acer Pseudoplatanus) - 25% crown reduction
2019/00756/TPO	A	The Firs, 6, Church Rise, Wenvoe	Work to trees covered by Tree Preservation Order No. 4 1951 - T2 Beech, T4 dead Sycamore, T5 Sycamore, T6 Sycamore
2019/00759/TCA	A	Gweled Y Glyn, St. Hillary	Work to trees in a Conservation Area: T1- Oak - Reduce by approximately 30%
2019/00815/TCA	A	Station House, Peterston Super Ely	Work to trees in a Conservation Area - Felling and removal of overgrown Hazel in interior of garden

2019/00880/TCA	A	Laurence House, Duffryn Lane, St Nicholas	Removal to ground level of one row of Leylandii trees (G1)
2019/00916/TCA	A	Homeside House, Bradford Place, Penarth	Work to trees in Penarth Conservation Area. T1 Whitebeam, left of reception - Fell to ground level and treat stump; T2 Ash, front right hand corner - Fell to ground level; T4 Fallen sycamore, rear lawn - Cut up and remove

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **25 SEPTEMBER, 2019**

5. REPORT OF THE HEAD OF REGENERATION AND PLANNING

ANNUAL PERFORMANCE REPORT OF THE VALE OF GLAMORGAN LOCAL  
PLANNING AUTHORITY FOR 2018/19

Introduction

1. The purpose of this report is to apprise Members of the Planning Committee of the content of this year's Annual Performance Report (APR) which is submitted annually to Welsh Government in October. The Vale of Glamorgan Annual Performance Report is attached at **Appendix A**.

Background

2. We are required to submit an Annual Performance Report to Welsh Government each Autumn, setting out how we have performed as a Local Planning Authority in terms of a range of key performance indicators. These indicators cover all areas of the planning function including Policy, Development Management, Appeals, Enforcement and Sustainable Development Indicators such as Section 106 income.

Issues

3. The APR, which is attached at **Appendix A**, starts by providing some context to the Vale of Glamorgan's planning service and the key areas of change over recent years. The report sets out the Council's performance across a range of indicators, and shows how we compare to other Local Planning Authorities in Wales during the same period (2018/19) and how we compare against the Welsh Government's benchmarks, where they have them. Generally, the Council is performing very well across the range of performance indicators. In particular our performance against the policy indicators has improved in this report following the adoption of the Local Development Plan.

RECOMMENDATION

That the Members of the Planning Committee

- (1) That the Members of the Planning Committee note the content of the Annual Performance Report attached at **Appendix A** and endorse its submission to Welsh Government in October.

Reason for the recommendation:

1. To inform Members of the Planning Committee of the content of the Annual Performance Report attached at **Appendix A** and to satisfy the Council's obligation to submit the APR to Welsh Government.

## The Vale of Glamorgan LPA

### PLANNING ANNUAL PERFORMANCE REPORT (APR) – 2018-19

#### PREFACE

*The Vale of Glamorgan Council recognises the important role the Planning service has in re-invigorating the economy and communities. The service ensures that sustainable economic growth and regeneration while protecting and improving both the urban and rural features ultimately makes the Vale of Glamorgan one of the best places to live in Wales.*

*The adopted Local Development Plan, provides a framework for sustainable development within the Vale of Glamorgan up to 2026. This plan guides growth and identifies the infrastructure needs of our communities in terms of employment, facilities and services needed to support that development.*

*This year the Council is preparing its first Annual Monitoring Report (AMR) to be submitted alongside this Annual Performance Report, which demonstrates that the Plan is delivering against its monitoring targets.*

*The Council has also recently agreed to proceed with a Strategic Development Plan for the Cardiff Capital Region and is taking a lead role as the Responsible Authority. Working collaboratively with other Local Authorities in the region is delivering this exciting new chapter in strategic planning in this part of Wales.*

*I am pleased to note the progress identified in this Performance Report including the clear continuing high performance of the Council in determining planning applications.*

*I am confident that this report outlines the Vale of Glamorgan is in a strong position to deliver the Planning Service as we move forward in 2019/20.*

*Councillor Edward Williams, Cabinet Member for Legal, Regulatory and Planning Services*

## CONTEXT

- *The Vale of Glamorgan Adopted Local Development Plan 2011-2026 (LDP) constitutes the development plan for the authority. The LDP provides the strategic and detailed policy framework for the Vale of Glamorgan. The Council formally adopted the LDP on 28<sup>th</sup> June 2017 when it formally replaced the previous Unitary Development Plan (1996-2011).*
- *The LDP has regard to the policy context provided by a range of local policy documents, strategies and programmes. The LDP supports the objectives of the Vale of Glamorgan Community Strategy and will assist in the delivery of the priority outcomes where they relate to or require the development and use of land or protection of natural assets. In addition, the Community Strategy vision has been adopted as the overarching vision for the Vale of Glamorgan LDP to ensure consistency.*
- *The proximity of the Vale of Glamorgan to Cardiff, coupled with the rich and diverse nature of the towns and villages in the area have resulted in significant development pressure, particularly for new residential development. In terms of employment, the Vale has one of the highest levels of out commuting in the region. The majority of people travel to Cardiff to work resulting in peak time congestion on the distributor roads in the eastern Vale. The designation of the St. Athan – Cardiff Airport Enterprise zone in 2011 is of regional importance and focuses on the aerospace and defence sector. The LDP seeks to capitalise on the opportunities presented by this designation and seeks to attract inward investment that will benefit the region as a whole. Although the UK Government decided not to progress with the Defence Training College development, MOD ST. Athan continues to play an important part in UK defence plans and provides an important source of employment for the local economy. The LDP also favours proposals which assist the long term viability of Barry's port to facilitate the efficient and reliable movement of freight by sea. In 2010, the Welsh Government designated Barry as a regeneration area and the ongoing redevelopment of Barry Waterfront plays a key role in this.*
- *The Vale of Glamorgan benefits from a wide range of environmental resources, some of which are recognised for their value by international and national designations such as the Severn Estuary and the Glamorgan Heritage Coast. There are also a large number of national and locally important designated sites of nature conservation value which provide important habitats for local biodiversity including protected species. The Vale of Glamorgan has 27 sites of special scientific interest, 1 special protection area, 2 special areas of conservation and one adjoining the Vale of Glamorgan at Kenfig (Bridgend) and 1 Ramsar site.*
- *In terms of cultural heritage, the Vale of Glamorgan has approximately 740 listed buildings, over 100 Scheduled Ancient Monuments, 39 conservation areas, 18 areas included in the Register of Historic Parks and Gardens and 2 areas on the Register of Landscapes of Historic Interest in Wales.*
- *The Vale of Glamorgan covers 33,097 hectares of which approximately 85% is agricultural land. Notwithstanding this, the number of persons employed in agriculture or fishing accounts for less than 1% of the employment market, compared to a national average of 1.7%. Barry is identified as a key settlement in the Wales Spatial Plan in recognition of its role in the success of the South East Wales Capital Region. This is reflected in the LDP strategy which seeks to promote new housing, employment and retail opportunities in Barry and other urban settlements in the south east zone.*

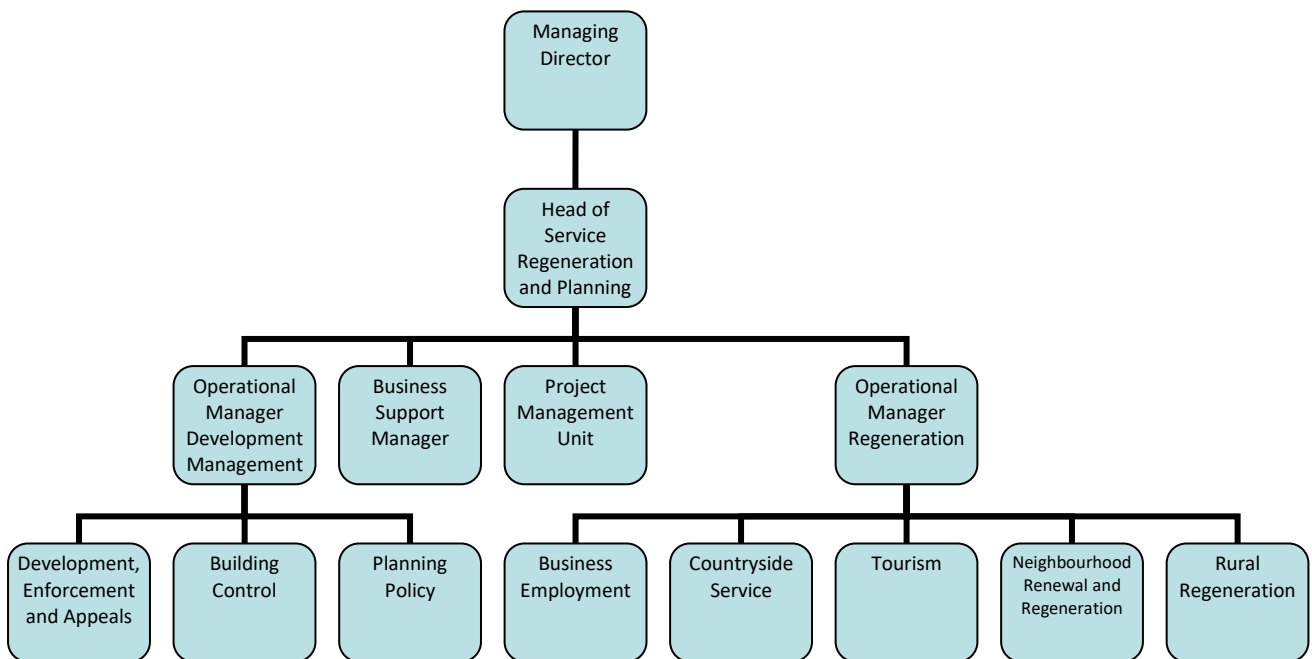


Other major settlements include Penarth, Llantwit Major and Cowbridge all of which have good public transport provision, local employment opportunities, established town centres and a wide range of cultural, educational and community facilities. The remaining population live in the smaller villages and hamlets located across the rural Vale.

- As part of the LDP process, the Council has fully considered the Welsh Government’s 2011-based population and household projections which indicate that the population will reach 136,281 by 2026 and will result in 7,118 new households between 2011 and 2026 (based on 10-year average migration projections). The Council’s LDP anticipates the need for 9460 new dwellings up to 2026 arising from these forecast demographic changes and to address local affordable housing need and to support economic growth (Policy SP3 refers).

## PLANNING SERVICE

The Planning Service sits within a Regeneration and Planning Department under a Head of Service that reports directly to the Managing Director.



- The Council is also going through a ‘re-shaping service’ process in light of the substantial cuts to its budgets. The process is exploring alternative deliver models, business case change models and income generation themes.
- Over recent years the income received by the Planning Department in respect of planning applications has fluctuated from £975,000 in 15/16 to £622,649 in 2016/17, £801,004 in 2017/18 and **£640,652 in 2018/19**. In addition in 2018/19 we received £43,670 (compared to £36,401 the previous year) for pre-application services.
- In addition, the Council has secured funding via Planning Performance Agreements (PPAs) on a number of major and strategically important developments. These PPAs have secured a

*higher quality processes and outcomes from the application due to the closer liaison with developers, statutory consultees and interested persons and prioritisation of workload surrounding these applications.*

- *The direct cost of delivering the planning service in 2018/19 was around £1,560,328.*
- *We are considering other means of improved service delivery and income generation such as fast-track application services and conveyance compliance certificates which should be introduced in 2019/20.*
- *We would like Welsh Government's support in recognising the cost of delivering the planning service, which increases year-on-year in real terms, justifying an increase in planning fees that was last implemented in October 2015.*
- *To minimise costs, we would also suggest Welsh Government withdraw the requirement to advertise planning applications in the local press which costs the Council around £30,000 per annum. It is clear that interested persons primarily receive notification of an application by direct contact through neighbour letters or site notices, or via the Council's web-site or via their town and community council representatives.*
- *To reduce costs, improve efficiencies and reduce environmental impacts, the planning department has implemented a paperless office system, saving an estimated £4000 per annum. The use of pool cars rather than individual mileage payments has reduced vehicle expenditure from around £12,000 to around £3,000 per annum.*
- *In terms of staffing, the department has restructured in recent years to cut costs and improve efficiencies. The Council no longer has a designated tree officer, instead the Development Management team has been trained to enable them to consider tree applications (TPO and TCAs) and the Council has adopted a recent 'Trees, Woodlands, Hedgerows and Development' SPG to provide clear guidance to applicants and interested persons.*
- *In response to the changes to Development Management procedures, in particular the introduction of validation notices and appeals, the Council introduced a new 'Technical Officer' post who is responsible for validation of all new planning applications.*
- *The Planning Team currently has a number of vacancies: 1 Senior Planning (Planning Policy) (due to a temporary 2 year secondment to Merthyr Council); and 1 x Senior Planner (Development Management) whose replacement has been recruited and will start soon. The Council employs 3 students on yearly contract from the Planning School of Cardiff University, which helps develop the planners of the future and provides a good opportunity for succession planning. This year has seen significant change in terms of staff movement with 1 Principal Planner and 4 Senior Planners leaving the authority for reasons including retirement and career progression. The Council has successfully recruited suitable candidates, however staff changes do add to the work pressures for the department.*

- *The Council uses a combination of in house training, and complementary training provided by Welsh Government, Royal Town Planning Institute, Natural Resources Wales, DCWW and others to ensure staff maintain their continuing professional development. In addition the information cascaded down by collaborative groups like POSW, SEWSPG and the SE Wales regional enforcement group is shared at monthly team meetings.*
- *The Council has hosted regional training workshops including a session on 'Planning Application Validation' with attendance from PINS, and 'Planning and Development Viability' attended by cross-sector representatives, which offers an opportunity for collaboration and best practice information sharing.*
- *Staff have also been involved in the training of Members of the Council and also in training delivered to Community Councils through the Community Liaison.*
- *The Vale of Glamorgan Council has been identified as the responsible authority and is therefore taking a lead role in the preparation of a Strategic Development Plan for the South East Wales region working collaboratively with the local planning authorities in the Cardiff Capital Region area and Welsh Government.*
- *Officers and Members of the Vale of Glamorgan Council take an active part in national and regional collaboration work, currently acting as Secretary for POSW and Chair of SEWSPG.*

## **YOUR LOCAL STORY**

*The Council determined 1,221 and this averages at 122 determinations per officer (not accounting for periods of vacancy) which is a slight increase on the years before.*

*The Council also determined 21 major applications (including some carried over from the previous year) which was similar to the major application case load the previous year (the majority of which are major housing applications of over 10 dwellings).*

*The Vale of Glamorgan Local Development Plan (2011-2026) was adopted on the 28<sup>th</sup> June 2017 and is being used in the determination of planning applications and appeals. The Council has prepared its first Annual Monitoring Report for submission in October 2019.*

*In 2019 the Council carried out a Joint Housing Land Availability Study which demonstrated a land supply of 5 years.*

*During the period of this report the following service improvements have been delivered:*

- *Provided bespoke services via Planning Performance Agreements on some major development projects.*
- *Adopted new / amended Supplementary Planning Guidance (SPG) for:*
  - *Parking Standards*
  - *Renewable Energy*

- *Tourism and Development*
- *Trees, Woodland, Hedgerow and Development*
- *Travel Plans*
  
- *Prepared SPG for consultation for Cardiff Airport and Gateway Development Zone to be consulted on and adopted in 2019/20*
  
- *Provided an integrated approach to land use planning in the Vale, by managing new developments in a sustainable manner for the benefit of communities through the development team approach.*

*The Council continued to be successful in negotiating S106 agreements in the financial year of 2018/19. During this period, a total of 26 planning permissions have been granted, which have been subject to Section 106 agreements. The value of the financial contributions in these legal agreements totals £3.58m and they relate to a range of developments including major residential developments.*

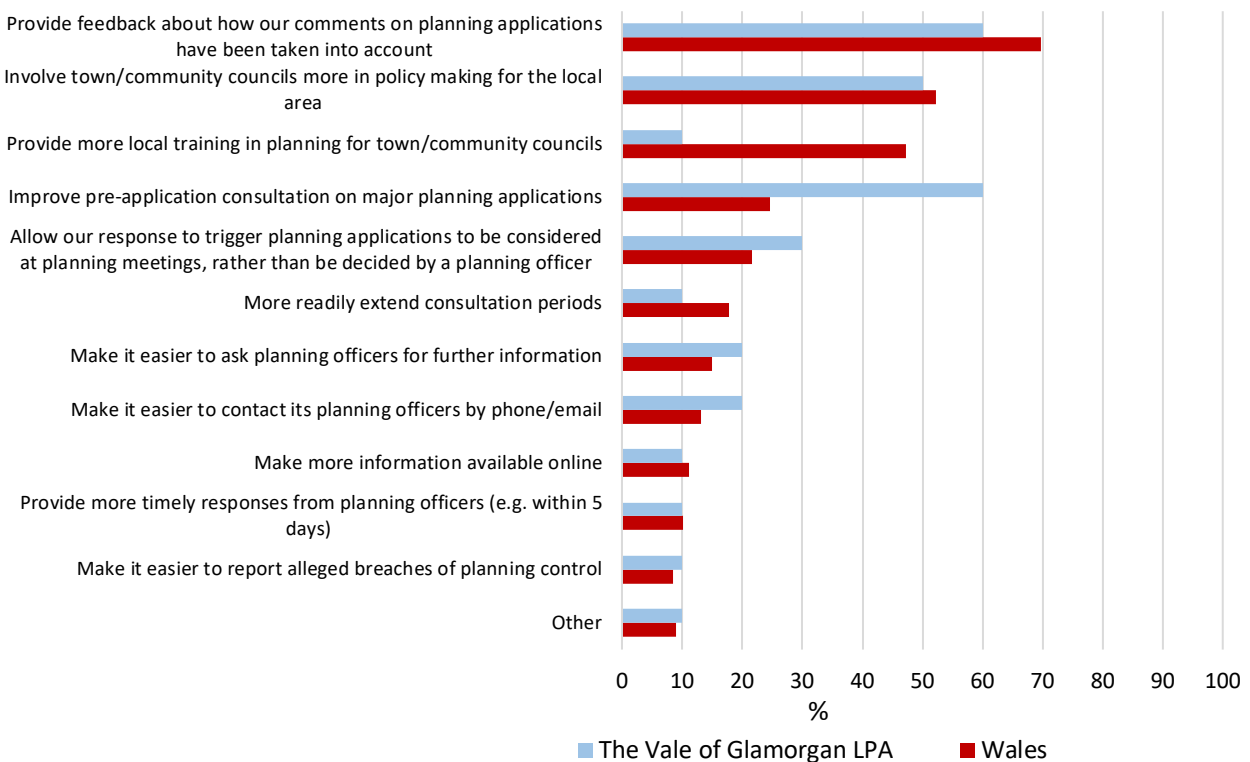
*In 2018/19, £2,226,160.50 was spent on schemes supporting enhancements to public transport, walking and cycling networks, new school places and open space and public art enhancements.*

## WHAT SERVICE USERS THINK

In 2018-19 we conducted a survey of clerks of the town and community councils that are statutory consultees for our planning authority. There are 26 such councils in our area, and we received 10 responses to the survey.

The respondents were asked to select the three ways in which they thought our LPA could help town/community councils to participate more effectively in the planning system. Figure 1 shows the percentage of respondents that selected each option as one of their three choices. 'Provide feedback about how our comments on planning applications have been taken into account' and 'Improve pre-application consultation on major planning applications' were the most frequently selected option for our LPA.

**Figure 1: Ways LPAs could help town/community councils participate more effectively in the planning system, 2018-19**



## OUR PERFORMANCE 2018-19

This section details our performance in 2018-19. It considers both the Planning Performance Framework indicators and other available data to help paint a comprehensive picture of performance. Where appropriate we make comparisons between our performance and the all Wales picture.

Performance is analysed across the five key aspects of planning service delivery as set out in the Planning Performance Framework:

- Plan making;
- Efficiency;
- Quality;

- Engagement; and
- Enforcement.

### Plan making

As at 31 March 2019, we were one of 23 LPAs that had a current local development plan (LDP) in place.

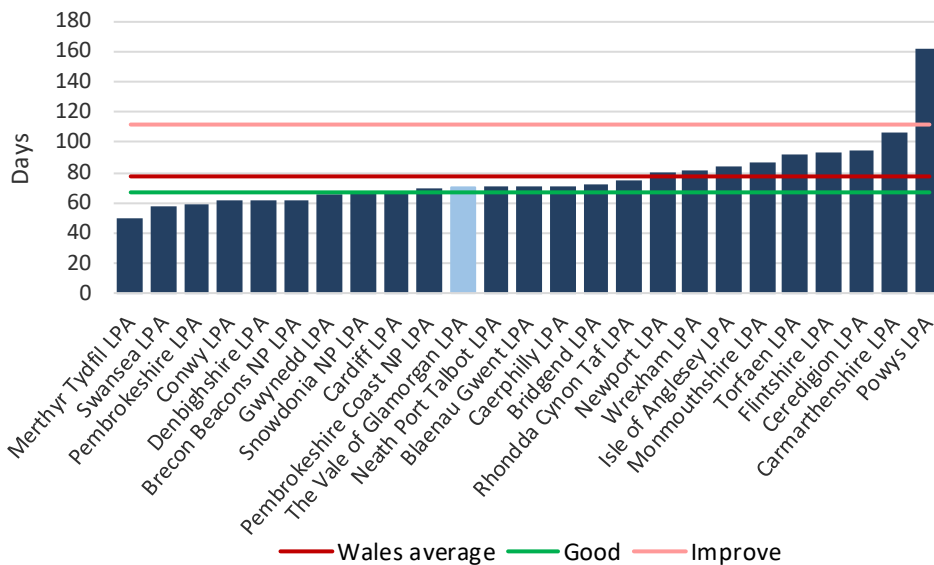
During the APR period we had 5.6 years of housing land supply identified, making us one of 6 Welsh LPAs with the required 5 years supply.

8 respondents to the 2018-19 town and community council clerks survey (80%) said that their council contributed to the production and/or review of our LDP. Of these, 63% agreed that the LDP process is easy to understand, but only 38% confirmed that their council is satisfied with how the LDP process is going (or went), compared to 64% and 62% respectively across Wales.

### Efficiency

In 2018-19 we determined 1,221 planning applications, each taking, on average, 70 days (10 weeks) to determine. This compares to an average of 77 days (11 weeks) across Wales. Figure 3 shows the average time taken by each LPA to determine an application during the year.

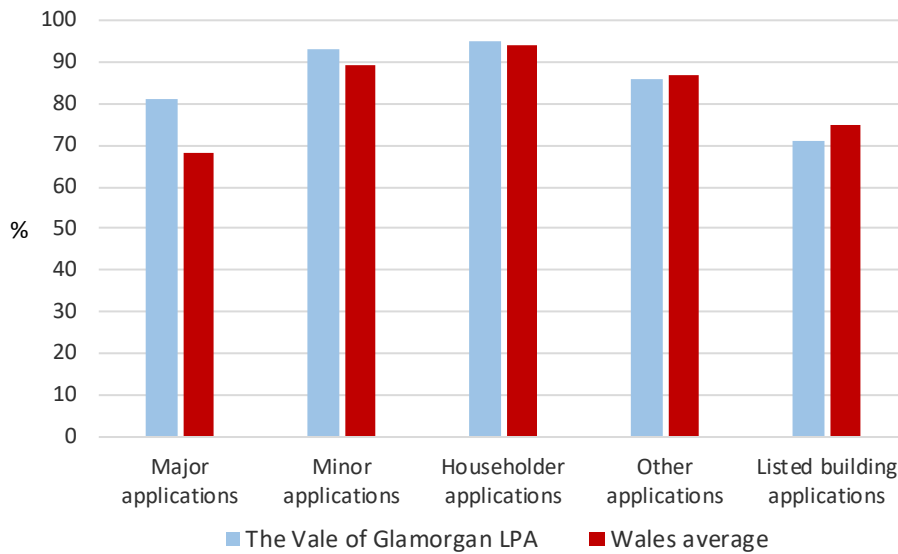
**Figure 3: Average time taken (days) to determine applications, 2018-19**



91% of all planning applications were determined within the required timescales. This compared to 88% across Wales and we were one of 20 LPAs that had reached the 80% target.

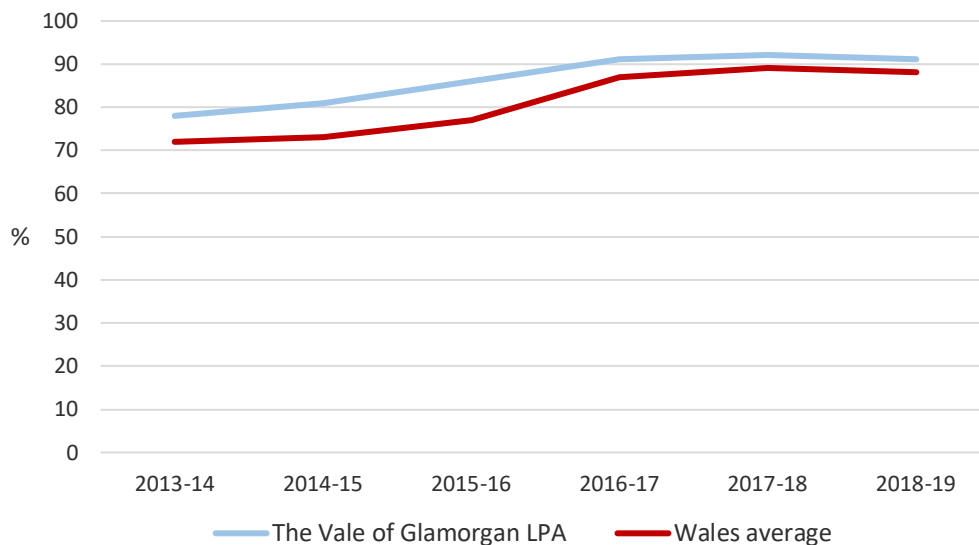
Figure 4 shows the percentage of planning applications determined within the required timescales across the main types of application for our LPA and Wales. It shows that we determined 95% of householder applications within the required timescales. We also determined 71% of Listed Building Consent applications within the required timescales.

**Figure 4: Percentage of planning applications determined within the required timescales, by type, 2018-19**



Between 2017-18 and 2018-19, as Figure 5 shows, the percentage of planning applications we determined within the required timescales decreased from 92%.

**Figure 5: Percentage of planning applications determined within the required timescales**



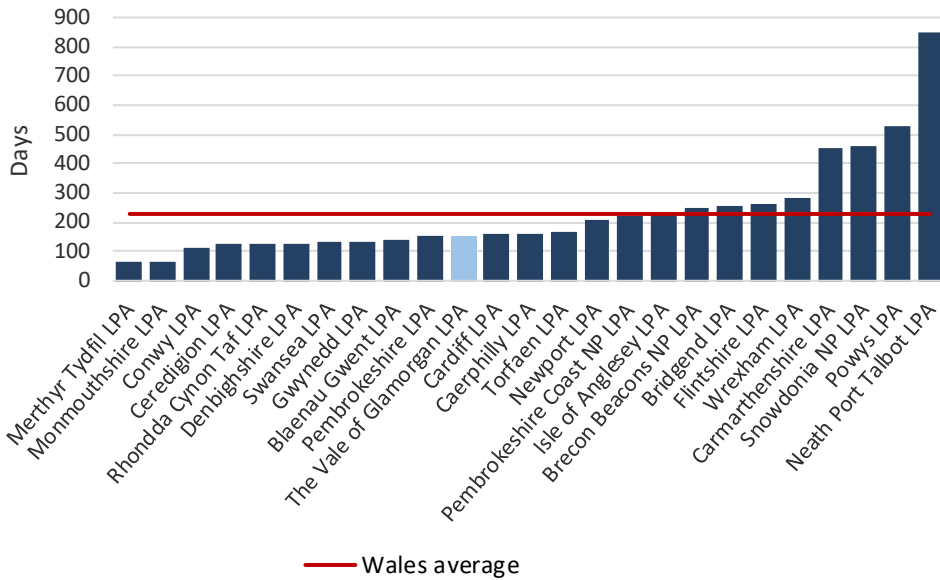
Over the same period:

- The number of applications we received increased;
- The number of applications we determined increased; and
- The number of applications we approved increased.

## Major applications

We determined 21 major planning applications in 2018-19, none of which were subject to an EIA. Each application took, on average, 156 days (22 weeks) to determine. As Figure 6 shows, this was shorter than the Wales average of 232 days (33 weeks).

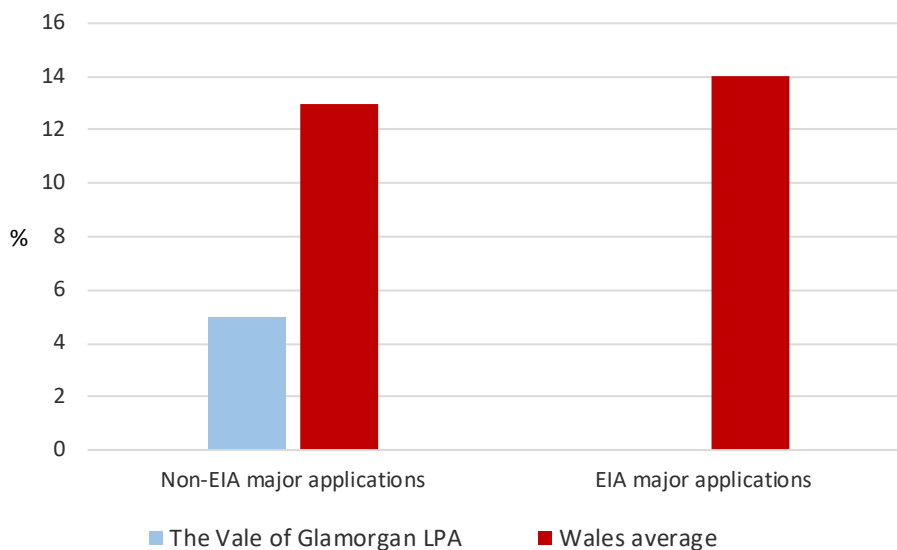
**Figure 6: Average time (days) taken to determine a major application, 2018-19**



81% of these major applications were determined within the required timescales, compared to 69% across Wales.

Figure 7 shows the percentage of major applications determined within the required timescales by the type of major application. 5% of our ‘standard’ major applications i.e. those not requiring an EIA, were determined within the required timescales during the year.

**Figure 7: Percentage of major applications determined within the required timescales during the year, by type, 2018-19**



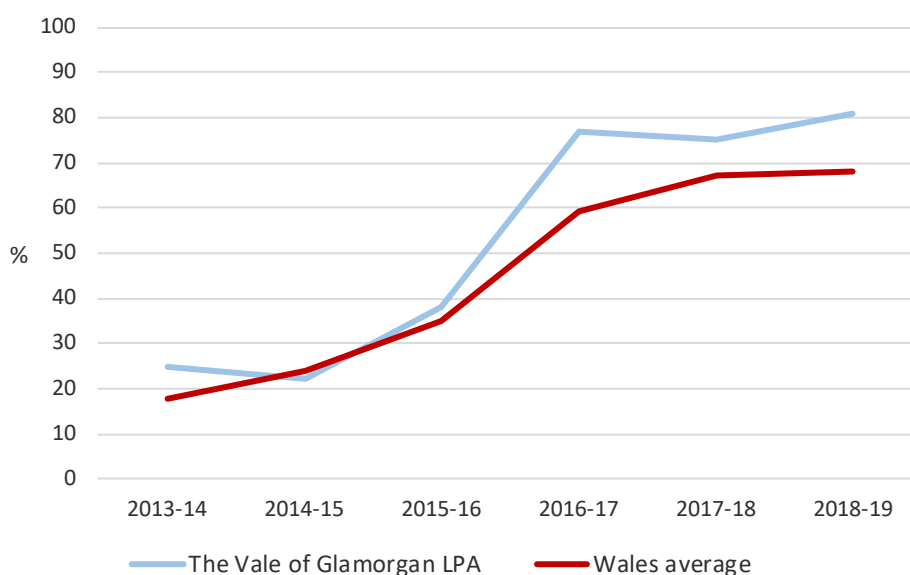


In addition we determined 16 major applications that were subject to a PPA in the required timescales during the year.

Since 2017-18 the percentage of major applications determined within the required timescales had increased from 75%. Similarly, the number of major applications determined increased while the number of applications subject to an EIA determined during the year decreased.

Figure 8 shows the trend in the percentage of major planning applications determined within the required timescales in recent years and how this compares to Wales.

**Figure 8: Percentage of major planning applications determined within the required timescales**



Over the same period:

- The percentage of minor applications determined within the required timescales decreased from 94% to 93%;
- The percentage of householder applications determined within the required timescales decreased from 97% to 95%; and
- The percentage of other applications determined within required timescales stayed the same at 86%.

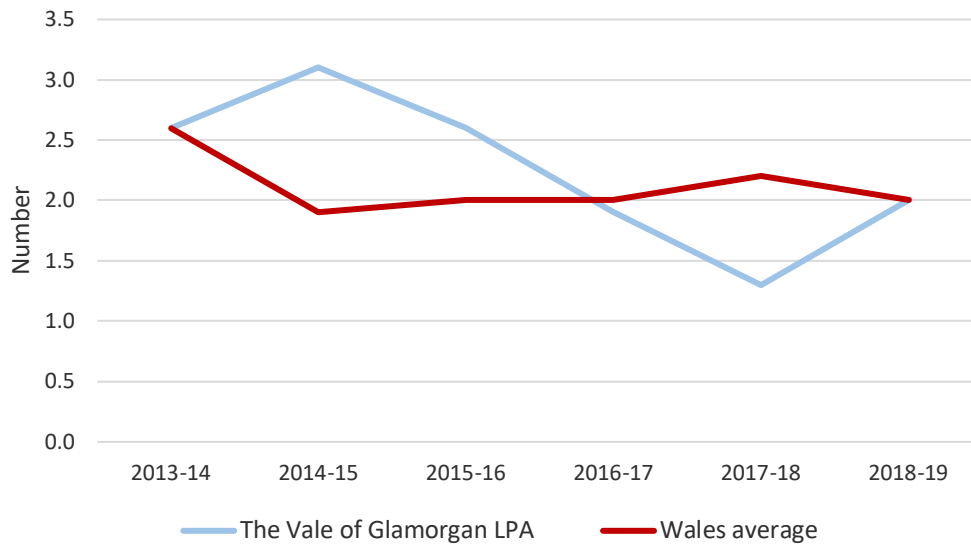
## Quality

In 2018-19, our Planning Committee made 35 planning application decisions during the year, which equated to 3% of all planning applications determined. Across Wales 6% of all planning application decisions were made by planning committee.

6% of these member-made decisions went against officer advice. This compared to 9% of member-made decisions across Wales. This equated to 0.2% of all planning application decisions going against officer advice; 0.5% across Wales.

In 2018-19 we received 28 appeals against our planning decisions, which equated to 2 appeals for every 100 applications received. Across Wales 2 appeals were received for every 100 applications. Figure 9 shows how the volume of appeals received has changed since 2017-18 and how this compares to Wales.

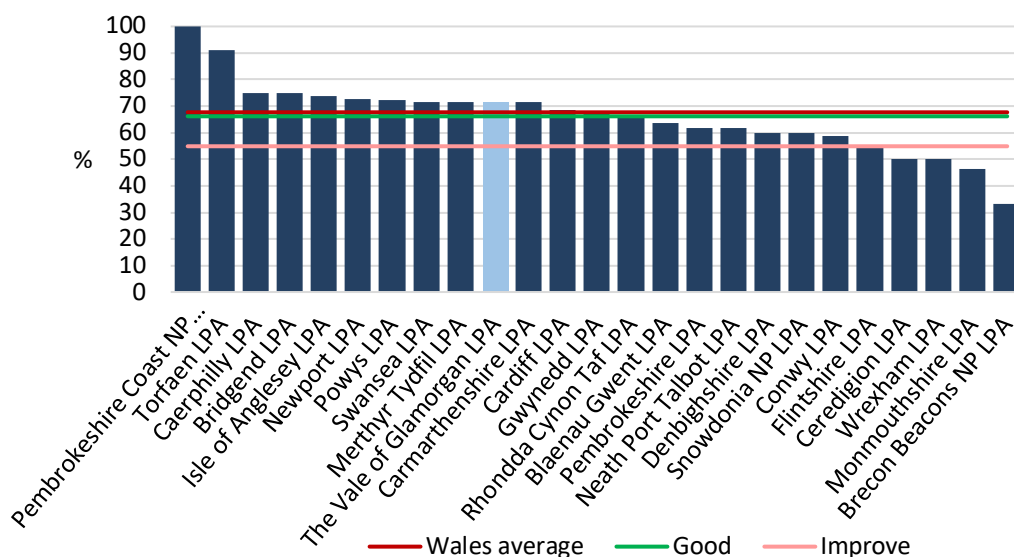
**Figure 9: Number of appeals received per 100 planning applications**



Over the same period the percentage of planning applications approved decreased from 84% to 82%.

Of the 28 appeals that were decided during the year, 71% were dismissed. As Figure 10 shows, this was higher than the percentage of appeals dismissed across Wales as a whole and we were one of 14 LPAs that reached the 66% target.

**Figure 10: Percentage of appeals dismissed, 2018-19**



During 2018-19 we had no applications for costs at a section 78 appeal upheld.

Only 3 respondents (33%) to the 2018-19 town and community council clerks survey reported that they were either 'very satisfied' or 'somewhat satisfied' with how the Planning Inspectorate deals with their council around appeals, compared to 55% of the respondents across Wales.

## Engagement

We are:

- one of 24 LPAs that allowed members of the public to address the Planning Committee;
- one of 22 LPAs that had an officer on duty to provide advice to members of the public; and
- one of 21 LPAs that had an online register of planning applications.

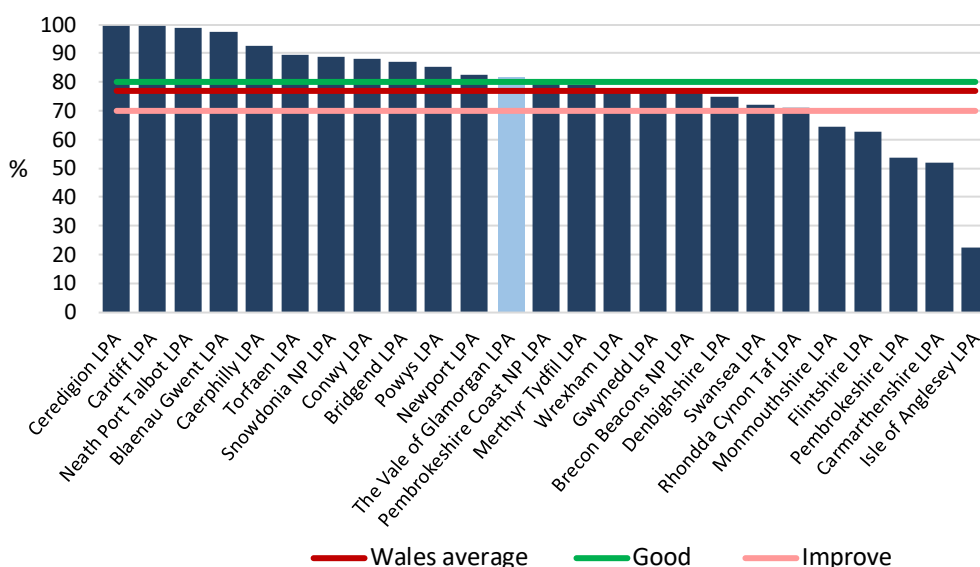
Only 3 (33%) of the town and community council clerks that responded to the 2018-19 survey felt that their council has enough time and resources to effectively contribute to development management in our area, compared to 59% of clerks that responded across Wales. 4 (40%) reported that they are 'always' able and 6 (60%) reported that they are 'sometimes' able to respond to applications within the 21 day statutory time period.

## Enforcement

In 2018-19 we investigated 311 enforcement cases, which equated to 2.4 per 1,000 population. This compared to 1.9 enforcement cases investigated per 1,000 population across Wales.

We investigated 82% of these enforcement cases within 84 days. Across Wales 77% were investigated within 84 days. Figure 11 shows the percentage of enforcement cases that were investigated within 84 days across all Welsh LPAs.

**Figure 11: Percentage of enforcement cases investigated within 84 days, 2018-19**



The average time taken to pursue positive enforcement action was 76 days.

In the 2018-19 town and community council clerks survey, 4 respondents (40%) stated that our LPA investigates enforcement cases 'very promptly' or 'reasonably promptly', compared to 36% of

respondents across Wales. 3 respondents (30%) reported that they are either 'very satisfied' or 'somewhat satisfied' with how our LPA generally responds to investigating breaches. This was 40% for Wales.

This year the Council has had a number of enforcement cases relating to major development proposals, like Barry Waterfront, where breaches have related to compliance with conditions and Section 106 agreements. Officers have worked hard to ensure compliance to deliver the place-making objectives envisaged for these major developments. This work has been resource intensive but essential to ensure the proper planning of the area.

## ANNEX A - PERFORMANCE FRAMEWORK

### OVERVIEW

MEASURE	GOOD	FAIR	IMPROVE	WALES AVERAGE	The Vale of Glamorgan LPA LAST YEAR	The Vale of Glamorgan LPA THIS YEAR
<b>Plan making</b>						
Is there a current Development Plan in place that is within the plan period?	Yes		No	Yes	Yes	Yes
LDP preparation deviation from the dates specified in the original Delivery Agreement, in months	<12	13-17	18+	73	N/A	N/A
Time taken to commence formal revision of an LDP following the triggering of Regulation 41, in months	<12	13-17	18+	17	-	N/A
Has an LDP Revision Delivery Agreement been submitted to and agreed with the Welsh Government?	Yes		No	Yes	-	N/A
LDP review deviation from the dates specified in the original Delivery Agreement, in months	<3		4+	1	-	N/A
Annual Monitoring Reports produced following LDP adoption	Yes		No	Yes	N/A	N/A
The local planning authority's current housing land supply in years	>5		<5	6 of 25	6.1	5.6
<b>Efficiency</b>						
Percentage of "major" applications determined within time periods required	>60	50.1-59.9	<50	68	75	81
Average time taken to determine "major" applications in days	Not set	Not set	Not set	232	164	156
Percentage of all applications determined within time periods required	>80	70.1-79.9	<70	88	92	91
Average time taken to determine all applications in days	<67	67-111	112+	77	65	70
Percentage of Listed Building Consent applications determined within time periods required	>80	70.1-79.9	<70	75	70	71
<b>Quality</b>						

MEASURE	GOOD	FAIR	IMPROVE
Percentage of Member made decisions against officer advice	<5	5-9	9+
Percentage of appeals dismissed	>66	55.1-65.9	<55
Applications for costs at Section 78 appeal upheld in the reporting period	0	1	2+
<b>Engagement</b>			
Does the local planning authority allow members of the public to address the Planning Committee?	Yes		No
Does the local planning authority have an officer on duty to provide advice to members of the public?	Yes		No
Does the local planning authority's web site have an online register of planning applications, which members of the public can access, track their progress (and view their content)?	Yes	Partial	No
<b>Enforcement</b>			
Percentage of enforcement cases investigated (determined whether a breach of planning control has occurred and, if so, resolved whether or not enforcement action is expedient) within 84 days	>80	70.1-79.9	<70
Average time taken to take positive enforcement action	<100	101-200	200+

WALES AVERAGE	The Vale of Glamorgan LPA LAST YEAR	The Vale of Glamorgan LPA THIS YEAR
9	0	6
68	64	71
0	0	0
Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes
77	93	82
167	115	76

## SECTION 1 – PLAN MAKING

Indicator	01. Is there a current Development Plan in place that is within the plan period?	
<b>“Good”</b>	<b>“Fair”</b>	<b>“Improvement needed”</b>
A development plan (LDP or UDP) is in place and within the plan period	N/A	No development plan is in place (including where the plan has expired)
<b>Authority’s performance</b>	Yes	
<i>The Vale of Glamorgan Local Development Plan 2011-2026 was adopted on 28th June 2017. The first AMR has been prepared for submission in October 2019.</i>		

Indicator	02. LDP preparation deviation from the dates specified in the original Delivery Agreement, in months	
<b>“Good”</b>	<b>“Fair”</b>	<b>“Improvement needed”</b>
The LDP is being progressed within 12 months of the dates specified in the original Delivery Agreement	The LDP is being progressed within between 12 and 18 months of the dates specified in the original Delivery Agreement	The LDP is being progressed more than 18 months later than the dates specified in the original Delivery Agreement
<b>Authority’s performance</b>	N/A	

Indicator	03. Time taken to commence formal revision of an LDP following the triggering of Regulation 41, in months	
<b>“Good”</b>	<b>“Fair”</b>	<b>“Improvement needed”</b>
The Delivery Agreement is submitted less than 12 months after Regulation 41 is triggered	The Delivery Agreement is submitted within 12 and 18 months after Regulations 41 is triggered	The Delivery Agreement is submitted more than 18 months after Regulation 41 is triggered
<b>Authority’s performance</b>	N/A	

Indicator	04. Has an LDP Revision Delivery Agreement been submitted to and agreed with the Welsh Government?	
<b>“Good”</b>		<b>“Improvement needed”</b>
An LDP Revision Delivery Agreement has been submitted by the LPA and agreed with the Welsh Government		No LDP Revision Delivery Agreement has been submitted by the LPA or agreed by the Welsh Government
<b>Authority’s performance</b>	N/A	

<b>Indicator</b>	<b>05. LDP revision deviation from the dates specified in the original Delivery Agreement, in months</b>	
<b>"Good"</b>		<b>"Improvement needed"</b>
The LDP revision is being progressed within the dates specified in the original Delivery Agreement		The LDP revision is being progressed later than the dates specified in the original Delivery Agreement
<b>Authority's performance</b>	N/A	

<b>Indicator</b>	<b>06. Annual Monitoring Reports produced following LDP adoption</b>	
<b>"Good"</b>		<b>"Improvement needed"</b>
An AMR is due, and has been prepared		An AMR is due, and has not been prepared in time
<b>Authority's performance</b>	N/A	
<i>The Vale of Glamorgan Local Development Plan 2011-2026 was adopted on 28th June 2017. The first AMR has been prepared for submission in October 2019.</i>		

<b>Indicator</b>	<b>07. The local planning authority's current housing land supply in years</b>	
<b>"Good"</b>		<b>"Improvement needed"</b>
The authority has a housing land supply of 5 years or more		The authority has a housing land supply of less than 5 years
<b>Authority's performance</b>	5.6	
<i>The Vale of Glamorgan has in excess of the required 5 year housing land supply, which reflects the high market demand for housing in the area. Many of the LDP allocated sites already have planning permission and are under construction or expected to be so in the coming years. The 5.6 year figure is based on the Joint Housing Land Availability Study for 2017/18. The JHLAs for 2018/19 demonstrates the Vale of Glamorgan has a 5 year housing land supply.</i>		



## SECTION 2 - EFFICIENCY

Indicator	08. Percentage of "major" applications determined within time periods required	
"Good"	"Fair"	"Improvement needed"
60% or more of applications are determined within the statutory time period	Between 50% and 60% of applications are determined within the statutory time period	Less than 50% of applications are determined within the statutory time period
<b>Authority's performance</b>	81	
<p><i>This compares to the Welsh average of 69% and is an improvement on last years 75%. We determined 21 major planning applications in 2018-19. Each application took, on average, 156 days (22 weeks) to determine. This was significantly shorter than the Wales average of 232 days (33 weeks).</i></p>		

Indicator	09. Average time taken to determine "major" applications in days	
"Good"	"Fair"	"Improvement needed"
Target to be benchmarked	Target to be benchmarked	Target to be benchmarked
<b>Authority's performance</b>	156	
<p><i>We determined 21 major planning applications in 2018-19. Each application took, on average, 156 days (22 weeks) to determine. This was significantly shorter than the Wales average of 232 days (33 weeks) and better than last year's 164 days.</i></p>		

Indicator	10. Percentage of all applications determined within time periods required	
"Good"	"Fair"	"Improvement needed"
80% or more of applications are determined within the statutory time period	Between 70% and 80% of applications are determined within the statutory time period	Less than 70% of applications are determined within the statutory time period
<b>Authority's performance</b>	91	
<p><i>This is better than the Welsh average of 88%</i></p>		

Indicator	11. Average time taken to determine all applications in days	
"Good"	"Fair"	"Improvement needed"
67 days or less	Between 67 and 111 days	Greater than 112 days
<b>Authority's performance</b>	70	
<p><i>Welsh average 18/19 is 77%</i></p>		

Indicator	12. Percentage of Listed Building Consent applications determined within time periods required	
"Good"	"Fair"	"Improvement needed"
80% or more of applications are determined within the statutory time period	Between 70% and 80% of applications are determined within the statutory time period	Less than 70% of applications are determined within the statutory time period
<b>Authority's performance</b>	71	
<p><i>The Vale of Council has a significant number of Listed Buildings and determined 35 Listed Building Consent applications in 2018/19. Given the complexities of these applications and the specialist input required from our Conservation Officer, we deliberately focus on quality rather than speed in the determination of these applications.</i></p>		

### SECTION 3 - QUALITY

Indicator	13. Percentage of Member made decisions against officer advice	
"Good"	"Fair"	"Improvement needed"
Less than 5% of decisions are made contrary to officer advice	Between 5% and 9% of decisions are made contrary to officer advice	More than 9% of decisions are made contrary to officer advice
<b>Authority's performance</b>	6	
<p><i>In 2018-19, our Planning Committee made 35 planning application decisions during the year, which equated to 3% of all planning applications determined. Across Wales 6% of all planning application decisions were made by planning committee.</i></p> <p><i>6% of these member-made decisions went against officer advice. This compared to 9% of member-made decisions across Wales. This equated to 0.2% of all planning application decisions going against officer advice; 0.5% across Wales.</i></p>		

Indicator	14. Percentage of appeals dismissed	
"Good"	"Fair"	"Improvement needed"
More than 66% of planning decisions are successfully defended at appeal	Between 55% and 66% of planning decisions are successfully defended at appeal	Less than 55% of planning decisions are successfully defended at appeal
<b>Authority's performance</b>	71	
<p><i>Of the 28 appeals that were decided during the year, 71% were dismissed. This was higher than the percentage of appeals dismissed across Wales as a whole (68%) and we were one of the 14 LPAs that reached the 66% target for 'good' performance.</i></p>		

<b>Indicator</b>	<b>15. Applications for costs at Section 78 appeal upheld in the reporting period</b>	
<b>“Good”</b>	<b>“Fair”</b>	<b>“Improvement needed”</b>
The authority has not had costs awarded against it at appeal	The authority has had costs awarded against it in one appeal case	The authority has had costs awarded against it in two or more appeal cases
<b>Authority’s performance</b>	0	
<i>The Council is pleased with this success</i>		

#### SECTION 4 – ENGAGEMENT

<b>Indicator</b>	<b>16. Does the local planning authority allow members of the public to address the Planning Committee?</b>	
<b>“Good”</b>		<b>“Improvement needed”</b>
Members of the public are able to address the Planning Committee		Members of the public are not able to address the Planning Committee
<b>Authority’s performance</b>	Yes	
<i>From December 2014 the planning committee meetings were web cast and from February 2015 public speaking procedures were put in place, which have been well managed by the democratic services department and welcomed by representors and consultees.</i>		

<b>Indicator</b>	<b>17. Does the local planning authority have an officer on duty to provide advice to members of the public?</b>	
<b>“Good”</b>	<b>“Fair”</b>	<b>“Improvement needed”</b>
A duty planning officer is available during normal office hours	A duty planning officer is available, but not always during normal office hours	There is no duty planning officer available
<b>Authority’s performance</b>	Yes	
<i>The Vale of Glamorgan has operated a duty officer system for members of the public since 2008. It operates 5 days a week during normal office hours by telephone or in person at the Council’s Offices. Our most recent customer satisfaction survey showed 'the availability to talk to a duty planner before submitting an application' was the most popular planning service characteristic that respondents thought would most help them achieve successful developments</i>		

<b>Indicator</b>	<b>18. Does the local planning authority's web site have an online register of planning applications, which members of the public can access track their progress (and view their content)?</b>	
<b>"Good"</b>	<b>"Fair"</b>	<b>"Improvement needed"</b>
All documents are available online	Only the planning application details are available online	No planning application information is published online
<b>Authority's performance</b>	Yes	
<i>The Vale of Glamorgan has offered a full online planning service covering, planning applications, appeals, enforcement and building control since 2010.</i>		

## SECTION 5 – ENFORCEMENT

<b>Indicator</b>	<b>19. Percentage of enforcement cases investigated (determined whether a breach of planning control has occurred and, if so, resolved whether or not enforcement action is expedient) within 84 days</b>	
<b>"Good"</b>	<b>"Fair"</b>	<b>"Improvement needed"</b>
80% or more of enforcement cases are investigated in 84 days	Between 70% and 80% of enforcement cases are investigated in 84 days	Less than 70% of enforcement cases are investigated in 84 days
<b>Authority's performance</b>	82	
<i>The Council is performing well against this indicator. The Council's percentage of enforcement cases investigated within 84 days is significantly better than the All Wales average of 77%.</i>		

<b>Indicator</b>	<b>20. Average time taken to take positive enforcement action</b>	
<b>"Good"</b>	<b>"Fair"</b>	<b>"Improvement needed"</b>
100 days or less	Between 101-200 days	Greater than 200 days
<b>Authority's performance</b>	76	
<i>The Council is performing very well against this indicator. The Council's time taken to take positive enforcement action averaging 76 days is significantly better than the All Wales average of 167 days.</i>		

## SECTION 6 – SUSTAINABLE DEVELOPMENT INDICATORS

The purpose of the Sustainable Development Indicators is to measure the contribution the planning system makes to sustainable development in Wales.

The Sustainable Development Indicators will be used to measure the progress against national planning sustainability objectives, set out in Planning Policy Wales, and can be used to demonstrate to our stakeholders the role and scope of the planning system in delivering wider objectives. The information will also be useful to local planning authorities to understand more about the outcomes of the planning system and help inform future decisions.

<b>Authority's returns</b>	Full return
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<b>Indicator</b>	<b>SD1. The floorspace (square metres) granted and refused planning permission for new economic development on allocated employment sites during the year.</b>
<b>Granted (square metres)</b>	
<b>Authority's data</b>	10,275
<b>Refused (square metres)</b>	
<b>Authority's data</b>	0

In 2018/19 the Council has approved a number of applications for new economic development on allocated employment sites during 2018/19 totalling over 10,000sqm. This includes 225sqm of B1 office space, 560sqm of B2 manufacturing and industrial floor space associated with existing employment sites, 1600sqm of B8 use at Ty Verlon Industrial Estate, Barry and 2800sqm mixed B1/B2/B8 uses at existing and allocated employment sites.

<b>Indicator</b>	<b>SD2. Planning permission granted for renewable and low carbon energy development during the year.</b>
<b>Granted permission (number of applications)</b>	
<b>Authority's data</b>	0
<b>Granted permission (MW energy generation)</b>	
<b>Authority's data</b>	0
The Council has not received or determined applications for renewable and low carbon energy development during the year. However, we have adopted a Renewable Energy SPG in 2018/19 to encourage these proposals in appropriate locations.	

<b>Indicator</b>	<b>SD3. The number of dwellings granted planning permission during the year.</b>
<b>Market housing (number of units)</b>	
<b>Authority's data</b>	656
<b>Affordable housing (number of units)</b>	
<b>Authority's data</b>	494
<p><i>This figure clearly shows the Council commitment to ensuring that it is meeting its obligations to provide both market and affordable housing in the Vale of Glamorgan. Of the 1150 dwellings granted planning permission in 2018/19, 43% were affordable housing.</i></p>	

<b>Indicator</b>	<b>SD4. Planning permission granted and refused for development in C1 and C2 floodplain areas during the year.</b>
<b>Number of residential units (and also hectares of non-residential units) which were GRANTED permission</b>	
<b>Authority's data</b>	0
<b>Number of residential units (and also hectares of non-residential units) which were REFUSED permission on flood risk grounds</b>	
<b>Authority's data</b>	2
<p>The above data demonstrates the Council is complying with national policy on development within flood zones.</p>	

<b>Indicator</b>	<b>SD5. The area of land (ha) granted planning permission for new development on previously developed land and greenfield land during the year.</b>
<b>Previously developed land (hectares)</b>	
<b>Authority's data</b>	14
<b>Greenfield land (hectares)</b>	
<b>Authority's data</b>	38
<p>The Council continues to deliver its brownfield sites allocated in the Local Development Plan and brownfield land still represents a significant proportion (approximately 27%) of land being developed in the Vale of Glamorgan.</p>	

<b>Indicator</b>	<b>SD6. The area of public open space (ha) that would be lost and gained as a result of development granted planning permission during the quarter.</b>
<b>Open space lost (hectares)</b>	
<b>Authority's data</b>	Nil
<b>Open space gained (hectares)</b>	
<b>Authority's data</b>	5
The Council continues to seek new open space as part of major development proposals in accordance with its LDP policies and Planning Obligations SPG.	

<b>Indicator</b>	<b>SD7. The total financial contributions (£) agreed from new development granted planning permission during the quarter for the provision of community infrastructure.</b>
<b>Gained via Section 106 agreements (£)</b>	
<b>Authority's data</b>	3,538,708
<b>Gained via Community Infrastructure Levy (£)</b>	
<b>Authority's data</b>	Nil
<p>In 2018/19, a total of 26 legal agreements have been signed associated with planning permissions. The value of the financial contributions in these legal agreements totals £3,538,708. This is slightly higher than SD return to WG (£3,483,167) due to an anomaly in reporting at the end of the financial year.</p> <p>The Council continues to negotiate significant contributions from developers in addition to securing an average of 43% affordable housing across all sites in the Vale of Glamorgan in 2018/19.</p>	

THE VALE OF GLAMORGAN COUNCIL PLANNING

COMMITTEE : **25 SEPTEMBER, 2019**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

6. 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.



**2018/01330/FUL** Received on 16 January 2019

**APPLICANT:** Mrs Amanda Davies The Exchange Cowbridge Ltd., Waterton Lodge, Colwinston, CF71 7NL

**AGENT:** Mr Elio Leo 35a Albert Road, Penarth, CF64 1BY, Vale of Glamorgan

### **Site of public car park adjacent to The Market Place Restaurant, Cowbridge**

Proposed community cafe and provide a permanent covered site for the farmers' market and other events

### **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 Cox, Cllr Jarvie, Cllr Parker and Cllr Carroll given the strong local objections received on the application.

### **EXECUTIVE SUMMARY**

The application site relates to a rectangular piece of land, currently used as a public car park, located in a highly prominent location at the junction of Westgate and The Butts in the settlement of Cowbridge. The site is located within the defined boundary of Cowbridge District Retail Centre.

This is a full planning application for the construction of a community cafe and provision of a permanent covered site for the farmers' market and other event. The proposed building will measure a width of some 13.8m by a depth of 37.8m (including overhangs). The building will have a stepped roof from 6.2m (4m eaves) down to 5.1m (2.9m eaves).

The main structure of the building will be steel with timber purlins in the roof and round supporting columns in grey. A dark grey/blue metal roof is proposed with horizontal timber cladding/louvres to the area above the café upper floor. The main café and low level wall surrounding the market space will utilise local recycled stone.

To date a total of 34 letters of representation have been received, of which 27 object or have concerns with the application and 7 are in support of the application.

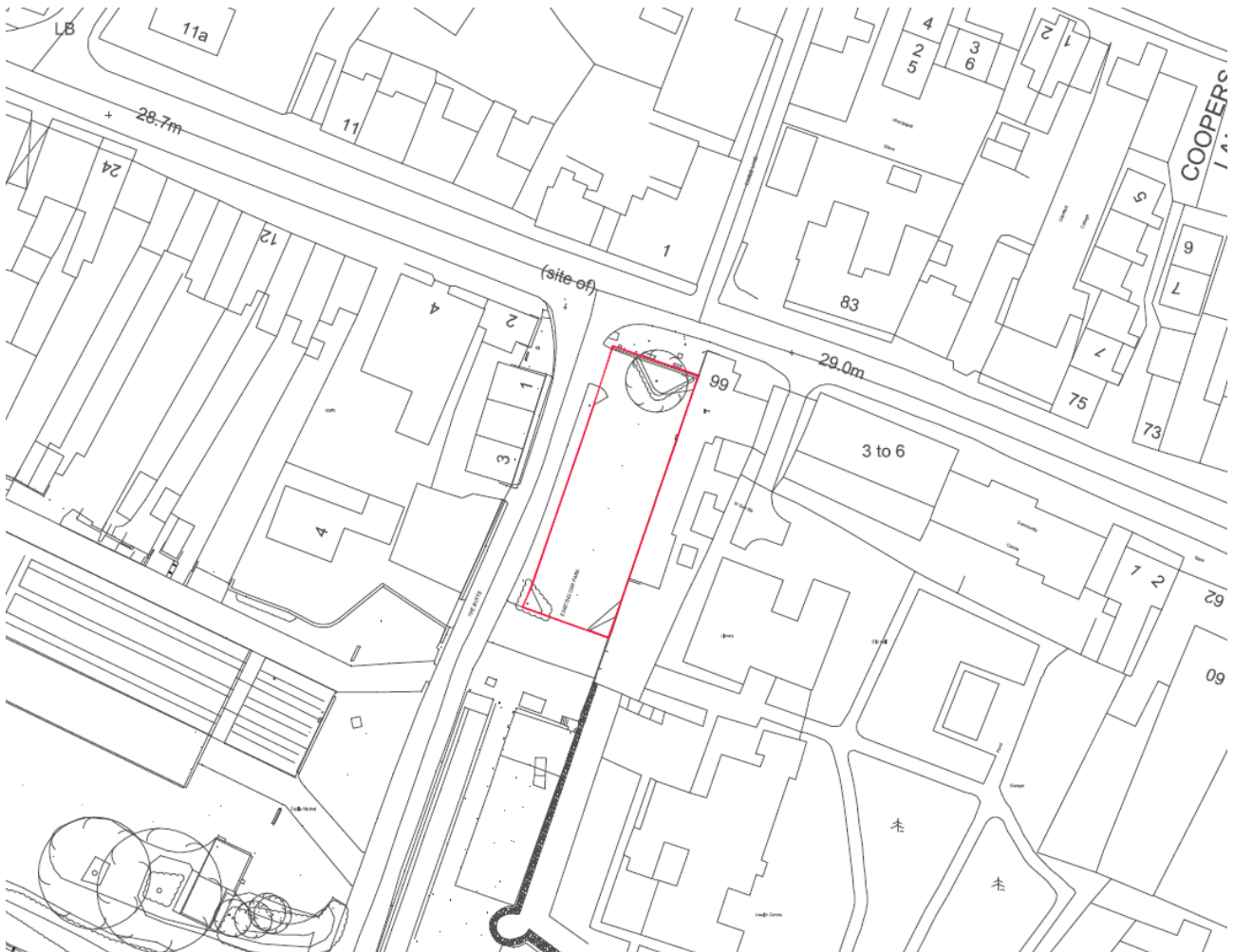
The main issues in the consideration of this application relates to the principle of the market hall building and café, whether the proposed development preserves the listed building and its setting and preserves or enhances the character or appearance of the conservation area. Other matters for consideration include, highway impacts and impacts on residential amenity, archaeology and drainage.

Having considered all material considerations including the benefits of the proposal as set out by the applicant, it is considered that the proposal by virtue of its siting and design (having particular regard to the shallow roof form and span of the roof), will result in a building of significant massing and impact which would be considered out of keeping with the established building form and pattern of development of the frontages on Westgate and High Street. The proposal would therefore fail to preserve the character of this part of the Cowbridge Conservation Area. Furthermore, the proposal is also considered to

negatively impact on the setting of the adjacent Grade 2 Listed Building at The Market Place, by virtue of the proximity, height and depth of the proposed building, when viewed from Westgate and High Street.

## SITE AND CONTEXT

The application site relates to a rectangular piece of land, some 660 sq m in area located in a highly prominent location at the junction of Westgate and The Butts in the settlement of Cowbridge. The site is located within the defined boundary of Cowbridge District Retail Centre and Cowbridge Conservation Area.



The application site is located in close proximity to a number of listed buildings, namely 1-3 The Butts; The former Natwest bank; 1&3 Westgate; NW Boundary Wall to 83 High Street; Woodstock House; 81 High Street; Llwyn Celyn; The Old Hall; the Market Place; and the Town Walls. All of these are Grade II listed with the exception of the Town Walls which are Grade II\* listed.

## DESCRIPTION OF DEVELOPMENT

This is a full planning application for the construction of a community cafe and provision of a permanent covered site for the farmers' market and other event.

The proposed building will measure a width of some 13.8m by a depth of 37.8m (including overhangs). The building will have a stepped roof from 6.2m (4m eaves) down to 5.1m (2.9m eaves).

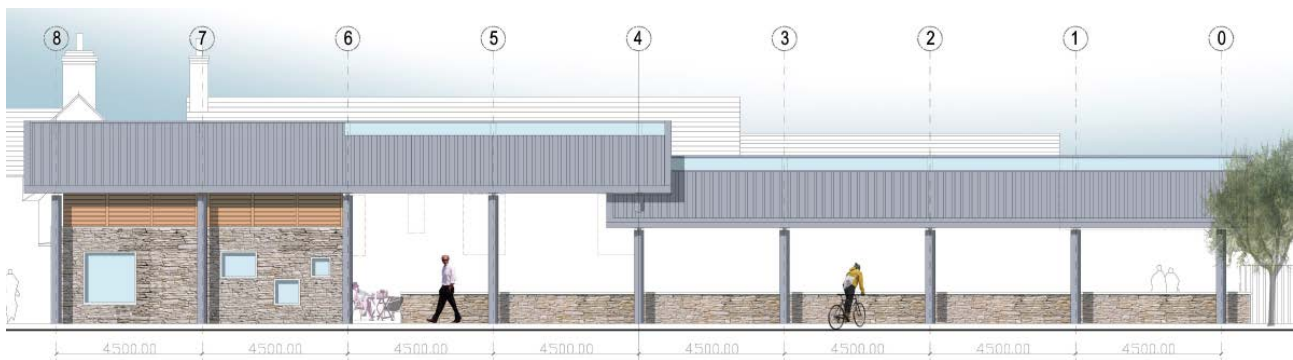
The main structure of the building will be steel with timber purlins and round supporting columns in grey. A dark grey/blue metal roof is proposed with horizontal timber cladding/louvres to the area above the café upper floor. The main café and low level wall surrounding the market space will utilise local recycled stone.

The front part of the building will accommodate a café measuring 9m by 11m and includes a service area, disabled toilet and store. The cafe will be served by doors and glazed panels fronting Westgate and a series of windows along the side elevation fronting The Butts.

The remainder of the building will compromise of a covered market area of some 310 sq metres. It is stated that the market area can accommodate 26 stalls, although there is flexibility with the regard to the size of stalls.

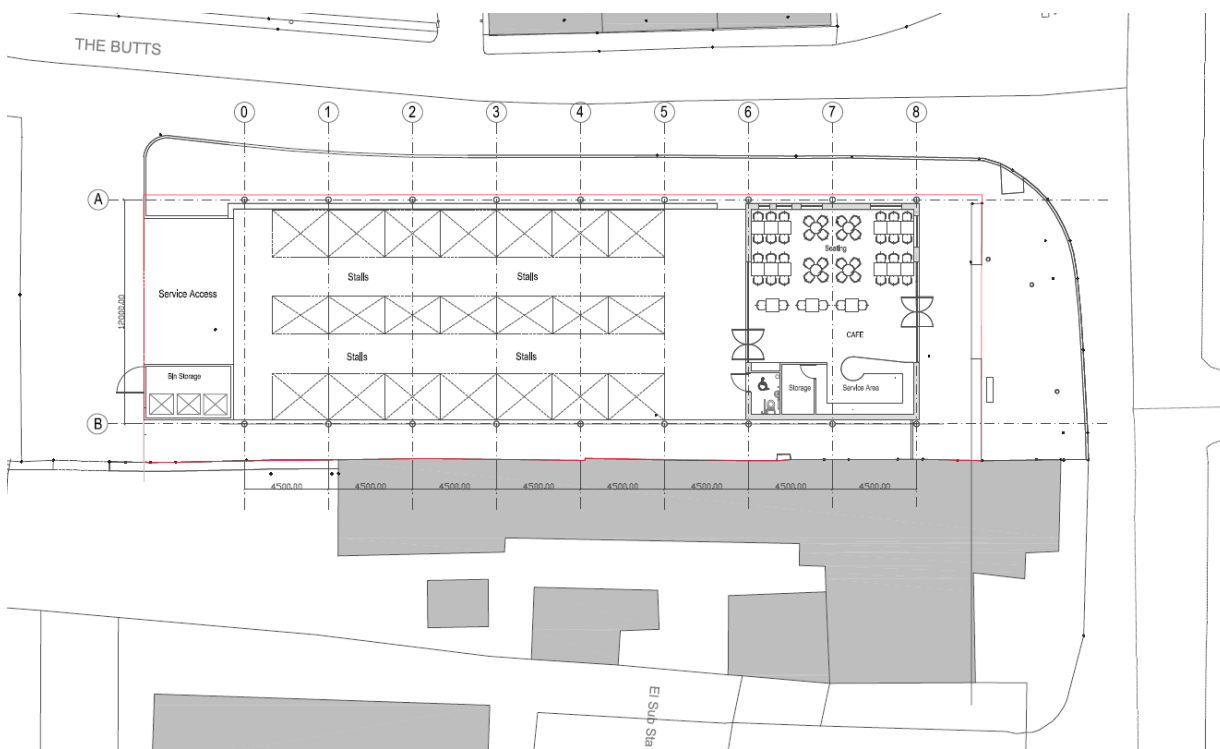


*Proposed Front Elevation (Westgate)*



*Proposed Side Elevation (The Butts)*

The market area will be accessed and serviced from the rear and includes an enclosed bin store area.



*Proposed Layout*

The supporting information states that the market area will be used for a range of uses and activities including Farmers Market, Food and Wine festival, general produce markets, French Market, antiques, bric-a-brac, Christmas Market and other potential uses including space to local charities, choirs and entertainers.

The café is proposed to be run as community café, where any income would cover its running costs and any market/event management that is not recovered directly from the activities and any profits would be invested back into the local community.



*Proposed view from Westgate*

## PLANNING HISTORY

None relevant to the site.

The following is however relevant on the adjacent site :

2018/00628/CAC : Old Hall Garden and Town Walls, Old Hall Garden, High Street, Cowbridge - Demolition of redundant cattle pens and restoration of respective length of Town Walls. Demolition includes grubbing up of concrete slab associated with cattle pens and reduce height of stone wall to back of highway to 1m. - Approved 24/10/2018.

2018/00588/LBC : Old Hall Gardens, High Street, Cowbridge - Refurbishment of Town Walls by skilled stone mason using traditional methods - Approved 24/10/2018.

2018/00586/FUL : Old Hall Garden and Town Walls, Old Hall Garden, High Street, Cowbridge - Demolition of redundant cattle pens and restoration of respective length of Town Walls. Reduce height of stone wall to back of highway to 1m. Creation of a car park. Installation of all-weather canopy over children's reading area in Old Hall Garden - Approved 24/10/2018.

## CONSULTATIONS

**Cowbridge with Llanblethian Town Council** were consulted and have responded raising no objection.

**Councils Highway Development Team** were consulted and initially requested the following (summarised) :

- northern access into the car park will need to be removed and a footway provided
- current footway slabs (to The Butts) to be removed and footway resurfaced
- concern in relation to any deliveries to the proposed café and market and the size of service access and will either be overhanging where pedestrians walk for the proposed stalls or it will overhang the existing access which services the pub.
- proposed bin storage is not in an appropriate position for access by service vehicle

Following further correspondence, whilst noting that the applicant had agreed that the northern access into the car park will be removed and a footway constructed, is still of the opinion that the footway to the west of the development should be resurfaced; the service access dimensions is too small for the development and the bin storage space is located at an inappropriate position.

As a result of the above comments, the Highway Authority raise an objection to the application on road safety grounds.

**Councils Drainage Section** were consulted and have stated that the site is not located in DAM zones at risk of tidal or fluvial flooding and NRW maps indicate that there is a very low risk of surface water flooding to the site. They have requested a condition for a detailed scheme for the surface water drainage of the site, showing how road and roof / yard water will be dealt with has been submitted and approved in writing by the LPA.

**Council's Shared Regulatory Services** were consulted and responded as follows:

**Specialist Services Officer, Environment** has requested the inclusion of conditions in relation to: contaminated land measures (unforeseen contamination); importation of aggregates. In addition an informative is also requested in relation to contamination and unstable land advisory notice.

**Neighbourhood Services Officer (Pollution)** was consulted and have made the following comments in relation to the following :

- Construction Environment Management Plan (CEMP)
- Operational (construction) Hours -
  - Monday – Friday 8:00 until 18:00
  - Saturday 8:00 until 13:00
- Details of any kitchen extraction
- That the hours and nature of use of the market area is established and defined, especially for what the applicant describes as 'other events' noting that the open-sided market area is facing residential accommodation.

**Glamorgan Gwent Archaeological Trust** were consulted and have stated that the application area is located close to the location of the former West Gate to the walled town, dating from c1266 AD, and built at the same time as town walls in Cardiff and Neath, under the auspices of Gilbert de Clare. Human remains, pits and other features of both Roman and Medieval date, which have survived despite properties built over them, have been noted in the vicinity of the proposed development. There is a high likelihood that archaeological material will be encountered during the development work.

Consequently, as the impact of the development on the archaeological resource will be a material consideration in the determination of the current planning application this should be deferred until a report on the archaeological evaluation has been submitted.

GGAT have stated that the Archaeological Evaluation undertaken by Cardiff Archaeological Consultants (August 2019, reference 2019-07) meets current professional standard, both in the fieldwork and presentation of the results. Two trenches were opened and whilst they met with technical issues regarding the nature of the upper layers of made ground, did provide information on the archaeological resource of Medieval and post-Medieval Cowbridge.

However, there remains a high probability that archaeological material of post-Medieval date will be encountered during the development work and have requested a condition for the implementation of a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource.

**Dwr Cymru Welsh Water** were consulted and have stated that no development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface

and land water by sustainable means. They have also provided advice in relation to connection to the public sewer under S106 of the Water industry Act 1991.

**South Wales Police (Designing out Crime Officer)** was consulted although no comments have been received to date.

**Cowbridge Ward Members** were consulted and **Cllrs Cox and Cllr Jarvie** have responded raising an objection to the application as they consider it to be an inappropriate design for a sensitive and important site within the Conservation Area.

**Cllr Parker** has also responded by stating that he and his fellow Ward Members would request that delegation is removed and that the matter will be considered by the full Planning Committee.

A request was also made by **Cllr Carroll** that the application be called into Planning Committee for determination.

## REPRESENTATIONS

The neighbouring properties were consulted on 18 December 2018 and site notices were also displayed on.

To date a total of 34 letters of representation have been received, of which 27 object or have concerns with the application and 7 are in support of the application.

## Objection

- Funding concerns about where the money will be raised from.
- Proposal will take away parking from the town with already inadequate levels of parking in the town and the car park is necessary.
- Not enough parking available as it is and the shortage of car parking is already affecting the businesses in the town.
- New modern building will be placed among historic listed buildings making it out of character and not in keeping with its surroundings.
- Council will be subsidising competition to existing outlets in the town.
- The exchange will have an unfair advantage over other local shops as they will be subject to a “peppercorn” nominal rent.
- There is already a sufficient supply of A3 premises and another café is not needed.
- No need to create more retail units.
- Conflict with right of access to the rear lane.
- Concerns about noise and congestion it may generate.
- Development would be unsafe for pedestrians as it is on the junction to Westgate which is very busy, especially with increased congestion it would bring.
- The Market Place restaurant is part of the town wall.
- The application should go to committee and not by a single person whom has already given advice on the project.
- The location for the proposal is inappropriate to the site chosen, being too large.

- Proposal appears to be contrary to the Conservation Area Management Appraisal and Plan in that it doesn't contribute to or enhance the townscape of this historic town.
- Development is going to infringe on our right to light of our building.
- A great investment has been made in improving the condition of the Town Walls which should be left exposed for all to enjoy.

### **Support**

- Would be a real asset to the community and local economy and would boost tourism and number of visitors to Cowbridge.
- Attractive design with reused stone.
- Architecturally pleasing design.

Letter of support include the following :

**Jane Hutt AM** stating that this is an exciting project which will provide Cowbridge with an important community facility, with a market place to sell local produce and a gathering area for community events. It has been carefully designed to blend in as far as possible with the existing buildings and makes good use of the site.

**Rt Hon Alun Cairns MP** stating that he has been a longstanding supporter of the project and recognises that it has strong support in the local community, which includes the backing of the Chamber of Trade and the Town Council.

### **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  
 POLICY SP11 – Tourism and Leisure

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

POLICY MG29 – Tourism and Leisure Facilities

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

POLICY MD1 - Location of New Development  
 POLICY MD2 - Design of New Development



POLICY MD5 - Development within Settlement Boundaries  
POLICY MD7 - Environmental Protection  
POLICY MD8 - Historic Environment  
POLICY MD9 - Promoting Biodiversity  
POLICY MD13 - Tourism and Leisure  
POLICY MD14 - New Employment Proposals

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

### **Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 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
- Placemaking in Rural Areas
- Accessibility

#### Chapter 4 - Active and Social Places

- Living in a Place (housing, affordable housing and gypsies and travellers and rural enterprise dwellings )
- Activities in Places (retail and commercial development)
- Community Facilities

#### Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)
- Recognising the Environmental Qualities of Places (water and flood risk, air quality and soundscape, lighting, unlocking potential by taking a de-risking approach)

### **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 4 – Retailing and commercial development (2016)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)

Paragraph 2.2 states:

“The Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development and social inclusion, at every scale throughout Wales – from householder extensions to new mixed use communities.”

- Technical Advice Note 13 – Tourism (1997)
- Technical Advice Note 21 – Waste (2014)
- Technical Advice Note 24 – The Historic Environment (2017)

### **Supplementary Planning Guidance:**

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

- Biodiversity and Development (2018)
- Conservation Areas in the Rural Vale
- Model Design Guide for Wales
- Parking Standards (2019)
- Sustainable Development - A Developer's Guide
- Tourism and Leisure Development (2019)
- Cowbridge with Llanblethian 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
- Welsh Office Circular 13/97 - Planning Obligations
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the*

*desirability of preserving or enhancing the character or appearance of that area.*

- The Planning (Listed Buildings and Conservation Areas) Act (1990)

Section 16 of the Act states that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66 of the Act states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 69 enables Local Planning Authorities to designate conservation areas. Conservation areas are those areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance. Section 72 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.

## **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 the consideration of this application relates to

- The principle of the a market hall building and cafe
  - whether the proposed development preserves the listed building, its setting or any features of architectural or historic interest which it possesses; and
  - whether the proposed development preserves or enhances the character or appearance of the conservation area.
- Other matters for consideration include, highway impacts and impacts on residential amenity

### Principle of Development

The application site is located within the settlement boundary of Cowbridge, defined as a Service Centre Settlement, where the principle of the development is acceptable, subject to satisfying the criteria set out within Policies, MD2, MD5 and other relevant policies.

Policy MD1 supports new development on unallocated sites where it makes beneficial use of previously developed land and where appropriate promotes new enterprises, tourism, leisure and community facilities.

In respect of the proposed café use, as the site falls within the Cowbridge District Retail Centre, the principle of an additional retail unit (albeit an A3 unit), would not be contrary to general retail policies within the LDP, subject to the operation of the café and its wider impacts complying with Policies MD5 (Development with Settlement Boundaries) and MD7 (Environmental Protection). Similarly the creation of a “community” market space within the settlement is also generally supported, again subject to compliance with the other relevant policies with the plan.

### Visual Impact

In policy terms the site is located within the Settlement Boundary for Cowbridge and Policy MD5 (Development within Settlement Boundaries) states that new development within settlements will be permitted where the proposed development:

- 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:

- 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.

As the site lies within the Cowbridge Conservation Area, further policies are also relevant. Policies MD8 (Historic Environment) and SP10 (Built and Natural Environment) are explicit in their protection of the historic environment. Criterion 1 of Policy MD8 requires development proposals to “preserve or enhance the character and appearance of the area”. Criterion 1 of Policy SP10 reiterates this, requiring “development proposals to preserve and where appropriate enhance the built environment”.

The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) sets out the principal statutory instruments which must be considered in the determination of any application affecting either listed buildings or conservation areas.

Section 16 of the Act states that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The Cowbridge with Llanblethian Conservation Area Appraisal and Management Plan 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 Conservation Area was first designated in 1970 with reviews undertaken in 1995 (not adopted) and 2010. The boundary of the conservation area includes the medieval burgrave plots located within the town walls and extends along Eastgate and Westgate to include later development outside the walled area.

A summary of the conservation area's special interest is provided at page 9 of the CAAMP. The most relevant passages of that summary include:

- Small historic town of outstanding archaeological and historic merit. Many sites exhibit historic 'layering' of multiple periods
- Historic core of settlement reflects the plan of the walled town planned in the 13th century with vestiges of the walls remaining and extant South Gate;
- Strong east-west alignment of plan from Eastgate – High Street – Westgate with enclosing historic frontages;
- Important terraces of historic buildings along the prime historic frontage of diverse architectural character, with many identified listed buildings; and

Further statements that reinforce these points include the following:

- "In Cowbridge a distinct building form endures created by the early town defence and the planned layout of burgrave plots in the 12th century. The diverse assortment of building styles, scale and detail which remain are all contained within this historic framework."
- "The primary spatial feature in Cowbridge is the historic linear settlement following the road. It is from this spine that the rest of the town is formed. The secondary defining spatial feature is the layout of the historic burgrave plots which is still evident today."
- "Cowbridge remains an attractive town with an important historic townscape"
- "...the distinctive layout created by the burgages of the mediæval town. This produces an almost continuous enclosing 'wall' of frontages, generally located at the

back of or close to the pavement, on both sides of Eastgate, High Street and, to a lesser degree, Westgate. Within this broad discipline, buildings variously range from between two and four storeys in height; they exhibit an eclectic mix of detail.”

In the CAAMP, the conservation area was divided into distinct Character Zones. Each Character Zone was assessed to establish its characteristics and contribution to the special interest of the conservation area. The application site lies within the Westgate Character Zone.

The CAAMP notes that “Westgate also follows the east-west alignment and planned layout of the town, representing a further phase of burgage plots developing beyond the town walls. Comprising flat land set away from flood plain, and bound by common fields to the south it has provided for the development of a number of different building types, of various form and age. However, the most significant buildings can be found towards the town centre with a particularly good ensemble at the site of the historic West Gate, adjacent to the modern day Market Place Restaurant. Here, the dominant building form is one of terraces.”

In terms of the heritage values identified in Cadw’s Conservation Principles, the conservation area has substantial evidential and historical value because its spatial structure and physical fabric is the embodiment of its historical development. The nature of the relationship between the proposal and the listed buildings/setting or conservation areas.

The proposal is located in close proximity to several listed buildings and given the topography and built up nature of the site, a 50m buffer has been drawn around the site to identify historic assets. These indicated in figure 1 below.



### *The application site in relation to heritage assets*

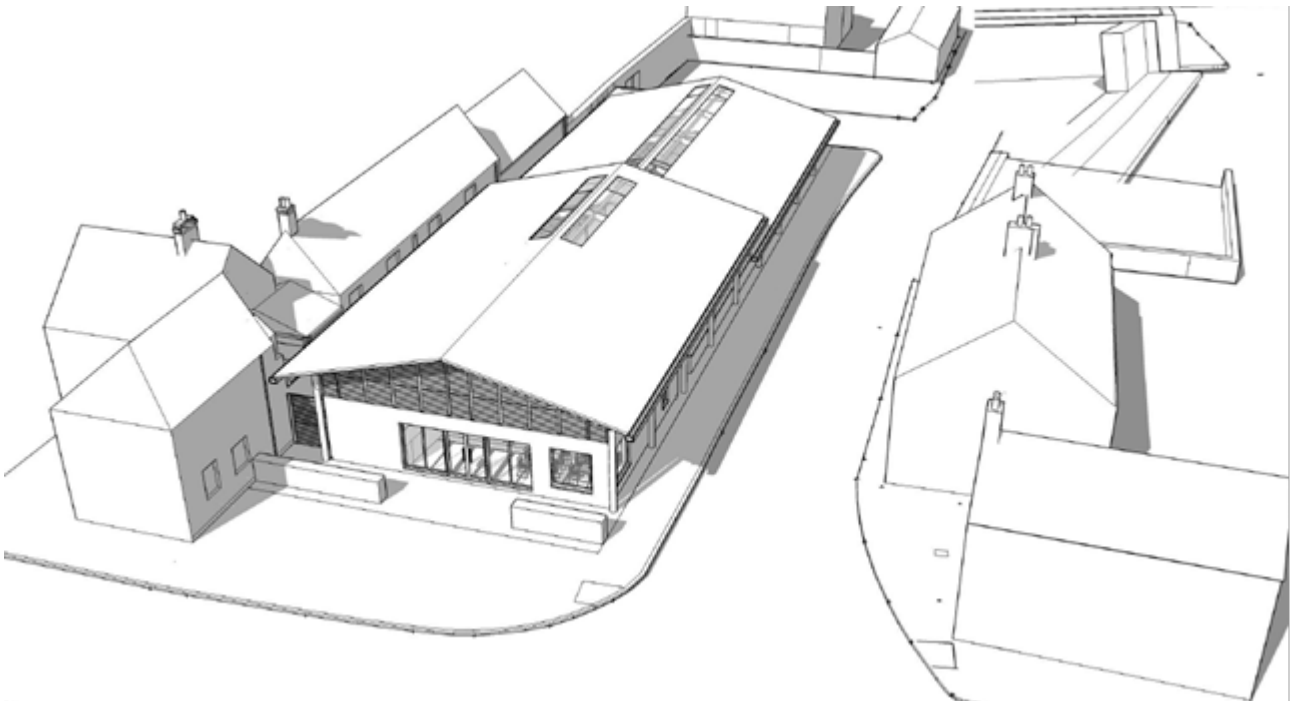
There are a number of listed buildings surrounding the site (shown as triangles on the plan) in particular the Grade 2 listed buildings at 1-3 The Butts opposite the application site and the Market Place, adjacent to the application site.

Other listed buildings include the former Natwest bank; 1&3 Westgate; NW Boundary Wall to 83 High Street; Woodstock House; 81 High Street; Llwyn Celyn; The Old Hall; the Market Place; and the Town Walls, all of which are Grade 2 listed with the exception of the Town Walls which are Grade II\* listed.

These listed buildings have historical and architectural interest embodied by their evidential, historical and aesthetic values. Individually and as part of the wider ensemble they paint a picture of historic Cowbridge and demonstrate the development of the town. Perception of the significance of listed buildings is enhanced to a substantial degree by the setting of the buildings. This is recognised and made explicit in the wording of the legislation.

The proposed development will clearly have an impact on the setting of these listed buildings.

In particular, the biggest impact will be on the Market Place which is sited with 1-2m of the proposed building. This relationship is illustrated below :



*Proposed 3D view with the Market Place to left*

The Market Place appears originally to have been a late medieval hall-house of the two-unit 'end-hall' type with the hall at the eastern end divided by the cross-passage from the secondary unit at the west which presumably housed the service-rooms. In the 17th century it was converted into a storeyed sub-medieval house. The position of the house abutting the medieval town wall of Cowbridge alongside the Westgate may indicate that it

was formerly associated with the gatehouse. The western elevation of the building incorporates the old Town wall on top of which the western gable is constructed. It is the line of town walls, therefore, that is the most critical part of the setting of the listed building.

It is considered that the proposal will have a significant negative affect on the setting of the Market Place, due to both the close proximity and the depth of the proposed building and will significantly alter the established setting of The Market Place when viewed from The Butts and Westgate. Whilst the rear covered market area (some 28 metres in length) does not have any elevations and it could be argued that the Market Place can still be viewed through this covered space, its existing open aspect would clearly be diminished by the proposal.

It should also be noted that the ongoing scheme by the Chartered Trust scheme for the demolition of the redundant cattle pens and restoration of respective length of Town Walls will afford an opportunity to further open up accessibility and views to the Town Walls. As such the more complete views of the Grade 2\* Listed Town walls, as a result of the demolition of the cattle pens, will result in greater legibility of the Town Wall providing a strong defined frontage which is contiguous the Market Place. The openness created by the demolition of the pens (and the use of site as a public car park) and that of the application site itself (currently a car park) contribute significantly to the setting of both Listed Market Place and the Town Walls.

The application site has been used variously as part of a livestock market and more recently as a car park. The proposal relates to a modern building to be built within the conservation area immediately adjacent to the Market Place and close to other listed buildings as described above.

In terms of the character of the building, it could reasonably be described as agrarian or utilitarian in its appearance and it could be argued that this reflects the historic use of this site as a livestock market. The supporting DAS states that "*The design draws inspiration from traditional market halls*"

The building proposed is a steel framed 'shed' constructed from steel supports under a metal roof with timber purlins. This modular building will house a café at the front of the site. Notably the building as a shallow pitched roof with overhanging eaves.

The building is set off the Market Place by approximately 1.75m and is approximately 13.8m in width by a depth of 37.8m (including overhangs). The building will have a stepped roof from 6.2m (4m eaves) down to 5.1m (2.9m eaves).

Due to the significant depth of the building, it will impact on the appreciation of the line of the Town walls. The spaciousness created to the front of the Town Wall through the demolition of the pens will be significantly diminished by placing a building of this scale on the application site.

In respect of the design and form of the building, there is concern in respect of the front elevation facing Westgate. Whilst the established pattern of frontages is varied, along Westgate, there is a strong vertical emphasis throughout the Westgate and High Street character zones, which the building does not achieve. In particular this is due the significant width of the building (when compared to other buildings with the immediate street scene) and the choice of a single spanning gabled roof, which results in a shallow



pitch, in order to minimise its height. This relationship can be seen below :



*Section taken through High Street and Westgate*

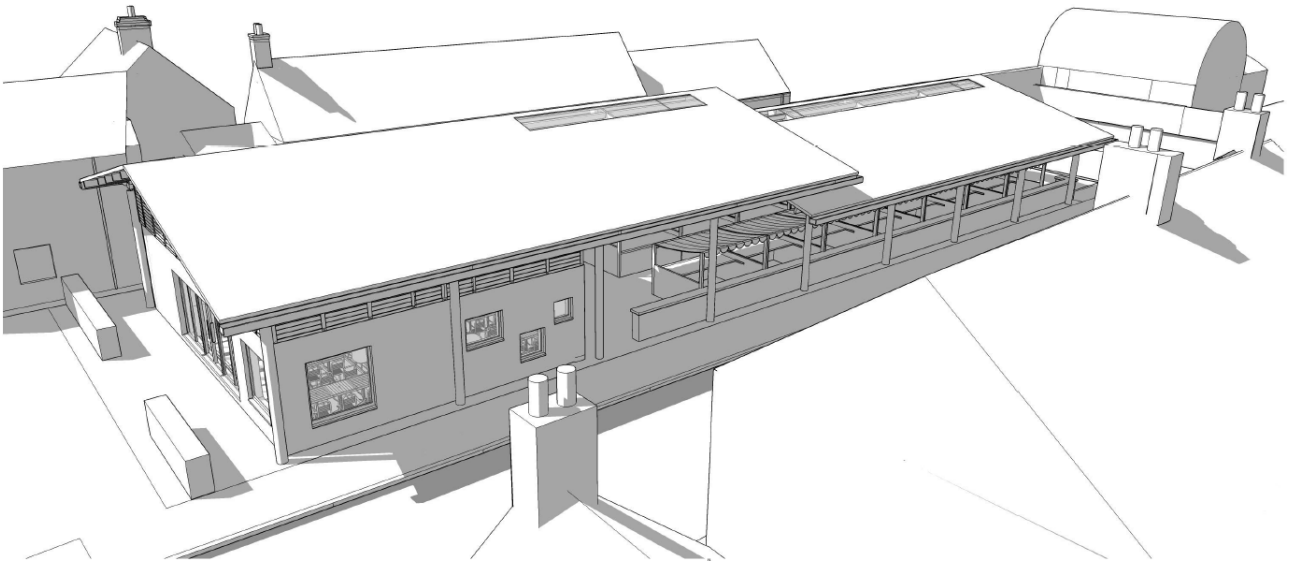
It is acknowledged that to replicate the steeper pitched roofs of the properties in High Street and Westgate would significantly increase the ridge height of the building, which would further impact on the setting of The Market Place.

The applicant/agent was advised to consider a varied roof from to the front, possibly with the re-orientation of the roof or the use of a double roof, to omit the prominent shallow gable roof and provide a roof form that is more characteristic with buildings fronting Westgate. Furthermore such revisions may have also overcome the concerns that have been received from the occupiers of adjacent building (The Market Place) in respect of the impacts on the windows in the side elevation. However the agent has confirmed that the applicant does not wish to make any changes to the submitted scheme.

Furthermore concerns were raised in respect of the use of timber louvres above the café, used to fill in the section above the cafe and the main roof. There was concern that the louvres would allow views up into to the area above the café and that this “enclosed” space could be used for the storage of paraphernalia associated with the wider use of the site – e.g. chairs and tables for events etc. However no further revisions have been made in respect of this element, despite officer concerns.

In terms of materials and finishes, the modular building is to be clad in stone, which is specified as being a reclaimed stone, although no detail of this has been provided. Whilst the use of stone, which initially discussion suggest could be utilised from the demolished pens would be acceptable in principle, this is considered secondary in respect of the scale and massing of the building as a whole. Equally lime render could also be appropriate on the elevations/part elevation of the building, if the overall form and design were considered acceptable in principle.

There is also concerns relating to the positioning of windows and doors on the side elevation fronting onto The Butts and their relationship with the building and wider street scene. As illustrated below, the window proportion and placement are contemporary and follow no particular pattern or order, although it is believed that the variation of window size and cill heights will allow greater viewing opportunities into the café.



*Proposed 3D view from The Butts*

The application has been supported by an email from the Design Commission for Wales and whilst not a formal review by the panel, they did consider the proposals (based on the material available to them). In summary they state that they support the principle of the proposal and good use of the site and that the High Street frontage and lengthy side frontage allows easy viewing and connectivity with the main commercial area in the town. They are of the opinion that the design approach is logical and sufficiently sympathetic within the requirements of function and available budgets. However they add that careful consideration will be needed for signage, lighting and sufficient but unobtrusive security of the space when the market is not in full use and that this aspect bears further thought and will likely have management implications.

Turning to the rear of the building and the covered market area fronting onto The Butts, this comprises of a covered area some 28 metres. It is stated in the supporting information that the market area will be used for a range of uses and activities including Farmers Market, Food and Wine festival, general produce markets, French Market, antiques, bric-a-brac, Christmas Market and other potential uses including space to local charities, choirs and entertainers. However, whilst the authority can control the nature of uses (particularly noise generating activities, (considered later on in this report), it cannot control the frequency of the use. In this regard there is concerns that the scheme proposes a formal covered market area, where the take up of market space is unknown or cannot be guaranteed. In particular concern is raised when the market space is not being used, where the unused space could create a 'dead zone' and could become a problem in terms of visual amenity. This is of particular concern given the size of the covered space with site 28 metre long frontage, which is widely prominent when viewed from The Butts and from Westgate. The market space does have a low level stone wall enclosure, however this space will essentially remain open at all times. If the scheme were to be considered acceptable, conditions could be imposed to provide details of a scheme of how this space is managed /secured when the market space was not in use. However it is not considered that the provision of a market space would provide sufficient benefits to the town/community to offset the harm that the proposal would cause on both the character of the Conservation Area and setting of adjacent Listed Building.

Given all of the above and having considered all material considerations including the benefits of the proposal as set out by the applicant, it is a fact that considerable

importance and weight must be afforded to the considerations to which s66 and/or s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 apply. It is considered that the proposal by virtue of its siting and design (having particular regard to the shallow roof form and span of the roof), will result in a building of significant massing and impact which would be considered out of keeping with the established building form and pattern of development of the frontages on Westgate and High Street. The proposal would therefore fail to preserve the character of this part of the Cowbridge Conservation Area. Furthermore, the proposal is also considered to negatively impact on the setting of the adjacent Grade 2 Listed Building at The Market Place, by virtue of the proximity, height and depth of the proposed building, when viewed from Westgate and High Street.

### Highways

In respect of highway impacts, one of the principal concerns originally set out by the Highway Engineer, was that the proposal would result in the loss of a public car park. However, a recent planning application has been approved (2018/00586/FUL) to provide a new public car park with 43 car parking spaces, which is now underway and largely complete. Whilst the proposal will result in the loss of 27 parking spaces from the application site, when completed, the scheme on the adjacent site will result in an overall gain in the number of public parking spaces in the vicinity of the site. If the scheme were considered acceptable, it would be necessary to ensure that development of the site only progresses when the parking has been completed on the adjacent site. This could be secured as a clause in the lease for the site (as the Council are landowner), given that a planning condition could not be used to control works being undertaken by a third party, outside of the application site.

In respect of the other comments made by the highway engineer, he has requested that the existing northern access into the car park will need to be removed and a footway provided in accordance to appropriate Council standards. The applicant has agreed to undertake these works, and if the scheme was considered acceptable this would be conditioned accordingly.

The Highway Engineer has also stated that the footway slabs to the west of the development (fronting The Butts) are in poor condition and that this footway will need to be resurfaced. Whilst the condition of the footway is not disputed, it is not considered that the proposed development would impact on the existing footway fronting The Butts. Whilst the footway may receive additional footfall as a result of the proposal, it is not considered reasonable for the application to address and rectify the existing condition of the footway in this location.

With respect of deliveries and the dimensions of the service area within the site, the Highway Engineer considers that the type of vehicle used will result in overhanging the space shown and will overhang the existing access which services the pub (Market Place) and may also cause issues to any vehicle utilising the proposed car park to the south of the proposed development. Concern is also raised that the highway along The Butts has a Traffic Order for No Waiting at Any Time and that if the service facility is not to an appropriate size, large delivery vehicles will be servicing the site from that road or parking on the footway. In response, the agent has stated that the operation will have a site manager and that the internal covered space will be used for vehicle loading and unloading. The agent has also suggested an option to provide additional service parking in the early morning (08.00 to 09.30) in the adjacent car park and that the Vale Council if supportive of the project will assist in this provision.

Whilst the highway engineers comments are noted, it is not considered that parking can be provided on site, for every vehicle servicing the market area, particularly given the varied nature of the use of the market space. It is however considered that subject to an appropriate management plan (secured by condition), that the servicing arrangements at the site could be adequately be controlled within the covered market area, without any detriment to highway safety, if the application were to be approved.

Finally concern has been raised in respect of the proposed bin storage, which is stated as not being in an appropriate position and that any refuse vehicle would not be able to access that storage space at the location shown. This would result in wheelie bins being wheeled onto the highway on refuse days and left on the footway, which would cause an obstruction to the highway / footway. Whilst these concerns are noted, members of the staff at the café could bring the bin out on to the pavement for the short period until collection, without any undue impacts on pedestrian safety. The collection would in any case be a private waste collection who may well collect the bins directly from the bin store. It is considered that an appropriate management plan in respect of waste collection could be imposed to address this matter.

On the basis of the above, whilst there are a number of matters which have not addressed the concerns raised by the Highway Engineer, it is not considered that the matters would warrant a reason for refusal of the application, particularly as they can be addressed by appropriately worded conditions or are not in any case considered to cause harm to highway safety.

#### Environmental / Residential Amenity Impacts

Given the proximity of the site to neighbouring residential dwellings, the impacts on the proposal needs to be considered and respect of impacts from both the operation of the café and the market space.

In respect of the café, Environmental Health have requested details setting out the need for the provision of extraction equipment. Furthermore, should extraction equipment, or any other externally mounted plant be required, details must be provided in relation to odour and noise. In response, the agent has stated that there will not be an oven, hob or hot fat fryer and that they only intend to provide snacks, cakes, pastries, toasted sandwiches etc. Therefore the appliances in the kitchen preparation area will be a toaster, micro wave and soup heater and coffee machine. On the basis that no hot food is being produced at the café (only re heated) it is considered that there is no requirement for any extraction equipment, and a condition would be imposed to restrict the cooking of food on site.

In respect of trading hours of the café, the agent has stated that they would be 08.00 to 17.00 and on occasions, when there is an event on in the early evening, they would like the cafe to remain open to serve the event, to say 19.00 and for a major event 21.00, as the town as a whole will react to the larger events. The general hours operation proposed as a café are considered acceptable (being established retailing hours). Furthermore on the basis that there are controls over the cooking of food, it is not considered that the extended times would necessarily cause noise and disturbance to nearby residential occupiers, given that the entrance to the café is onto Westgate. However the main hours of operation could be secured by condition to include the submission of a management plan setting out how the café would operate during events that go beyond 17.00.

With regard to the use of the market area, Environmental Health have stated that it is essential that the hours and nature of use of the market area is established and defined, especially as the applicant describes as 'other events' noting that the open-sided market area is facing and within approximately 10 metres of the residential accommodation at 'The Butts'.

The agent has stated that the open-sided market area will be used from 08.00 to around 16.00 / 17.00 and in the business plan have set a target of three markets (different types) per week. With regard to other events, it is stated that some would take place during the day eg. book fair, buskers, charity days while others could be in the early evening, such as choirs or activities linked to other events in the town, which will be finished by 21.00. It is stated by the agent that the venue is not suitable or appropriate for live amplified pop groups and would accept any noise condition that the Vale Council thought appropriate.

Regard should be given the fact that the existing parking area is uncontrolled in respect of hours, with associated noise and disturbance as a result on vehicle movements to and from the site. It is considered that the use of the marked space during the daytime hours specified would not cause undue noise and disturbance to nearby residential occupiers, given the existing use as a car park and that the extended use into the evening up to 21:00 would similarly not give rise to undue noise disturbance on the basis that there would be condition to ensure that no forms of amplification, whether music or vocal.

The requirement for a Construction Environment Management Plan (CEMP), unforeseen contamination and importation of aggregates are also noted and would be secured by condition, if the scheme were to be considered acceptable.

In terms respect of the impacts of the building itself on residential amenity, the nearest dwellings are those located on the other side of The Butts (No.s 1-3 Butts Cottages) which are located some 9-10 metres from the proposed building. These dwelling directly front onto The Butts and are flush fronted. The proposed building would result in impact on the occupiers of these dwellings, however given the distance and the fact that there is a road and footways between the dwellings and proposed building, it is not considered that there would be sufficient harm on these occupiers to warrant refusal of the application on this ground, particularly given the relationship of similar dwellings to opposing dwellings within this Market Town.

A number of representations have also been received from The Market Place in respect of impacts on the windows in the side elevation of the property that currently front onto the car park. It is recognised that proposals would impact on these windows and the existing levels of light, although the plans indicate that the covered market area would retain in part some of the views out of these windows. For the reason set out above, the impact of the proposal on The Market Place as a Listed Building is considered unacceptable, due to obscuration of the side elevation of the building and the features in the side elevation. However this is different to the impacts on these windows in terms of loss of light, where such commercial properties are not generally protected in the same way that the authority would consider impacts on residential amenity, in relation to impacts on dwellings.

### Archaeology

In respect of archaeology, Glamorgan Gwent Archaeological Trust were consulted and stated that the application area is located close to the location of the former West Gate to

the walled town, dating from c1266 AD, and built at the same time as town walls in Cardiff and Neath, under the auspices of Gilbert de Clare. Human remains, pits and other features of both Roman and Medieval date, which have survived despite properties built over them, have been noted in the vicinity of the proposed development. On this bases they considered that there is a high likelihood that archaeological material will be encountered during the development work and requested that the determination of the planning application be deferred until a report on the archaeological evaluation has been submitted.

An Archaeological Evaluation undertaken by Cardiff Archaeological Consultants (August 2019, reference 2019-07) was subsequently submitted with GGAT have advised meets current professional standard, both in the fieldwork and presentation of the results. However, as there remains a high probability that archaeological material of post-Medieval date will be encountered during the development work they have requested a condition for the implementation of a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource. If the scheme were considered acceptable, a condition would secure the detailed written scheme of investigation.

### Drainage

In relation to drainage, there are no objections from the Councils Drainage Section or Welsh Water, subject to a condition for a detailed scheme for the disposal of foul, surface and land water to include an assessment of the potential to dispose of surface and land water by sustainable means, which would be secured by condition.

### RECOMMENDATION

#### REFUSE

1. The proposal by virtue of its siting and design (having particular regard to the shallow roof form and span of the roof), will result in a building of significant massing and impact, which would be considered out of keeping with the established building form and pattern of development of the frontages on Westgate and High Street. The proposal would therefore fail to preserve the character and appearance of the Cowbridge Conservation Area. Furthermore, the proposal is also considered to negatively impact on the setting of the adjacent Grade 2 Listed Building at The Market Place, by virtue of the proximity, height and depth of the proposed building. The development is considered to be 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 Local Development Plan (2011 - 2026); the Cowbridge with Llanbelthian Conservation Area Appraisal and Management Plan and national guidance for development in conservation areas including Planning Policy Wales (Edition 10), Technical Advice Note 12: Design and Technical Advice Note 24: The Historic Environment.

### REASON FOR RECOMMENDATION

The decision to recommend refusal of 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.

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.

1801330FUL



THE EXCHANGE - SITE LOCATION PLAN  
SCALE: 1/1250

Designed by EL	Checked by EL	Date 10.2018	File name X1	Dwg.N. P.01A	Scale 1:1250
THE EXCHANGE COWBRIDGE			SITE LOCATION PLAN		
<b>ELIO LEO ARCHITECT</b>					



**2018/01420/FUL** Received on 31 December 2018

**APPLICANT:** X-Stream Properties Limited C/o Agent

**AGENT:** Miss Louise Darch WYG, 5th Floor, Longcross Court, 47, Newport Road, Cardiff, CF24 0AD

**56a, Windsor Road, Penarth (Former Monty Smith Ltd)**

Demolition of the former garage and erection of a 4-storey building comprising 21 residential units with undercroft parking, access arrangements, and associated works

**REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Cllr Neil Thomas given the scale and nature of this application.

**EXECUTIVE SUMMARY**

The site comprises the disused former MGR car garage/service centre fronting Windsor Road and bounded by Railway Terrace to the west. The site is some 45m to the west of the District shopping centre of Penarth and within the defined settlement boundary. The site sits in a predominantly residential area with buildings typically formed by 2 storey Victorian terraces.

This is a full application for the demolition of the former garage and erection of a 4-storey building comprising 21 residential units with undercroft parking, access arrangements, and associated works.

The building will have a footprint of some 23.5m in width (Windsor Road frontage) and a maximum depth of some 37 m (Railway Terrace frontage). Due to the variation in ground levels, the relative heights of the building will vary and when viewed from Windsor Road, it will measure some 9.7m to the top of the main second floor element and some 12.7m to the top of the set back penthouse roof.

To date a total of seven letters of representation have been received, raising a number of concerns including loss of daylight, overlooking/loss of privacy, height of the building, design and materials not in keeping, insufficient on-site parking provision, highway safety, issues relation to demolition and contamination of the site.

The proposed redevelopment of the site for residential development is considered acceptable and the replacement building is considered acceptable in terms of its massing, scale, design and materials. Having regard to all other matters including impacts on neighbouring amenity, car parking, drainage, ecology and environmental impacts, the application is recommended for APPROVAL, subject to conditions and legal agreement requiring payment of an off-site affordable housing contribution of £54,172 and the implementation of the development within 24 months.

## SITE AND CONTEXT

The site comprises a rectangular parcel of land (0.10 ha), fronting Windsor Road and bounded by Railway Terrace to the west. The site is some 45m to the west of the District shopping centre of Penarth and within the defined settlement boundary.



The site comprises the disused former MGR car garage/service centre and car showroom and includes existing site access/egress arrangements at Windsor Road and a hard-surface forecourt.

The garage directly abuts the side elevation of the 56 Windsor Road which is subdivided into flats and by Railway Terrace to the west, Windsor Road to the north and a small rear access lane to the south. The site sits in a predominantly residential part of Windsor Road, with buildings typically formed by 2 storey Victorian terraced blocks.

Vehicular access into the site is currently provided directly off Windsor Road, the main road which runs through the Penarth, with a secondary access via the lane running through the rear of the site. The site has been laid vacant and unused for number of years

## DESCRIPTION OF DEVELOPMENT

This is a full application for the demolition of the former garage and erection of a 4-storey building comprising 21 residential units with under croft parking, access arrangements, and associated works.

The building will have a footprint of some 23.5m in width (Windsor Road frontage) and a maximum depth of some 37m (Railway Terrace frontage). Due to the variation in ground levels, the relative heights of the building will vary and when viewed from Windsor Road at approximately 9.7m to the top of the main second floor element and some 12.7m to the top of the set back penthouse roof.

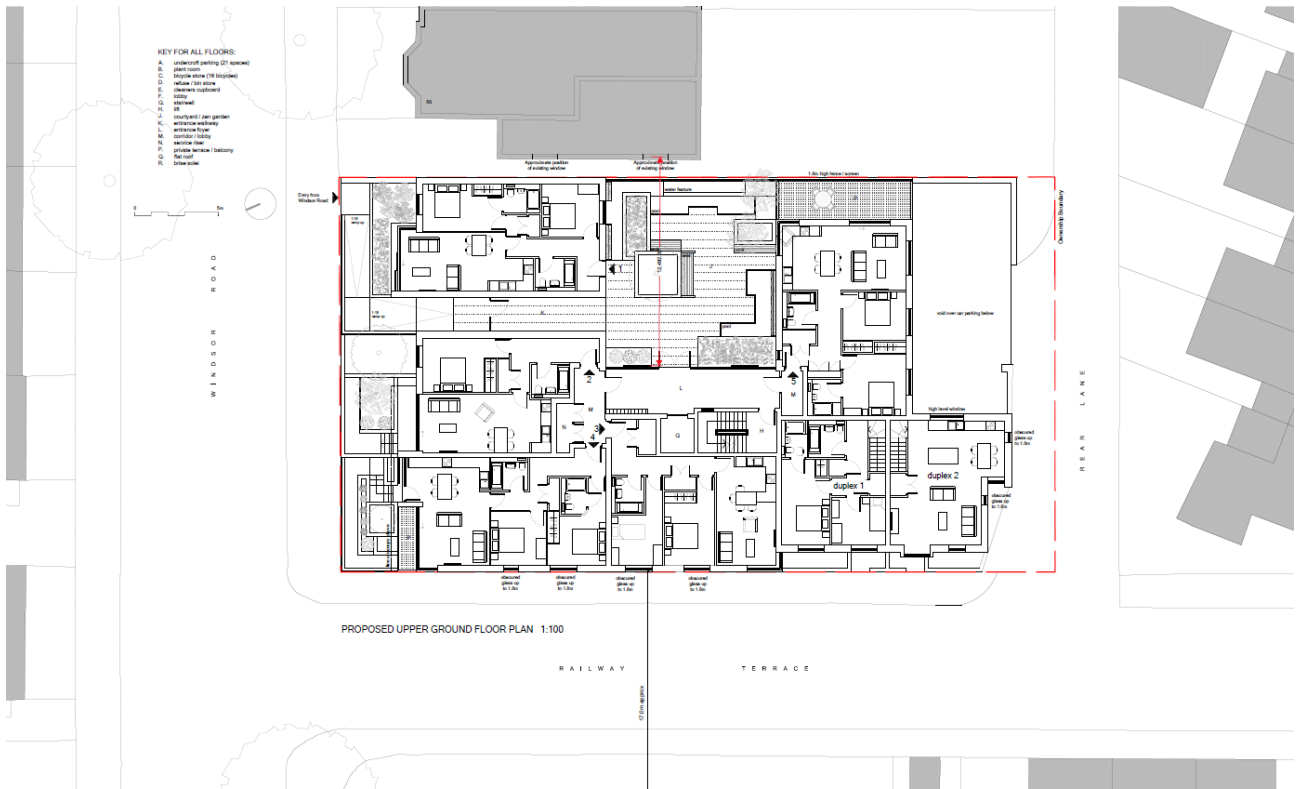
A cream grey multi brick is proposed for the elevations with bays and feature projections in pre-cast concrete (or glass reinforced concrete (GRC)) which contain frameless glass balustrading and vertical ceramic fins. Windows will be powder coated aluminium frames with opening lights and clear glazing, some of which will be oriel . The entrance foyer wall facing the courtyard will be full height aluminium framed glazing with vertical ceramic external louvres. The penthouses have flat zinc walls and full height glass panels. Flat metal panels are used as infill panels in window configurations. A dark grey proprietary membrane system is proposed for flat roofs.



*Proposed Elevation to Windsor Road*



*Proposed Elevation to Railway Terrace*



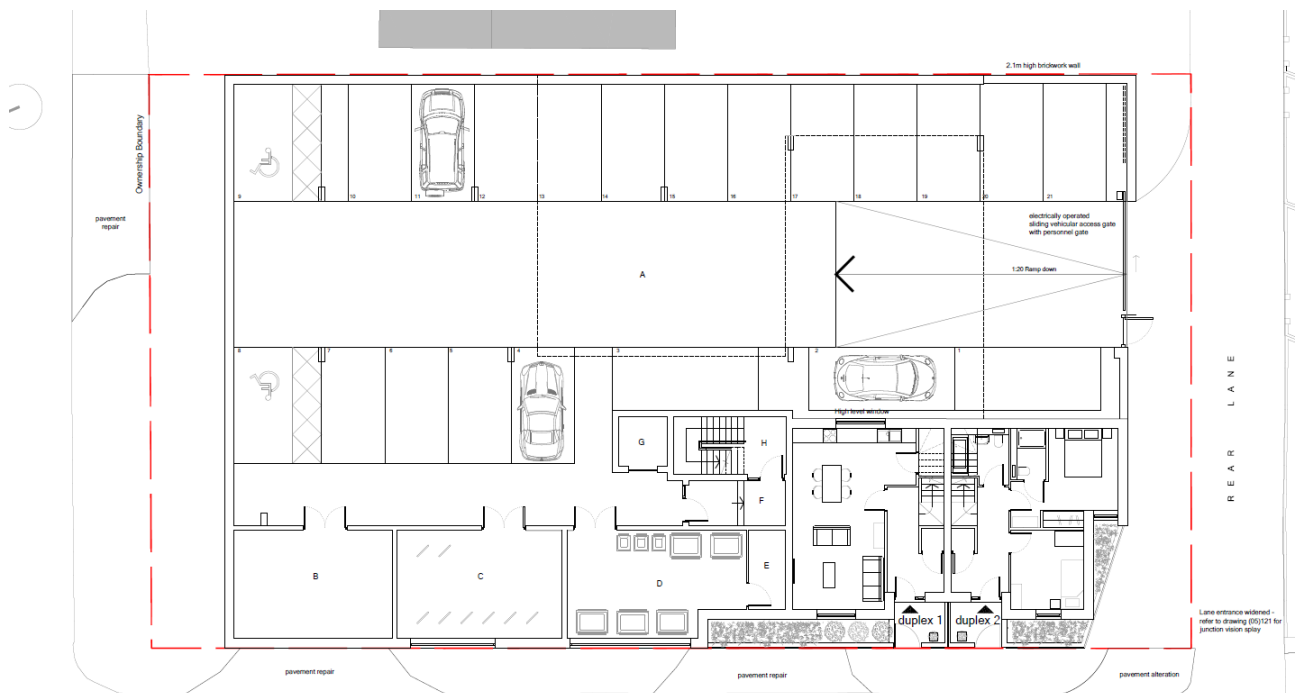
*Proposed Upper Ground Floor Plan*



*Proposed CGI (based on original submission)*

The inner courtyard will contain hard and soft landscaped areas, footways, seating areas and lighting. Green living walls in key positions will provide further planting in this area. Terraces on the building and individual front gardens to Windsor Road and the duplex entrances on Railway Terrace provide areas for shrubs and planting

Vehicular access to the site will be via the un-named lane to the south of the site, via Railway Terrace, leading to an undercroft parking area comprising of 21 spaces. In addition provision is also shown for cycle parking for 20 bikes and a bin store area. Pedestrian access will be via Windsor Road, with the two duplex apartments having their own dedicated entrances from Railway Terrace.



*Proposed Lower Ground Floor*

## PLANNING HISTORY

### On Site

1980/00249/FUL: Corner Railway Terrace/Windsor Road, Penarth, Proposal: Erection of forecourt canopy, extension of existing building to form office, Decision: Approved.

1982/00697/ADV: 56 - 58, Windsor Road, Penarth, Proposal: Projecting illuminated sign and four internal signs, Decision: Approved.

1984/00351/ADV: 56 - 58, Windsor Road, Penarth, Proposal: Projecting box sign, Decision: Approved.

2016/01087/PND: 56A, Windsor Road, Penarth, Proposal: Demolition of former petrol station, car showroom, repair centre and associated offices, at junction of Windsor Road and Railway Terrace, Decision: Further prior approval.

2017/00134/LAW: 56 Windsor Road, Penarth, Proposal: Use of existing car showroom as retail Use Class A1, Decision: Approved.

## Off Site

2017/00955/FUL : Former RS Garage, Windsor Road, Penarth, Proposed alteration to existing G/F retail unit and change of use to D2 (Gym), part demolition of existing 1st floor side and 3rd floor extension to form 12 residential units, on site basement parking, cycle and refuse storage and 1st floor amenity areas. Decision: Approved 17 August 2019.

## CONSULTATIONS

**Penarth Town Council** were consulted on the original scheme and have responded raising strong concern that the agent has not taken on board the comments that were made by them at the Pre Application Consultation Stage, as set out below :

- No affordable housing on site
- Contamination at the site should be accounted for in the valuation of the site, so as not to impacts on the provision of planning obligations
- The design has not changed with regards to glazing and balcony design
- Number of parking spaces has not changed and remains at 21 spaces
- Loss of light that would be harmful to existing residents
- Proposal would overlook properties on Railway Terrace and overlooking

Penarth Town Council were re-consulted and have responded by stating that the amendments do not address PTC's original concerns and therefore would like to refer to previous concerns made. The response on affordable housing is unacceptable and an explanation should be provided on the lack of contribution.

**Highway Development Team** were consulted and following consideration and revisions to plans regarding the width of the lane access, visibility splays, provision of street lighting column, footway replacement from access onto Railway Terrace up to junction with Windsor Road and front of the site adjacent to Windsor Road, extensions of double yellow lines 1.5m to the north of the access on railway terrace, raise no objection.

**Councils Drainage Section** were consulted and have stated that no details have been submitted with regard to surface water drainage for the proposed development. Prior to work commencing on site, a full drainage plan demonstrating how roof and yard water will be disposed of shall be submitted to and approved by the LPA.

**Council's Shared Regulatory Services** were consulted and responded as follows:

Specialist Services Officer, Environment has stated that the site has been identified as formerly commercial/industrial with uses including former petrol station, car showroom and repair centre. In addition, available information includes records relating to a petroleum leak from the site in 1992 affecting the site and wider environment. Records also indicate localised engine oil pollution. Activities associated with the above may have caused the land to become contaminated and therefore may give rise to potential risks to human health and the environment for the proposed end use.

Consequently the inclusion of conditions requiring contamination assessment and any necessary remediation are requested in relation to: contaminated land measures (assessment); contaminated land measures (remediation & verification plan); contaminated land measures (remediation & verification); contaminated land measures

(unforeseen contamination); importation of aggregates; use of site won materials. In addition an informative is also requested in relation to contamination and unstable land advisory notice.

Neighbourhood Services Officer (Pollution) has requested a number of conditions in relation to Internal Noise Levels within the flats; post construction sound testing; Demolition and Construction Environment Management Plan (DCEMP); Operational Hours (during the demolition and construction phases) and further restrictions in relation to foundation, piling or drilling on site and a note to take into account the risk of asbestos containing building materials during the demolition work.

**Dwr Cymru Welsh Water** were consulted and advise that the developer is required to explore and fully exhaust all surface water drainage options in accordance with national legislation and it does not appear any drainage strategy/scheme has been provided as part of this planning application. They have therefore requested a condition for the submission of a scheme for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means.

**Council's Ecology Officer** was consulted and notes that given the previous negative result and the low potential of the building, does not consider that a full re-survey is necessary, and that a building inspection will suffice. However a brief update to the ecology survey and proposals for biodiversity enhancement was required prior to determination. Following the submission of additional supporting information, no objection is raised, however to secure biodiversity interests on site, a condition is requested with respect to biodiversity consideration during demolition, construction and post- construction (enhancement) to be implemented in accordance with the Bat Roost Assessment report of March 2019 by WYG.

**Councils Housing Strategy Team** were consulted and have stated that there is an evidenced need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2017 Local Housing Market Assessment (LHMA). The need is further evidenced by the following figures from the Council's Homes4U waiting list in the area in the ward of St. Augustines.

1 Bed	104
2 Bed	53
3 Bed	12
4 Bed	1
5 Bed	1

ALL PENARTH	
1 Bed	311
2 Bed	178
3 Bed	71
4 Bed	13
5 Bed	5
	578

The proposal for the scheme is for 21 units, which would require a 40% affordable housing contribution (9 units). An RSL will need to be involved for the affordable housing element and we would expect units to be DQR compliant.

Units to be provided as follows:

Social Rent:	Intermediate:
5 no1 bed flats	2 no2 bed units
2 no2 bed flats	

**South Wales Police (Designing out Crime Officer)** was consulted and have raised no objection to the proposed development and in principle agree that proposals will improve the area, as the existing site is now redundant and derelict. However, it is stated that there is insufficient detail in the Design and Access statement to demonstrate that all aspects of community safety have been fully considered and have made recommendations in respect of internal security and access and measures and adequate fire prevention.

**St Augustines Ward Members** were consulted and Cllr Neil Thomas has responded stating that given the scale and nature of this application would expect this to be brought to the Planning Committee and that a site visit would take place.

## REPRESENTATIONS

The neighbouring properties were consulted on the original scheme on 2 January 2019 and a site notice was posted on. A total of five letters of representation have been received all of which raise objections to the application, in the following grounds (summarised):

- The plans indicate that daylight for Windsor Road properties on the opposite side of the development will be severely restricted.
- The balconies on the plans submitted show some of them directly overlooking the gardens and windows to number 56.
- The four storey height of the building would be out of keeping with the surrounding properties.
- By building out to the boundary, a party wall agreement would have to be put in place.
- Materials are not in keeping with the rest of the properties along this side of Windsor Road.
- Privacy for surrounding properties will be reduced.
- Penthouse residents able to look down into bedroom windows from their balcony.
- Insufficient on-site parking provision.
- Insufficient access into the rear lane to accommodate the development
- Concern in respect of access from lane impacting on highway safety
- light pollution from communal areas, which could be intrusive at night
- Impact on health and safety in respect of the increased use of the lane
- Pollution from additional vehicles using the lane
- No allocation for affordable housing.
- Method of waste collection
- Method of demolition
- Timescale of the construction of the building



- Concerns in relation to level of pigeon excrement and rats occupying the existing building
- Contamination of soils/ground from the fuel and oil tanks, and general contamination caused by previous tenants
- New foundations will cause disruption / damage to property given the level of excavation needed
- Drains and sewerage system will be overloaded by the new development.

The neighbouring properties were re-consulted on 13 August 2019 in respect of the amended plans and two further letter of representation have been received, which continue to raise objections on the grounds 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  
 POLICY SP3 – Residential Requirement  
 POLICY SP4 – Affordable Housing Provision  
 POLICY SP10 – Built and Natural Environment

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

POLICY MG1 – Housing Supply in the Vale of Glamorgan  
 POLICY MG4 – Affordable Housing  
 POLICY MG7 – Provision of Community Facilities

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

POLICY MD1 - Location of New Development  
 POLICY MD2 - Design of New Development  
 POLICY MD3 - Provision for Open Space  
 POLICY MD4 – Community Infrastructure and Planning Obligations  
 POLICY MD5 - Development within Settlement Boundaries  
 POLICY MD6 - Housing Densities  
 POLICY MD7 - Environmental Protection

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

## Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 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

*3.12 Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links*

- Accessibility

*3.46 ....Planning authorities should adopt policies to locate major generators of travel demand, such as housing, employment, retailing, leisure and recreation, and community facilities (including libraries, schools, doctor's surgeries and hospitals), within existing urban areas or areas which are, or can be, easily reached by walking or cycling, and are well served by public transport.*

*3.47 Higher densities should be encouraged in urban centres and near major public transport nodes or interchanges, to generate a critical mass of people to support services such as public transport, local shops and schools.*

- Previously Developed Land

*3.51 Previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome.*

### Chapter 4 - Active and Social Places

- Transport

*4.11 The planning system should enable people to access jobs and services through shorter, more efficient and sustainable journeys, by walking, cycling and public transport. By influencing the location, scale, density, mix of uses and design of new development, the planning system can improve choice in transport and secure accessibility in a way which supports sustainable development, increases physical activity, improves health and helps to tackle the causes of climate change and airborne pollution.*

*4.1.51 A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed.*

*4.1.9 The planning system has a key role to play in reducing the need to travel and supporting sustainable transport, by facilitating developments which:*

- *are sited in the right locations, where they can be easily accessed by sustainable modes of travel and without the need for a car;*
- *are designed in a way which integrates them with existing land uses and neighbourhoods; and*
- *make it possible for all short journeys within and beyond the development to be easily made by walking and cycling.*
- Living in a Place (housing, affordable housing and gypsies and travellers and rural enterprise dwellings )

*4.2.17 Maximising the use of suitable previously developed and/or underutilised land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites. For example, sites and allocations which are no longer likely to be needed for office, industrial or retail purposes may be appropriate locations for housing.*

- Activities in Places (retail and commercial development)

## Chapter 5 - Productive and Enterprising Places

- Energy (reduce energy demand and use of energy efficiency, renewable and low carbon energy, energy minerals)
- Making Best Use of Material Resources and Promoting the Circular Economy (design choices to prevent waste, sustainable Waste Management Facilities and Minerals)

## Chapter 6 - Distinctive and Natural Places

- Recognising the Environmental Qualities of Places (water and flood risk, air quality and soundscape, lighting, unlocking potential by taking a de-risking approach)

### **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 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 18 – Transport (2007)

### **Supplementary Planning Guidance:**

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

- Affordable Housing (2018)
- Biodiversity and Development (2018)
- Parking Standards (2019)
- Planning Obligations (2018)
- Residential and Householder Development (2018)
- Sustainable Development - A Developer's Guide
- Travel Plan (2018)

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

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations

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

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching

the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

## Issues

### **Principle of Development**

The application site is located within the settlement boundary of Penarth, which is defined as a Service Centre Settlement, where the principle of residential development is acceptable, subject to satisfying the criteria set out within LDP Policy MD5. Furthermore, LDP Policy MD1 supports new development on unallocated sites where it makes beneficial use of previously developed land and in areas that benefit from existing infrastructure and access to sustainable modes of transport.

The site is located within a highly sustainable location, only some 45m from the edge of the defined District Centre of Penarth. Within this District Centre there are a variety of local services and facilities, easily accessible on foot, within walking distance. Public transport (bus and rail) are also readily accessible.

As the site on an area of Windsor Road which is primarily residential, the loss of the former car garage/service centre and introduction of a residential use into the site would be in keeping with the residential character of this part of the Windsor Road. It should also be noted that as the site lies outside of the defined Penarth District Centre boundary, there are no policies which would seek to retain the use of the site/buildings for an A1 retail use (being the lawful approved use of part of the building under ref. 2017/00134/LAW).

Given the above, the residential redevelopment of the site would accord with local and national planning guidance on the re-use of previously developed land and promotion of key sustainable settlements.

The site occupies a prominent location on the approach to Penarth's town centre. The building and associated canopy has remained vacant for a number of years and more recently its general appearance has started to significantly diminish, with the site secured by herras fencing. As a consequence the current building detracts from the vibrancy and attractiveness of the area, particularly given its proximity to the retail centre and its removal as part of the scheme for redevelopment will enhance the area, subject to detailed consideration given in respect of the appropriateness of the siting, scale, massing and materials of the replacement building.

Members will also note that there is a similar form of residential redevelopment at the former RS Garage, some 120m to the west on Windsor Road, for 12 residential units and the use of the ground floor as a Gym (under ref. 2017/0955/FUL) Approved 17 August 2019, which is currently underway.

### **Visual Impact**

The scheme utilises the existing site and development is placed against the northern and southern boundaries. The northern building line is established by the building line created by the main facades of neighbouring properties located either side of the site on Windsor Road. The continuation of the established building line in this infill form of development is

considered appropriate and in keeping with pattern of development in this part of the street scene.

Accommodation is set back from the southern boundary in order to be less imposing on the terraced houses beyond and to widen the rear lane for vehicles to enter and exit at the same time. Undercroft parking is accessed from this level which is on average 1.7m lower than the street on Windsor Road.

The scheme is massed along Windsor Road and Railway Terrace to create street frontages and prominent elevations. The mass is reduced at the rear and eastern boundaries in order to lessen the impact on neighbouring properties, with stepped terracing at the rear. A courtyard lightwell acts as a buffer to the private garden of No 56 and the top storey is set back from main frontages in order to reduce the apparent mass of the building when viewed from Windsor Road.

The lowest storey is partly underground and forms undercroft parking for residents, together with provision of cycle parking and a bin store. The overall height of the building is reduced as a result, whilst still achieving provision for on-site parking.

Members should note that the existing garage has considerable mass, particularly at the rear, where it abuts the lane and the replacement building whilst taller nevertheless moves the tallest elements within the centre of the building

It is stated in the Design and Access Statement that the elevations are designed to respond to the site, street context, massing concept and the layout of the building.



A contemporary style of architecture is proposed of high quality materials. The extension will mainly have brick façades, using a single brick type a cream grey multi brick. The bays and feature projections will be in pre-cast concrete or GRC and contain frameless glass balustrading and vertical ceramic fins. Windows will be powder coated aluminium frames with opening lights and clear glazing.

Whilst the building is modern, it is of a high quality design and in particular the front projecting bays combine slim-line horizontal structural elements with vertical secondary components with screens and glazing to achieve a visual balance. The vertical slats or fins offer privacy yet allow daylight into the rooms. Corner glazing is proposed in key areas in keeping with the chosen aesthetic. The corner with Railway Terrace unites the two new frontages and provide a strong focal point to the scheme. The penthouses will have glass façades to lighten their appearance and lessen the apparent mass of the building.

The modern approach to architectural styles and materials is welcomed and whilst will contrast with the mainly stone facade of the Victorian terraces, will reflect a number of the rendered buildings also found within the wider street scene. Moreover there is precedent within the street scene with the ongoing development for the conversion of the RS garage which has an art deco façade with contemporary extensions.

Whilst the materials and finishes proposed are generally acceptable, further specifications and samples of all materials and finishes used in the construction of the building shall be submitted by condition (**Condition 3**).



*Proposed Windsor Road Street Scene*

In terms of the impact on the wider character of the area, this section of Windsor Road contains mainly groups of terraced houses with larger some two and a half storey dwellings located at the end of blocks. Whilst the proposed replacement building will be larger than adjacent dwellings, there are other examples of larger scale buildings along Windsor Road.

Particular regard should be given to the approved scheme for the conversion and extension of the former RS Garage, some 120m to the west on Windsor Road. This building, when completed will be some 15 metres in height (at its tallest point), some 2 metres taller than the building subject to this application, and within a very similar street scene / context.



*Proposed Front elevation at nearby RS Garage, Windsor Road*

Regard must also be given to the massing and scale of the existing structures and buildings on site and the fact that this site relates to a corner plot which provides a degree of spaciousness between the building and the end of terrace located on the other side of Railway Terrace (58 Windsor Road).

In light of the above, it is considered that the proposed replacement building in respect of its siting, massing, general form and design and materials would not cause harm to character of the area.

### **Parking and highways issues**

The Council's Parking Standards SPG states that the parking guidelines should be interpreted as maximum standards i.e. 'not more than'. This reflects the thrust of national policy in Planning Policy Wales and TAN 18, both of which emphasise the importance of encouraging the use of more sustainable modes of transport and reducing over reliance on the private motor vehicle. Consequently, the use of maximum standards as opposed to minimum standards is promoted.

The Parking Standards, should take account of local factors and sustainability issues and aim to achieve a common approach to parking provision. The rationale is to achieve sufficient parking to avoid the need for vehicles to park on-street, and potentially cause obstruction, congestion, danger and visual intrusion.

Para 4.1.51 of PPW states that "a design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. It also emphasises that parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities are required to support schemes which keep parking levels down, especially off-street parking, when well designed."



The application has been supported by a Transport Statement which includes parking beat surveys were carried out. The surveys covered a two-minute walk from the site and covered all roads within 200m. The results of the survey indicate that 59% of all available parking within 200m of the site was utilised overnight, well below the typically accepted practical capacity of 85%. Within the area there are 110 spaces available overnight before 85% capacity is reached. On a Saturday, the busiest time is mid to late morning with a parking stress of 81%, with 29 spaces available before practical capacity is reached. Parking stress is lower in the afternoon, reducing to 72% and 56 spare spaces before 85% capacity is reached. Residents are more likely to be away from home at these times and it is likely that a significant proportion of this parking is associated with town centre uses. Parking stress is lower at 7am, when the majority of residents are home and is reduced at 5.30pm at 62%, again when more residents are likely to be home.

The Transport Statement states that proposed parking provision is sufficient to meet the demands of the residents, however, in the unlikely event that occasional overspill parking occurs this can be accommodated on-street, particularly at times of peak residents' demand without increasing parking stress beyond practical capacity.

Having regard to the above, the report states that the site's location with its proximity to public transport services, opportunities for the use of active travel modes and access to a wide range of facilities within Penarth means it is in a highly sustainable location and, therefore, compliant with national and local policy. The appropriate number of parking spaces is therefore proposed to accommodate the likely needs of the residents and to encourage sustainable transport choices.

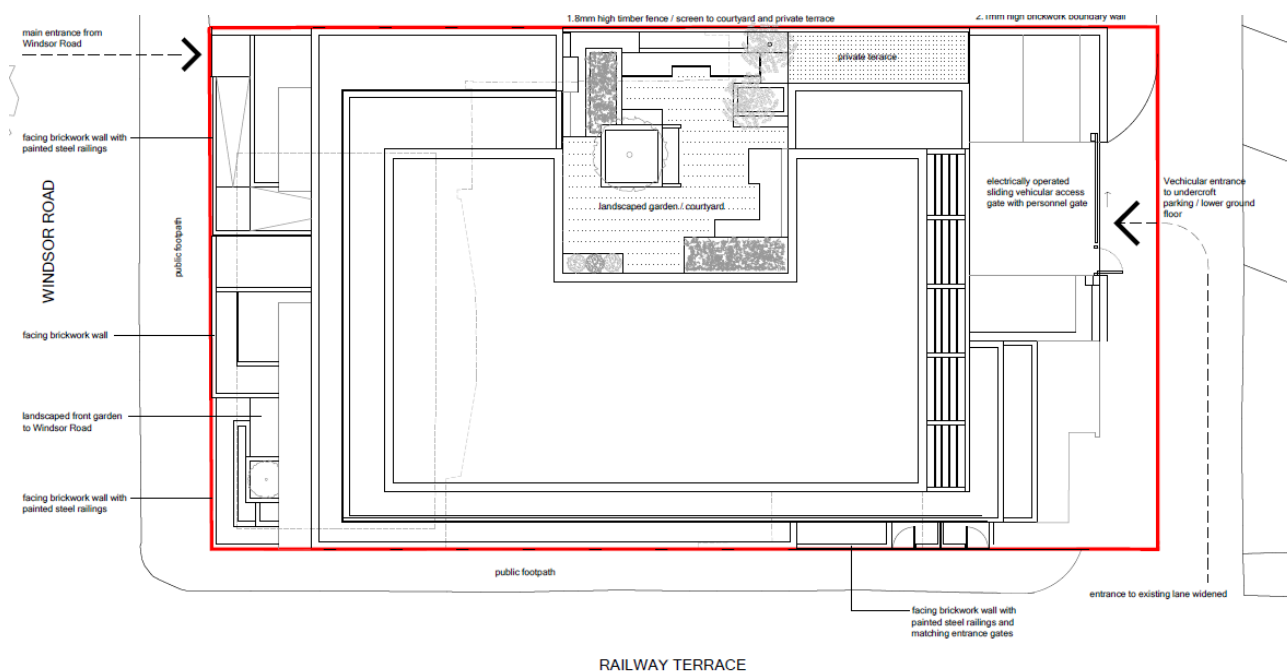
The scheme proposes residents' parking of 21 spaces (two of which are allocated as disabled,) which would achieve a ratio of one space per unit. The SPG states that within Zones 2-6 a maximum of 1 space per bedroom, with a visitor space per fifth unit, should be provided. The SPG prescribes a maximum provision.

It is material that the site is in an extremely sustainable location, on the edge of the town centre and in very close proximity to a wide range of shops, day to day services, schools, bus links and a Dingle Road train station (less than 300m away). Consequently, in such a location there are genuine alternatives to the private car ownership and residents could live without fundamentally needing to own a car.

With regard to visitor parking demand, it is considered that this can reasonably be accommodated within the surrounding streets, if visitors elect to drive to the site. Visitors would however have a range of modal options open to them when deciding how to travel.

Having considered all of the above, the provision of 21 spaces to serve the residential element of the development is considered acceptable and no objection has been raised in respect of this provision from the Highway Engineer.

In respect of the access to the rear, the highway engineer has not raised an objection to the principal of utilising the rear lane off Railway Terrace for the access to the undercroft parking.



The existing lane is approximately 3.65m wide and approximately 110m long and it is not possible to pass two cars along the lane. The scheme seeks to widen the western section of the lane from its junction with Railway Terrace (fronting the development) from approximately 3.65m to 5.5m. In accordance with Manual for Streets, it is possible to pass two cars in a width of 4.1m and vehicle swept path plots have been carried out to demonstrate this is achievable. Given the level of vehicle flow, it is highly unlikely that two vehicles will need to pass in the lane, but in the event that this is required then this is possible. This leaves a width of 1.4m for a pedestrian to wait, even if two cars are passing. Visibility along the majority of the lane, particularly the western end is good, with visibility only restricted at the eastern end, approximately 75m from the access to the under-croft parking. It is highly unlikely that two cars will pass at the same time as a passing pedestrian and in reality, whilst a car may very occasionally need to pass another car or a car pass a pedestrian, the likelihood of a car needing to pass both a car and a pedestrian at the same point is highly unlikely.

The proposed widening at the western end of the lane has been considered by the highway engineer and is considered acceptable, together with the level of visibility shown. The scheme also includes the provision of a street light at the entrance to the lane, footway replacement from access onto Railway Terrace up to junction with Windsor Road and along the Windsor Road frontage of the site. Furthermore there is a need for the double yellow lines to be extended 1.5m to the north of the access on Railway Terrace, (without the need for an amended TRO) which has been agreed by the agent. Finally, in respect of bin storage and collection arrangements, the agent has stated that a management company will be employed for the block and a member of staff will have the responsibility of putting out and putting back the bins.

Subject to conditions to secure the following, there are no highway objections to the scheme :

- Full engineering details of the lane widening, footway replacement, resurfacing and extension of double yellow lines along Railway Terrace (**Condition 4**)
- Details of street lighting column (**Condition 5**)

- The layout out of all on-site parking, cycle and bin storage (**Condition 6**)

### **Impact on neighbouring amenity**

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.*

*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.”*

The aerial photo below shows the existing building and relationship with nearby dwellings.

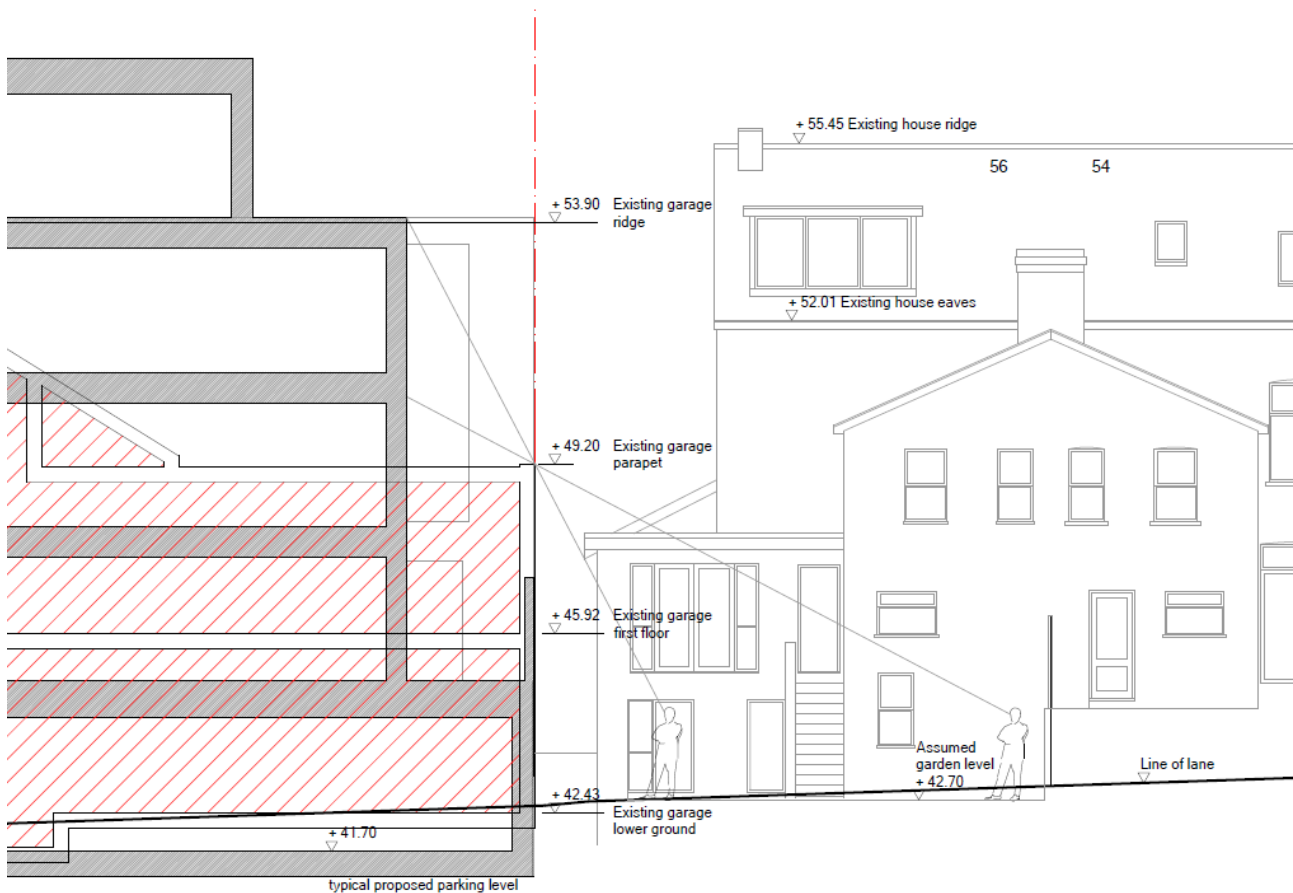


*View from North-West (Windsor Road)*



*View from South-East*

The only property which adjoins the application site is 56 Windsor Road, which is subdivided into flats, located to the east of the site. The scheme of redevelopment will alter the scale of built form which currently extends along the whole of the neighbours rear garden. Whilst the replacement building is taller than the existing building, in respect of direct on impacts on No. 56, the existing garage forms the boundary to this property over a height of two stories (some 7m), shown hatched in the plan below. The proposed scheme whilst retaining the building line at the lower ground floor seeks set back the upper ground floor back.



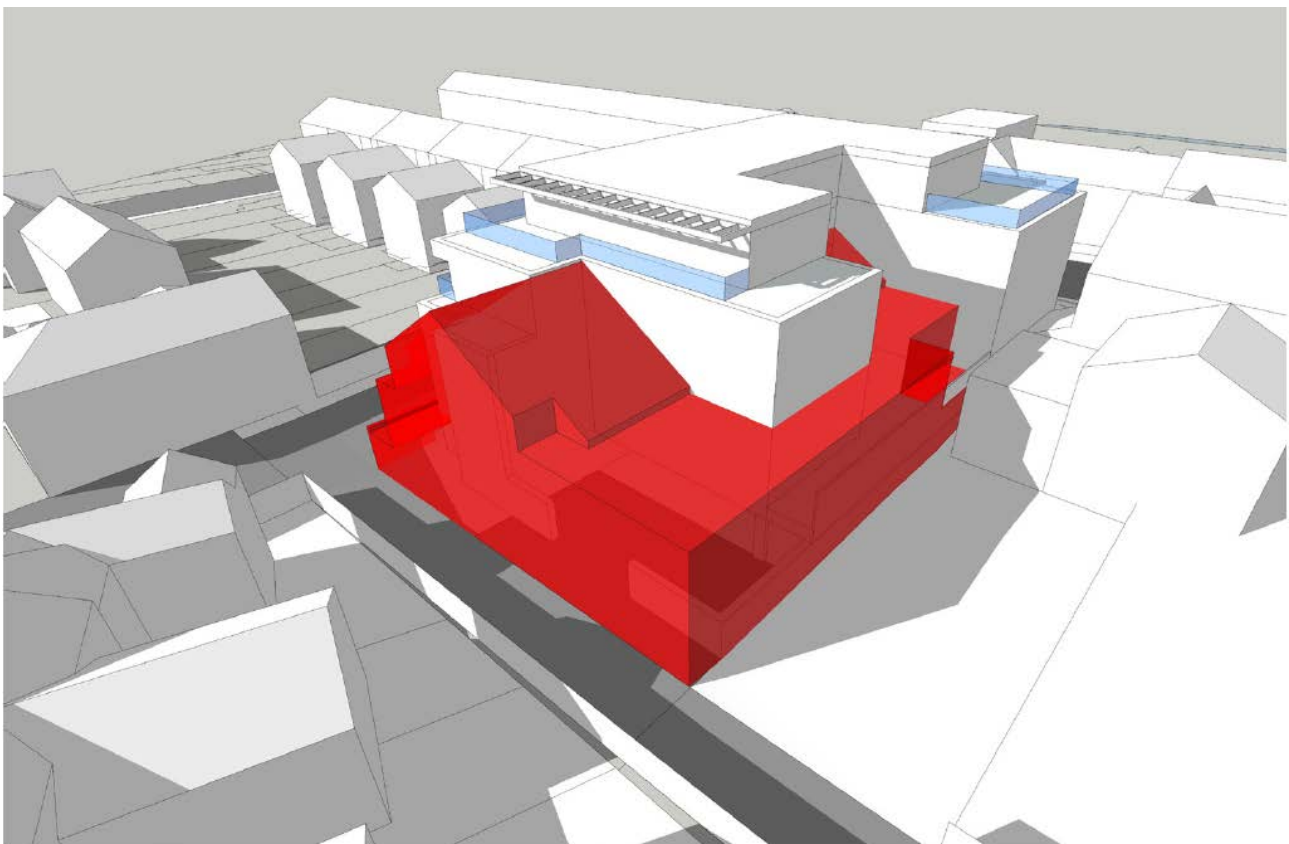
*Section showing relationship of existing building (hatched) and replacement building on No 56.*

As such the changes in scale and massing of the replacement building along this boundary will provide a more open aspect to the occupier's rear garden. In addition the reduced ridge height will also lessen the impact of the replacement building. whilst there are windows on the side elevation of No. 56 that would overlook the replacement building, these windows already overlook the side elevation of the garage/entrance ramp at both lower and ground floor levels, which are obscure glazed and a serve a stairwell/hall at lower ground floor level and habitable room at ground floor level. It should be noted that the existing garage predates these extension and alterations to No.56 which includes the conversion into four flats. As a whole, the proposed replacement building will likely result in less impacts on the occupiers of No. 56 in respect of overbearing and overshadowing impacts, given the removal of the majority of the first floor elements from the boundary.

In respect of impacts on privacy, detailed consideration must be given to the impacts on the adjoining flats at No. 56, given the scale of accommodation proposed over four floors. The scheme has been designed having regard to potential for overlooking of both the

communal rear garden and habitable windows on No.56. The side elevation of the block is shown to have high level windows and corner feature units that are detailed with standing seam cladding. There is a glazed wall set further back towards the centre of the site serving the landing areas, which overlook the courtyard area. This glazed wall is shown to be finished with a mix of ceramic louvres and glazing. The glazed elements would however be some 12 metres from the side elevation of No. 56 and would not result in any direct overlooking of habitable rooms serving the adjoining property. There is an area of courtyard amenity space which will be enclosed from the adjoining neighbours by a 1.8m high fence/screen, further details of which shall be submitted for approval as part of **Condition 26** and erected prior to the use of the courtyard area under **Condition 25**. The scheme proposes two penthouse apartments, which are set back from the side of the main building and served by a roof terrace/balcony area. Whilst the windows serving the penthouse units would not result in any overlooking the wrap around balcony areas could provide opportunities of overlooking the communal rear garden of No. 56. The scheme has been amended and a privacy screen is shown to serve the side of the balcony area of Penthouse 2 to resolve this concern, secured by condition (**Condition 25**)

In respect of the properties to the rear (to the south), these are the terraced dwellings in Railway Terrace, separated from the application site by the lane. Consideration must be given to the impact of the existing garage on the amenities of these occupiers, in respect of the scale and massing of this existing building. The view below shows the existing garage (in red) superimposed over the proposal.



*Existing garage (in red) superimposed over the proposal*

The scheme has been amended several times to address concerns in respect of overbearing impacts and impacts on privacy on these occupiers which have shallow rear gardens. The original scheme contained larger areas of full height glazing and a large balcony, which would have resulted in an unacceptable degree of overlooking. Only part of the scheme now abuts the lane, (where as the existing building abuts the rear lane for its full width). The elevation directly fronting onto the lane is only some 8.2m in width and served by narrow full height windows at first and second floors, which are shown to be obscure glazed from cill level to 1.8m in height. The remaining part of the rear elevation is set back some 6 metres into the site with a distance of some 12 metres (at its nearest) to the rear gardens in Railway Terrace. Such a distance is considered to maintain an acceptable level of privacy for these occupiers. Whilst there are habitable windows on this section of the rear elevations, their distance and the angle between windows is such that they are not considered to result in an unacceptable loss of privacy to the existing occupiers.

With regard to the impacts on the property (subdivided into flats) to the west (58 Windsor Road), located on the other side of Railway Terrace, the replacement building will be some 9 metres from the boundary of with this property and some 14 metres at its nearest to the property itself. The scheme has been amended where the habitable windows have been redesigned and the provision of obscure glazing to a height of 1.8m, where there are directly opposing windows at upper ground, first and second floor levels. Whilst some of the windows towards the southern part of this side elevation are clear, these are at a distance and relationship with adjacent properties which would not result in a loss of privacy and are also considered to be a sufficient distance from the garden of 58 Windsor Road or any other nearby dwellings so as not to cause an unreasonable degree of overlooking of private areas of amenity space.

With regard to impacts of the terraced dwellings located on the other side of Windsor Road, these dwellings are in excess of 21m from any balcony or habitable window and the proposal will not result in the loss of privacy to these occupiers, including the use of the balcony areas and the roof top terrace areas. In respect of overbearing impacts, whilst the redevelopment of the site will result in a marked change in the character of the site and will bring the main built form of development further towards Windsor Road, when compared to the existing garage canopy. However the massing of the replacement building is nevertheless not considered to impact on the amenities of the opposing occupiers in terms of overbearing impacts.

For the avoidance of doubt **Condition 23** seeks to ensure that where high level windows are shown, they have a cill level no lower than 1.7m in height (an established standard) above the level of the floor in the room that it/they serve. Furthermore, where obscured glazing is shown to windows or balcony screens, they shall be specified as being fixed and obscured to Level 3 Pilkington or equivalent.

### **Amenity Space**

Policy MD2 – Design of New Developments states (criterion 9 refs) that new development proposal should provide public open space, private amenity space and car parking in accordance with the Council's standards and (criterion 10) incorporate sensitive landscaping.

In order to achieve the appropriate provision of amenity space in residential developments, the Council has adopted Supplementary Planning Guidance on Residential

& Householder Development. Design Standard 5 within the SPG specifies that flats should provide 15 square metres of amenity space per person, based on a development of the sized proposed (based on 2 residents per flat) would equate to a requirement of 630 sq. m. of amenity space



*Proposed Courtyard (day and night)*

The upper ground floor layout plan identifies an area of shared amenity space within a courtyard, comprising of some 112 sq.m. located centrally within the building and readily accessible by all occupants. In addition, there are private terrace areas, balconies and roof gardens servicing individual properties.

As a whole, circa 310 sq. m of amenity space is proposed to serve the development, comprising of a mix of shared and private space. In addition refuse and cycle storage is provided on the lower ground floor which can be readily accessed.

It should be noted that the site is very well located for easy access to public open space with 500m of the application site, namely Dingle Park (250m), Plassey Square Play Area (350m), Belle View Gardens (500m), with further areas of open space beyond. These open spaces are sufficiently proximate to the proposal to provide for extended outdoor relaxation / recreation / amenity requirements of the occupiers.

The reduced provision of on-site amenity space must be weighed against the positive impacts of the development; in this case the redevelopment of a highly sustainable brownfield site, with site constraints and one which is readily served by several area of open space in close proximity. It is therefore concluded that the proposed provision is acceptable in respect of amenity space provision and shall be conditioned accordingly, to



ensure that the amenity space is laid out prior to the first beneficial occupation of any of the units. **(Condition 24)**.

## **Drainage**

The Council's Drainage Engineer has stated that the site is not located in DAM zones at risk of tidal or fluvial flooding and NRW maps indicate that there is a very low risk of surface water flooding to the site, however there is a low risk of surface water flooding to the adjacent highway servicing the site. Prior to work commencing on site, a full drainage plan is requested to include management and maintenance of the proposed drainage system.

The above requirements are considered necessary to make the development acceptable and shall be secured by Condition **(Conditions 7 and 8 refer)**.

## **Environmental Impacts**

The site former use include a petrol station, car showroom and repair centre and the Council's Shared Regulatory Services have advised that there are records relating to a petroleum leak from the site and wider environment and localised engine oil pollution.

Given that the activities associated with the historic use of the site may have caused the land to become contaminated and may give rise to potential risks to human health and the environment, conditions requiring contamination assessment and any necessary remediation are requested in relation to the following, which shall be secured by condition :

- contaminated land measures (assessment) **(Condition 13)**
- contaminated land measures (remediation & verification plan); **(Condition 14)**
- contaminated land measures (remediation & verification); **(Condition 15)**
- contaminated land measures (unforeseen contamination); **(Condition 16)**
- importation of aggregates; **(Condition 17)**
- use of site won materials. **(Condition 18)**

In addition, an informative is requested on relation to contamination and unstable land advisory notice.

The application has also been supported by a noise assessment which identifies relevant planning and noise guidance, whilst establishing the impact of external noise sources and relevant noise mitigation measures in support of a planning application.

The primary noise source addressed at the site is road traffic noise from the A4160 (Windsor Road), as it potentially impacts on the proposed residential development. The report assesses the suitability of the site with respect to the TAN 11 document, British Standard 8233:2014 and WHO (1999). The report is based upon noise levels measured at the site. With the proposed noise mitigation measures which relate to external wall construction, roof and window construction, glazing to the facades and ventilation measures, all of which the report considers that acceptable levels can be achieved within the habitable rooms of the development.

The Councils EHO have considered the noise report and are satisfied with the results and the mitigation measures, which essentially relate to the fabric of the building providing the required level of noise attenuation and have requested the following conditions (which have been amended) in relation to :

- construction be carried out with reference to the Noise Assessment relating to daytime and night time noise levels (**Condition 11**)
- following the first beneficial use of the development hereby permitted, a sound test of the premises shall be undertaken by a suitably qualified acoustician to demonstrate that sufficient noise insulation is in place to account for both airborne and impact noise, (**Condition 12**)

## **Ecology**

The application has been supported by an Ecology Briefing Note (August 2016) and Ecology Addendum Note (September 2016).

The Councils Ecologist notes that whilst the survey was carried out in 2016, given the previous negative result and the low potential of the building, does not consider that a full re-survey is necessary, and that a building inspection will suffice. However, biodiversity enhancement of the site is recommended by way of swift boxes.

A further report "Bat Roost Assessment, 26 March 2019" was submitted and no objection has been raised by the Councils ecologist subject to a condition (**Condition 19**) to ensure that the recommendations made with respect to biodiversity consideration during demolition, construction and post- construction be implemented in accordance with the Bat Roost Assessment report of March 2019 by WYG.

## **Design out Crime**

South Wales Police (Designing out Crime Officer) were consulted and raised no objection to the proposed development and in principle agrees that proposals will improve the area as the existing site is now redundant and derelict.

It is noted that the DCO states that there is insufficient detail in the Design and Access statement to demonstrate that all aspects of community safety have been fully considered.

The comments made relate to the internal layout and design elements, such as the undercroft parking area being made secure, communal entrance door is fitted with an audio visual access control facility, apartment entrance doors and accessible windows at ground level comply with PAS 24:2016 etc. Whilst these comments are noted, these relate to matters which would fall outside of the consideration of the planning application, however the matters should be brought to the attention of the applicant by way of an informative.

## **Planning obligations (Section 106)**

Development Plan Policies and Supplementary Planning Guidance (SPGs) on Affordable Housing and Planning Obligations provide the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. Officers have considered the need for planning obligations based on the policy framework; the type of development proposed; the local circumstances and needs arising from the development,

and what it is reasonable to expect the developer to provide in light of the relevant national and local planning policies. These are summarised here:

- 40% affordable housing - 9 units
- Sustainable transport - £48,300
- Primary and Secondary level Education - £249,309
- Public open space - £56,028
- Public Art – 1% build costs

The applicant has been advised of these requirements and has submitted a viability appraisal to demonstrate that the scheme cannot fully provide for these obligations owing to development viability. These matters are explored below.

### Affordable Housing

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

The Development Plan Policy MG4 requires, in the area of Penarth that 40% affordable housing to be incorporated with any residential development. Given that the scheme proposes more than 10 units, the policy requires the provision to be made on site, with the requirement being rounded up to the nearest whole number.

The Council’s Homes4U waiting list in the area in the Ward of St. Augustines, identifies the following need :

1 Bed	104
2 Bed	53
3 Bed	12
4 Bed	1
5 Bed	1

As the proposal for the scheme is for 21 units, and based on 40% affordable housing, this would require an affordable housing contribution of 9 units (8.4 rounded up). There is a requirements for an RSL to be involved in the affordable housing element, which should be DQR compliant. The units to be provided should be 5 X 1 bed flats and 2 x 2 bed flats (Social Rent) and 2 X 2 bed Intermediate units.

### Sustainable Transport

Increasing importance is enshrined in local and national planning policies emphasising the need for developments to be accessible by alternative modes of transport than the private car.

Planning Policy Wales (PPW) (Ed. 10) Paragraph 4.4.3 recognises that in order to create sustainable and cohesive communities within Wales, improvements to transport facilities and services are required. Paragraph 4.7.4 seeks to ensure that new developments are

integrated appropriately within existing settlements, to minimise the need to travel by private car. National policy contained within Technical Advice Note 18 'Transport' (March 2007) Paragraph 9.20 allows local planning authorities to use planning obligations to secure improvements to the travel network, for roads, walking, cycling and public transport, as a result of a proposal.

The Council's Sustainable Transport Assessment LDP Background Paper (2013) identifies the sustainable transport measures required to ensure better conditions for pedestrians, cyclists and public transport users, and to encourage a change in travel choices away from the single occupancy car. This is a key aim embodied in national and local planning and transport policies, which the Council is keen to deliver.

The Council thus requests an off-site contribution to enhance sustainable transport facilities. This contribution equates to £2,300 per residential unit. This has been derived from an analysis of the costs associated with providing enhanced sustainable transport facilities, and consideration of the impact of new developments in terms of needs arising and what is considered to be reasonable to seek in relation to the scale of development proposals.

This requirement is reflected within the Council's adopted Planning Obligations SPG (2018) that states a requirement towards sustainable transport at a rate of £2,300 per dwelling/unit. In this case the proposals would attract a contribution of £48,300.

### Education

Policy MD5 of the LDP allows for new development within settlements, subject to certain criteria, including, criterion 7, that it makes appropriate provision for community infrastructure to meet the needs of future occupiers. Policy MD4 sets out that, where appropriate and having regard to development viability, the Council will seek to secure new and improved community infrastructure, including the provision or improvement of education facilities.

The Council's Education Section has been consulted with regard to this application although comments are still awaited. The adopted SPG indicates that contributions towards education would be sought on developments in excess of 10 dwellings for such development at a rate of £13,811 per dwellinghouse, although excludes 1 bedroom units from any calculation.

#### Nursery and Primary Level

The development serves Albert for English Medium (81%), St Josephs and St Andrews for Denominational (7%) and Ysgol Pen Y Garth for Welsh Medium (10%) and 2% ALN. There is no projected capacity at English medium (81%) and denominational (7%) education. The Council would therefore seek S106 contributions for 2 nursery (88%) and 4 EM pupils (88%) at a cost of £18,249 per pupil totalling £109,494.

#### Secondary Level

The development serves Stanwell for English medium (93%), St Richard Gwyn for Denominational (1%) and Ysgol Gymraeg Bro Morgannwg for Welsh medium (6%). There is no projected capacity within all sectors. The Council would therefore see S106 contributions for 4 pupils (11 - 16) at a cost of £27,498 per pupil totalling £109,992 and 1

pupil (post 16) at a cost of £29,823 per pupil. The total secondary contribution required would be £139,815.

The overall S106 contribution required for both primary and secondary level is £249,309

### Public Open Space

Residential developments are expected to make provision for Public Open Space and/or recreational facilities to meet the needs of the future population they will bring to the area. Open space offers vital opportunities for sport and recreation, and also act as a visual amenity.

TAN 16: Sport, Recreation and Open Space (2009) states "Planning conditions and obligations (Section 106 Agreements) can be used to provide open space, sport and recreational facilities, to safeguard and enhance existing provisions, and to provide for their management".

Policy MD3 of the LDP requires new residential developments to make provision for public open space at a minimum standard of,

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

The Council applies this policy to all residential developments of 5 or more dwellings, in addition to the basic amenity space requirements necessary to meet the immediate amenity needs of occupiers (e.g. private garden space) as outlined in the approved Residential and Householder SPG. The proposals in their current form provide a degree of shared amenity space within the courtyard and private amenity on balconies and terraces. However no public open space is proposed within the development.

The Open Space Background Paper prepared as part of the background evidence of the LDP identifies a shortfall in open space within the St. Augustine's Ward. Whilst it may be impracticable to provide a meaningful area of POS within the confines of the site, given its constrained nature, it is considered that future occupiers would be reliant on existing areas of public open space to serve future occupiers of the development.

In such situations the Council's adopted Planning Obligations SPG outlines that 'where it is impractical to provide open space and / or recreational facilities on site or where existing open space provision is deficient in quality in the immediate locality, the Council may be willing to accept alternative provision i.e. off site contribution payments.

As stated above given the number of existing area of open space in close proximity to the site, (Dingle Park (250m), Plassey Square Play Area (350m), Belle View Gardens (500m), with further areas of open space beyond) it is considered that an off-site contribution would be appropriate in this instance, to enhance any of the above areas of POS.

The SPG indicates that any such off-site contribution would be calculated on the basis of £2,668 per dwelling resulting in a requirement of £56,028 in this instance.

## Public Art

Technical Advice Note (TAN) 12 'Design' (March 2016) Section 5.15 recognises the importance role of public art, in creating and enhancing "individuality and distinctiveness" within a development, town, village and cities. Public Art can bring distinctiveness and material and craft quality to developments, enable local people to participate in the process of change and foster a sense of ownership. It is therefore an important part of achieving design quality.

The Council introduced a 'percent for art' policy in July 2003, which is supported by the Council's adopted SPG on Public Art. It states that on major developments, developers should set aside a minimum of 1% of their project budget specifically for the commissioning of art and, as a rule, public art should be provided on site integral to the development proposal. The public art scheme must incorporate sufficient measures for the appropriate future maintenance of the works.

Public art should be considered early in the design process and be integral to the overall design of a building, public space or place. The choice of artists and the nature of subsequent work should be the subject of full collaboration from the outset between the artist, the local community and professionals involved in the design process. This is in accordance with TAN 12, paragraph 5.15.4.

## Viability issues

Welsh Government advice contained in "Delivering Affordable Housing Using Section 106 Agreements: A Guidance Update" (2009) makes it clear that development viability is a material consideration in determining planning applications.

Para 4.2.21 of PPW states that "Where up-to-date development plan policies have set out the community benefits expected from development, planning applications which comply with them should be assumed to be viable and it should not be necessary for viability issues to be considered further. It is for either the applicant or the planning authority to demonstrate that particular exceptional circumstances justify the need for a viability assessment at the application stage."

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

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

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

priority once sufficient infrastructure to enable the scheme to proceed has been made available”.

Based on the requested contribution set out above, the agent advised that scheme would not be viable if the requested financial contributions and affordable housing was provided on site. The District Valuer was therefore instructed to appraise the viability assessment submitted by the applicant, to provide an expert impartial view on its accuracy. The District Valuer’s appraisal scrutinised and reviewed the details submitted by the applicant relating to Gross Development Values (GDV), development costs, abnormal costs, professional fees, land values and profit margin.

With reference to GDV, the DV have considered comparable properties sales values from as close to the site as possible and the most recent evidence. In this case there is evidence of flats/apartments in the location, comprising of transactions as well as properties available on the market or under offer. It should be noted that “The Moorwell” listings (former RS Garage) are being marketed and currently available to purchase off plan, with the units anticipated to be completed in 2020. These produce a higher range bracket than the other comparable properties. Whilst they are only asking prices, of the remaining evidence, the values suggested in the applicants Viability Statement corresponds with the upper end of the range values which is considered by the DV to be appropriate, due to the location and quality of the accommodation and accepts the values proposed.

In respect of Build Costs, the construction costs stated are inclusive of abnormal and external work costs. Moreover a more detailed breakdown is given for demolition, asbestos removal and contamination clearance. Following the deduction of abnormal costs, external works and contingency, this would produce a construction cost per sq. m. which the DV consider to be reasonable and in line with the proposed scheme and on past viability assessment in this location. Further an acceptable percentage of contingency has been applied in line with the risk involved in developing a contaminated site.

To conclude, following significant discussions between the authority, DV, the agent and their consultant, the final version of DV Viability Review advises:

1. the proposed scheme **inclusive of the required S106 contribution would not be deliverable** at the benchmark land value and developers profit level of 20%. With this level of profit, the scheme would produce a significant deficit and developers profit below 15%.
2. the proposed scheme **excluding the required S106 contribution is deliverable** at the benchmark land value and a developers profit level of 20%. With this level of profit, the scheme would produce a surplus of **£54,172**.

Policy MD4, Paragraph 7.31 advises where it is necessary to prioritise planning obligations, the Council will do so on a site by site basis, having regard to the specifics of the development at that time and in light of the statutory tests.

Having regard to the particular circumstances of this development in this location, officers are of the opinion that the contribution should be prioritised towards the provision of off-site affordable housing. This is considered to be appropriate in terms of prioritising contributions, and in line with the available evidence demonstrating affordable housing need.

The off-site contribution would total **£54,172**. Given the viability constraints of the site, which have been verified by the DV, the Council considers this sum to be acceptable. This would be used, in conjunction with other financial obligations received, to deliver additional affordable housing off-site in the area of Penarth, which is considered to be an important priority based upon the high level of need for affordable housing in this area. The developer has again agreed to this obligation.

In circumstances whereby viability demonstrates that a scheme cannot provide for any or only part of a financial contribution, the viability assessment undertaken is time sensitive. Markets can change and schemes that were previously unviable can become more profitable to provide further contributions. That being the case, national guidance states that that reduced commencement periods are appropriate and it has been agreed with the agent and applicant that the commencement period shall be within two years (secured by condition), as opposed the standard five years for commencement.

### RECOMMENDATION

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

- Provide an off-site contribution of **£54,172** towards affordable housing.

APPROVE subject to the following condition(s):

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

Reason:

To ensure that development commences in a timely manner in light of viability matters and 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:

(05) 110 A - Proposed Site Plan  
(05) 110 A Proposed Site Plan  
(05) 111 B - Proposed Lower Ground Floor Plan  
(05) 112 C - Proposed Upper Ground Floor Plan  
(05) 113 C - Proposed First Floor Plan  
(05) 114 C - Proposed Second Floor Plan  
(05) 115 C - Proposed Third Floor Plan  
(05) 116 B - Proposed Roof Plan  
(05) 117 - Proposed Section A-A and B-B  
(05) 118 B - Proposed Elevations Sheet 1 of 3  
(05) 119 B - Proposed Elevations Sheet 2 of 3  
(05) 120 A - Proposed Elevations Sheet 3 of 3

Planning, Design & Access Statement  
Transport Statement



Design Statement  
Environmental Noise Assessment  
Bat Roost Assessment March 2019  
Ecology Addendum Note September 2016  
Ecology Briefing Note August 2016

Reason:

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

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

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. Before the commencement on the construction of development, full engineering details of the widening of the lane off Railway Terrace; footway replacement from the access onto Railway Terrace (up to the junction with Windsor Road) and frontage of the site (adjacent to Windsor Road) and extensions of double yellow lines 1.5m to the north of the access on Railway Terrace, has been submitted to and approved in writing by the Local Planning Authority. The details shall also include the land within the application site, which shall be dedicated to the Highway Authority. The engineering details as approved shall be fully completed before the first beneficial use of any of the flats hereby approved.

Reason:

To ensure the means of access to the site and works within the existing adopted highway is provided in accordance with the Council's standard details for adoption and 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. Notwithstanding the submitted plans, details of the exact location and specification of a street lighting column at the entrance to the lane from Railway Terrace shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme of street lighting shall be implemented in full accordance with the agreed location and specifications and shall be operational prior to the first beneficial use of any of the residential units.

Reason:

In the interests of highway safety as required by Policies MD2 (Design of New Development) and SP1 (Delivering the Strategy) of the Local Development Plan.

6. The flats hereby approved shall not be occupied until the access, car parking, cycle parking and bin stores shown on drawing number 18098 (05) 111 B, have been completed in full accordance with the approved details and shall remain available for their designated use in perpetuity.

Reason:

To ensure the provision on site of parking, turning facilities and 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.

7. No works of drainage shall take place on site, until details of a scheme of foul, land and surface water drainage (to include an assessment of the potential to dispose of surface and land water by sustainable means) has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details prior to the first beneficial use of any part of the development and retained in perpetuity.

Reason:

To prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policies SP1 (Delivering the Strategy) and MD1 (Location of New Development) of the Local Development Plan.

8. If infiltration techniques are used in the scheme submitted in discharge of Condition 7, then the plan shall include the details of field percolation tests. Any calculations for onsite attenuation or discharge should also be included together with the details on the management of the drainage system. The approved scheme must be implemented prior to beneficial occupation and as built drawings should be submitted to the LPA for approval in writing.

Reason:

To enable a more sustainable form of drainage, and to prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policies SP1 (Delivering the Strategy) and MD1 (Location of New Development) of the Local Development Plan.

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

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during demolition and construction;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii) hours of demolition and construction; noting there shall be no burning of waste or any other materials on site.
- ix) lighting; including the use of security lighting on site outside normal construction hours
- x) management control and mitigation of noise and vibration; including the use of generators on site outside normal construction hours
- xi) odour management and mitigation;
- xi) diesel and oil tank storage areas and bunds;
- xii) how the developer proposes to accord with the Considerate Constructors Scheme ([www.considerateconstructorscheme.org.uk](http://www.considerateconstructorscheme.org.uk)) during the course of the construction of the development; and
- xiii) a system for the management of complaints from local residents which will incorporate a reporting system.

The DCEMP shall also include details of the risk of asbestos containing building materials during the demolition works with appropriate surveying and removal being undertaken.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

10. Demolition and construction works shall only take place within the following hours of operation (to include deliveries) :

Monday – Friday 8:00 until 18:00

Saturday 8:00 until 13:00

With no Sunday or Bank Holiday working

Should there be a requirement to undertake foundation or other piling or drilling on site to accommodate on site surface water drainage or other works it is advised that these operations are restricted to:

Monday – Friday 8:30 until 17:30  
Saturday and Sunday Nil

Reason:

To ensure that the amenities of neighbouring occupiers is safeguarded and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

11. The construction shall be carried out with reference to the Environmental Noise Assessment prepared by Acoustic Consultants Limited and the noise mitigation measures set out within that report to ensure that noise levels in living rooms do not exceed a maximum of 35dB with no frequency (Hz) predominant by day and noise levels in bedrooms, by night do not exceed a maximum of 30dB nor 45dBLAmax again with no frequency (Hz) predominant.

Reason:

In order to ensure that future occupants of the residential development are not affected by unacceptable levels of road noise to meet the noise impacts as set out in TAN 11 and to ensure compliance with policies MD2 and MD7 of the Local Development Plan.

12. Prior to occupation, a post development noise assessment shall be undertaken by a suitably qualified acoustician and shall be submitted for approval to the Local Planning Authority. The noise assessment shall demonstrate that sufficient noise insulation is in place to account for both airborne and impact noise, in line with the levels specified in BS 8233:2014 `Sound insulation and noise reduction for buildings - Code of Practice` and shall include any remedial action to meet the required noise insulation. None of the relevant flats hereby approved shall be occupied until the Local Planning Authority have approved the post development noise assessment and the fabric/mitigation measures within the building shall thereafter be retained at all times.

Reason:

In order to ensure that future occupants of the residential development are not affected by unacceptable levels of road noise to meet the noise impacts as set out in TAN 11 to ensure compliance with policies MD2 and MD7 of the Local Development Plan.

13. Prior to the commencement of the construction of development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person \* in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:
- human health,
  - groundwaters and surface waters
  - adjoining land,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - ecological systems,
  - archaeological sites and ancient monuments; and
  - any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017),, unless the Local Planning Authority agrees to any variation.

\* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

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. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure

that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation.

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.

15. The remediation scheme approved by Condition 14 above must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017),, unless the Local Planning Authority agrees to any variation.

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

16. 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.

17. 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.

18. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

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.

19. The recommendations made with respect to biodiversity consideration during demolition, construction and post- construction (enhancement) shall be implemented in full accordance with the Bat Roost Assessment report of March 2019 by WYG. The swift boxes shall be erected within 6 months of the completion of construction of the development or substantial occupation (whichever is the sooner). Within one month of the erection of the swift boxes a report shall be submitted to the LPA which to evidence with erection of the boxes (to include

photographs to show the boxes in situ) and the swift boxes shall thereafter remain in situ for a minimum of 10 years.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD9 (Promoting Biodiversity of the Local Development Plan).

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

Reason:

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

21. Notwithstanding the submitted plans, details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- i) earthworks showing existing and proposed finished levels or contours;
- ii) means of enclosure and retaining structures;
- iii) other vehicle and pedestrian access and circulation areas;
- iv) hard surfacing materials;

Soft landscape works shall include planting plans; written specifications; schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant)].

Reason:

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

22. The landscaping works as approved under condition 21 which relate to soft landscaping, shall be carried out in accordance in accordance with the approved details during the first planting season immediately following completion and or occupation] of the development which ever is the sooner. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

Reason:

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



23. Any part of the windows shown dotted (key ref 12) on the proposed elevation drawings shall be obscure glazed below 1.7m in height above the level of the floor in the room they serve, to a minimum of level 3 of the "Pilkington" scale of obscuration and fixed pane at the time of installation. Any windows that are shown as high level shall have a minimum cill height of 1.7m above the level of the floor in the room that they serve. These windows as specified shall be 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.

24. The amenity space hereby approved shall be completed (in respect of any areas of hard surfacing) prior to first beneficial occupation of any of the residential units.

Reason:

In the interests of amenities of future occupiers to ensure compliance with Policy MD2 (Design of New Development) of the Local Development Plan.

25. The courtyard amenity space and the external terrace area serving Penthouse 2 shall not be brought into beneficial use until such time as the 1.8m high fence/screen and obscure glass screen have been erected on the site as detailed on the approved plans. Once erected, the privacy screens shall thereafter be retained in perpetuity.

Reason:

In the interests of privacy and to ensure compliance with Policy MD2 (Design of New Development) of the Local Development Plan.

26. Notwithstanding the submitted plans, further details and sections (as appropriate) of ceramic wall louvres, glass balustrades, balcony screens, fences, Juliet balconies, railings and green walls shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details prior to its first beneficial use and thereafter be so retained.

Reason:

To safeguard the amenities of the area and residential amenity as required by Policies MD2 (Design of New Development), and SP1 (Delivering the Strategy) 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, SP3 – Residential Requirement, SP4 – Affordable Housing Provision, SP10 – Built and Natural Environment, MG1 – Housing Supply in the Vale of Glamorgan, MG4 – Affordable Housing, MG7 – Provision of Community Facilities, MD1 - Location of New Development, MD2 - Design of New Development, MD3 - Provision for Open Space, MD5 - Development within Settlement Boundaries, MD6 - Housing Densities and MD7 - Environmental Protection of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Supplementary Planning Guidance relating to Residential and Householder Development, Affordable Housing, Parking Standards and Sustainable Development - A Developer's Guide and Planning Policy Wales (Edition 10) and Technical Advices Note 2 – Planning and Affordable Housing (2006), TAN Note 11 – Noise (1997), TAN 12 – Design (2016) and TAN 18 – Transport (2007), the proposed residential redevelopment of this brownfield site is considered acceptable in respect of the scale and design of the building, its impact on the character of Windsor Road and the wider character of the area, access and provision of parking, ecology and impact on the amenities of nearby residential occupiers.

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. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com).**

**The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.**

A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to Dwr Cymru Welsh Water.

2. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.

3. **CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE**

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.**

**Environment Team**

- 4. The applicant should be advise that they should implement the recommendations set out by the Designing out Crime Officer and should consider a submission for a Secured by Design gold award for the above development for which South Wales Police would be happy to work with developers to achieve this outcome.**
- 5. The applicant/owner shall be aware of the duties imposed under the Party Wall Act 1996. This requires a building owner to notify and obtain formal agreement from adjoining occupier(s) where the building owner intends to carry out work which involves: 1. Work involving an existing shared wall with another property; 2. Building on the boundary with a neighbouring property; 3. Excavating near a neighbouring building, and that work falls within the scope of the Act. Procedures under this Act are separate from the need for planning permission and building regulations approval. 'The Party Wall etc. Act 1996: explanatory booklet' is available at [www.communities.gov.uk](http://www.communities.gov.uk). (I71).**

**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).**

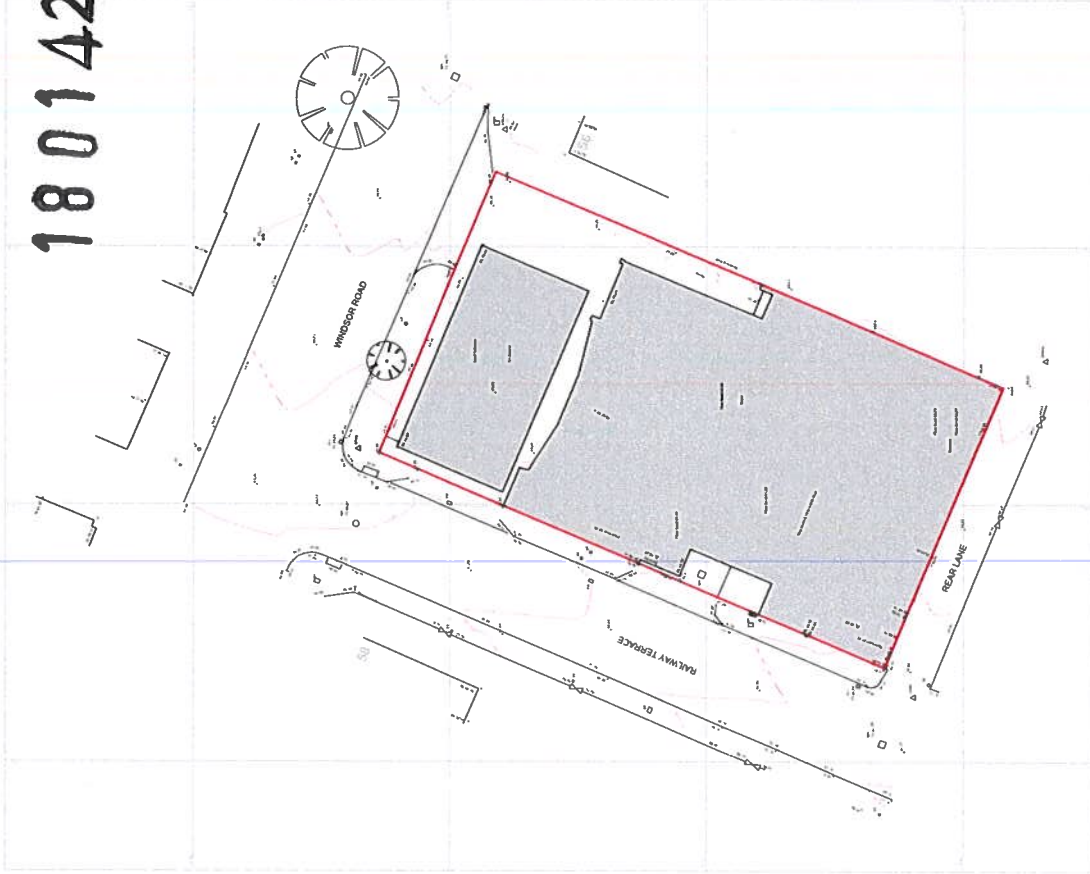
**The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised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

1801420 FUL



SITE LOCATION PLAN 1:1250



LOWER GROUND FLOOR PLAN 1:200

NO.	DATE	BY	CHKD	REV.
1	11/06/2018	AS	AS	1
2	11/06/2018	AS	AS	2
3	11/06/2018	AS	AS	3
4	11/06/2018	AS	AS	4
5	11/06/2018	AS	AS	5

dimensions to be distributed  
red line denotes site boundary



Planned dimensions and levels to be used.  
All resources must be referred to the architect.  
Detail drawings and large scale drawings  
User practitioner over smaller drawings.

Rev.	Chk'd	Rev.	Chk'd	Rev.	Chk'd

PRELIMINARY	PLANNING	DESIGN	TENDER	CONSTRUCTION


**powelljacobson ARCHITECTS**

Contract: X-Stream Developments  
Former Garage Site, Windsor Road, Penarth

Title: Existing Site Plan and Site Location Plan

Drawing No. 18014 (05) 100  
Scale: As shown @ A1  
Date: November 2018  
Checked: CJT

**2019/00247/FUL** Received on 2 July 2019

**APPLICANT:** Mr. & Mrs. Richard Parsons 10, Stradling Close, Sully, Vale of Glamorgan, CF64 5HU

**AGENT:** Architect.Fitz 63, Colcot Road, Barry, Vale of Glamorgan, CF62 8HL

### **10, Stradling Close, Sully**

Proposed first floor to existing bungalow, to include heightening of the existing ridge and the addition of a dormer to the south elevation

#### **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. Kevin Mahoney due to the level of concerns raised by neighbours.

#### **EXECUTIVE SUMMARY**

The application relates to 10 Stradling Close, a detached bungalow located within the Sully settlement boundary. The street scene consists of detached bungalows, within which a number have been altered with roof extensions and dormers.

The proposal seeks to add a first floor to an existing bungalow, by raising the roof and adding accommodation within that new roof space. The plans have been amended to reduce the scale of the proposed extension and to add a dormer on the side elevation.

The initial proposal resulted in five neighbour objections and the amended scheme has resulted in two neighbour representations – one in support of the amended scheme and one objecting.

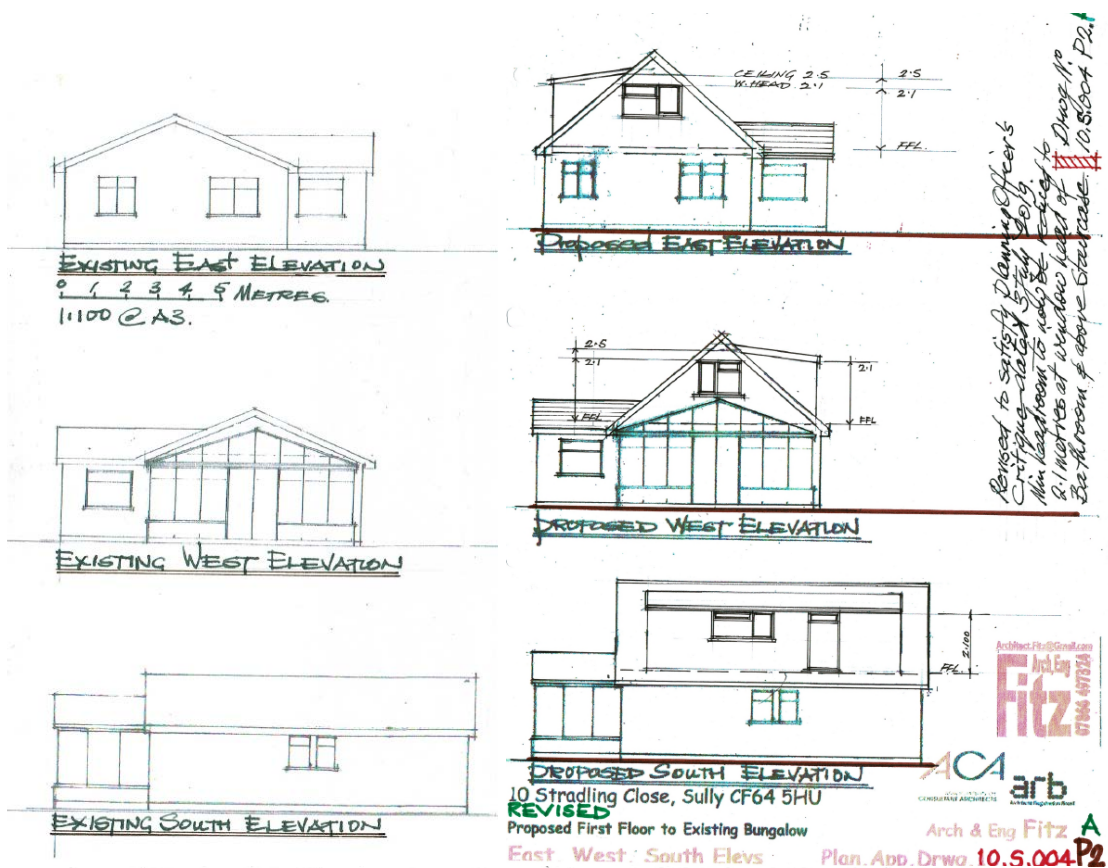
The application is recommended for approval, subject to conditions.

#### **SITE AND CONTEXT**

The application relates to 10 Stradling Close, a detached bungalow located within the Sully settlement boundary. There is a footpath which runs along the southern boundary of the site which forms a walking and cycling route that is identified in the adopted Local Development Plan. The streetscene consists of detached bungalows, within which a number have been altered with roof extensions and dormers.

#### **DESCRIPTION OF DEVELOPMENT**

The application is for the raising of the roof of the existing bungalow by 1.7m, and the addition of a dormer to the south elevation. The accommodation in the roof would comprise two bedrooms and a bathroom.



**PLANNING HISTORY**

There are many applications relating to the initial development of the housing estate, however there are no applications of relevance in this instance.

**CONSULTATIONS**

**Sully Community Council** were consulted and to date, no comments have been received.

**Sully Ward members** were consulted and comments were received by Cllr Kevin Mahoney to call the application in to planning committee following concerns raised by neighbours.

## REPRESENTATIONS

The neighbouring properties were consulted on 12 March 2019. To date, comments of objection have been received by five neighbours on the original proposals. A summary of their comments are as follows:

- Kitchen which is already overshadowed would be increasingly darkened by the proposals
- In effect converting a bungalow to a house
- Stradling Close consists of 24 bungalows, with some loft conversions and no houses
- No objection to a loft conversion which would be in keeping with others on the street
- Concerns regarding the level of glass to the rear and the overlooking to a garden which is currently not overlooked from this direction.
- Other loft conversions have normal bedroom size window.
- Amount of glass should be reduced.
- Would alter the aesthetics of the close.
- Proposal will block sunlight and create a dark environment.
- Disruption to the cul-de-sac whilst the work is being done and there is no room for added vehicles.
- Will result in energy and financial loss given proximity to neighbour's solar panels.
- Development cannot be contained within the site during building works
- No parking for builders and if there was an emergency, access to neighbouring properties would be difficult / impossible
- Refuse vehicles have refused to enter in the past due to small developments and this job would last at least 6 months.

Following the submission of amended plans, two letters have been received by neighbours. One of these letters raises no objections to the revised plans whilst the other comments are summarised as follows:

- New plan is an improvement
- No ground within the plot to take materials or vehicles
- Positioned at the end of the close and there is no extra parking for vans
- Concerns regarding access for refuse and emergency vehicles
- Restrictions should be placed on the contractors in the best interests of the care and safety of the neighbours

## 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.

**Technical Advice Notes:**

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

- Technical Advice Note 12 – Design (2016)

**Supplementary Planning Guidance:**

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

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

**Other relevant evidence or policy guidance:**

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

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

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching

the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

### Issues

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

It should be noted that the original proposal raised concerns with regards to the overall scale and design of the proposed first floor extension. The streetscene is characterised by bungalows with low eaves and it was felt that the proposals would represent a visually intrusive and incongruous addition that would have a detrimental impact on the appearance and character of the wider streetscene. The original proposals are shown in the plans below:



As a result of these concerns, the plans have been amended and the following report is based on the amended plans shown in the description of development section.

### Design and Visual impact

The proposed extension would be highly visible from within the wider streetscene around the site. The proposed extension would match the footprint of the existing ground floor, albeit its ridge height would be increased from approximately 4.2m to 5.9m – thus resulting in an overall increase of approximately 1.7m. The streetscene at present consists of

modestly scaled bungalows, of varying designs. A number of properties in the street have a modest first floor element, some of which are the original dwellings and others have been altered/extended. Most notably, the next door neighbour at number 8 has previously added a first floor element (2000/00805/FUL) by raising the roof ridge by approximately 0.7m. Additionally, number 19 which is located opposite the property has raised its ridge height by approximately 2m. Whilst there are clear examples of other extensions within the streetscene, it is noted that they all have been done in a sensitive way with relatively steep pitches to the roofs and low eaves.

Policy MD2 states that development proposals should *“be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment”* and also responds *“appropriately to the local context and character of neighbouring buildings in terms of use, type, form, scale, mix and density”*. In addition, policy MD5 states that developments within settlement boundaries should be *“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 proposals would result in an increase to the property’s ridge, however following discussions with the Officer, there would be no height increase to the eaves. The resultant extension would therefore result in a steeper pitch to match that of neighbouring properties and also results in an extension which is much less ‘bulkier’ than that previously proposed. The ridge height would not be excessive in this context and the resultant dwelling would not appear over scaled or visually incongruous.

In addition, the application proposes a dormer to the side elevation to address the loss of headspace as a result of the amended plans. Whilst the proposed dormer would alter the appearance of the dwelling, it would be set down from the ridge and up from the eaves, and in from the sides. Consequently the proposed dormer is considered to be of a modest scale that would not dominate the roof slope or have a detrimental impact on the appearance of the property or wider streetscene.

Taking the above into consideration, it is considered that the proposals would comply with policies SP1, MD2 and MD5 of the Council’s LDP.

### Parking

The existing parking is located to the front of the property by means of a private driveway which provides parking for approximately 2-3 cars. The proposals would result in an additional bedroom to the property – taking the total of bedrooms from two to three. Whilst the addition of a third bedroom could result in an increased demand for parking, it is considered that there is sufficient parking within the site and on street to serve the needs of the dwelling as extended and to comply with the aims of the Council’s Parking SPG.

### Amenity space

The proposed extension would be located above the existing footprint and therefore there would be no loss of amenity space. The existing garden is of sufficient size to meet the needs of the occupiers.

## Impact on neighbours

The proposed dormer would be visible to neighbouring properties, however given its location within the roof plane and distance to neighbouring boundaries, it is considered that it would not have a detrimental impact on neighbours in terms of being overbearing or overshadowing. Whilst the windows would offer views towards neighbouring properties, these views would be to the front of these properties which are already visible from within the public domain. In addition, the dormer windows would serve a stairwell and a bathroom, i.e. not habitable rooms.

### 11, Eckley Road

The proposed extension would be located approximately 18-19m away from the boundary to this neighbour. The proposals would result in a new window at first floor level which would offer views towards this neighbour. However, whilst a level of overlooking would occur, given the distance to the boundary it is considered that views would not be unacceptably close or direct. The increase in the ridge height would not be overbearing or unneighbourly towards this neighbour.

### 8, Stradling Close

The neighbour has two ground floor side elevation windows facing this neighbour which serve a W.C and a bathroom. Given the location of the proposed extension to the south of this neighbour, a very limited shadowing impact may occur however given they serve non-habitable rooms and given the modest scale of the works, it is considered that the impact on these windows would not be unreasonable.

It is also noted that the application dwelling is set back further in the plot than this neighbour and as such, the first floor element of the proposals would project past this neighbour's rear elevation. However, whilst this may have an impact on the outlook from the rear of this neighbouring property (the rooms and garden), given the distance of approximately 2-2.5m between the proposed extension and the boundary to these neighbours and the modest scale of the works, it is considered that the impact would not be unacceptable.

In addition to the above, it is also noted that there are rooflights within the roof slope which serve a bedroom. The outlook from these windows would be altered as a result of the proposals, however given the distance to the boundary it is considered that the impact would not be unreasonable.

### Solar panels

It should be noted that the neighbour at number 8 has solar panels on the roof facing this neighbour. As aforementioned, the proposal would be located to the south and south-west of this neighbour and therefore the extension may have an impact on the level of sunlight the panels would receive. However, it is considered that it would be unreasonable to refuse an application on this basis given that the solar panels are currently relying on borrowed light. It is in any case considered that they would still retain a generous degree of openness.

## Other issues

Many of the neighbour letters refer to concerns regarding the lack of space for building materials and the parking of vans etc. As with any extension, some disruption is to be expected during the construction phase, however, the development is not of a scale where a Construction Environmental Management Plan would be warranted. In addition, the grant of planning permission does not permit the applicant to place building materials etc. on land which is not within their ownership.

## 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:

10.s.01 To 02 Existing & Proposed Ground Floor Plan

10.S.003A and 004A Proposed Elevations and first floor plan amended 07.08.19

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 extensions shall match those used in the existing dwelling that exist 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 Policy SP1 –Delivering The Strategy, Policy MD 2 – Design Of New Development and Policy MD 5 – 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 Guidelines, Planning Policy Wales 10th Edition and Technical Advice Note 12- Design, the development is considered acceptable in terms of its scale, design, impact on neighbours, parking and impact on amenity space provision.

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.**

ADMINISTRATIVE AREA  
THE VALE OF GLAMORGAN  
BRO MORGANNWG

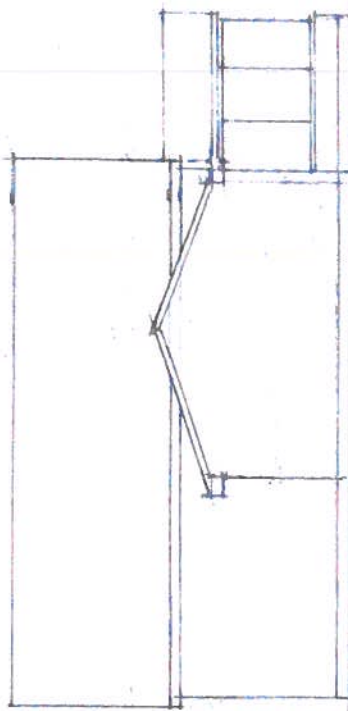
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H.M. LAND REGISTRY		PLAN REFERENCE ST 1568	
TITLE NUMBER <b>WA285854</b>		SECTION P	Scale 1/1250
		COUNTY SOUTH GLAMORGAN DISTRICT VALE OF GLAMORGAN	



EXISTING North ELEVATION

0 1 2 3 4 5 Metres. 1/100@A3.

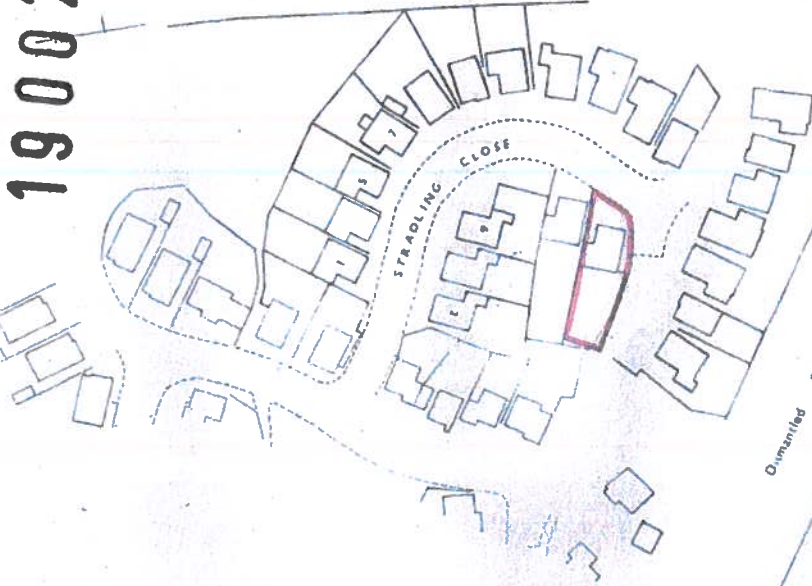


PROPOSED North ELEVATION

1900247FUL

0 10 20 30 40 50 60 70 Metres.  
1:1250@A3.

NE  
SE  
SW



10 Stradling Close, Sully CF64 5HU  
Proposed First Floor to Existing Bungalow  
North Elevs & Location Plan Plan.App.Drwg.10.S.005

Architect: Fitz@gmail.com  
07866 497324  
**FITZ**  
Arch Eng

**ACA**  
ARCHITECTS  
REGISTERED ARCHITECTS  
Arch & Eng Fitz

**2019/00765/FUL** Received on 12 July 2019

**APPLICANT:** Miss Jane Lorimer 5, Albert Crescent, Penarth, CF64 1DA

**AGENT:** Mr Elio Leo Elio Leo Architects, Old Hall , High Street, Cowbridge, CF71 7AH

### **5, Albert Crescent, Penarth**

Proposed granny apartment extension to rear garden

### **REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because it has been called in for determination by Cllr Neil Thomas citing concerns in relation to the impact on the Conservation Area, concerns regarding back lane development and precedent.

### **EXECUTIVE SUMMARY**

The application site relates to the garden of a ground floor flat within a traditional Victorian 3-storey property located within the Penarth settlement boundary and Conservation Area.

The proposal is for a single storey detached outbuilding providing ancillary accommodation as an annex comprised of 1 bedroom, bathroom, and kitchen / living area. Access is as existing with an extended parking area shared with the main dwelling along with shared use of the garden.

Concerns have been raised by neighbouring properties about the proposed intensification of the site.

The application is recommended for approval with conditions including the use of the building ancillary to the main dwelling.

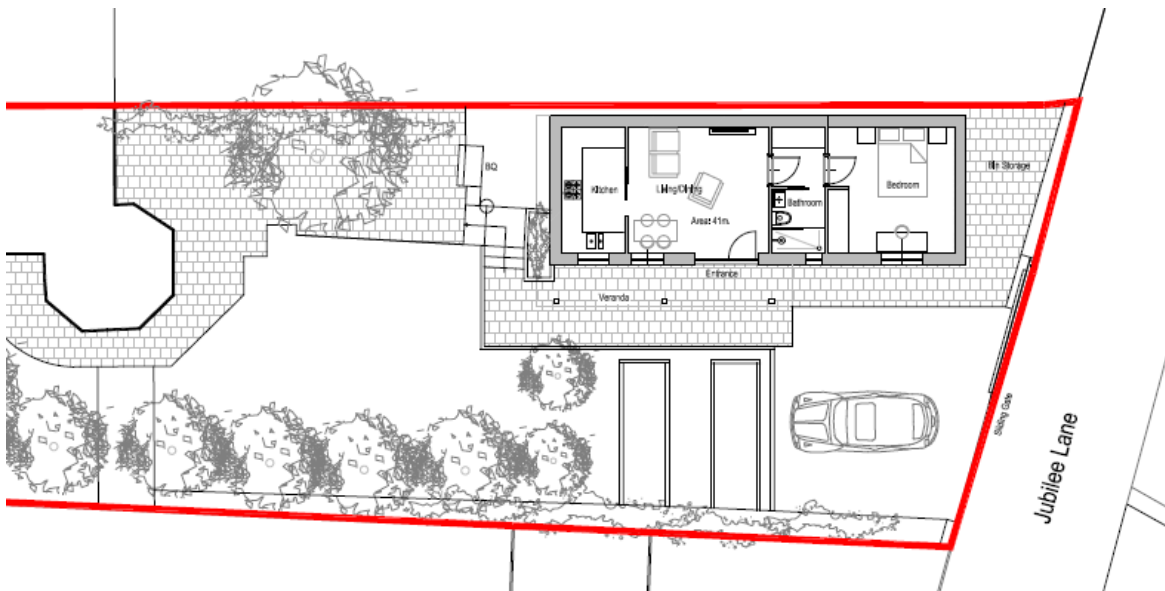
### **SITE AND CONTEXT**

The application site relates to the garden of 5 Albert Crescent a ground floor flat within a traditional Victorian 3-storey property, located within the Penarth settlement boundary and Conservation area. The property relates to the ground floor flat and rear amenity space with one separate flat above. The property backs onto Jubilee Lane to the rear with Belle Vue gardens to the front.

### **DESCRIPTION OF DEVELOPMENT**

The application seeks consent for a proposed granny annexe to the rear of the property. The annexe would be detached from the main dwelling and would be located at the bottom of the rear garden area. The annexe would measure 4.2m in depth and 11.8m width, with a roof length of 12.6m. The height of the annexe would measure 3.3m to the ridge and 2.6m to the eaves, with a 1.7m overhang. The overhang would form a veranda to the front elevation of the annexe. All measurements are approximate, and plans of the proposal are shown below;





## PLANNING HISTORY

2004/02063/OUT, Address: 5, Albert Crescent, Penarth, Proposal: Proposed two storey garden cottage (first floor contained within roof space), Decision: Refused on 10<sup>th</sup> June 2005 for the following reasons:

1. Insufficient information has been submitted to fully assess the impact of the proposal on the Conservation Area. Notwithstanding this, it is considered that the proposed subdivision of the plot and construction of a dwelling in the rear garden of an existing property would be out of character with an area characterised by large properties set within spacious gardens having high standards of privacy. The development would therefore fail to preserve or enhance the appearance and character of the Penarth Conservation Area contrary to [UDP Policies].
2. The proposal is likely to result in loss of privacy for neighbouring occupiers and would provide an unsatisfactory level of privacy for the occupiers of the proposed development [contrary to UDP policies].
3. The proposal represents and overdevelopment of the site with substandard access and car parking arrangements [contrary to UDP policies].

## CONSULTATIONS

**Penarth Town Council** were consulted and a response was received which stated no objection.

**Highway Development** were consulted and no representation has been received to date.

**St. Augustines Ward** members were consulted and a response was received from Cllr Thomas which stated the following concerns;

*“I am more than a little concerned about this proposed building in the Penarth Conservation Area. Such back lane developments with apparent completely separate access and parking are out of keeping with the principles of the conservation area and I would have concern about the future disposal of such a property where the potential for it to be sold off as a separate dwelling is all too possible. This may not be the present intention but it is a future possibility.*

*I would also question whether this represents overdevelopment and unneighbourly development given its back lane nature and the loss of amenity space which is out of character for the area.*

*I would hope that the officer delegated would share my concerns and at the very least condition to prevent this becoming a separate dwelling in perpetuity.*

*If the officer is minded to approve then I would wish the application to be considered at committee given the implications for the conservation area and for the concerns I have expressed above.”*

Following email correspondence with Cllr Thomas, the application was called into committee due to the impact on the Conservation Area, concerns regarding back lane development and a dangerous precedent.

**Conservation officer** was consulted and a response was received that stated no objection along with the following comments;

*“The proposed building is contemporary in its form and is modest in scale. Whilst it will be visible from Jubilee Lane I am satisfied that the building will not have an adverse impact on the appearance of the conservation area.*

*Notwithstanding the above, I note the proximity of the building to the boundary and you should consider whether this will be overbearing on the neighbouring property.*

*Turning to the effect of the proposal on the character of the conservation area, the proposal will undoubtedly result in some sort of intensification of the site, however, I note that the proposed use will be ancillary to the primary dwelling.*

*Given this ancillary nature I am satisfied that the proposal will not have an adverse impact on the character of the conservation area.”*

## REPRESENTATIONS

The neighbouring properties were consulted on 19 July 2019 and an objection response was received from a neighbouring property, who raised the following concerns;

- Potential impact on the Conservation area
- Potential precedent the development may set and impact on amenities

- Jubilee lane is a busy access lane for properties both side, additional development will impact volume of traffic, noise for the neighbouring properties and safety for residents, particularly children, using the lane as a walkway.
- Waste disposal and collection and disturbance it will cause during building process.
- Once built, concerns that it would be sold or rented as a standalone property rather than annexe.
- It is already extremely difficult to find parking space near Clive Place and Albert Crescent.

## **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.

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

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

- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 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:

- Penarth Conservation Area
- Residential and Householder Development (2018)
- Penarth 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**

The main issues to consider when assessing this proposal relate to the form, scale and design of the proposed annex and its possible impact upon the character of the Conservation Area. Consideration will also be given to the possible impact on neighbours, amenity space and parking.

## **Principle of the Proposed Annex**

The development proposes a single storey building in the garden of an existing dwelling, to provide additional ancillary accommodation for the main dwelling in the form of an annex consisting of 1 bedroom, bathroom, and kitchen / living area. Parking for 2 cars is shown next to the building accessed via the rear Jubilee Lane. This access / parking area is shared with the main dwelling along with the rear garden area.

When assessing such proposals, consideration needs to be given to the degree of separation from the main house and whether the accommodation is 'truly ancillary' or whether it would in effect represent a new dwelling. If the latter, this can be acceptable within settlement boundaries subject to considerations such as neighbour impact, access, character and design.

In this case, the proposal is for a separate building some distance from the main dwelling at the rear of the garden, and the internal accommodation is sufficient for a person to occupy it in isolation from the main house. However, the building is small scale, and will have shared access, parking and garden with the main house and this will ensure they function jointly as a single residential unit at this time.

With regard to concerns raised over the use the annexe, it is noted that the proposal would result in an intensification on the site, however the proposal is for the unit to be used as an ancillary unit to the main dwelling. Should the application be approved a condition is recommended (**condition 3 refers**) to only allow ancillary use of the unit in association with the existing property to prevent any independent use.

### **Design and visual impact**

Policy MD2 Design of New Developments of the Vale of Glamorgan Local Development Plan 2011-2026 states that in order to create high quality, healthy, sustainable and locally distinct places development proposals should (inter alia):

1. 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.
2. Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density.

Policy MD5 Development within Settlement Boundaries states that new development within settlements will be permitted where the proposed development;

1. Makes efficient use of land or buildings
2. Is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality.
3. 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.

The proposed annexe would be located to the rear of the property, in a relatively set down location due to the gradually sloping garden. The building would be located approximately 10.5m from the rear elevation of the property. It would not be visible from the front of the property and would therefore not impact upon the character and appearance of the street-scene at the front. The proposal would be visible from the rear access lane (Jubilee Lane) however it would be set back from the boundary with the lane by approximately 2m, where a bin store area is indicated, and would largely be screened by the existing high boundary fencing.

The proposed annexe would be relatively wide (approximately 11.8m) however, given the scale of the surrounding dwellings and size of the garden at the property, the annexe is not considered to be out of scale or character with the surrounding area. The annexe is considered to be of a moderate height and depth that is not considered to unacceptably harm the character and appearance of the property or wider street-scene. With regard to

the Conservation Area the annexe will not be widely visible within immediate street-scenes and would be of a design that is considered to preserve the character of the Conservation Area.

It is noted that the proposed external materials consist of white render, dark grey powder coated aluminium windows and doors and a zinc roof system. The materials are considered to be relatively contemporary, however would be in-keeping and are not considered to detract from the character and appearance of the surrounding area. The proposed veranda with oak timber posts is considered to be of a moderate scale and form that would not unacceptably impact upon the appearance of the structure. It is considered that the design and scale of the proposal is acceptable and would not unacceptably impact upon the character or the property or wider street-scene, nor be detrimental to the overall appearance of the property, or the conservation area, in accordance with Section 72(1) of the Act.

### **Impact on neighbours**

Having regard for the neighbour at Flat 5a above the application site flat at ground floor, it is noted that the proposed annexe would be visible from the rear of the property, however would be set approximately 10.5m from the rear of the property and be set down at the bottom of the garden that slopes away from the house, so that it would not detract from their immediate outlook to an unreasonable degree. The annexe would have no windows on the side elevation facing up towards 5a and therefore would not adversely impact upon their privacy.

With regard to the adjoining neighbouring property at no.6 Albert Crescent, it is noted that the proposed annexe building would be approximately 0.3m off the boundary and would be located approximately 12m from the rear elevation of the property. The rear elevation of the annexe, would be in close proximity to the neighbour's boundary and is considered due to its length and height to be a relatively prominent structure to the south-west area of the garden. The proposal would result in a loss of light to a certain degree, however, given the relatively large scale garden at the property, with the majority of the usable amenity space set closer to the property at the top of the garden, the annex building is not considered to result in an unreasonable impact on the residential amenity of that property. It is also noted that the proposed annexe would not have windows facing towards the neighbouring property at no.6 that would impact upon their privacy. Therefore, given the size and sloping gradient of the garden and the modest height of the annexe it is not considered to unacceptably impact upon the residential amenity of the neighbouring property at no.6.

With regard to the neighbouring property at no.4 Albert Crescent, the proposed annexe would be set off the boundary by approximately 7.3m and would be approximately 14.5m from the rear elevation of that property. The proposed annexe would be single storey and would be at a set down location due to the gradually sloping gardens. The annexe is not considered to result in an overbearing impact upon the neighbouring property. It is noted that the windows proposed on the front elevation of the annexe would be facing west towards the rear amenity space of no.4. However, given they are ground floor windows these views would be screened by the existing boundary wall and vegetation.

With regard to the properties to the rear, along Clive Place, the side elevation of the proposed annexe would be partially visible from the rear of the properties and Jubilee

lane. However the building would largely be screened by the existing boundary fence and would set off the boundary with the properties by approximately 6m.

### **Amenity space and parking**

It is noted that the proposal would result in the loss of a section of rear amenity space, however sufficient amenity space would remain that meets the aims of the Council's SPG on Residential and Householder Development.

With regard to parking it is noted that the rear access and parking area is existing. The application includes the extension of the parking area to increase the depth into the garden. The proposal is not considered to alter the access and would only extend the existing parking area, retaining the existing parking space. It is noted that the lane is relatively narrow and is frequently used, however it is noted that there are numerous outbuildings and garages along the lane, and given that the access would remain the same it is not considered to unacceptably impact upon the lane and the access would not be unacceptably intensified.

### **Other matters**

With regard to waste collection, it is noted that the proposal includes a bin store area at the rear of the property and given that the use would be ancillary to the main dwelling, it is considered that waste collection would be included within main dwellings waste collection.

## **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:

Dwg No.P.01 - Site Location Plan  
Dwg No.P.03 - Proposed Site Plan  
Dwg No.P.04 - Proposed Ground Floor Plan  
Dwg No.P.05 - Proposed Roof Plan  
Dwg No.P.06 - Proposed Elevation 1  
Dwg No.P.07 - Proposed Elevation 2  
Dwg No.P.08 - Proposed Elevation 3

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 annexe building shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 5, Albert Crescent.

Reason:

To avoid the creation of a separate unit of residential accommodation, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD1 Location of New Development 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, 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, and the advice contained within the Council's Supplementary Planning Guidance on the Penarth Conservation Area Appraisal and Management Plan, Planning Policy Wales 10<sup>th</sup> Edition, Technical Advice Note 12 – Design (2016) and Technical Advice Note 24 – The Historic Environment (2017), the proposal is considered acceptable in terms of its scale, design, impact on neighbours and impact on the Conservation Area.

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).**

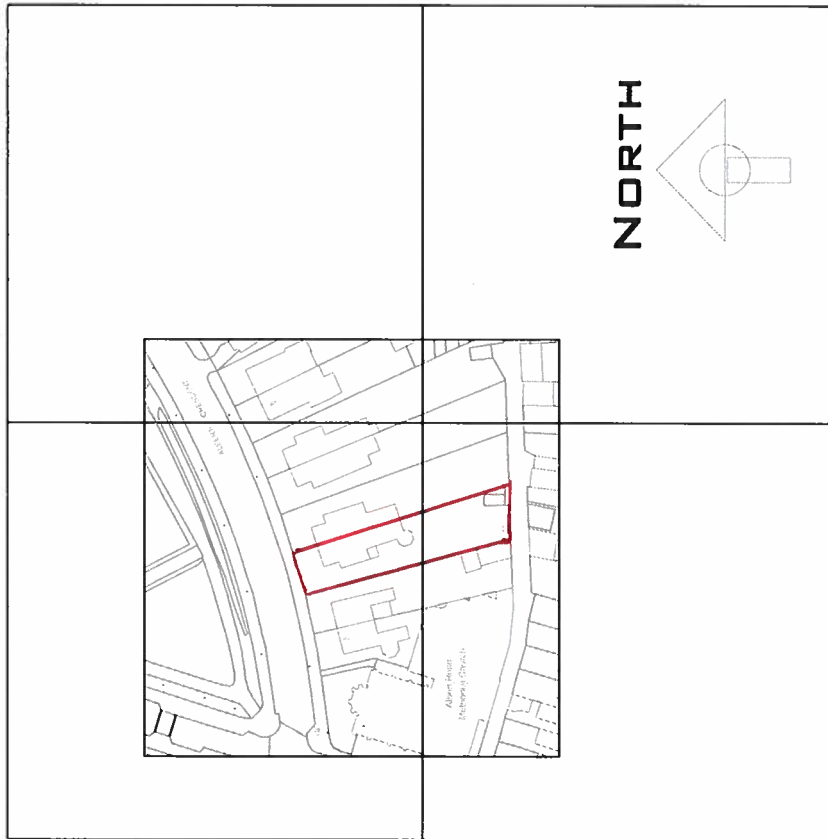


**The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised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

RevNo	Revision note	Date	Signature	Checked
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318600m 318700m 318800m  
 172000m 172000m



171800m 171900m 171900m

171800m 171800m  
 318600m 318700m 318800m

1900765FUL

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**SITE LOCATION PLAN 1/1250**

Designed by EL	Checked by EL	Date 05.2019	File name X1	Dwg.N. P.01	Scale 1:1250
Miss Jane Lorrimer 5 Albert Crescent, Penarth, CF64 1DA			<b>SITE LOCATION PLAN</b> <b>ELIO LEO ARCHITECTS</b> <small>105, ALBERT ROAD, PENARTH, CLWYD, WY. PLANNING DEPARTMENT, PENARTH, WY. 01495 614444</small>		

**2019/00917/FUL** Received on 16 August 2019

**APPLICANT:** Mr. & Mrs. R. Thomas 29, Clevedon Avenue, Sully, Vale of Glamorgan, CF64 5SX

**AGENT:** Mr. Ben Wright B W Architectural Services Ltd, 48, Smithies Avenue, Sully, Vale of Glamorgan, CF64 5SS

### **29, Clevedon Avenue, Sully**

The proposal is for a garden room with storage to be installed in the place of a static caravan that was being used as a shed/ for storage

### **REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because it has been called in for determination by Councillor B. Penrose due to concerns regarding visual impact.

### **EXECUTIVE SUMMARY**

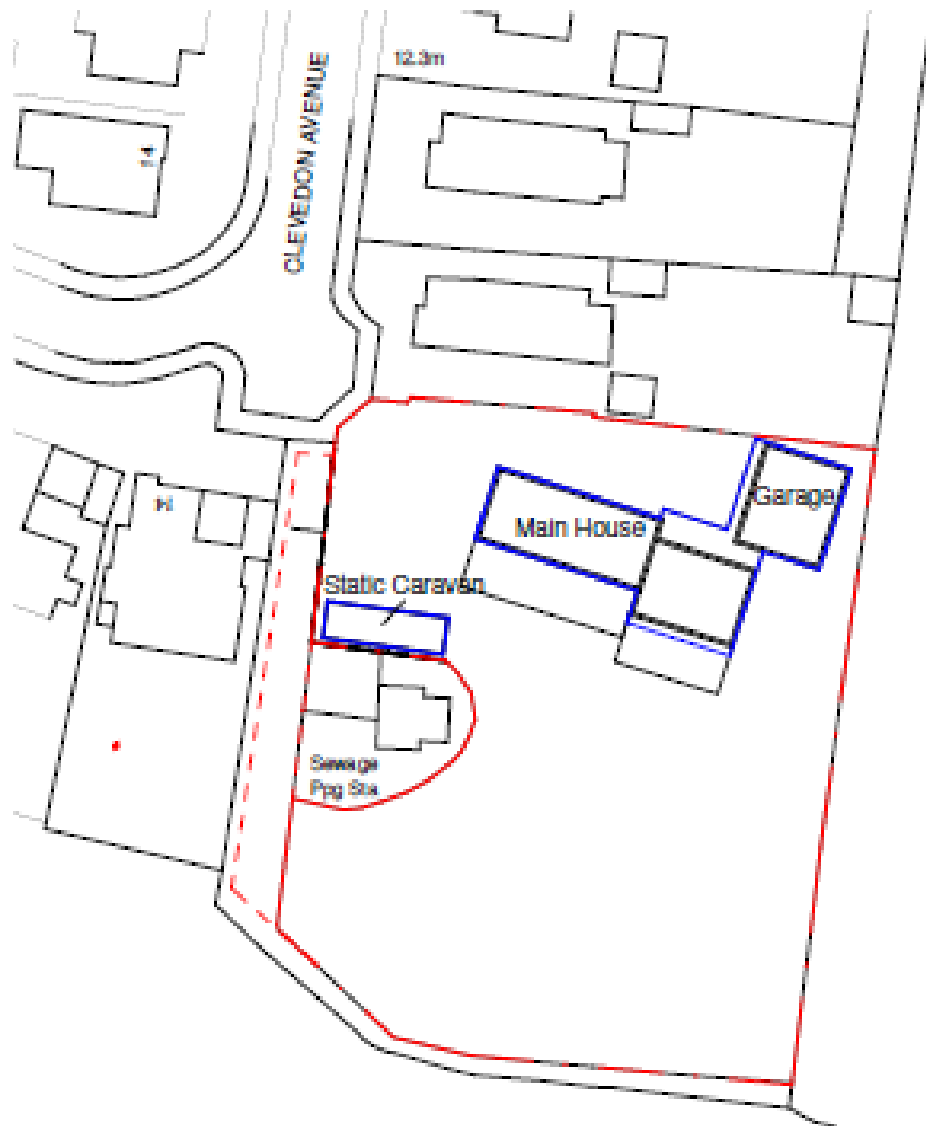
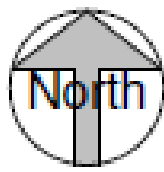
The application relates to a proposed single storey garden room with storage at 29 Clevedon Avenue, Sully. The application is retrospective, as the partially completed room has replaced a static caravan that used to be situated within the curtilage of the property.

There have been four objections from neighbours. They have collectively raised concerns regarding the impact the proposed development will have on the street scene and coastal path. They have objected to the location of the building in relation to the beach, suggesting its size, scale and siting will have an unacceptable impact on the visual amenity of the coast.

The primary issues to consider related to this application are whether the proposed garden room with storage will unacceptably harm the character of the street scene and the visual amenity of the area and whether it is un-neighbourly within its present siting. Having considered these matters, the application is recommended for approval.

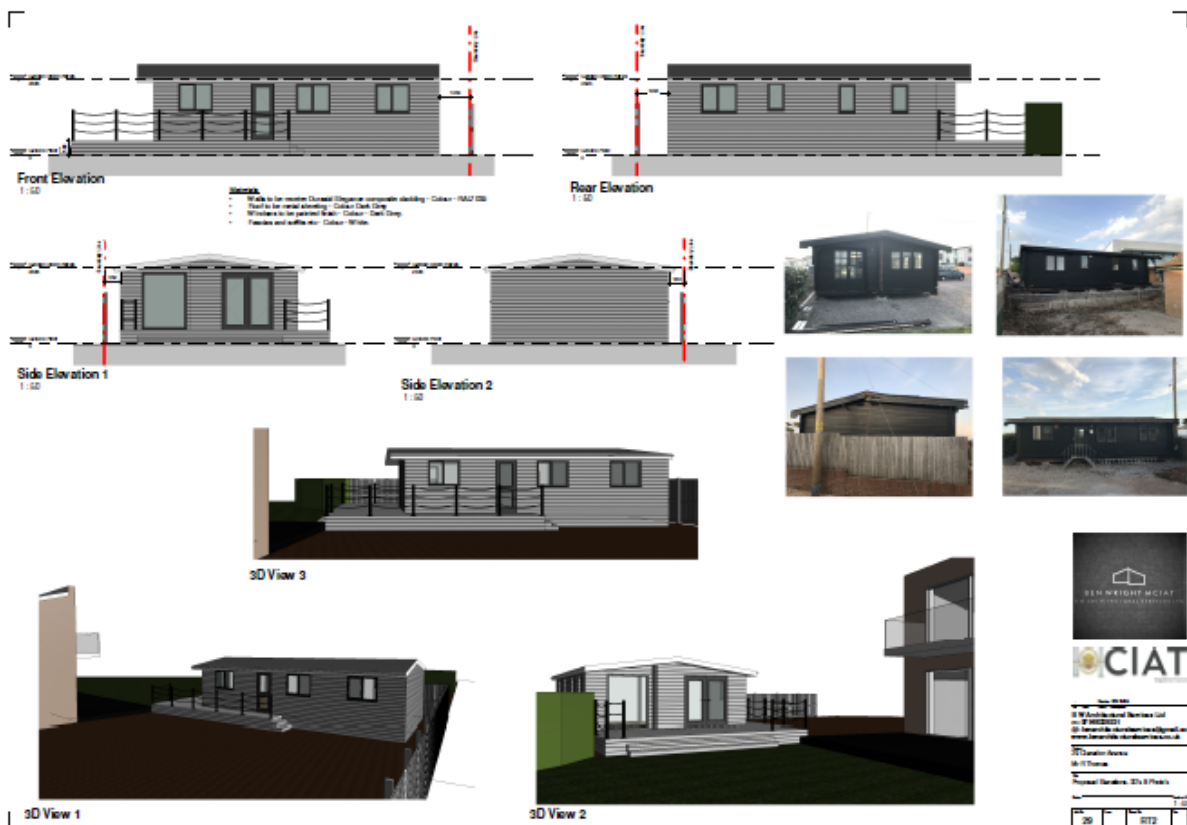
### **SITE AND CONTEXT**

The application relates to a proposed garden room with storage, within the curtilage of 29 Clevedon Avenue, Sully. This property lies within the Sully settlement boundary, as identified by the adopted Local Development Plan (LDP) 2011-2026. The location of the property in relation to its surroundings is illustrated by the map below with the site for the 'garden room' labelled as 'static caravan'.



### DESCRIPTION OF DEVELOPMENT

The application seeks consent to replace a static caravan at the property with a fully clad and metal sheet roofed garden room with storage. The new building has a height of 3.1m, a width of 6.1m and a depth of 9.7m and has already been erected on site. Detailed plans have been included below.



## PLANNING HISTORY

2013/00292/FUL, Address: 29, Clevedon Avenue, Sully, Proposal: Demolition of existing garage, remodelling and extension of existing house, construction of new vehicle access and detached garage, and change of use of land from playing fields to garden, Decision: Approved.

2013/01175/FUL, Address: 29, Clevedon Avenue, Sully. Proposal: Demolition of existing detached property and garage. Construction of new detached dwelling and garage, Decision: Approved.

## CONSULTATIONS

**Sully Community Council** – No objection

**Local Ward Members** – Councillor B. Penrose has requested that the application be presented to the planning committee for the following reasons:

- The scale and size of the room is inappropriate within its present siting.
- The room will have an unacceptable impact on the street scene and visual amenity of the beach and coast path.
- A room of this size will be highly visible from a neighbour's perspective.
- The application is retrospective and neighbours are unsure as to why an outbuilding of this nature would require a mains sewerage connection.

**Shared Regulatory Services (Pollution)** – Precautions advised in relation to land and waste contamination.

## REPRESENTATIONS

The neighbouring properties were consulted on 19 August 2019 and a site notice has been erected. Comments objecting to the proposal have been received from four neighbours. They highlight the following points:

- The size and scale of the room will be highly visible and damage the visual amenity of the area and the street scene.
- The room's height is inappropriate considering its proximity with the boundary wall, coast and footpath leading to the beach.
- The application is retrospective and neighbours would like to comment on the need for the room to be connected to mains drainage.

Comments in favour of the proposal have been received from one neighbour. They highlight the following points:

- Provided that the construction of the Garden Room adheres to the plans, they have no objection to the development.
- The light coloured cladding and new roof will be an improvement compared to its current finish.
- The garden room is an improvement to the caravan which previously occupied the site.

## 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.

### **Technical Advice Notes:**

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

- Technical Advice Note 12 – Design (2016)

### **Supplementary Planning Guidance:**

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

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

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

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

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

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

### Issues

The design and visual impact of the proposed development will be assessed in terms the character of the dwellinghouse and street scene, taking into account wider views from the coastal path. The impacts on neighbours' amenity, parking and amenity space has also been considered.

### Design and Visual Impact

The building covers an area of approximately 59.17sqm, has a height of 3.1m and is situated within 2m of the boundary of the curtilage of the dwellinghouse. The photograph below shows the building in situ, viewed from the public path.



Policy MD2 in the adopted LDP (2011-2026) sets out that new development should “Respond appropriately to the local context and character of neighbouring buildings”. The proposed garden room is located beyond the principal elevation of 29, Clevedon Avenue, Sully. Considering the scale and siting, it is visible from within the wider street scene, from Clevedon Avenue and the path that links it to the coastal path in particular. However, the sewerage pumping station directly behind the development and a section of hedgerow partially screen it from the coastal path and beach.

It is undoubtedly a relatively large domestic outbuilding, however, it nevertheless fundamentally a domestic building which would be permitted development if it were sited more than 2m from the site boundary. If it were sited 2m from the site boundary, the visual impact would not be distinctly different to that resulting from the current location. Notwithstanding that, while it is prominent from parts of the street, it is considered that its scale and form are such that the visual amenity of the wider street scene is not unacceptably affected. Its prominence is increased as a consequence of the change in levels between the site and the adjacent path, however, even taking this in to account, it is considered that the visual impact is not so severe that planning permission could justifiably be refused.

From the coastal path it is screened from directly south of the site, and from points along the path to either side the building would be visible, but at a greater distance than the localised points assessed above. It would be largely viewed in the context of the dwellings further beyond and it is considered that it does not appear as unacceptably visually intrusive from the coastal path.

Precedent of the cladding can be found within the existing street scene, therefore there will be no unacceptable impact derived from using this material. The metal sheet roof is



not considered unacceptable, considering the variety of materials that have been used in the street scene and the limited degree to which the roof is visible.

In summary, it is considered that the development would not unacceptably impact upon the character of the area, in compliance with policies MD2 and MD5 of the LDP.

### Neighbour Impact

Policy MD2 in the adopted LDP (2011-2026), stipulates that new development should be designed to "Safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance". With regard to noise and disturbance, the proposed use of the outbuilding as a garden room with storage is not considered to cause any unreasonable disturbance or noise. Furthermore, given the height and position of the garden room, its erection is not considered to be un-neighbourly given its distance from neighbouring properties. Overall, considering the size, scale and siting of the garden room, the impact on neighbours will be negligible.

A number of neighbours have also objected to the prospect that the garden room will be connected to mains drainage. Neither the plans nor the application have specified this. Therefore, this cannot be considered as part of this assessment.

### Private Residential Amenity Space

Policy MD2, in the adopted LDP (2011-2026), stipulates that new development should be designed to provide private amenity space that adheres to council standards. The proposed garden room with storage will cover an area of 59.17sqm to the front of the property. Considering the amount of ground within the curtilage of 29, Clevedon Avenue, the proposal will have a minimal impact and will not unacceptably detract from private residential amenity space at the property.

### Parking Provision

The proposed garden room with storage is positioned to the front of the property, on a roughly surfaced area. Therefore, the length and width of the current paved driveway will be retained, which already exceeds the maximum requirement for car parking set out within the Council's parking standards supplementary planning guidance (2019). Therefore, the proposal will not result in an unacceptable loss of parking at the property.

## RECOMMENDATION

### APPROVE subject to the following condition(s):

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

Proposed elevations (received: 16/08/2019)  
Proposed floor plan (received 16/08/2019)

Reason:

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

## REASON FOR RECOMMENDATION

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

Having regard to Policy SP1 – Delivering the strategy, Policy MD2 - Design of New Development, and Policy 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, Parking Standards, Chapter 3 –Strategic and Spatial Choices, Chapter 6 – Distinctive and Natural Places, of Planning Policy Wales Edition 10 (2018), Technical Advice Note 12- Design, Technical advice note 14 – Coastal Planning, the development is considered acceptable in terms of its scale, design, impact on the existing dwellinghouse, the street scene and visual amenity.

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:

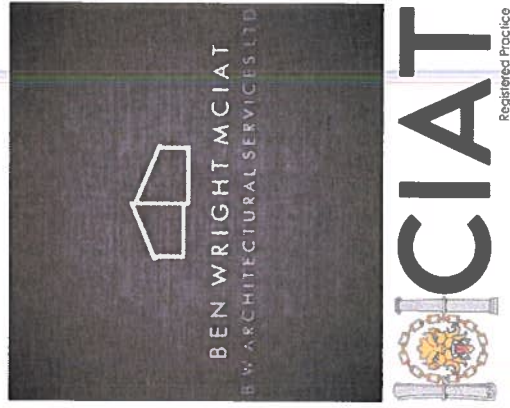
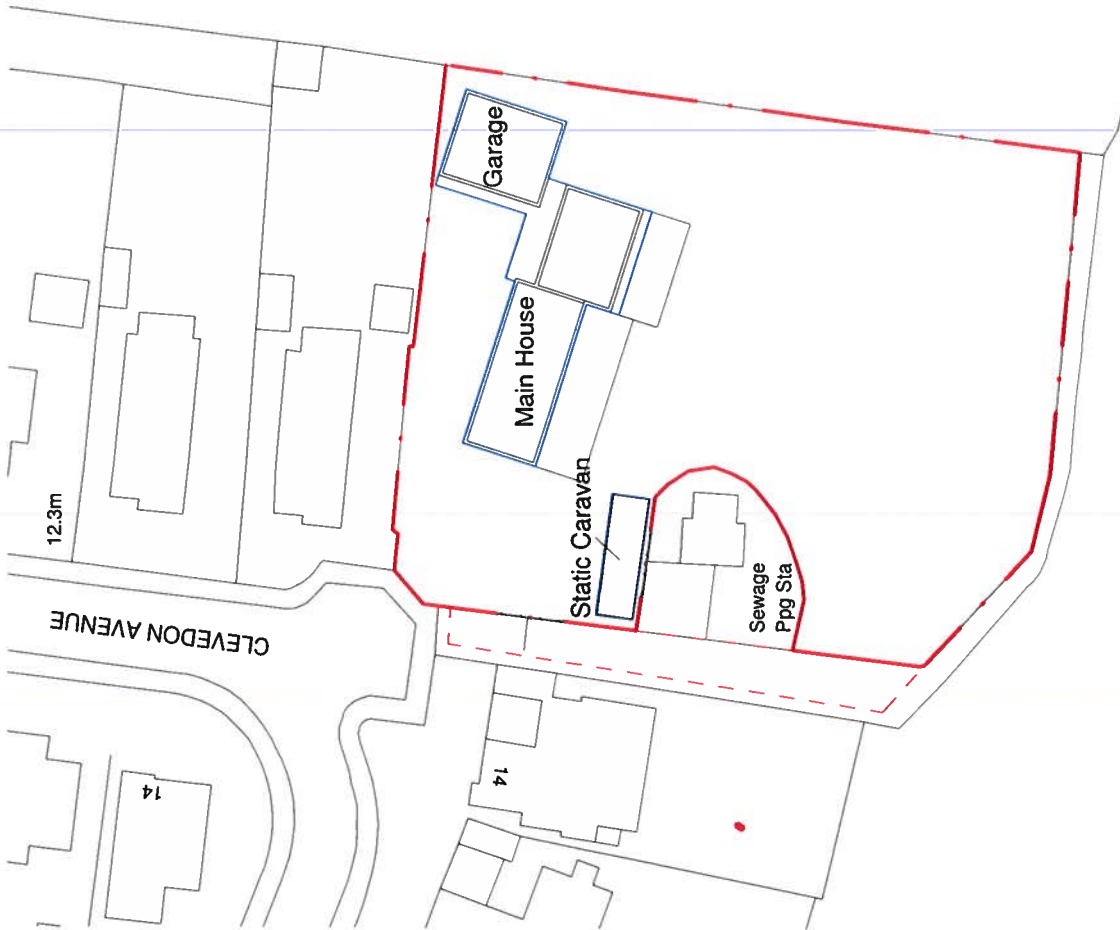
**Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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

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Rev Date Check Description

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Project  
29 Clevedon Avenue  
Mr R Thomas

Title  
Site Plan  
Status

Scale at A3  
1 : 500

Job No	Zone	Sheet No	Rev
29		RT3	