

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 31 JULY, 2019

REPORT OF THE HEAD OF REGENERATION AND PLANNING

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

(a) Building Regulation Applications - Pass

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

2018/1251/BN	A	16, Monmouth Way, Barry	Change bathroom into shower room
2019/0003/PV	AC	Orchard Leigh, Pen Y Turnpike Road, Dinas Powys	Extension to dwelling house
2019/0005/PV	AC	Ty Gerrig, Heol Y Cawl, Llysworney	Side extension
2019/0390/BN	A	14, Woodland Drive, Penarth	Single storey rear extension
2019/0391/BR	AC	Former Medical Centre, 75, Cardiff Road, Dinas Powys	Remodelling, alterations and improvements to provide childcare facilities
2019/0423/BR	AC	Pysgodlyn Barns, West Monkton Farm, Broughton	Conversion of existing barns for single residential unit, holiday let and associated works
2019/0452/BR	AC	Countisbury, St. Lythans Road, St. Lythans	Proposed two storey side and rear extension
2019/0453/BN	A	144, Westward Rise, Barry	Increase the size of window in property using Catnic lintel and installation of window
2019/0466/BR	AC	Pebbles, 3, Weston Avenue, Sully	Enlargement to front porch, front dormers, rear dormer, single storey rear extension and balcony to rear

2019/0469/BR	AC	6, Bittern Way, Penarth	Two storey extension, porch link, garage conversion and alterations
2019/0470/BN	A	15, Willow Crescent, Barry	Garage conversion
2019/0471/BN	A	Pentire, Higher End, St. Athan	Two storey side extension and associated works
2019/0476/BR	AC	31, Cwm Barry way, Barry	To demolish existing rear toilet/store and side porch to construct kitchen extension and new side porch/toilet extension
2019/0478/BN	A	8, Kymin Terrace, Penarth	internal re-modelling works
2019/0479/BR	AC	18, Arcot Street, Penarth	Single storey rear extension
2019/0482/BN	A	24, Gadlys Road West, Barry	Two storey extension to side - Garage, utility and en-suite bedroom. One storey extension to rear - kitchen and living area
2019/0484/BN	A	18, Marine Parade, Penarth	Internal alterations including re-laying concrete floors to semi basement. Alterations to internal walls and partitions, drainage, new window openings and staircase. Replace window frames
2019/0485/BR	AC	Ashton House, St. Mary Church	Forming opening in floor for through floor lift and widening doorways
2019/0486/BR	AC	12, Laburnum Way, Dinas Powys	Installation of through floor lift
2019/0487/BN	A	4, Victoria Square, Penarth	Single storey rear extension to extend kitchen
2019/0488/BR	AC	3, Lucas Close, Barry	Single storey ground floor extension
2019/0489/BR	AC	37, Cornerswell Road, Penarth	Two/three storey extension and internal remodelling
2019/0490/BN	A	9, Cliffwood View, Barry	Single storey extension

2019/0491/BN	A	13, Uppercliff Close, Penarth	Single storey rear extension
2019/0492/BR	AC	Church Farm, Welsh St. Donats, Cowbridge	To erect new principal farm managers dwelling with detached garage
2019/0494/BN	A	60, Chandlers Way, Penarth	Rear wall of property to be removed to accommodate bi-fold doors, 2 downstairs rooms to be knocked into one
2019/0495/BN	A	14, Knowbury Avenue, Penarth	Partial removal of internal walls to living room, kitchen, dining room, hall. Relocate downstairs toilet, bathroom, rewire. New windows and doors
2019/0496/BN	A	21, Westward Rise, Barry	New roof
2019/0497/BN	A	15, Newbarn Holdings, Flemingston, Barry	Single storey extension to side of house joining up to existing outbuildings. Renovation of outbuildings. Extension to ground floor porch. First floor single storey extension to porch.
2019/0498/BR	AC	2, Willow Close, Penarth	Two storey rear extension and associated works
2019/0500/BN	A	The Granary, St. Marys Well Bay Road, Swanbridge, Sully	Remove internal stud wall. Replace with steel beam to accommodate new kitchen / dining room.
2019/0502/BN	A	6, Robinswood Close, Penarth	Upper storey extension on top of existing garage
2019/0506/BN	A	27, Marine Drive, Barry	Single storey extension and alter supporting walls with beams. Re-roof
2019/0508/BN	A	21, Field View Road, Barry	Removal of wall between kitchen and dining room, RSJ support to be installed

2019/0509/BN	A	13, Glen Mavis Way, Barry	Convert garage to garden room. Add damp proof course, raise roof height. Renew electrics. Build retaining walls. Add insulation
2019/0510/BR	AC	24, Elm Grove Road, Dinas Powys	Two storey rear extension, single storey lean-to and internal modifications
2019/0512/BR	AC	36, Paget Road, Penarth	Two storey rear extension to enlarge the kitchen/ dining and living room spaces, and to provide a new utility room. Roof terrace to the extension, accessed from principal bedroom.
2019/0513/BN	A	27, Eastgate, Cowbridge	Conversion of ground floor shop to dwelling. Single storey rear extension. First floor extension over existing garage to form a playroom
2019/0514/BN	A	11, Plassey Street, Penarth	Convert under stairs space into a downstairs cloakroom with a toilet and sink
2019/0515/BN	A	6, Romilly Avenue, Barry	Removal of chimney breast to kitchen and install new electrics to kitchen
2019/0517/BR	AC	14, Plassey Street, Penarth	Single storey extension to enlarge kitchen
2019/0518/BN	A	1, Tyle House Close, Llanmaes	Rear extension and internal alterations
2019/0519/BN	A	6, Chestnut Avenue, Eglwys Brewis, St. Athan	Loft conversion
2019/0520/BN	A	3, St. Ambrose Close, Dinas Powys	1. Replacement windows throughout; 2. Removal of existing RSJ beams and installation of longer RSJ beams to further open out wall in kitchen. Existing opening is 1.86m and is to be opened out to 2.64m. The section of wall that is

			being removed to create this larger opening was old exterior wall of the property before an extension in the 1980s hence the need for two RSJs for each skin. Structural Engineer (Vale Consultancy) has specified 2 x UKB 152x89x16 beams for this. 3. Installation of another RSJ at the back wall of the property to further open the space for the installation of new Bi-Fold doors. New opening will be 4.02 m and will require 254x146x31 UB with a 10mm thick bottom plate to support the outer skin as specified by the structural engineer
2019/0521/BN	A	14, Sully Terrace Lane, Penarth	To replace inadequate beam above patio doors
2019/0523/BN	A	13, Great House Meadows, Llantwit Major	Removal of wall between kitchen and dining room
2019/0525/BN	A	70, Westward Rise, Barry	Two storey extension for kitchen and bedroom
2019/0526/BN	A	23, Jestyn Close, Dinas Powys	Garage conversion and two rooms into one kitchen / diner
2019/0527/BN	A	Ty Mynydd Isaf, Grants Field, The Downs, St Nicholas	Double storey extension at rear
2019/0530/BN	A	19, Highfield Close, Dinas Powys	Removal of old kitchen and loadbearing wall. Install supporting steel and new kitchen
2019/0533/BN	A	27, Arcot Street, Penarth	Single storey extension to enlarge kitchen
2019/0534/BN	A	The Pavillion, Cwrt Y Felin, Wick	Re-roof

2019/0535/BN	A	14, St. Andrews Road, Barry	Double storey side extension and single front extension and alterations to the sizes of existing windows
2019/0536/BN	A	Llan Farm, Llan Road, Marcross	First floor pitched roof extension to bathroom
2019/0537/BN	A	The Cottage, Jubilee Lane, Penarth	Construction of 2 no. single storey extensions
2019/0539/BN	A	22, Chamberlain Row, Dinas Powys	Single storey extension to enlarge utility room
2019/0540/BN	A	72, Bron Awelon, Barry	Remove wall between kitchen and conservatory and installation of steel beam
2019/0544/BN	A	26, Cosmeston Drive, Penarth	Knock down wall between kitchen and dining room, RSJ beam fitted, kitchen fitted
2019/0545/BN	A	26, Clos Ogney, Llantwit Major	Single storey rear extension
2019/0546/BN	A	1, Island View, Barry	Garage conversion and Bi-fold doors
2019/0547/BN	A	6, Yr Efail, Treoes	Knock through, warm roof, alterations to existing conservatory walls
2019/0548/BN	A	285, Barry Road, Barry	Single storey rear extension
2019/0549/BN	A	4, Cherwell Road, Penarth	2 No. new dormers, 1 front, 1 back
2019/0550/BN	A	28, Cedar Way, Penarth	Remove supporting wall and install steel RSJ
2019/0558/BN	A	Holly Cottage, Park Road, Barry	Increase height of dormer windows and ground floor window. Re cladding front and rear dormer
2019/0560/BN	A	St. Aubin Nursery, 35, Archer Road, Penarth	Renewal of main rood using fibre cement slates
2019/0562/BN	A	3, Cwrt Leubren, Barry	Single storey

(b) Building Regulation Applications - Reject

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

2019/0465/BN	R	16, Norris Close, Penarth	Double storey extension and new attached garage
2019/0475/BN	R	1, Dingle Dell, Penarth	Single storey extension, conversion of kitchen to bedroom on first floor
2019/0504/BN	R	29, Culver Close, Penarth	Erection of two storey side extension to existing property with side access to rear garden and additional windows to existing front and rear elevations
2019/0511/BN	R	3, Kymin Terrace, Penarth	Single storey rear extension
2019/0528/BN	R	6, Hathaway Place, Barry	Renovation of property to include Replacement roof(EPDM Rubber), underpin and tie back rear extension to existing house

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

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

2019/0074/AI	A	3, Clos Y Fulfran, Barry	Single storey rear extension (works to include material alterations to structure, controlled services, fittings and thermal elements)
2019/0075/AI	A	1, Sunnycroft Lane, Dinas Powys	Proposed new structural opening (works to include material alterations to structure, controlled services, fittings and thermal elements)
2019/0076/AI	A	77, Cog Road, Sully	Proposed double storey side extension with internal alterations and associated works
2019/0077/AI	A	Dunnock House, Broughton, Cowbridge	Single storey extension and associated works

2019/0078/AI	A	Car Park in front of Halfords, Waterfront Retail Park, Heol Ceiniog, Barry	Costa Coffee drive thru
2019/0079/AI	A	New Jerusalem Church, Tynewydd Road, Barry	To create a place of worship to the rear (works to include material alterations to structure, controlled services, fittings and thermal elements)
2019/0080/AI	A	20, Porlock Drive, Sully	Single storey rear extension (works to include material alterations to structure, controlled services, fittings and thermal elements)
2019/0081/AI	A	19, Uppercliffe Drive, Penarth	Extension and alterations with associated works
2019/0082/AI	A	Gelert West, 2, St. Augustines Crescent, Penarth	Single storey rear extension with associated works
2019/0083/AI	A	18, The Heathers, Barry	Internal structural alterations to remove wall and insert beam with associated works
2019/0084/AI	A	27, Glyn Y Gog, Rhoose	Proposed single storey rear extension, (works to include material alterations to structure, controlled services, fittings and thermal elements)
2019/0085/AI	A	7, Lower Morel Street, Barry	Conversion of property into 2 no. self-contained apartments. Works to include material alterations to structure, controlled services, fittings and thermal elements
2019/0086/AI	A	16, Upper Cosmeston Farm, Penarth	New roof structure incorporating solid panels on existing conservatory
2019/0087/AI	A	192, Lavernock Road, Penarth	Extensions and alterations with associated works

2019/0088/AI	A	Land off Gileston Road, St. Athan	18 Residential units
2019/0089/AI	A	26, Perclose, Dinas Powys	Single storey rear extension (works to include material alterations to structure, controlled services, fittings and thermal elements)
2019/0090/AI	A	35, Lavernock Road, Penarth	Ground floor rear extension and loft conversion at second floor level with bathroom facility, works to include material alterations to structure, controlled services, fittings and thermal elements
2019/0091/AI	A	8, Masefield Road, Penarth	Proposed dormer loft conversion to create bedroom
2019/0092/AI	A	165, Plymouth Road, Penarth	Proposed dormer structures to existing habitable loft space
2019/0093/AI	A	The Spinney, Twyncyn, Dinas Powys	Classrooms for home schooled children
2019/0094/AI	A	36, Fonmon Park Road, Rhoose	Single storey extension and associated internal alterations

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PLANNING COMMITTEE : 31 JULY, 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

2007/00974/1/C D	A	Land to the rear of Daniel Street, Barry	Discharge of Condition 3 - Highway Engineering Layout. Planning permission ref. 2007/00974/FUL: Erection of 9 detached dwellings and associated site works
2013/00884/2/C D	A	Goldsland Walk, Wenvoe	Discharge of Condition 9 - Drainage of application ref. 2013/00884/OUT: Residential development for up to 140 dwellings with associated access, estate roads and public open space at land to the west of Port Road, Wenvoe

2013/00884/3/N MA	A	Land to the West of Port Road, Wenvoe	Amendment to the wording of condition 9 of Planning Permission 2013/00884/OUT Residential development for up to 140 dwellings with associated access, estate roads and public open space
2013/01279/2/C D	A	Land South of Cog Road, Sully	Discharge of Condition 27 - Ecological Design Strategy. Planning permission ref. 2013/01279/OUT : Residential development with associated access and associated works (max 350 dwellings) at Land south of Cog Road, Sully
2014/00081/2/N MA	A	Weycock Solar Farm, Land off Weycock Road, Barry	Non material amendment to planning permission 2014/00081/FUL, to allow the installation of six pole mounted CCTV cameras, 16 infrared beam detectors and ancillary and related equipment, as shown in submitted plans. Planning Permission ref: 2014/00081/FUL: Solar farm comprising of installation of photo/voltaic panels with a total capacity of up to 7MW, one electrical substation, eight power inverter stations, four pole mounted CCTV cameras, deer stock fencing and ancillary work (NMA)
2014/00229/EAO	A	Land at Barry Waterfront, adjacent to Dock No. 1, Barry	Deletion of Conditions 1 and 2, Variation of Conditions 3, 5, 19 and 20 of 2009/00946/OUT for the development of vacant land at Barry Waterfront for residential (C3), retail (A1),

			cafes, bars and restaurants (A3), hotel (C1), offices (B1) and community and leisure uses (D1 and D2). Development of vehicular and pedestrian/cycle access including a new link road, re-grading of site to form new site levels and associated infrastructure works, parking, servicing, landscaping, public realm and public open space provision at Land at Barry Waterfront adjacent to Dock No. 1, Barry
2014/00438/1/C D	A	Hen Felin, Claypit Farm, Colwinston	Discharge of Condition 2 - Materials in construction. Planning Permission 2014/00438/FUL: Single storey extension to southern elevation
2014/00452/3/C D	A	Goldsland Walk, Wenvoe	Discharge of Condition 3 (Drainage) for planning permission ref: 2014/00452/RES: Reserved matters for 131 dwellings including details of appearance, landscaping, layout and scale at land to the west of Port Road, Wenvoe
2014/00452/4/N MA	A	Land to the West of Port Road, Wenvoe	Non-Material Amendment - to the wording of Condition 3 - the design calculations, and full Engineering Details. Planning Permission: 2014/00452/RES. Reserved Matters for 131 dwellings, including details of appearance, landscaping, layout and scale
2014/01108/3/C D	A	Former Ogmores by Sea Caravan Park, Main Road,	Discharge of Condition 3 - Site Access.

		Ogmore by Sea	Planning Permission ref. 2014/01108/RES : Redevelopment of caravan site for residential development, with associated open space
2015/00601/2/C D	A	Goldslan Walk, Wenvoe	Discharge of Condition 3 (Drainage) of planning permission ref. 2015/00601/RES : Reserved matters for part of site (relating to outline 2013/00884/OUT) for site total of 132 dwellings and associated landscaping and works at land to the west of Port Road, Wenvoe
2015/00601/4/N MA	A	Land to the West of Port Road, Wenvoe	Non-Material Amendment - Amendment to the wording of condition 3 (Drainage) of Planning Permission ref. 2015/00601/RES : Reserved Matters for part of site (relating to Outline consent 2013/00884/OUT) for a site total of 132 dwellings and associated landscaping and works
2015/00960/4/C D	A	Land at Sycamore Cross, Pendoylan Lane and North of A48, Bonvilston	Discharge of conditions 4-Levels, 5-Drainage, 7-Highway engineering works and 17-Means of enclosure - Development of 120 homes and associated works
2015/00960/8/C D	A	Land at Sycamore Cross, Bonvilston	Discharge of Condition 21 - Construction Environmental Management Plan - Planning Permission 2015/00960 FUL for development of 120 homes and associated works.
2016/00896/1/N MA	R	27, Mountjoy Avenue, Penarth	Non-Material Amendment - To extend the length of the

			proposed extension by 120 cms and to replace the proposed rear door of the extension with a window 75cm wide x 90cm high. Planning Permission ref. 2016/00896/FUL : Proposed single storey side extension to form WC and utility
2017/00395/1/C D	A	Land at Brooklands Retail Park, Culverhouse Cross, Cardiff	Discharge of Conditions 3- schedule of materials to be used in construction and 8- scheme for the erection of signage directing customers to car parking areas. Planning Ref: 2017/00395/FUL. New Starbucks drive-through unit
2017/00395/1/N MA	A	Land at Brooklands Retail Park, Culverhouse Cross, Cardiff	Non-material amendment; changes to the approved elevations as shown on PL07 and PL08 to secure the following: Omission of 1st drive thru window ; Relocation of North East elevation exit door; Slight amendments to South East elevation canopy - of planning permission 2017/00395/FUL - Proposed new Starbucks drive-through unit
2017/00564/3/C D	A	Land East of B4265 between Boverton and Eglwys Brewis, St. Athan	Discharge of Conditions 8 - Highway Condition Survey (Pre-Construction) and 23 - Construction Environmental Management Plan. Planning Permission ref. 2017/00564/FUL : Proposed construction of a new highway (called the Northern Access Road) with footways and a cycleway, new junctions,

			lighting, signs, fencing, flood alleviation works, acoustic barriers and other environmental mitigation measures, landscaping, demolition of garage at Rose Cottage, and all associated engineering and building operations
2017/00584/1/N MA	A	174, Redlands Road, Penarth	Non-Material Amendment - Block up existing internal door to new store/garage and form new door opening leading to side footpath on the side elevation. Planning permission ref. 2017/00584/FUL: Proposed single storey side and rear extensions and internal alterations
2017/00647/1/N MA	A	Land at Barry Waterfront, Cliffside Road, Barry	Non-Material Amendment - Amendment to condition 2 of 2017/00647/RES, to alter the phasing of construction of dwellings
2017/00662/1/N MA	A	South Quay Waterside, Barry Waterfront, Barry	Non-Material Amendment - Amendment of condition 2 of planning permission 2017/00662/RES to alter phasing of construction of dwellings
2017/00988/1/C D	A	Ty Mynydd Barn, Ty Mynydd Lane, Welsh St. Donats	Discharge of Conditions 3 - Materials, 4- Windows, rooflights and flue details, 5 - Hard and soft landscaping details, 7 - Means of enclosure and 10 - Light mitigation strategy. Planning permission ref. 2017/00988/FUL : Proposed change of use of existing barn into quality tourist self-catering accommodation

2017/01203/1/N MA	A	Cog Moors Wastewater Treatment Works, Cardiff Road, Dinas Powys	Non-material Amendment- Refined the detailed design of the proposed development. Planning Ref: 2017/01203/FUL: Change of use of land as an extension to the existing wastewater treatment works site and to the compensatory dormouse habitat and for the construction of an Advanced Anaerobic Digestion (AAD) Plant, together with associated landscaping and mitigation measures and the formation of a temporary construction compound at Cog Moors Wastewater Treatment Works (WwTW), Cardiff Road, Dinas Powys
2017/01259/FUL	A	St. Y Nyll Farm, Heol Sant Y Nyll, St. Brides Super Ely	Minor amendments to planning consent 2015/00996/FUL - Change of use and conversion of existing barns to provide a residential dwelling and associated works
2017/01337/3/C D	A	St. Pauls Church Hall, Arcot Street, Penarth	Discharge of Conditions : Condition 9 - details of a scheme of foul, land and surface water drainage and Condition 22 - engineering details of the widening of Chapel Lane of Planning Application 2017/01337/FUL Redevelopment of the former St. Pauls Church site (including demolition of existing building with retention of front church elevation) to create 14 one and two-bedroom affordable housing units; multi-purpose community hall (368 sq.m.);

			landscaping; car/cycle parking; access; and associated works at St. Pauls Church Hall, Arcot Street, Penarth
2017/01337/6/C D	A	St. Pauls Church, Arcot Street, Penarth	Discharge of Condition 3 – Materials. Planning permission ref: 2017/01337/FUL: Redevelopment of the former St. Pauls Church site (including demolition of existing building with retention of front church elevation) to create 14 one and two- bedroom affordable housing units; multi-purpose community hall (368 sq.m.); landscaping; car/cycle parking; access; and associated works
2018/00004/1/C D	A	1a and 1b, Park Avenue, Barry	Discharge of Condition 4 - Cladding Sample. Planning Permission ref. 2018/00004/FUL: Conversion of two apartments to one dwelling with extensions, balcony, new windows and alterations to existing windows
2018/00041/1/N MA	A	Shepherds Rest, Land adjoining Aberthin Lane, Aberthin	Non-material amendment to 2018/00041/FUL (erection of a rural enterprise worker's dwelling): 1) re-align, re-position and resize doors and windows, including garage gable window; 2) re-arrange internal layout; 3) install stone sills and face brick soldier courses on windows and doors; 4) install face brick plinth; 5) install wood stove, liner and chimney; 6) install

			expansion joints; and 7) remove approved PV panels from roof.
2018/00073/1/C D	A	Vacant Land, Woodlands Road, Barry	Discharge of Conditions 3 - Vehicle tracking, 6 - Contaminated land, 9 - Verification of post noise, 12 - Landscaping and tree protection, 14 - Means of enclosure, 17 - Traffic Regulatory Orders, 19 - Cycle parking, 20 - Parking management and 21 - Lighting of Planning Permission ref. 2018/00073/FUL : Variation of Condition 2 of Planning Permission 2015/00570/FUL (development of 27 new apartments in a 1 bed and 2 bed mix) for external amendments to approved plans and details for drainage, internal noise insulation and ventilation, materials, levels and landscaping
2018/00133/2/C D	A	UWC Atlantic College, St. Donats Castle, St. Donats	Partial Discharge of Condition 19 - Materials Details. Planning Permission ref. 2018/00133/FUL : The demolition of two no. three bed bungalows and single storey garages (1 and 10 Parc Wood) which serves the house parents, site clearance to both sites. The development of two new student dormitory blocks at a two storey height, each accommodating 12 no. four bed dormitory units, communal shared spaces and two no. three bed house parent apartments.

			Proposed external landscaping to both buildings to be minimal and to compliment the natural surroundings of both sites
2018/00133/4/C D	A	UWC Atlantic College, St. Donats Castle, St. Donats	Discharge of Conditions 13 - Contaminated Land 2 and 14 - Remediation Scheme 2. Permission reference 2018/00133/FUL - The demolition of two no. three bed bungalows and single storey garages (1 and 10 Parc Wood) which serves the house parents, site clearance to both sites. The development of two new student dormitory blocks at a two storey height, each accommodating 12 no. four bed dormitory units, communal shared spaces and two no. three bed house parent apartments. Proposed external landscaping to both buildings to be minimal and to compliment the natural surroundings of both sites
2018/00222/1/C D	A	Scout Hall, 9, Highwalls, Dinas Powys	Discharge of Condition 6- Tree works-Arbo. Planning ref 2018/00222/FUL: Demolition of existing single storey rear extension and construction of a two storey rear extension including access ramp and erection of flag pole.
2018/00279/2/C D	A	The car park, rear of 2, Stanwell Road, Penarth	Discharge of Condition 13 - CEMP and Condition 14 - Means of Enclosure of Planning permission 2018/00279/FUL - pair of semi-detached 2 bedroom dwellings

2018/00592/RES	A	South Haven Phase 2, Barry Waterfront, Barry	Approval is sought for the access, appearance, landscaping, layout and scale for a residential development and associated infrastructure
2018/00681/FUL	A	Pasture Land, Peterston Super Ely	Creation of private (non-commercial) facilities (stables, open-fronted barn, riding area, and gravel parking areas) for keeping and riding horses. Associated works including repair of track between site entrance and riding area
2018/00747/1/C D	R	Bargain Booze, 27, Eastgate, Cowbridge	Discharge of Condition 3 - Further details. Planning Permission ref. 2018/00747/FUL: A change of use from a vacant A1 retail unit to residential C3 use with external alterations and associated works
2018/00798/1/N MA	A	30, Borough Avenue, Barry	Non-material Amendment-Change the side elevation material of extension from 'match those used in the existing dwelling' to a block and render in a light colour render and change the roof tiles of extension from 'match those used in the existing dwelling' to suitable tile that can be used on low pitch roofing. Planning ref: 2018/00798/FUL-Single storey side extension and front porch
2018/00865/1/N MA	A	45, Plassey Street, Penarth	Addition of high-level, obscurely glazed window on west elevation of extension. Planning permission ref.

			2018/00865/FUL: Demolition of existing two storey rear annex and the construction of new single and two storey rear extension
2018/01007/1/C D	A	12, St. Bleddian Close, Cowbridge	Discharge of Condition; Condition 4: Dormer Details of planning permission 2018/01007/FUL - Side extension with front, rear and side dormers and associated fenestration alterations
2018/01264/1/N MA	A	Castle Bungalow, Peterston Super Ely	Non-material Amendment - Amendment to design to increase ridge height by 6.5cm. Planning permission ref. 2018/01264/FUL: Proposed new roof to include roof extension and dormer windows to front and rear, to provide bedroom accommodation in roof space
2018/01417/FUL	R	Land at the rear of No. 27 High Street, Cowbridge	Construction of a detached building to provide office space
2018/01419/RES	A	Land to rear of Seaton Hoe, Pen Y Turnpike Road, Dinas Powys	Reserved matters application (appearance, landscaping, layout and scale) for single dwelling as approved under outline permission 2015/00534/OUT
2019/00075/1/N MA	A	Pantwilkin Farm Stables, Llanquian Road, Aberthin	Non-Material Amendment - Provision of a 90KW thermal capacity wood chip boiler in place of stables 39 and 40 with the only external change being a flue. Planning Permission ref. 2019/00075/FUL:

			Erection of stables and associated works
2019/00080/FUL	A	Land off Heol Las, Wick, Cowbridge	Use of land for the stationing of caravans for residential purposes for 1 no. Gypsy pitch
2019/00104/FUL	A	1-14, Britway Court, Britway Road, Dinas Powys	Replacement of original roadside wooden windows with UPVC windows designed to closely match existing.
2019/00110/1/N MA	A	Tree Tops, Penylan Road, St Brides Major	Non-Material Amendment - Material changes from that of permitted under 2019/00110/FUL - to include changes to: roof type finish, window and door finish / colour, fascias / soffits / gutters
2019/00115/FUL	R	43, Llwyn Y Gog, Rhoose	Replacement fence to incorporate area of land to the side of the property as garden space
2019/00137/FUL	A	Broadway House, 86, Broadway, Llanblethian, Cowbridge	External works to the existing garage, to include extension of existing dormer on the north-facing roof plane, entrance porch and associated fenestration alterations, to form a granny annex incidental to the main dwellinghouse.
2019/00183/LBC	A	4, Plymouth Road, Penarth	Retrospective application for replacement bay window to top floor rear elevation of property
2019/00195/CAC	A	Ancient Druid, 44, Eastgate, Cowbridge	To demolish the brick and corrugated iron built garage and the stone shed at the rear of the property in order to extend the parking area to

			accommodate a second car. The adjoining walls will be made good and the area will be finished stone with chippings
2019/00213/FUL	A	55, Hinchsliff Avenue, Barry	Single storey front elevation and two storey side and rear extension
2019/00242/FUL	A	28, Whitcliffe Drive, Penarth	Proposed extensions to front elevation at first floor complete with balconies. Single storey rear extension. Existing dwelling to be remodelled complete with existing external finishes being replaced
2019/00244/FUL	A	Unit D, Valegate Retail Park, Culverhouse Cross, Cardiff	Variation of Condition 2 (sale of food or drink) of Planning Permission ref. 2010/00214/FUL
2019/00273/FUL	A	5, Heath Avenue, Cogan, Penarth	Replacing the existing front porch with new extension
2019/00299/FUL	R	The Old Hilary Filling Station, Welsh St. Donats	Change of use of land to Drive-Thru Coffee Hut with ancillary parking
2019/00311/FUL	A	UWC Atlantic College, St. Donats Castle, St. Donats	Variation of Conditions 2 and 7 of planning application 2018/00133/FUL for two student dormitory blocks to facilitate additional tree works and reposition the proposed building on Site K
2019/00314/FUL	A	3, Thaw Close, St. Mary Church	To turn/move fence, to enclose part of the drive to create a garden space
2019/00318/FUL	A	West Aberthaw Farm, West Aberthaw	Erection of porch/store

2019/00319/LBC	A	West Aberthaw Farm, West Aberthaw	Internal alterations to include reinstatement of spiral staircase; creation of a new doorway to lean-to kitchen; installation of a log burner; replace rotten casement windows in lean-to kitchen; alterations to partition walls and construction of a porch/store. External repairs and alteration to existing retaining wall
2019/00320/FUL	A	33, Seaview Place, Llantwit Major	Change of use. Internally from a garage to hair salon, exterior remains the same
2019/00335/LBC	A	Penllyn Castle, Penllyn	Refurbishment of garage building
2019/00344/OUT	R	The Meadow Vale, Cowbridge Road, Ystradowen	Construction of a new dwelling and associated works to existing public house
2019/00345/FUL	A	19, Seaview Place, Llantwit Major	Demolish existing garage and outbuilding and construction of pair of semi-detached dwellings with on-site car parking and parking for existing dwelling
2019/00347/FUL	R	Church Hall, Chapel Row, Dinas Powys	Change of use from a chapel (D1 Non-residential institution) to an office (B1 Business)
2019/00361/FUL	A	New Jerusalem Church, Tynewydd Road, Barry	The existing single storey building to the rear is to be refurbished internally with a new porch to front property. Also existing door to be replaced with window and also front window reduced in size

2019/00378/FUL	A	Cwm Derwen Farm, Waycock Road, Barry	Erection of single storey pre-fabricated extensions to existing farm building. This will provide facilities for indoor lambing and secure storage for fodder and machinery
2019/00386/FUL	A	The Herberts Farmhouse, St. Mary Church	Proposed alterations and extensions to existing farmhouse to provide attached granny annexe
2019/00387/FUL	A	6, Tair Onen, Welsh St. Donats	Proposed alterations and first floor extension over converted garage of existing property
2019/00388/FUL	A	The Herberts Farmhouse, St. Mary Church	Proposed new garage with loft storage over
2019/00389/FUL	A	34, Cae Canol, Penarth	Proposed single storey extension at rear
2019/00390/FUL	A	3, Greenway Close, Llandough, Penarth	Proposed entrance porch
2019/00398/CAC	A	Ty Mawr, Llanbethery	Demolition of part of garden wall to create new vehicle entrance
2019/00406/FUL	A	Windmill Park, Hayes Road, Barry	Proposed erection of Class B1/B2/B8 Development (Phase 2), together with associated parking and access arrangements
2019/00408/FUL	A	38, Stanwell Road, Penarth	Strip existing roof, replace felt and battens and change existing concrete tiles with manmade slates and terracotta tiles. Insert three Velux rooflights size CK04 to the upper rear mansard roof
2019/00417/FUL	A	9, Kymin Terrace, Penarth	Replacement of majority (17 in number) of existing window sashes by new sashes (wooden), double

			glazed but otherwise identical to replaced sashes
2019/00418/FUL	A	The Grange, Bonvilston	Construction of an outdoor riding area (Menage) suitable for the practice and training of the owner's horses for dressage competitions together with associated stables
2019/00428/FUL	A	Florantina, 115A, Park Crescent, Barry	Change of use from A1 to A2 office
2019/00430/FUL	A	70, Westward Rise, Barry	Erection of a two story rear extension
2019/00433/FUL	A	31, Channel View, Ogmore By Sea	Replacement garage doors and the addition of a side door for access from garden. New roller doors to be fitted
2019/00443/FUL	A	6, Ewenny Road, Wick	Single storey front and rear extensions to a ground floor flat
2019/00444/FUL	A	Communication Station, Priority Business Park, Barry	The removal of the existing 14m monopole, replaced with a 20.2m slim line lattice tower with 6 no. apertures (or airspace) measuring 3m x 0.55m, each of which can house 2 no. antenna and 4 ground based antennas in the existing compound
2019/00445/FUL	A	Tyn Y Cae Cottage, Peterston Super Ely	Demolition of rear lean to conservatory, replacement with new single storey conservatory. External alterations

2019/00448/FUL	A	Site of existing Waitrose, Palmerston Road, Barry	Proposed external alterations to existing building and change of use of restricted Class A3 Cafeteria to Class A1 Retail Use
2019/00456/FUL	A	Glyndwr Vineyard, Llanblethian	Proposed reception/ office unit
2019/00460/FUL	A	8, Meadow Vale, Barry	Single storey extension to create a bedroom at ground floor
2019/00462/FUL	A	7, Heol Corswigen, Barry	Garage conversion
2019/00463/FUL	A	The Garth, 48, Broadway, Llanblethian, Cowbridge	Proposed single storey extension to the rear of the property
2019/00464/FUL	A	6, Windy Ridge, Dinas Powys	Proposed two storey side extension and new windows
2019/00465/FUL	A	26, John Batchelor Way, Penarth	Proposed glass infinity balcony
2019/00466/FUL	A	27, John Batchelor Way, Portway Marina, Penarth	Proposed glass infinity balcony
2019/00468/FUL	A	Oddfellows Lodge, Monknash	Parking area in the form of a layby immediately adjacent to property
2019/00469/FUL	A	26, Perclose, Dinas Powys	Rear ground floor extension for registered disabled person
2019/00470/FUL	R	18, Stallcourt Avenue, Llantwit Major	First floor extension to the rear above existing single storey to create two additional bedrooms
2019/00472/LBC	A	Penllyn Castle, Penllyn	Internal alterations and alterations to windows
2019/00474/FUL	A	32, Salop Place, Penarth	Proposed two and single storey side extensions and rear single storey side extension. Re roofing to

			existing single storey rear extension
2019/00475/FUL	A	2, Argoed Cottages, Llanharry	Proposed internal and external remodelling of the dwelling, to include a two storey side extension, plus a detached double garage for the storage of classic cars
2019/00476/FUL	A	12, Mountjoy Place, Penarth	Proposed two storey side extension
2019/00478/LBC	A	Penllyn Castle, Penllyn	Re roofing of stables block
2019/00481/FUL	A	45, Stanwell Road, Penarth	Replacement of UPVC windows with new box sash UPVC windows
2019/00484/FUL	A	37, Glen Mavis Way, Barry	Replacement of existing lean-to to rear and alterations to front to include relocation of front door
2019/00485/FUL	A	McDonalds Restaurant, Valegate Retail Park, Culverhouse Cross, Cardiff	Refurbishment of the restaurant with minor alterations to elevations to include extensions totalling 37.8 sq.m., replacement drive thru booths with the addition of grey cladding and a section of new shopfront with associated works to the site. The refurbishment of both Customer Order Displays (COD) and overhead Canopies. The installation of a Goal Post height restrictor and a new signage suite.
2019/00486/ADV	A	McDonalds Restaurant, Valegate Retail Park, Culverhouse Cross	New signage associated with refurbishment of the restaurant

2019/00490/FUL	A	49, Byrd Crescent, Penarth	Proposed single and two storey extension to rear
2019/00491/ADV	A	WM Morrison Supermarkets Plc, Heol Ceiniog, Barry	Signage associated with refurbishment of store and petrol filling station
2019/00492/FUL	A	7, Tair Gwaun, Penarth	Proposed single-storey rear extension and part garage conversion (and associated alteration works)
2019/00493/FUL	A	3, Ger Y Llan, St. Nicholas	Extended new front porch
2019/00494/FUL	A	13, Plas St. Pol De Leon, Penarth	1 No. new metal balcony to the front of the property
2019/00495/FUL	A	2, St Nicholas Close, Dinas Powys	Single storey rear extension
2019/00496/FUL	A	51, Broadway, Llanblethian	Proposed internal alterations to existing property, including bay and porch to front ground floor and 2 storey rear extension
2019/00497/FUL	A	By-Ways, 48, Fontygary Road, Rhoose	Rear two storey extension to existing house
2019/00499/FUL	A	21, Falcon Road, Barry	Two storey extension to side of existing domestic dwelling
2019/00500/FUL	A	21, Rheidol Drive, Barry	Single storey extension to rear of existing domestic dwelling
2019/00505/FUL	A	9, Rhos Ddu, Penarth	Loft conversion to include three new pitched roof dormers to front elevation and all associated works
2019/00506/FUL	A	Morrisons, Heol Ceiniog, Barry	Amendment to internal site vehicle circulation
2019/00507/FUL	R	7, Sycamore Close, Llandough, Penarth	Part three storey part two storey rear extension with raising of ridge height and alteration works

2019/00509/FUL	A	79, Heol Y Frenhines, Dinas Powys	Replacement garage incorporating an art studio and replacement front porch
2019/00510/FUL	A	Golau Fryn, Ruthin Road, St. Mary Hill	Two storey side and rear extension, extension of garden area, with internal re-modelling and removal of front bay and conservatory
2019/00511/FUL	A	38, Adenfield Way, Rhoose	Single storey extension to side of bungalow, with new porch to front elevation of bungalow. Removal of garage. Extension to incorporate enlarged lounge, kitchen and new bedroom
2019/00513/FUL	R	Apple Blossom Cattery, Land at Nant Rhydhalog, Cowbridge	To convert a section of existing animal grooming parlour to new ladies/unisex hairdresser. Class usage A1 (refers to planning consent 18/00735/FUL)
2019/00515/FUL	A	71, Lavernock Road, Penarth	Extended roof from hip to gable on both sides and install rear dormer
2019/00516/LAW	A	Littlewood Cottage, Wick Road, St. Brides Major	Install additional first floor window on the rear elevation of the property
2019/00518/FUL	R	34, Grove Place, Penarth	Proposed Dormer to rear annexe roof
2019/00522/FUL	A	14, Readers Way, Rhoose	Single storey ground floor side extension
2019/00523/FUL	A	The Butterleys, 29, Westgate, Cowbridge	Proposed single storey general use building (garden room/office/changing area for pool)

2019/00524/FUL	A	Murch Farm Manse, Wesley Court, Dinas Powys	Demolition of existing single storey kitchen and construction of a ground and first floor side and rear extension. Construction of a new porch and external works
2019/00525/FUL	A	51, Plymouth Road, Penarth	Single storey replacement glazed conservatory and single storey rear kitchen extension.
2019/00526/FUL	A	19, Pioden For, Barry	Remodelling of the master bedroom including glazing to the front elevation with Juliet Balcony
2019/00529/LAW	A	17, Grange Gardens, Llantwit Major	Proposed rear conservatory, proposed elevations attached to application
2019/00530/FUL	A	Marco's Cafe, The Promenade, Barry Island	Single storey extension to provide additional storage for existing cafe
2019/00531/FUL	A	Beach Road, Swanbridge, Penarth	Replacement of existing 15m structure with proposed new 22.5m high monopole supporting 6 no. new antennas, 3 no. new No. 600mm diameter dishes, 1 no. relocated 600mm diameter dish (relocated from existing structure), 7 no. equipment cabinets within extended compound, plus associated ancillary works
2019/00533/FUL	R	Land rear of Church Road, Rhoose	Demolition of existing garage and erection of new garage

2019/00534/FUL	A	1A and 1B, Park Avenue, Barry	Alterations to original roof line from "lean to" to apex to provide new apex roof - amendment to original application 2018/00004/FUL
2019/00537/FUL	A	27, Vincent Close, Barry	Single storey side extension and new front porch
2019/00538/FUL	A	25, Tair Onen, Nr. Cowbridge	Construction of single garage with storage
2019/00540/FUL	A	53, Illtyd Avenue, Llantwit Major	New front porch
2019/00541/FUL	A	Claygate House, Sully Road, Penarth	Replacement dwelling and garage (Amended design to that granted permission on 13 February 2019, Ref 2018/01355/FUL).
2019/00543/FUL	A	104, Woodlands Road, Barry	Single storey rear extension
2019/00554/FUL	A	15, Plas Pamir, Penarth	Proposed first floor balcony to south elevation
2019/00563/ADV	A	Swansea Building Society, 75 High Street, Cowbridge	Two internal, outward facing televisions screens
2019/00571/FUL	A	16, Evenlode Avenue, Penarth	To convert a single storey bungalow into a two storey dormer bungalow with First Floor in the roof space, with single storey maintained at the rear

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PLANNING COMMITTEE : **31 JULY, 2019**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. APPEALS

(a) Planning Appeals Received

LPA Reference No: 2018/01026/FUL
Appeal Method: Written Representations
Appeal Reference No: 19/3229820
Appellant: Mr Mark Knott
Location: 1, Oakfield Road, Barry
Proposal: Proposed new dwelling and erection of new double garage to the rear
Start Date: 19 June 2019

(b) Enforcement Appeals Received

None

(c) Planning Appeal Decisions

LPA Reference No: 2018/01203/FUL
Appeal Method: Written Representations
Appeal Reference No: 19/3224103
Appellant: Mrs Sian Vesey
Location: 34, Longmeadow Drive, Dinas Powys
Proposal: New detached dwelling at the side of property
Decision: Appeal Dismissed
Date: 19 June 2019
Inspector: R. Jenkins
Council Determination: Delegated

Summary

The main issues were considered to be the effect of the proposed development upon the character and appearance of the area, the effect of the proposed development upon highway safety and whether a financial contribution was necessary to provide affordable housing.

Character and Appearance

The Council had objected to the proposed development on the basis that it would appear as a visually incongruous form of development that would be harmful to the street scene and having regard to the scale and siting of the development, the Inspector shared those concerns. He noted that the dwelling would be constructed up to the boundary with no.34 and would extend within

close proximity to the back curb of the pedestrian footway along Hazel Grove. He commented that as such, the development would appear as a cramped and contrived form of development that would conflict with the general pattern of development in the area and identified that the other corner plots within the vicinity generally maintained a degree of separation from the public highway. The Inspector was therefore of the view that the development would add visual clutter to a prominent corner location and, in doing so, cause material harm to the character and appearance of the area.

Highway Safety

The Inspector identified that whilst the appeal proposal would make provision for two off-street parking spaces, the proposed extended crossover would be located within close proximity of the junction between Longmeadow Drive and Hazel Grove, with little technical evidence submitted to demonstrate that satisfactory visibility could be achieved. Furthermore, he was of the view that no evidence had been submitted to demonstrate that vehicles would be able to effectively manoeuvre around the site in order to park and enter/ egress the site in a forward gear. The Inspector also commented that siting of the indicative parking bays would mean that they would be difficult and awkward to use, requiring significant manoeuvrability and the development therefore would be likely to result in reversing movements from, or onto, Longmeadow Drive, to the detriment of pedestrian and highway safety in the area.

Affordable Housing

The Inspector noted the relevant policy of the adopted LDP which requires all residential developments to contribute towards affordable housing needs, with a 40% requirement in the settlement of Dinas Powys. He also noted that on sites fewer than 10 dwellings, the affordable housing requirement would be calculated and any whole units provided on site, with the residual amount being provided as an equivalent financial contribution. He commented that without any financial viability or other evidence to justify a departure from such a policy requirement, a financial contribution would therefore be required in this case.

The Inspector identified that no evidence had been submitted to demonstrate that such requirements should not be applied to the appeal proposal and no legal agreement or unilateral undertaking had been submitted in order to execute such a requirement. Despite the fact that the lack of such an obligation comprised a reason for refusal, he concluded that nothing had been submitted through the appeal process to rectify such an omission and therefore by not contributing towards affordable housing needs, the development would conflict with a fundamental principle of the adopted LDP.

L.P.A. Reference No:	2018/00800/OUT
Appeal Method:	Written Representations
Appeal Reference No:	19/3224315
Appellant:	Mr Maxim John
Location:	The Stables at 142, Fontygary Road, Rhoose
Proposal:	Conversion, to include demolitions, of existing stables to provide residential cottage
Decision:	Appeal Dismissed
Date:	24 June 2019

Inspector: R. Jenkins
Council Determination: Delegated

Summary

The main issues were considered to be the effect of the proposed development upon the character and appearance of the area and pedestrian and highway safety.

Character and Appearance

The Inspector noted that the existing stable building proposed for conversion comprised a simple structure of modest proportions, reflective of its historic use and that its scale and form prevented it from representing a visually harmful feature in the street scene. He considered however that in contrast, the proposed dwelling would, by reason of the combination of its scale and siting forward of the prevailing building line, represent a visually prominent and contrived form of development that would fail to respect the prevailing pattern of development within the area. The Inspector also identified that despite incorporating a stepped design, it would extend up to the public highway along Fontygary Road and would have a significantly greater visual impact than the existing building. Noting the sensitive nature of the plot and the fact that the structure would no longer appear as a subordinate element of the existing buildings, the Inspector concluded that the development would injuriously alter the character of the appeal site and represent an overtly prominent addition to the street scene.

It was acknowledged by the Inspector that the dwelling would represent a partial conversion and there was further evidence to indicate that the area to the south of the existing stable historically accommodated a building. He considered however that there was no evidence to indicate that any historic building was of comparable scale to that necessary to create even a modest dwelling on the land and, in any event, there was nothing to indicate that the historic structure represented a lawful fall-back position. He therefore found that the proposed development would cause material harm to the character and appearance of the area and that it would, as a consequence, conflict with the aims of the Council's LDP and SPG.

Pedestrian and Highway Safety

The Inspector noted that the proposals indicated that access would be achieved via the existing vehicular access into the site which is situated on the signal controlled junction and currently serves the residential cottage at no.142 and would also be the point of access to the adjoining barn which had recently been approved for residential conversion. The mean of access was identified by the Inspector as measuring approximately 4.7 metres in width, however he was able to confirm at the time of his inspection that the proposed development would increase the likelihood of conflicting vehicular movements directly on a traffic controlled junction.

Whilst the Inspector took account of the planning history at the barn attached to no.142, having considered the appeal proposal on its own particular merits, he considered there was no doubt that the appeal proposal would intensify the use of the access relative to the position established by the extant planning

permission at the barn. He concluded that the Council's assessment, that a third dwelling utilising the access would tip the balance in terms of what would be acceptable in terms of highway safety, to be well-founded.

LPA Reference No:	2019/00243/FUL
Appeal Method:	Written Representations
Appeal Reference No:	19/3229796
Appellant:	Mr Kevin Mitchell
Location:	56, Redlands Avenue, Penarth
Proposal:	Proposed balcony to first floor and full height glazed rear extension to ground floor
Decision:	Appeal Invalid
Date:	20 June 2019
Inspector:	N/A
Council Determination:	Delegated

Summary

This appeal was lodged against the Council's decision to refuse to validate the application. The Planning Inspectorate confirmed that the deadline for the submission of an appeal against a notice of invalidity is two weeks from the date of service of that notice and as such, the appeal received on 29th May was submitted out of time and was therefore unable to be accepted.

(d) Enforcement Appeal Decisions

LPA Reference No:	ENF/2018/0174/PC
Appeal Method:	Written Representations
Appeal Reference No:	C/18/3219470
Appellant:	Mr Malcom Morgan
Location:	87, Salisbury Road, Barry
Proposal:	Without planning permission, the erection of timber decking to the rear of the dwelling house
Decision:	Appeal Allowed
Date:	4 July 2019
Inspector:	Iwan Lloyd
Council Determination:	Committee

Summary

In allowing the appeal, the Inspector accepted the Council's position, that planning permission could be granted for the development already carried out consisting of the erection of timber decking to the rear of the dwelling house, if there were a screen to protect privacy. Without a planning application for the development, the Council cannot impose such a condition via an enforcement notice.

However, Inspectors can impose conditions when considering a 'Ground A' appeal and in this case he concluded that permission should be subject to a condition which requires a scheme for a privacy screen including a timetable

for its implementation, to be submitted to the Council for approval within 2 months and then carried out in accordance with the approved timetable. If the Council refuses to approve the submitted scheme, the Inspector has allowed an additional period of time for the appellant to submit and have determined, an appeal to the Welsh Ministers.

The Inspector has also however included as part of this condition, that if the requirements in relation to submitting and having determined a scheme for the privacy screen or implementing the approved scheme are not met by the appellant, then the timber decking will need to be removed within 6 months of failing to meet that requirement.

In reaching his decision, the Inspector concluded that the main issue in this case was the effect of the development and any additional privacy screen on the living conditions of occupiers of no. 89 Salisbury Road in relation to outlook and daylight. He identified that the decking area is built on the shared boundary with no. 89, provides level access from the rear of this property and extends outwards some 2.6m. Due to the level change in the rear garden, the decking is some 1.2m in height from ground level at its most outward point from the rear wall of no. 87.

Whilst it had been suggested by an interested party that the outlook of the property would be improved if the development was set apart from the shared boundary, the Inspector accepted that Council's point, that an extension could be built on the boundary that would exceed the present development in terms of height and projection without the need for planning permission under permitted development rights. He agreed that this was a material consideration in accepting that what could be done lawfully would have a greater impact than the development already carried out. Although there was no firm indication that a development built under permitted development rights would take place, the Inspector concluded that as it remained a possibility, the impact of the development should be assessed in the context of what could be carried out lawfully on the site.

The Inspector considered that the decking area height lies commensurate with the height of the boundary wall and in his view, did not harm the outlook from the rear windows of no. 89, noting that the sill of the nearest window of no. 89 to the development was located above the adjacent decking area and outlook of the adjoining park and skyline was unhindered by the development.

The Inspector accepted however that a privacy screen would be necessary to prevent direct overlooking and noted the Council's view that its height should be a minimum of 1.8m. He determined that the final design and position of the screen would be a matter of subsequent control by the Council, but that its design may not require a solid barrier for it to prevent overlooking and may not therefore diminish sunlight to any significant degree. The rear development faces north-west and the evening sunlight from the west reaching the rear space of no. 89 would not be significantly diminished by the development and the proposal for a screen, which he determined, would have less impact than what could be built under permitted development rights.

In terms of outlook, the Inspector considered that the development and the screen would not erode outlook as the park and the wide aspect of the view would not be significantly affected and would not be injurious to living conditions in relation to overbearingness.

For the reasons summarised above, the Inspector therefore concluded that the development carried out and the proposal for a privacy screen would not conflict with the Council's adopted LDP or SPG on Residential and Householder Development and would not harm the living conditions of occupiers of no. 89 Salisbury Road in relation to outlook and daylight.

Comment

Whilst allowing this appeal, the Inspector has accepted the Council's position, that planning permission should be granted subject to a condition which would then result in the enforcement notice being quashed. If a scheme to provide a suitable privacy screen is not however submitted, approved or provided, then the Inspector's decision makes provision for the decking to be removed, which will be the same result as the enforcement notice sought to achieve.

(e) April 2019 – March 2020 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (to measure performance)	W	7	-	7	1
	H	-	-	-	-
	PI	-	-	-	-
Planning Total		7 (100%)	-	7	1
Committee Determination		1 (100%)	-	1	-
Other Planning appeals (inc. appeal against a condition)		-	-	-	-
Enforcement Appeals	W	1	1	2	-
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		1 (50%)	1	2	-
All Appeals	W	8	1	9	-
	H	-	-	-	-

	PI	-	-	-	-
Combined Total		8 (89%)	1	9	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

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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

2019/00452/TCA	A	Leys Cottage, Factory Road, Llanblethian, Cowbridge	Reduce mature Beech away from boundary wall, reduce overall crown by 2m. Reduce Sycamores away from boundary wall whilst retaining good branch tracery
2019/00453/TPO	A	7, Church Rise, Wenvoe	Work to trees covered by TPO No. 04 of 1951: Rear garden - One Sycamore tree to have all over hanging branches cut back to main trunk
2019/00457/TPO	A	Cwrt Yr Ala, Michaelston Le Pit	Work to Tree covered by TPO No.2 of 1954: Fell and replant one Ash and dead Beech
2019/00514/TCA	A	25b, Archer Road, Penarth	Work to Trees: Ash tree reduce all round by removing 1-1.5m & shape
2019/00521/TCA	A	Poppins, Llysworney	Work to Trees in Llysworney Conservation Area : Betula Pendula reduce 2no. limbs and Salix Sepulcralis remove

			under exception (dead) both in rear garden
2019/00544/TCA	A	39, Eastgate, Cowbridge	Work to trees in Cowbridge Conservation Area: Remove Ficus against North West boundary wall
2019/00557/TPO	A	4, Robin Hill, Dinas Powys	Work to Trees covered by TPO No. 7, 1986: Removal of dangerous dead/dying limb under exemption due to imminent risk. This is a large oak tree in the rear of our garden
2019/00558/TPO	A	4, Robin Hill, Dinas Powys	Work to Trees covered by TPO No. 7, 1986: 20% reduction of crown and also reduce overhanging limbs from neighbours oak
2019/00569/TCA	A	17 Archer Road, Penarth	Work to trees in Penarth Conservation Area: Fell and replace one Prunus Nigra and remove one Fagus (dead so exempt), both in rear garden
2019/00575/TCA	A	Alexandra House, 2, Beach Road, Penarth	Works to trees in Penarth Conservation Area; Fell 1 Large Sycamore, 1 Ash and Sycamore Saplings
2019/00602/TCA	A	Pwll-Sarn, St Nicholas	Work to trees in St Nicholas Conservation Area: Fell two Conifers
2019/00609/TCA	A	Cross House, Aberthin	Work to Trees: Crown reduction of Sycamore tree
2019/00631/TCA	A	23, Victoria Square, Penarth	Work to tree in Penarth Conservation Area: Sycamore Tree - Reduce crown by 20-25% by volume by shortening all limbs up to 3m ensuring a wall balance reduced crown remains

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REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. GENERAL PLANNING MATTERS

UPDATE ON ENFORCEMENT ACTION - LAND AT BARRY WATERFRONT,
BARRY

Executive Summary

1. Members will recall giving authorisation to issue a Breach of Condition Enforcement Notice and a Stop Notice in respect of the breach of conditions of the planning permissions for development at the Barry Waterfront at their meeting on 29th November 2018. The breach related to the delivery of certain elements of the District Centre and the report noted the impact of the breach on the delivery of a comprehensive form of redevelopment that is a strategic site within the key settlement of Barry.
2. The Breach of Condition Enforcement Notices and Stop notices were issued on 3rd and 4th December 2018 respectively requiring either the cessation of the occupation of certain units within the development or the cessation of the construction of certain elements of the development until such time as specific retail units within the District Centre are delivered. Since then, the developers did cease further occupation and construction in accordance with the notices. There was some continued construction which accorded with the terms of the agreed phasing at that time, and did not breach the notices.
3. Officers continued to monitor the site whilst negotiating a revised phasing plan to ensure the timely delivery of the comprehensive redevelopment of Barry Waterfront, focussing particularly on the delivery of the commercial units in the District Centre. Those negotiations have now concluded and revised planning permissions have been issued. Officers continue to monitor compliance and good progress has been made on the construction of the District Centre.
4. The latest estimates from the developers are that the District Centre commercial units will be built to 'shell and core' specification by the end of the year.

Background

5. Members will recall giving authorisation to issue a Breach of Condition Enforcement Notice under section 174 and a Stop Notice under section 183 of the Town and Country Planning Act 1990 (as amended) in respect of the breach of conditions of the planning permissions for development at the Barry Waterfront at their meeting on 29th November 2018. The breach related to

the delivery of certain elements of the District Centre and the report noted the impact of the breach on the delivery of a comprehensive form of redevelopment that is a strategic site within the key settlement of Barry.

6. The Breach of Condition Enforcement Notices and Stop notices were issued on 3rd and 4th December 2018 requiring either the cessation of the occupation of certain units within the development or the cessation of the construction of certain elements of the development until such time as specific retail units within the District Centre are delivered.
7. The breach related to planning permission ref: 2009/00946/OUT, which is the outline planning permission granted for the Barry Waterfront development, as well as planning permission reference 2017/00662/RES granted for the westernmost area of the Waterfront phase known as South Quay Waterside.
8. A phasing plan was submitted to the Council (under condition 8 of application 2009/00946/OUT) and the approved plan stated that house building would take place in the area known as South Quay Parkside from March 2017 to November 2018 and that the A3 units (which are part of the area known as the District Centre) would take place from September 2016 to September 2017. Whilst the housing has proceeded at pace, the retail units in the District Centre had not been delivered. Similarly Condition 19 required the provision of the District Centre to be built, and made available for rent / sale prior to the first occupation of dwellings in the area identified as South Quay Parkside. However, the properties in South Quay Parkside had been substantially constructed and most occupied by November 2018 despite the A3 units in the district centre not being delivered.
9. A Section 73 application was submitted which sought to vary a number of conditions of the outline permission 2009/00946/OUT, including condition 19 of the outline permission to a form of wording which sought to delay the delivery of the District Centre. Since that time, officers have been negotiating with the consortium to agree on an amended Condition 19, which would accommodate the consortium's housing delivery programme and deliver a commercial District Centre in the interest of the proper planning of the area. That application also required a variation of the legal agreement which sits alongside the original outline planning permission to ensure the terms of the agreement were tied to the new permission.
10. During the extent of these negotiations, officers pressed for the submission of a planning application (2017/01356/RES) for the District Centre, which was itself subject to significant negotiations and eventually approved on 24th May 2018 but in November no works had started and the Council had not received any applications to discharge conditions.

7.0 Character Areas

Introduction

7.1 The Masterplan has been sub-divided into the following seven character areas:

- ▶ District Centre (1)
- ▶ West Pond (2)
- ▶ South Quay Parkside (3)
- ▶ South Quay Waterside (4)
- ▶ Arno Quay and Quays (5)
- ▶ East Quay (6)

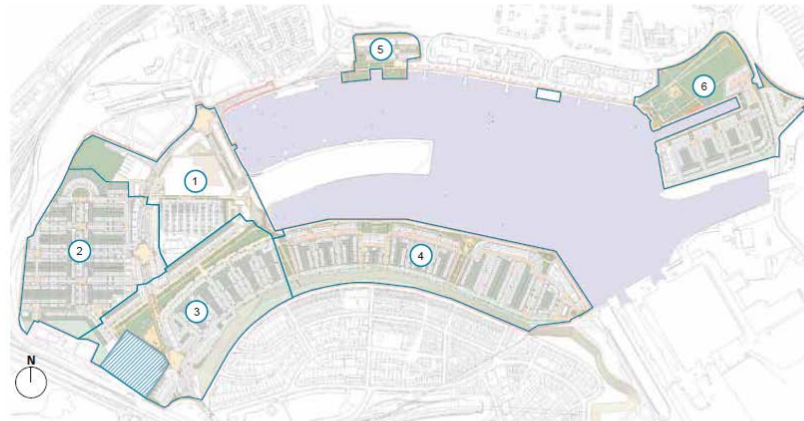


Figure 12: Character Areas

Key	
Planning Application Boundary	1 District Centre
Character Area Boundary	2 West Pond
Area within character area but outside of application boundary	3 South Quay Parkside
	4 South Quay Waterside
	5 Arno Quay & Castle Land Quay
	6 East Quay

11. In addition to the above, the development of the area known as South Quay Waterside (Character area 4 above) had also commenced and a substantial number of units were close to completion on the Western portion of this area. The developer is BDW Trading Limited (also known as Barratt Homes). The Reserved Matters application for this development (reference 2017/00662/RES) was being considered at the same time that significant negotiations were ongoing with the Barry Waterfront Development Consortium regarding revised timings under the S73 application referred to at paragraph 8 above. Therefore, the application was approved subject to a condition (2) which reflected the agreed phasing / delivery programme at that time. In November they were close to exceeding these limits.
12. In November negotiations were on-going in terms of the consideration of the 2014/00229/EAO planning application that sought to amend some of the conditions of the original outline permission. The application had not been approved and yet the development still continued on site.

Other Enforcement Action:

13. In addition to the matters referred to above, the Council has a number of other enforcement / monitoring cases open in respect of the Barry Waterfront Development which are being actively investigated and action will be taken where necessary. These include, dust suppression measures, hours of construction, public open space delivery, section 106 planning obligations, and untidy land. The developers have recently remedied some of these matters, and officers continue to press for full compliance.
14. A Breach of Condition Notice in respect of the Construction Traffic Management Plan (specifically routes through Barry) was issued on 5th March 2015 and is still being monitored but has not led to formal prosecution to date.

15. More recently, at the time of writing this report a Breach of Condition Notice is being prepared to be served under delegated powers on Barratt Homes for breaching the time limits on construction hours at their South Quay Waterside site. Other developers are being closely monitored in this regard following a number of public complaints.

Progress on delivering the District Centre

16. In November Members were advised that a significant portion of the housing element of the Waterfront development had been delivered and the development has progressed significantly passed the point at which condition 19 required the delivery of the A3 units. Whilst the supermarket within the District Centre had been delivered, the smaller A3 units specifically referred to in the condition had not. Construction had commenced on three of the A3 units in the area now referred to as Dockside Quay (along the eastern boundary of the District Centre), but these had not been completed to the specification referred to in condition 19. No works had been undertaken to commence construction of the three A3 blocks in the southeast corner of the District Centre.
17. Since issuing the enforcement notices in December, the consortium of developers has been keen to work with the Council to reach an acceptable solution. Construction of the district centre blocks commenced with piling the foundations in March 2019. The foundations are well underway and the steel frames for the ground floor are in place for 1 of the 3 main blocks.



District Centre Site (photo taken 18.07.19)

18. Meanwhile, progress has also been made on the commercial units at ground floor in Dockside Quay. The units are being actively marketed and it is understood that A3 operators have been identified for some of the units.



Dockside Quay (photos taken 18.07.19)

19. Furthermore, negotiations have concluded in terms of an acceptable build programme which will see the District Centre delivered in tandem with the remaining homes at South Quay waterside, with significant restrictions in place in terms of construction limits and occupation to ensure there is sufficient incentive to deliver the District Centre on time. This will be monitored closely by the Enforcement Team and any breaches dealt with swiftly.
20. Planning permission was therefore granted for the Section 73 application which sought to vary a number of conditions of the outline permission (ref 2014/00229/EAO) on 27th June 2019 with a condition (19) tying the developers to the revised phasing plan (at **Appendix A**). In addition reserved matters applications and NMA applications have been granted for the individual parcels on South Quay Waterside that also tie into the same Phasing Plan for completeness.
21. The latest estimates from the developers are that the District Centre commercial units will be built to 'shell and core' specification by the end of the year.

Resource Implications (Financial and Employment)

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

Legal Implications (to include Human Rights Implications)

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

Equal Opportunities Implications (to include Welsh Language Issues)

24. None.

RECOMMENDATION

- (1) That Planning Committee note the progress made in resolving the breaches of planning at Barry Waterfront and welcome the progress made on the delivery of the District Centre to date.

Reason for Recommendation

- (1) To apprise Members of the latest progress in terms of the delivery of a comprehensive mixed use development at Barry Waterfront in accordance with the Vale of Glamorgan Adopted Local Development Plan 2011-2026; strategic policies SP1 – Delivering the Strategy, SP2 – Strategic Sites, SP6 - Retail and MG3 Strategic Site at Barry Waterfront of the Plan, as supported by the Council's Supplementary Planning Guidance on Barry Development Guidelines; and the wider principles of good design set out in policies MD1 –

Location of New Development and MD2 – Design of New Development of the Plan.

Background Papers

Enforcement File Ref: ENF/2018/0331/PRO
Committee Report presented on 29th November 2018

Appendix A – Phasing Plan approved under planning application 2014/00229/EAO on 27th June 2019

Contact Officer - Victoria Robinson, Tel: 01446 704661

Officers Consulted:

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

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING

PHASING PLAN DOCUMENT

Submitted pursuant to the phasing plan for variation to Condition 19 of outline planning permission reference 2009/00946/OUT

Permission References Cited in Phasing Plan Document

2018/00592/RES	South Haven Phase 2 (South Quay Waterside) - <i>Persimmon</i>
2017/01356/RES	District Centre
2017/00476/RES	Dockside Quay - <i>Persimmon</i>
2015/01032/RES	South Quay Parkside - <i>Persimmon</i>
2017/00662/RES	South Quay Waterside – <i>Barratt David Wilson</i>
2017/00647/RES	South Quay Waterside – <i>Taylor Wimpey</i>
2009/00946/OUT	Land at Barry Waterfront

Definitions

For the purpose of this phasing plan document, the following expressions shall have the following meanings:

Ground Floor Slab	means the finished ground floor construction, consisting of reinforced concrete over insulation on a block and beam structural slab to the commercial units (Block A, Block B and Block C) of the District Centre (2017/01356/RES).
First Floor Transfer Slab	means the ground floor structural frame erected with first floor concrete slabs in place providing floors for first floor level and roof to commercial units in the District Centre Blocks.
First Fix	means a dwelling complete externally with roof, walls, windows and doors, and internally with internal walls plasterboarded, electrical wiring and plumbing carried out. No kitchen, bathrooms or sanitary ware and switches or sockets shall be fitted internally.
Foundation Stage	means all construction below the Damp Course level.
Marketing Plan	means the plan setting out the proposals for advertising the A3 units on the site for sale or rent (which will detail tenure, rental levels and types of operator) for a period of at least two years from the date they reach Shell and Core Specification or date of approval of the Marketing Plan whichever is later.
Residual Market Units	means Plots 385, 386, 388, 389, 390, 392, 398, 399, 401 and 403 shown on plan “SP-01 Residual Market Unit Plan”.
Dwelling Roof Stage	means all construction up to and including roof but excludes plasterboard, electrical wiring and plumbing of the units that are the subject of reserved matter application 2018/00592/RES.

District Centre Roof Stage	means all construction up to and including roof but excludes internal fit out of the units that are the subject of reserved matter application 2017/01356/RES.
Temporary Shell and Core	means the external structure of the A3 units are secure and weather tight including roof/first floor transfer-slabs, walls and temporary shopfronts. Internally, incoming services and screed floor finished to a commercial unit that forms the District Centre (2017/01356/RES).
Shell and Core Specification	means the external structure of the A3 units are secure and weathertight including roof/first floor transfer-slabs, walls, windows / doors and shopfronts in accordance with the approved details. Internally, incoming services and screed floor finish to a commercial unit and that the unit is available and ready for internal fit-out, decoration and use as an A3 unit..

Construction/build rate restrictions

Persimmon

No market units that are the subject of reserved matter application 2018/00592/RES shall be constructed past the Foundation Stage until such time as the Ground Floor Slabs have been completed for all of the blocks identified as Block A, Block B and Block C of the District Centre (2017/01356/RES).

No market units that are the subject of reserved matter application 2018/00592/RES shall be constructed past Dwelling Roof Stage until such time as the commercial units in Docksider Quay (2017/00476/RES) and South Quay Parkside (2015/01032/RES) have been delivered to Shell and Core Specification.

No market units that are the subject of reserved matter application 2018/00592/RES shall be constructed past First Fix until such time as the A3 commercial units identified in Block A, Block B and Block C of the District Centre (2017/01356/RES) and the A3 unit(s) in South Quay Waterside (2018/00592/RES) have been constructed to Temporary Shell and Core.

No more than 40 market units that are the subject of reserved matter application 2018/00592/RES shall be constructed past First Fix until such time as the all the A3 commercial units within the District Centre and the A3 unit(s) in South Quay Waterside (2018/00592/RES) have been delivered to Shell and Core Specification and are being marketed in accordance with a Marketing Plan, which shall first have been submitted to and approved in writing by the Local Planning Authority.

Barratt

No more than 78 market units that are the subject of reserved matter application 2017/00662/RES (Parcel 1 on attached Construction to Slab plan) shall be constructed past the Foundation Stage until such time as the Ground Floor Slabs have been completed for all of the blocks identified as Block A, Block B and Block C of the District Centre (2017/01356/RES).

No more than 62 market units that are the subject of reserved matter application 2017/00662/RES (Parcel 1 on attached Construction to First Fix plan) shall be constructed past First Fix until such time as the Ground Floor Slabs have been completed for all of the blocks identified as Block A, Block B and Block C of the District Centre (2017/01356/RES) and the A3 unit(s) in South Quay Waterside (2017/00662/RES) have been delivered to Shell

and Core Specification and are being marketed in accordance with a Marketing Plan, which shall first have been submitted to and approved in writing by the Local Planning Authority.

No more than 93 market units that are the subject of reserved matter application 2017/00662/RES (Parcels 1 and 2 on attached Construction to Slab plan) shall be constructed past the Foundation Stage until such time as the First Floor Transfer Slabs have been completed for all of the blocks identified as Block A, Block B and Block C of the District Centre (2017/01356/RES).

No more than 78 market units that are the subject of reserved matter application 2017/00662/RES (Parcels 1 and 2 on attached Construction to First Fix plan) shall be constructed past First Fix until such time as the First Floor Transfer Slabs have been completed for all of the blocks identified as Block A, Block B and Block C of the District Centre (2017/01356/RES).

No more than 112 market units that are the subject of reserved matter application 2017/00662/RES (Parcels 1, 2 and 3 on attached Construction to Slab plan) shall be constructed past the Foundation Stage until such time as the District Centre Roof Stage has been completed for all of the blocks identified as Block A, Block B and Block C of the District Centre (2017/01356/RES).

No more than 106 market units that are the subject of reserved matter application 2017/00662/RES (Parcels 1, 2 and 3 on attached Construction to First Fix plan) shall be constructed past First Fix until such time as the District Centre Roof Stage has been completed for all of the blocks identified as Block A, Block B and Block C of the District Centre (2017/01356/RES).

No more than 129 market units that are the subject of reserved matter application 2017/00662/RES (Parcels 1, 2, 3 and 4 on attached Construction to Slab plan) shall be constructed past the Foundation Stage until such time as the all the A3 commercial units within the District Centre have been delivered to Shell and Core Specification.

No more than 112 market units that are the subject of reserved matter application 2017/00662/RES (Parcels 1, 2, 3 and 4 on attached Construction to First Fix plan) shall be constructed past First Fix until such time as the all the A3 commercial units within the District Centre have been delivered to Shell and Core Specification.

Taylor Wimpey

No more than 68 market units that are the subject of reserved matter application 2017/00647/RES shall be constructed past the Foundation Stage until such time as the First Floor Transfer Slabs have been completed for all of the blocks identified as Block A, Block B and Block C of the District Centre (2017/01356/RES).

No more than 57 market units that are the subject of reserved matter application 2017/00647/RES (shaded Purple on the 'First Fix Phasing Plan') shall be constructed past First Fix until such time as the First Floor Transfer Slabs have been completed for all of the blocks identified as Block A, Block B and Block C of the District Centre (2017/01356/RES).

No more than 88 market units that are the subject of reserved matter application 2017/00647/RES shall be constructed past the Foundation Stage until such time as the District Centre Roof Stage has been completed for all of the blocks identified as Block A, Block B and Block C of the District Centre (2017/01356/RES).

No more than 70 market units that are the subject of reserved matter application 2017/00647/RES shall be constructed past First Fix until such time as the District Centre Roof Stage has been completed for all of the blocks identified as Block A, Block B and Block C of the District Centre (2017/01356/RES).

No more than 118 market units that are the subject of reserved matter application 2017/00647/RES shall be constructed past the Foundation Stage until such time as the all the A3 commercial units within the District Centre have been delivered to Shell and Core Specification.

No more than 110 market units that are the subject of reserved matter application 2017/00647/RES shall be constructed past First Fix until such time as the all the A3 commercial units within the District Centre have been delivered to Shell and Core Specification.

Occupation restrictions

Persimmon

Parkside

No more than five of the Residual Market Units that are the of subject reserved matter application 2015/01032/RES shall be occupied until such time as all of the A3 commercial units within Block A, Block B and Block C of the District Centre (2017/01356/RES) have been constructed to Temporary Shell and Core.

South Quay Waterside

No more than 40 market units that are the subject of reserved matter application 2018/00592/RES shall be occupied until such time as all of the A3 commercial units of application 2017/01356/RES and the A3 unit(s) in South Quay Waterside (2018/00592/RES) have been delivered to Shell and Core Specification and are being marketed in accordance with a Marketing Plan, which shall first have been submitted to and approved in writing by the Local Planning Authority.

District Centre

No more than 24 market units in District Centre (2017/01356/RES) shall be occupied until such time as the D1/D2 units contained within the District Centre (2017/01356/RES) have been constructed to Shell and Core Specification.

Barratt

No more than 40 market units that are the subject of reserved matter application 2017/00662/RES (Parcel 1 on attached Occupation plan) shall be occupied until such time as the Ground Floor Slabs have been completed for all of the blocks identified as Block A, Block B and Block C of the District Centre (2017/01356/RES) and the A3 unit(s) in South Quay Waterside (2017/00662/RES) have been delivered to Shell and Core Specification and are being marketed in accordance with a Marketing Plan, which shall first have been submitted to and approved in writing by the Local Planning Authority.

No more than 68 market units that are the subject of reserved matter application 2017/00662/RES (Parcels 1 and 2 on attached Occupation plan) shall be occupied until such time as the First Floor Transfer Slabs have been completed for all of the blocks identified as Block A, Block B and Block C of the District Centre (2017/01356/RES).

No more than 78 market units that are the subject of reserved matter application 2017/00662/RES (Parcels 1, 2 and 3 on attached Occupation plan) shall be occupied until such time as the District Centre Roof Stage has been completed for all of the blocks identified as Block A, Block B and Block C of the District Centre (2017/01356/RES).

No more than 106 market units that are the subject of reserved matter application 2017/00662/RES (Parcel 1, 2, 3 and 4 on attached Occupation plan) shall be occupied until

such time as the all the A3 commercial units within the District Centre have been delivered to Shell and Core Specification.

Taylor Wimpey

No more than 44 market units that are the subject of reserved matter application 2017/00647/RES (shaded Green on the 'Occupation Phasing Plan') shall be occupied until such time as the as the First Floor Transfer Slabs have been completed for all of the blocks identified as Block A, Block B and Block C of the District Centre (2017/01356/RES).

No more than 104 market units that are the subject of reserved matter application 2017/00647/RES shall be occupied until such time as all the A3 commercial units within the District Centre have been delivered to Shell and Core Specification.

No more than 61 market units that are the subject of reserved matters application 2017/00647/RES (shaded Brown on the 'Occupation Phasing Plan') shall be occupied until such time as the District Centre Roof Stage has been completed for all of the blocks identified as Block A, Block B and Block C of the District Centre (2017/01356/RES).

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **31 JULY, 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.

APPLICANT: Mr. J. McQuade Oakleigh House Developments Ltd, c/o Agent

AGENT: Mr. Lloyd Jones LRJ Planning Ltd, Pen-y-Rhiw, Redbrook Road, Newport, NP20 5AB

Tregolan House, Bradford Place, Penarth

Refurbishment of existing building containing 4 No. flats to form additional 2 No. self contained flats, associated side and rear extensions, vehicular access and external 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 Committee by Councillor Neil Thomas due to concerns with regard to the nature and scale of development.

UPDATED POSITION

The application was reported to Planning Committee on 29 May 2019. At that meeting, Members determined to defer a decision with a view to negotiating an amended scheme in relation to the following:

- deletion of balconies
- obscured glazing where necessary
- consideration of parking provision / layout at rear.

EXECUTIVE SUMMARY

The application relates to Tregolan House, a large semi-detached property located within the Penarth Conservation Area.

This is a full application, as amended, seeks to reconfigure the existing internal layout of the four existing flats which together with the extensions, will provide 5 no. 2 bedroom units and 1 no. 3 bedroom unit.

To the side of the property a three storey flat roofed extension is proposed, approximately 8 metres deep and 4 metres wide with a flat roof height of approximately 9 metres in height, to provide a stair well. To the rear of the property a part single, two and three storey extension is proposed.

A total of 26 letters of representation have been received, with the main issues relating to overdevelopment of the site, the loss of the front boundary wall, impact on the light well, overlooking, overbearing and overshadowing impacts on the adjacent properties.

The scheme has been amended to omit the parking area to the front of the property and has also addressed concerns in respect of overlooking with the removal of balconies to the side and rear of the extension to the rear and the

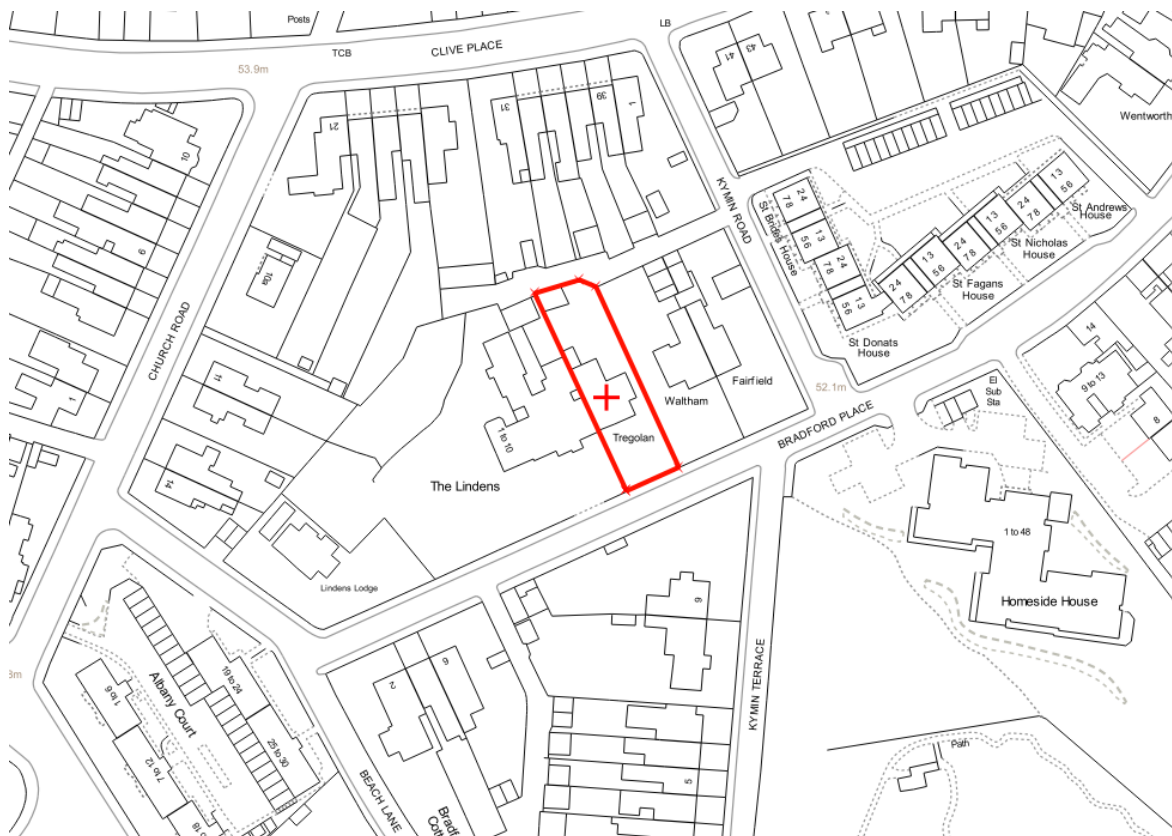
provision of high level windows and / or obscure glazing and the use of oriel windows.

The application is recommended for approval, subject to conditions.

SITE AND CONTEXT

The property is a two and half storey semi-detached property, situated in Bradford Place, currently occupied as four flats.

The property is located in an established residential setting within the settlement of Penarth as defined by the Vale of Glamorgan Local Development Plan 2011-2026. The site falls within the Penarth Conservation Area and is identified as a Positive Building within the Penarth CAAMP.



DESCRIPTION OF DEVELOPMENT

The application, as amended, relates to the extension of the existing building increasing the number of flats from 4 to 6. To facilitate this, the proposals would involve the demolition of existing projections to the side and rear of the property.

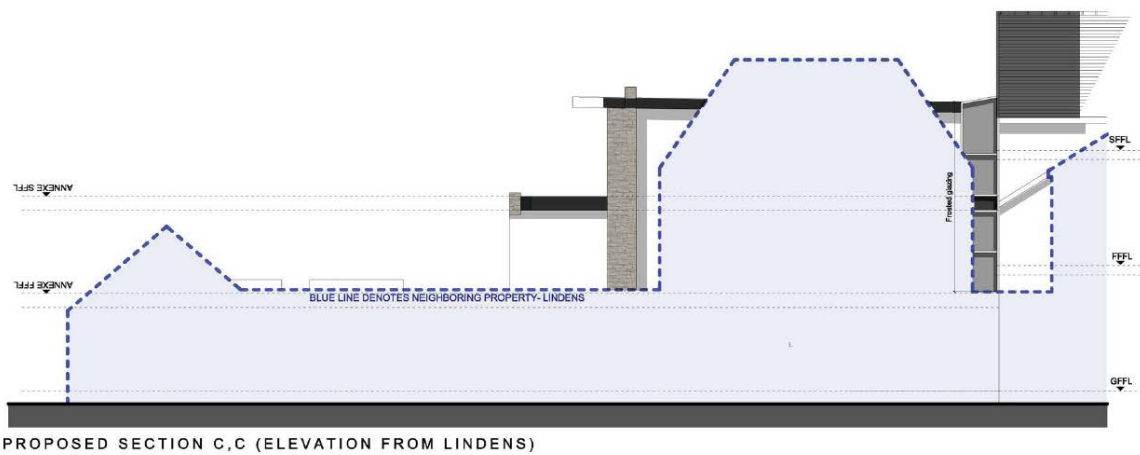
The proposals seeks to reconfigure the existing internal layout of the four flats which together with the extensions, will provide 5 no. 2 bedroom units and 1 no. 3 bedroom unit.

To the side of the property a three storey flat roofed extension approximately 8 metres deep and 4 metres wide with a flat roof height of approximately 9 metres in height is proposed to provide a stair well. The amended proposals include a landscaped area to the front and rear.

To the rear of the property a part single, two and three storey extension is proposed. The three storey extension is approximately 10.8 metres in depth, 8.8 meters in height and approximately 8.7 metres in width. The two storey extension is approximately 3.4 metres deep with a width of 4.3 metres and the single storey element extends to the northern boundary of the plot with a maximum height of approximately 3.6 metres.



Proposed elevations as viewed from Waltham House



Proposed sectional elevation of proposals from the Lindens to the west

Proposed ground, first and second floor plan



The amended proposals include a landscaped area to the front and rear (extract of front area as detailed below).

Council's Shared Regulatory Services were also consulted and have requested an informative be attached to any planning permission with regard to contamination and unstable land.

REPRESENTATIONS

The neighbouring properties were consulted on 23 October 2018 and 18 January 2019 and a site notice was also displayed on 29 October 2018. 22 letters of representation were initially submitted and are summarised below:

- Impact on light well adjacent to boundary in terms of overbearing impact, loss of light and air circulation
- Impact upon gardens of neighbouring properties by virtue of overlooking and overbearing
- Overlooking of neighbouring windows
- Inadequacy of glazed balcony screens
- External appearance of proposals (including materials) at odds with street scene and conservation area
- Overdevelopment of the site
- Inadequate parking provision and resulting highway safety implications
- Lack of amenity space to serve future occupiers of the development
- Loss of trees
- Loss of front boundary wall to provide parking area
- Inaccuracy/misleading plans with regard to neighbouring properties

Following re-consultation in respect of the most recent amended plans, four further letters of representation have been received to date which continue to raise the following main concerns:

- Clarification over the exact form of obscure glazing and cowls to the windows.
- Concerns that glazing to rear could still be opened and would result in overlooking
- The extension are still overbearing
- No change in respect of the light well which will still be impacted upon
- Concern over the lack on any off street parking.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

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

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan
POLICY MG4 – Affordable Housing

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD4 – Community Infrastructure and Planning Obligations
POLICY MD5 - Development within Settlement Boundaries
POLICY MD6 - Housing Densities
POLICY MD7 - Environmental Protection
POLICY MD8 - Historic Environment

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Previously Developed Land

Chapter 4 - Active and Social Places

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

- Activities in Places (retail and commercial development)
- Community Facilities
- Recreational Spaces

Chapter 6 - Distinctive and Natural Places

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

Technical Advice Notes:

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

- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 24 – The Historic Environment (2017)

Supplementary Planning Guidance:

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

- Affordable Housing (2018)
- Model Design Guide for Wales
- Parking Standards
- Penarth Conservation Area
- Planning Obligations (2017)
- Residential and Householder Development (2018)
- Trees, Woodlands, Hedgerows and 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
- Welsh Office Circular 13/97 - Planning Obligations
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

Well-being of Future Generations (Wales) Act 2015

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

Issues

The primary issues to consider are the principle of development; visual impact including impact upon Penarth Conservation Area; impact upon amenity of neighbouring residential properties; impact upon trees; parking and planning obligations.

Principle of development

In policy terms the site lies within the settlement boundary for Penarth, as defined in the LDP. Policy MD5 relates to Development within Settlement Boundaries and permits development subject to certain criteria, including, criterion 3 – is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality.

Policy MD2 which relates to the Design of New Development also has a criteria relating to context, and criterion 1 which requires new development to be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest.

In light of the above policy, the provision of two additional units of residential accommodation within the existing flatted property, is considered acceptable and would not be out of keeping with the area which is primarily residential where a number of other properties are also in multi occupation.

Visual impact including impact upon the Penarth Conservation Area

Extensions

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

Relevant policies of the LDP include SP10-Built and Natural Environment and MD8-Historic Environment which seek to protect the built and historic

environment and ensure that development preserves or enhances the character of conservation areas. This is supported by national guidance including PPW, with the following of particular relevance:-

“6.1.14 There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised...”

6.1.15 There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour of development considered desirable on public interest grounds.

6.1.16 Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area’s character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area.”

In assessing the proposal against the above, it is noted that the proposal relates to an intensification of the residential use of the building, including a substantial extension. It is acknowledged that there is extensive planning history relating to neighbouring buildings including the other property within the host pair, the Lindens which has been extended substantially.

The application proposes a significant three storey side extension to the building that would be largely glazed to the front and finished in stone to the side elevation. Currently there is a subservient side wing to the side of the property that is recessed behind the principal elevation and an external stair case. These elements are not considered to be of particular architectural importance to the general character of the property. The proposed side extension will house a stairwell, set back from the frontage of the principal elevation of the existing building.



Noting this and the high levels of glazing from the front elevation, it is considered that the proposed extension to the side will have a relatively lightweight and contemporary design when viewed from the front, that would complement and appear subservient to the host building. The maintenance of a set-off from the boundary of the property coupled with the design of the building would prevent the proposals appearing as overly cramped within the plot.

With regard to the proposed rear extensions, it is noted that these are substantial in terms of their scale, although would largely be screened from view from Bradford Place by the existing building and surrounding pattern of development and would not be overly visible from this aspect.



Views would be possible of the rear extensions when viewed from the lane to the rear, although would be viewed in the context of neighbouring properties that have been extended in a similar fashion. The proposals are of an overtly contemporary design that would be of a scale commensurate with neighbouring development. It is considered, in this context, that the proposals would not be unacceptably detract from the qualities of the conservation and therefore would preserve the character of the conservation area.

Alterations to the front garden/boundary wall

The original proposals included a parking to serve the flats in the front garden, with an associated access from Bradford Place, resulting in the opening within the front wall being widened from 1.3 metres to 3 metres to provide vehicular access into the site (with the splayed curb extending to approximately 9m).

Within the street scene there have been some alterations to boundary walls, notably to the Lindens, however, these limited examples highlight the harm such alterations cause to the significance of the conservation area as highlighted in the CAAMP. Overall, the contribution made by boundary walls to the street scene broadly reflects their original form and are considered to make a positive contribution to the character and appearance of the conservation area. It is considered that the proposed alteration of the wall will result in a harmful effect on the character and appearance of the conservation area contrary to Policies SP10 and MD8.

Notwithstanding its condition, the removal of the wall was primarily intended to provide a vehicular access to the site from Bradford Place in order to provide four

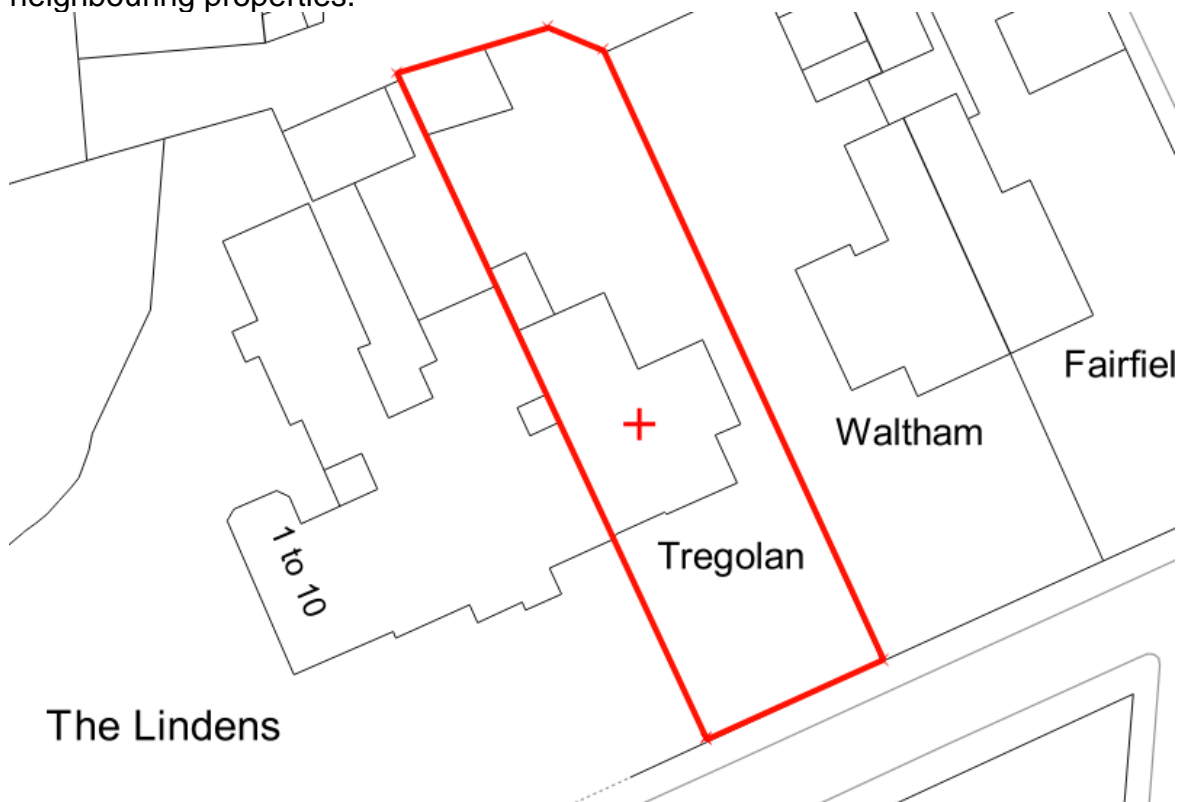
off-street parking spaces to serve the development. The proposed layout would result in the effective loss of two parking spaces on-street meaning a net-gain of two parking spaces. It was further noted that the development is located in a highly sustainable location and there is on-street parking available to serve the site.

Given the need, to balance the net gain of two parking spaces against the loss of the boundary wall, officers considered that in this instance the proposed loss of the wall was not outweighed by any public benefit and the proposal does not, therefore, comply with policies SP10 and MD8 and the parking area and access was removed by condition, with a further condition requiring a revised landscaping scheme.

The agent has now formally amended the scheme omitting the parking area to the front and has submitted detailed scheme of both hard and soft landscaping. The scheme of landscaping is considered acceptable with a mix of tree and shrub planting and a lawned area and includes a holly hedge along the site frontage, behind the retained boundary wall.

Impact upon amenity of neighbouring residential properties

The proposals will introduce significant additional bulk adjacent to the boundaries with both the Lindens and Waltham House and as such, it is important to carefully consider the potential impact upon the amenity enjoyed by occupiers of these neighbouring properties.

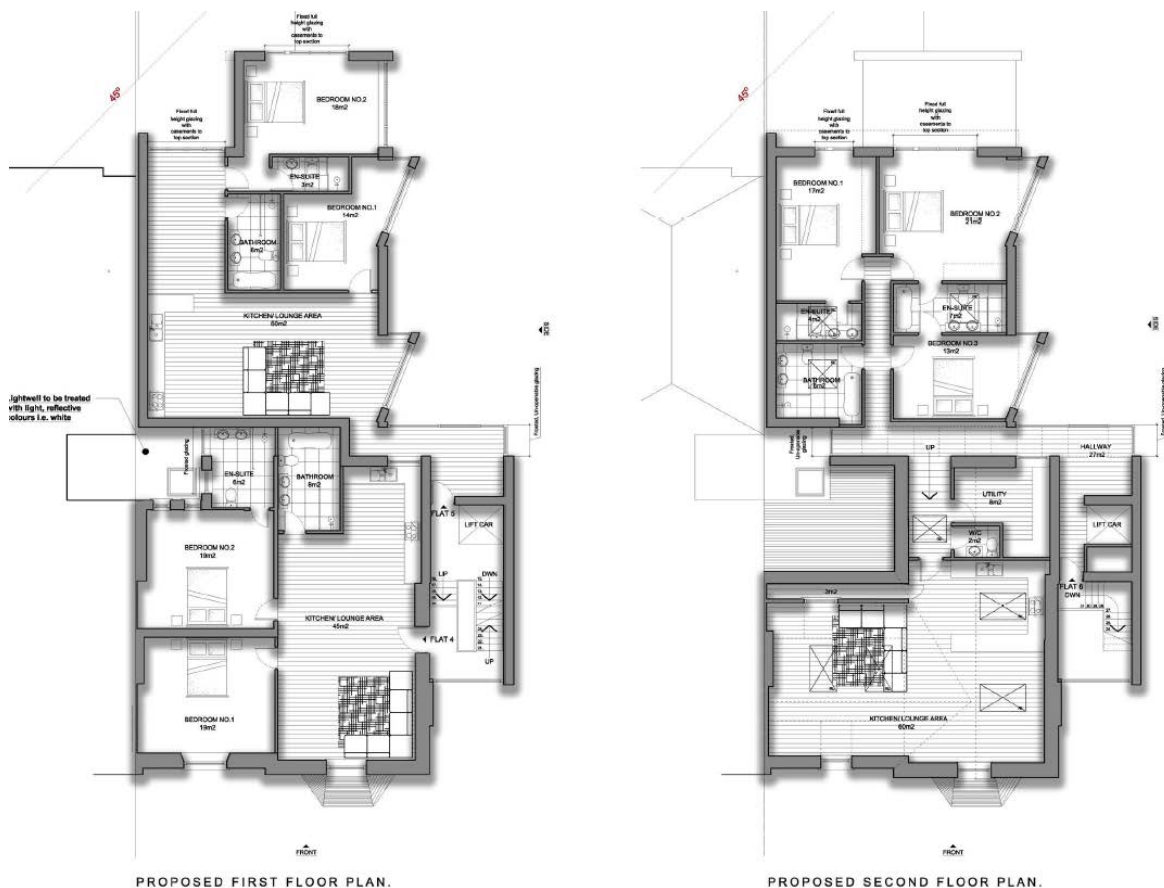


The Lindens

The main three storey element, as amended of the proposals would not project overly beyond the rear of the existing built form at the Lindens, with a projection of approximately 1 metre beyond the rear elevation of the Lindens. The roof canopy would project beyond this for a total projection of 2.5 metres. Whilst this element of the works would certainly be visible from the neighbouring property given its position and height, it is considered given this relatively minor level of projection, that this would not appear unduly overbearing and would not result in an unacceptable loss of light to neighbouring properties.

The principal reason for the application being deferred was Members concern in relation to loss of privacy to the adjacent occupiers, with a request that the balconies are omitted from the scheme and windows are obscure glazing where necessary.

Following deferral and officers discussion with the agent, the plans have been amended omitting the second floor balcony (to Flat 6) and the first floor balcony on the rear elevation and the balcony to the side elevation of Flat 5. The windows which originally provided access onto the balcony areas have been specified as “fixed full height glazing with casements to top section”, which will prevent any external access. For clarity and completeness, the other windows in the rear elevation serving the second bedrooms of Flats 5 and 6 are also similarly specified. A further amended plan has been submitted with further consequential changes as a result of the removal of the balconies with the omission of a roof overhangs and supporting structures. It is however necessary to ensure that the fixed full height glazing (with casements to top) is retained, particularly in relation to Bedroom 2 serving Flat 5 which could access the flat roof areas below (**Condition 8 refers**).



The two storey element of the extension would be set approximately 3.5 metres from the shared boundary with the Lindens, with a projection of approximately 3.3 metres. Noting the set off from the boundary, flat roof design (with a total height of approximately 6 metres, it is considered that this element would not appear unduly overbearing or result in an unacceptable loss of light.

There is courtyard immediately adjacent to the boundary within the Lindens that serves as a lightwell to a number of windows including dining room and kitchen windows at ground floor level; bathroom, kitchen and a high level bedroom window at first floor level. Currently the single storey rear projection of the application site forms the boundary with this lightwell. The proposals as originally submitted indicated that first and second floor of the three storey rear extension would introduce a three storey projection onto this courtyard. The applicant was advised to consider this element of the works due to the impacts upon the lightwell and the windows it serves.

As such amended plans were submitted indicating the southern elevation of the three storey mass being re-sited northwards, removing the flank wall adjacent to the lightwell and providing a commensurate area to the lightwell serving the Lindens (approximately 2.3 metres by 2.4 metres) within the application site. An extract of the 2nd floor plan indicating the proposed arrangement is shown below:



Lightwell serving the Lindens (left/red) and the proposed area within application site to be free of first and second floor development (right/green)

Given the removal of additional two and three storey bulk immediately on the boundary, the relative aspect of the main bulk of the proposals and retention of a lightwell within the application site, it is considered that the proposals would not appear unduly overbearing or result in an unacceptable loss of light to the openings or courtyard area to a degree that would warrant refusal of planning permission. Furthermore the amended plans now specifies that the lightwell area will be finished in light reflecting colours (ie. White).

The single storey element of the works would project beyond the rear and along the entirety of the boundary with the Lindens. There is an established boundary wall between the application site and the Lindens that is approximately 3 metres in height, the submissions indicate that the proposed extension would be of a commensurate height to this wall and would as such be largely obscured from view from within the garden area and ground floor opening within the rear elevation. In light of this it is considered that this element of the works would not result in undue detriment to the amenity enjoyed by occupiers of neighbouring residential properties.

Waltham House

Concern was raised with regard to the original submissions as to the likely impact of the initial submissions on the amenity enjoyed by occupiers of the neighbouring property of Waltham House. As such the application was amended to seek to address these concerns.

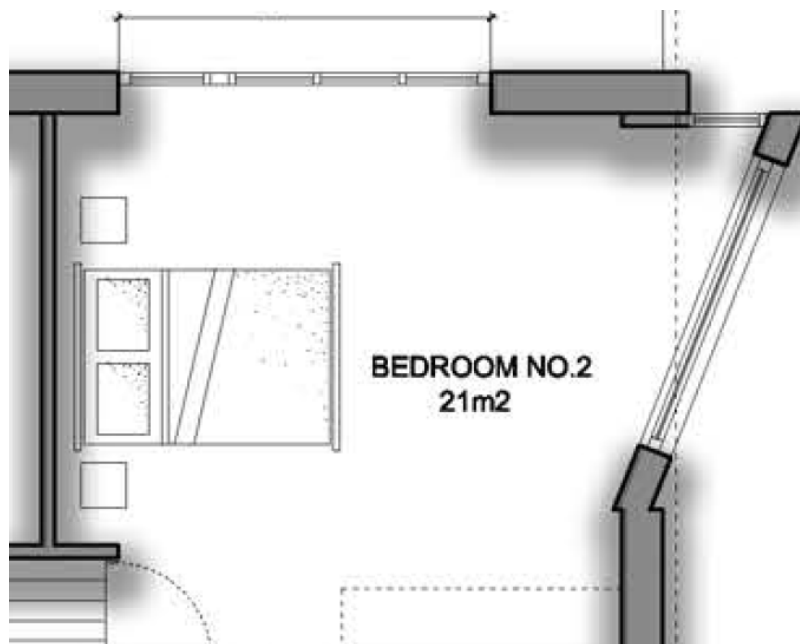
The proposed three storey side extension would introduce mass within approximately 1 metre of the boundary of Waltham House. There is a single storey annex within approximately 6 metres of the boundary between the properties, with landscaped gardens between the boundary and the annex, although this is not utilised as the main area of amenity space serving the neighbouring property. The proposed side extension will be viewed against the backdrop of the existing two and half storey dwelling and would replace existing projections towards this boundary. Noting the above, it is considered that whilst this element of the works would certainly be visible from the neighbouring dwelling, it would not be unduly overbearing or result in an unacceptable loss of light. The revised details indicate that east facing windows serving the circulation space (hallway to first and second floor Flats 5 and 6) would be obscure non opening glazing.

The rear extension will result in the introduction of three storey mass within approximately 5 metres of the boundary with Waltham House to the east. The application as amended has removed a number of windows within this elevation due to concerns raised by the Local Planning Authority.



However there remain openings within the eastern elevation of the proposals at first and second floor level, serving circulation space, living rooms and bedrooms.

The original scheme proposed 'Oriel' windows at an angle of 45 degrees to provide a natural north-easterly aspect towards the foot of the garden of Waltham House. However this have been revised in the amended scheme with angled dual aspect windows, with a clear fixed narrow glazed section orientated towards the rear garden and angled high level windows to the side (as detailed below) .



The first floor flat (Flat 5) is shown to have the high level widows with a cill height of 1.7m to the kitchen/lounge and bedrooms 1 and 2, which are of a height which would not allow any overlooking of the occupiers of Waltham House.

The second floor windows serving Flat 6 (serving bedrooms 2 and 3), are of the same design except that the high angled glazing to the side is only 1.4m to cill level and will therefore still permit views out of these windows. However the agent has specified that these windows will be obscure glazed. The installation of these obscure glazed windows to the appropriate levels of obscuration and non - opening, shall be secured by condition (**Condition 4 refers**).

Given the aspect of these openings and provision of obscure glazing, it is considered that this would prevent any direct overlooking of the areas of amenity space serving Waltham House. Furthermore given the angle and separation with windows within the western elevation of the neighbouring dwelling, it is considered that the proposals would not result in unacceptable overlooking of the neighbouring dwelling.

Rear facing hallway windows are also proposed within the rear elevation of the side extension. The natural aspect of these openings would be away from the neighbouring dwelling and would not result in an unacceptable overlooking impact.

Overall for the reasons given above it is considered that the proposals as further amended would not result in an unacceptable impact upon the amenity enjoyed by occupiers of the neighbouring residential property of Waltham House.

Other properties

Given the significant separation from neighbouring residential properties to the north and south it is considered that the proposals will not result in an unacceptable impact upon amenity enjoyed by occupiers of these neighbouring properties.

Amenity provision

The proposals seeks to reconfigure the existing internal layout of the four flats which together with the extensions, will provide 5 no. 2 bedroom units and 1 no. 3 bedroom unit.

The Council's Residential & Householder Development SPG suggests that 20 square metres of amenity space should be provided per occupier of such developments with 2 bedroom flats typically being occupied by 3 people and 3 bedroom flats typically being occupied by 4 people. On this basis, the proposals would require provision of an area of amenity space of 380 square metres. The SPG indicates that amenity space associated with residential properties includes front gardens and private rear gardens, but excludes footpaths, driveways and parking areas.

Approximately 170 square metres of amenity space is provided within the communal area to the rear. Furthermore, following the omission of the parking area to the front, the scheme now includes a landscaped front garden of some 200 square metres. Whilst the area to the front is not fully private, it would nevertheless, provide a large lawned area and together with the depth of the front garden, will significantly contribute to the amenity space provision at the site, which would total some 370 square metres, which only falls slightly below the standards set out in the SPG, for the number of occupiers.

A condition (**Condition 9 refers**) will ensure that the amenity space is laid out prior to the occupation of the additional units.

Highways

The proposals would result in the intensification of residential use at the property with a net increase of two residential units, with six units in total. The proposals do not currently benefit from any on-site frontage parking although there is vehicular access available from the rear lane.

The original scheme proposed the provision of a parking area accessed from Bradford Place to the south, that would provide parking for at least four cars that would be accessed by the widened opening in the front wall. The application site falls within a sustainable location near to Penarth Town Centre, with local shops and services available within easy walking distance, as well as good public transport options via a regular bus route and the Penarth Docks train station, which connect to national services. Noting this, and the availability of on-street parking to serve the site, it is considered that the provision of dedicated, on-site parking is not strictly necessary.

The Council's Parking Standards SPG also refers to guidance within Planning Policy Wales, which states that car parking provision is a major influence on transport choice and minimum parking standards are no longer appropriate.

As noted above, the loss of the boundary wall to create an enlarged opening is not considered appropriate and the amended scheme has now omitted the proposed parking area. Notwithstanding this given the sustainable location and existing on-street parking availability the development without off-street parking is considered to be acceptable in terms of parking provision and highway safety.

Members of Planning Committee did request that consideration be given to the provision of parking to the rear. However following officers discussions with the agent, the agent has advised that, to provide any parking to the rear would impact on the scheme significantly, given the requirement for on-site turning, manoeuvring and visibility splay to achieve a safe access onto the rear lane. On this basis, the agent has not amended the scheme to include any parking to the rear.

Impact upon trees

The application is supported by a 'Tree Survey, Implications Assessment and Protection Method Statement' dated September 2018 prepared by Tree Maintenance Limited.

The survey identifies a number of trees within and adjacent to the site and classifies the trees depending on their health and status, with category A (high quality), category B (moderate quality) and category U (cannot be realistically be retained). This includes groups of Leyland Cypress (category C) and Sycamore (category U) to the front of the site and a group of apple/pear trees to the rear (category C) in addition to individual common holly (category C) and Myrobalam Plum (category U) to the front of the site and a bramley apple (category C) to the rear. Additionally category B trees were identified near to the boundary in each of the neighbouring properties.

It is noted that none of the trees on the application are noted as being of being of any particular quality and the submitted assessment indicates that the all of the identified trees within the application site will be lost as part of the works.

The group of cypress tree to the front of the site do contribute to some degree to the conservation area, although for the reasons noted within the submitted report are compromised and are resulting in damage to the front boundary wall, whilst the LPA agree with the findings of the submitted assessment with regard to the other trees identified within the site.

The trees within the neighbouring properties are noted as category B and the extensions to the property are situated outside of the root protection areas of these trees, although the proposed parking areas would be within the root protection areas of these trees. The submitted assessment indicates that the parking area would be designed to minimise excavation and provide a porous surface. The proposals indicate that tree 843 (within Waltham House) would require some remedial works to the overhanging crown to ensure 2 metre clearance of the building line and roof. There is no objection in principle to these

works, although further details of tree protection and associated works would be required by **Condition 6**, attached to any permission given.

The application as amended is supported by a landscaping scheme that indicates the provision of replacement planting including the provision of 2 no. heavy standard Rowan trees and English Holly hedging to the front, border planting to the side, a lawn and gravel path. The scheme of landscaping is considered to be appropriate without the need for further details being submitted.

Contamination and Drainage

Shared Regulatory Services have requested the inclusion of a Contamination and Unstable Land Advisory Notice, which shall be secured by an Informative.

Dwr Cymru Welsh Water have requested that a condition is attached to any planning permission to ensure that no surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system, which has been secured under **Condition 7**.

Planning Obligations

Policy MD4 of the LDP relates to Community Infrastructure and Planning Obligations and notes that the Council will seek to secure new and improved infrastructure, facilities, and services appropriate to the scale, type and location of proposed developments through the use of planning obligations. The Council's Planning Obligations Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought, and indicates how they may be calculated. In this case policy MG4-Affordable Housing is relevant to the proposal. This requires all residential sites resulting in a net gain of one or more dwellings to provide an element of affordable housing.

The SPG requires that the site should deliver 40% affordable housing. The site falls within the Penarth housing market area, and in this case an off-site affordable housing contribution would be required based upon the following equation:

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

A net gain of 2 dwellings would require the provision of a financial contribution that would be calculated based on a social housing grant of 58% and 0.8 affordable housing units as indicated within the SPG. The Acceptable Cost Guidance band in this case is based upon band 5. The Council's Housing Strategy team has been consulted on the application and confirms that in Penarth the highest need is for one bedroom accommodation. Based on the table at Figure 1 paragraph 5.3.2 of the SPG the ACG is £119,700. As such an affordable housing contribution is required as follows:

$$0.58 \times 0.8 \times \text{£}119,700 = \text{£}55,540.80$$

In addition, and separate to any obligation sought, the Council requires the developer to pay an administration fee, equivalent to 20% of the application fee or 2% of the total financial contribution being sought, whichever is the greater. This fee covers the Council's costs to negotiate, monitor and implement the terms of the necessary Section 106 agreement and would be £1,110.82 in this instance.

The adopted Affordable Housing SPG states under para 7.1.2:

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

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

Chapter 8 of the Affordable Housing SPG provides further guidance with regard to the assessment of development viability appraisals. The Council accepts that there may be sites within sub market housing areas, which may not be viable, due to site specific constraints, high abnormal build costs, and lower gross development values.

Therefore in accordance with the above guidance set out within the SPGs, the applicant has submitted information in relation to the build costs and the likely value of the property once completed which shows that the payment of the Affordable Housing contribution would leave a minus sum and no profit at all.

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

Thus, it is noted that the total development costs demonstrate that the proposals would deliver a level of profit below what is usually expected for a development of this form (conversion and extension) and concludes that 'this is a very marginal scheme and any other abnormal costs would make this scheme unviable'. Therefore it is considered that the required payment of a S106 contribution for affordable housing would render the scheme unviable.

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

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 hereby approved shall only relate to the following approved plans and documents (with the exception of the parking area/ landscaped area shown on plan ref. A101D) :

Tree Survey (Received on 16/10/18)

Site Location Plan (Received on 16/10/2018)

A100 – Existing Floor Plans & Elevations (Received on 18/01/2019)

A101G-Proposed Floor Plans & Elevations (Received on 08/07/2019)

A102C- Proposed Site Plan & Sections (Received on 08/07/2019)

A103A- Proposed Glazed Link & Oriel Window Details (Received on 08/07/2019)

L100B-Proposed Landscape Details (Received on 08/07/2019)

Reason:

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

3. Notwithstanding the submitted details and prior to their use on site, samples of materials and finishes to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to the first beneficial occupation of any of the additional residential units.

Reason:

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

4. Prior to their occupation, all flats shown to be fitted with obscure glazing shall be fitted with obscured fixed (non opening) glass to a minimum of level 3 of the "Pilkington" scale of obscuration and 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.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development), MD2 (Design of New Developments) and MD8 (Historic Environment) of the Local Development Plan

6. No development shall take place, nor any demolition works or site clearance, until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme for the protection of trees and any associated remedial works to trees shown to be retained within and adjoining the site. The approved scheme shall be carried out during the demolition of the buildings and throughout the course of the development.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD2 (Design of New Developments) and MD9 (Historic Environment) of the Local Development Plan.

7. No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason:

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

8. Prior to their occupation, all flats shown to be fitted with "fixed full height glazing with casements to top sections" shall be fitted with these fixed glazed units (except for the opening high level casements) as detailed in the elevation drawings, and at no time shall these windows be altered to

allow any access onto any flat roof area and 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.

9. The additional/reconfigured flats hereby approved shall not be occupied until the amenity space to the rear and the front has been laid out in accordance with the approved landscaping plan.

Reason:

To ensure that the future occupiers are served by adequate provision of amenity space and to ensure compliance with Policy MD2 (Design of New Development) of the Local Development Plan.

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1 – Delivering The Strategy, SP10 - Built and Natural Environment; MG1 – Housing Supply in the Vale of Glamorgan; MD1 – Location of New Development; MD2- Design of New Development, MD5 - Development Within Settlement Boundaries; MD7 – Environmental Protection; MD8 - Historic Environment; of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, and the Councils Supplementary Planning Guidance on Residential and Householder Development (2018); Penarth Conservation Area Appraisal and Management Plan and the advice within Planning Policy Wales (Edition 10), Technical Advice Note 5 (Nature Conservation and Planning); Technical Advice Note 12 (Design) and Technical Advice Note 24 (The Historic Environment) it is considered that the proposed development is considered acceptable in terms of its impact on host dwelling, street scene and wider conservation area; highways and will not unacceptably detract from the amenity enjoyed by neighbouring properties.

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. 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.

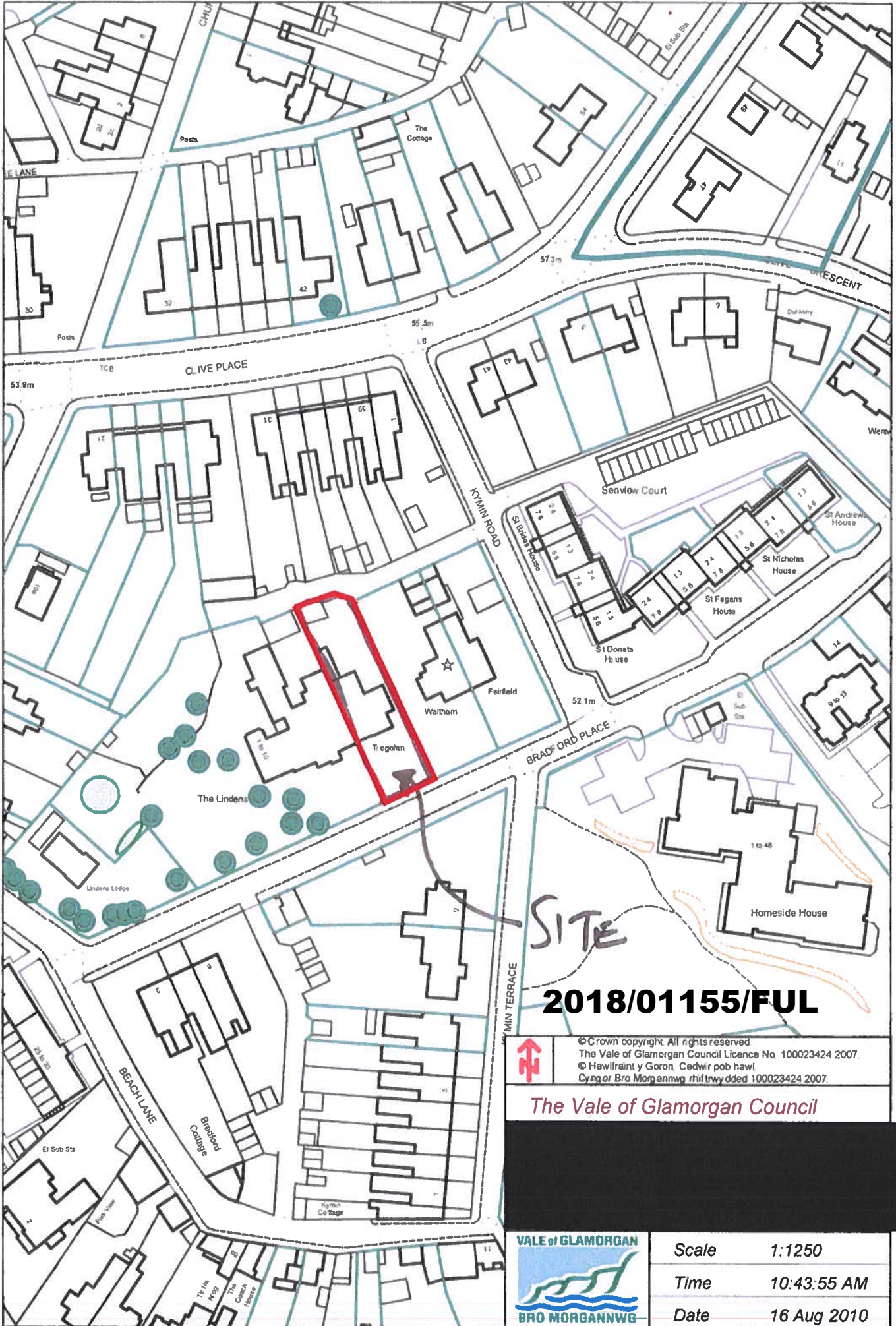
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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



2018/01155/FUL



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The Vale of Glamorgan Council



Scale	1:1250
Time	10:43:55 AM
Date	16 Aug 2010

APPLICANT: Hale Construction and Hafod Housing Association C/o Agent
AGENT: Mr Steffan Harries LRM Planning Ltd., 22, Cathedral Road, Cardiff,
CF11 9LJ

St. Pauls Church and Hall, St. Pauls Avenue, Barry

Proposed demolition of existing church and hall; development of 27 flats 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 is of a scale that is not covered by the scheme of delegation.

EXECUTIVE SUMMARY

The application is for the redevelopment of the site of St. Paul's Church and Hall, St. Paul's Avenue, Barry. The proposal is for 27 residential units, comprising a mix of one and two bedroom apartments. Access would be directly from St. Paul's Avenue and this would lead to an internal parking area of 18 spaces. The new vehicular access would result in the loss of 5 spaces on street.

The main issues relate to the principle of the development, the design and visual impact, highway safety and parking, impact on residential amenity and ecology.

There have been 23 objections to the scheme, while a strong objection has been raised by Barry Town Council. Having considered the above issues, the proposed development is recommended for approval, subject to conditions.

SITE AND CONTEXT

The application site is land at St. Paul's Church and Hall, St Paul's Avenue, Barry, as shown on the plan below:



The site lies within a predominantly residential context, with dwellings to the side (north), opposite and to the rear. To the other side, the site is adjoined by number 7. St Paul's Avenue and High Street Primary School, and Ysgol Sant Baruc lies further to the west. The church hall sits towards the front of the site, with the main church building to the rear, in a position elevated above the road.

DESCRIPTION OF DEVELOPMENT

The application is in full and proposes the demolition of the church and hall, and their replacement with a building of 27 apartments (21 x 1 bed and 6 x 2 bed). Plans and 3D images of the proposed building are shown below:





01 PROPOSED FRONT ELEVATION
1 : 100



The proposed site layout is shown the plan below:



Vehicular access would be via a new crossover from St. Paul's Avenue, and this would lead to a parking court of 18 spaces (plus 16 cycle spaces). The building would be orientated across the site in a similar fashion to the existing church, with the main elevation facing south. The proposed building has a generally traditional form, with gables to the side and a conventional pitched roof. The massing of the building is broken up into three principal sections, with subservient recessed sections in between and on both wings.

The units would be served by approximately 200m² of amenity space at the rear, in addition to smaller incidental areas around the sides and front of the building.

The application initially proposed 31 units, however, following concerns being raised with the applicant regarding the size of the building and the number of units, the proposal has been amended to remove the top four units and lower the height of the building (and remove the dormers). The plan below shows the original proposal:



01 PROPOSED CONTEXT ELEVATION 1



02 PROPOSED CONTEXT ELEVATION 2

PLANNING HISTORY

None relevant to this application.

CONSULTATIONS

Barry Town Council- A strong objection was submitted in respect of the original plans for the following reasons:

- Unacceptable scale and design.
- Overshadowing and overbearing impacts.
- Insufficient parking leading to pressure for parking on street.
- Highway safety concerns.
- Insufficient amenity space.
- The bin store would be visually incongruous and a nuisance to neighbours.
- Loss of landscaping features.
- Overdevelopment of the site.
- Adverse impact on the privacy of neighbours and the school.
- Air pollution from increased traffic.

The Town Council re-iterated those strong objections in response to the amended plans.

Highway Development- The initial comments raised concerns (or requirements for further information) in respect of parking, the gradient of the site access, the need for a TRO, drainage, and the need for a construction traffic management plan. The Highways Engineer has, to date, maintained the request for a 7 day parking survey.

Highways and Engineering- No objection subject to a condition requiring approval of the detailed drainage scheme/layout.

Shared Regulatory Services (Pollution)- No objection subject to a Construction Environmental Management Plan condition, control over working hours and conditions relating to contamination.

Dwr Cymru Welsh Water- No objection subject to a condition requiring approval of the detailed drainage scheme/layout.

Ecology Officer- No objection subject to a condition requiring compliance with the measures set out in the Biodiversity Enhancements Plan.

Natural Resources Wales have advised as follows in respect of bats: *we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.*

Housing Strategy- Advice has been provided in respect of local housing need and the officer has expressed support for the application.

Local ward members- Councillor I. Johnson has submitted concerns/observations (which comprised the response to the applicant's pre-application consultation) in respect of the original and amended proposals. These relate to:

- Failure to use and convert the existing building.
- Costs of the development versus costs of maintaining the church.
- How issues of cultural heritage will be dealt with.
- Loss of a community facility.
- The height of the development.
- The design and style of the development.
- Limited amenity space
- The location of the bin store.
- Overdevelopment of the site.
- Insufficient parking.
- Pedestrian safety.
- Overlooking to neighbours, including the school.
- A covenant on the land.
- Drainage.
- Access for fire vehicles.
- Impact on bats and protected species.
- Construction management issues.

These concerns are attached as **Appendix A**.

Jane Hutt AM has referred to concerns received from constituents, including overlooking and impact on pupil privacy, increased traffic, highway safety and parking problems.

REPRESENTATIONS

The neighbouring properties were consulted and the development has been advertised on site and in the press. Sixteen representations of objection have been received in respect of the original plans and 8 have been received in respect of amended plans, and the grounds are summarised as follows:

- Overdevelopment of the site.
- Inadequate infrastructure
- Additional traffic
- Insufficient parking as part of the development and unacceptable increase in pressure for on-street parking.
- Adverse impact on bats.
- The building is of an inappropriate design and scale.
- Loss of privacy.
- Noise and disturbance.
- Overlooking to the school.
- Uncertainty over the nature of occupiers.
- Disruption during the construction period.
- Highway and pedestrian safety concerns.
- Lack of access for fire brigade.
- Loss of polling station facilities.
- Loss of a community facility/meeting place.
- Surface water drainage concerns.
- There is little public open space around the site.
- The development would be overbearing.
- Loss of green space.
- Odour and vermin risk from the bin store.
- Inadequate play space/open space.
- Impact on property prices.
- Adverse living conditions for occupiers.
- There is insufficient need for this many apartments.
- Insufficient sustainable transport options for residents.

Representations have also been received from High Street Primary School, objecting on grounds relating to the development not being in keeping with the surrounding area, overlooking of the school, compromising the children's safety and privacy, inadequate parking and threats to pedestrian safety, congestion and illegal/dangerous parking.

Two sample letters are attached as **Appendix B**.

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
POLICY MG20 – Nationally Protected Sites and Species

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
POLICY MD9 - Promoting Biodiversity

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

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 1 – Joint Housing Land Availability Study (2015)
- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)

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:

- Affordable Housing
- Biodiversity and Development
- Parking Standards
- Planning Obligations
- Public Art in New Development
- Renewable Energy
- Residential and Householder Development
- Sustainable Development - A Developer's Guide
- Travel Plans

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

The principle of residential development

The site is located within a principally residential context, within the settlement boundary of Barry. Consequently, it is considered that the principle of the development is acceptable, subject to consideration of criterion 5 of Policy MD5, which requires proposals to not result in the unacceptable loss of public open space, community or tourism buildings or facilities. Having regard to the LDP Community Facilities Background paper, there is not a shortage of community facilities and the development would not result in a ward wide shortage (there is an excess of approximately 2000m² referred to in the background paper). The site is within easy walking distance of a range of local community facilities, including the church hall at the junction of Trinity Street and Aberystwyth Crescent, Barry Leisure Centre and a community centre at Alexandra Crescent. It is, therefore, considered that a residential redevelopment of the site is acceptable in principle.

Policy MD6 of the LDP sets out what represents an acceptable housing density, in order to ensure the efficient and best use of land. Within Barry the policy requires a minimum of 30 dwellings per hectare and based on this site area of 0.25 hectares, the density would be 108 dwellings per hectare, which complies with the policy.

Design, layout and visual impact

The proposed building would be located on a similar footprint to the existing church and, while it would not be parallel to the highway, it nevertheless presents a sufficiently direct and active frontage (the siting is a response to the site levels and the need to incorporate parking and amenity space). The existing building and the adjacent school do not have the same relationship to the road as the terraces and pairs of dwellings and it is considered that a development which largely replicates the existing church would not appear harmfully at odds with the wider pattern of development.

The amount of car parking has been reduced since pre-application submissions, partly to ensure that parking does not harmfully dominate the site frontage. While the parking area would be visible from the street, it would be mostly set back from the site edge and soft landscaping is proposed in the adjacent areas. It is considered that the amount of parking would not unduly dominate the site and it would not unacceptably impact upon the appearance and character of the site or the wider street. The hard landscaping key (on plan A119) refers to 'tarmac to parking spaces and access road', while the layout plan (and context elevations/3D perspectives) show block work. It is considered necessary to condition the parking spaces to be block work, to avoid an excessive area of tarmac at the front of the site. While the proposed bin store would be prominent, it is not significant in size and there are the site is constrained for alternatives.

The building has been reduced in size since the initial submissions, in response to officer concerns. The ridge height of the tallest part has been reduced by approximately 1m, the eaves have been lowered to just above the second floor windows, and the dormers have been omitted from the front and rear.

The street scene is principally made up of two-storey dwellings. On the opposite side of the road the dwellings are generally at street level, whereas the dwellings immediately to the north of the site are elevated significantly above the road. To the other side of the site is the school which is elevated above the road, but not to the same degree as the dwellings at 9-19 St. Paul's Avenue. The existing church is notably the largest building in the street, and its ridge is approximately 2.7m higher than the ridge of no. 9 St. Paul's Avenue. While the proposed building is itself taller (slab to ridge) than the adjacent houses, the ridge would be over 2m lower than the existing church and just 0.5m higher than the adjacent dwelling. This is depicted on the plan below, with the outline of the existing church also represented:



NTEXT ELEVATION 2

The building would be wider than the existing church and in parts the eaves would be higher, however, it is considered that the building would not be materially more dominant in the street scene and it would not appear over scaled or visually harmful in this context. The massing of the proposed building is broken up into three principal sections (in a staggered footprint), with subservient recessed sections in between and on both wings. It is considered that this type of composition effectively breaks up the overall massing and bulk of the building.

The design and form is relatively simple, while the staggered composition and subservient sections give a degree of visual interest and depth to the front elevation. While the design is simple, that is not considered to be an objectionable quality, particularly given the traditional context within which the site is located. Subject to the use of high quality materials, it is considered that the building would contribute positively to the street scene. The application forms are not specific as to the exact colour and appearance of cladding proposed, therefore, this matter is controlled by condition 10.

The existing church is a visually interesting building, however, it is substantially masked by the less characterful hall at the front and mature landscaping. Therefore, and given that the building is not listed or recognised as a county treasure, there is no objection to the loss of the existing building in principle and its demolition cannot be prevented in any case.

Having regard to the above, it is considered that the proposal is of a scale, form, design and layout which would not adversely impact upon the character of the wider area, in accordance with Policies MD2 and MD5 of the LDP.

Impact on neighbours

There would be in excess of 21m between the building frontage and the dwellings opposite, which is considered sufficient to preserve the privacy of these neighbours, and to ensure that the building would not appear overbearing.

Number 7 St. Paul's Avenue lies to the south/west of the site and the proposed development would alter the outlook from the side and rear of this property. However, the development would be located approximately 19m away from the dwelling and 14m away from the enclosed area of garden immediately at the rear. The area of land to the rear of the walled garden does not appear to function as part of the garden to this property (it is in the ownership of the Council), however, the development is in any case considered to be sufficiently far away from it to not unacceptably impact upon its usability and outlook.

The front window serving flat 19 would not unreasonably overlook the garden of this property, however, there would be less than 21m to windows on the rear elevation (approximately 19m). Consequently, a condition is recommended to require part of this window to be obscurely glazed (condition 8). Subject to this, the amenity and privacy of this neighbour would be preserved.

To the rear, the properties on Montgomery Road are on a significantly higher level and would be at least 40m from the proposed building. Having regard to the distance and the difference in levels, the gardens and windows of properties at Montgomery Road would not be unacceptably overlooked. The development would also not be overbearing on the occupiers of these properties.

Number 9 St. Paul's Avenue lies to the north/east of the site and this is the property that would lie closest to the development. A corner of the proposed building would be within 7m of the side of no. 9 and there are two ground floor windows on the side of this property. However, the side elevation of the proposed building is angled away from this neighbour and the development would not unreasonably impinge upon the outlook from these windows or the front garden. The development would be clearly visible from the rear garden (as is the case with the existing church) but it would not significantly alter the existing range and openness of views from this amenity area. The development would be 4m away from the side boundary of the rear garden at its closest point, but the angle of the building is such that it would preserve a generally open outlook across this side boundary. The development would also not appear overbearing from this garden and the development would not result in an unacceptable level of overshadowing, relative to the existing situation.

The scheme as originally proposed would have unacceptably overlooked this rear garden and consequently the top floor of flats has been omitted and the arrangement of windows on the rear at second floor has been amended. The plans below show first, the original proposed rear elevation and second, the amended rear elevation:

Original rear elevation:



Amended rear elevation:



The rear facing bedroom windows in flats 26 and 27 have been omitted and the living area window for flat 26 would now face away from the rear garden. The other second floor rear windows would be too far along the elevation to directly overlook this garden and the first floor windows would be low enough to not directly overlook.

The following windows are at angle and distance to the kitchen window on no. 9 St. Paul's Avenue that necessitates them being obscurely glazed (to a height of 1.7m above the floor level in the rooms) in accordance with the Council's Residential and Householder Development SPG:

- Side window in flat 17 facing towards no. 9 St. Paul's Avenue
- Rear side elevation window in flat 18 facing towards no. 9 St. Paul's Avenue.
- Side window in flat 26 facing towards no. 9 St. Paul's Avenue
- Rear side elevation window in flat 27 facing towards no. 9 St. Paul's Avenue.

Subject to this (see condition 8) the privacy of this neighbour would be preserved.

The development would result in an increased level of comings and goings compared to a vacant and disused church, however, the situation would not be significantly different to a functioning church and it is in any case considered that a residential use of the site for this number of units would not give rise to an unusual level of noise or disturbance. A Construction Environmental Management Plan condition (11) is recommended, to minimise any disruption during the construction period.

A number of the units have an aspect towards the rear of the site and while this would receive less direct sunlight than those at the front, the rear of the site and the rear elevation would be sufficiently open to ensure that the windows and outdoor space would receive adequate natural daylight, such that the living conditions of the flats would not be unacceptable.

Having regard to the above and subject to the above referenced conditions, it is considered that the development would not unacceptably impact upon the living conditions of the neighbouring residents or occupiers, in accordance with Policy MD2 of the LDP and the Council's SPG.

In relation to the school, there would be two small windows on the side elevation closest to the boundary, albeit one would be at ground floor. A further two windows on the side of the next section would also face towards the school. While there would be some windows that would face in the general direction of the school, they are very limited in number, small in scale and set away from the boundary. It is considered that these openings would not result in a harmfully diminished level of privacy to pupils or those working in the school.

Highways issues and parking

The development would be served by a new vehicular access from St. Paul's Avenue, which would in turn provide access to 18 parking spaces. The 'carriageway' within the site would be in tarmac, with the parking spaces in block work. The layout makes provision for vehicles to turn, such that they would be able to enter and leave the site in a forward gear.

The Council's Highways Engineer has raised no objection to the proposed access in principle, however, the proposed access (and associated required vision splay) would require the removal of 5 existing on street parking spaces. The Highways Engineer has, therefore requested a 7 day parking survey to appraise the demand for on-street parking in the vicinity of the site.

Firstly in terms of on-site provision, the 27 units would be served by 18 spaces. The applicant has investigated likely parking demand as a consequence of the location and the tenure type. 2011 census data suggests that 54% of social rented households in the Vale of Glamorgan have no access to a car and that there are typically 0.3-0.4 cars per social rented unit (1 and 2 bedrooms). Rounding up, this would equate to 11 parking spaces for the 18 units, and the Council's SPG suggests 5 spaces for visitors (16 in total).

While each case must be treated on its merits, other applications for affordable housing schemes in Barry have recently been accompanied by survey data of parking space use in social rented developments. These found that an average of 0.43 parking spaces per unit were being used, and this generally tallies with the census data.

Notwithstanding the above, this is a site where occupants could realistically exist without a car, given the very close proximity to bus and train links, and a very wide range of day to day services. Furthermore the level of parking proposed would support the aims of PPW to reduce over-reliance on the private car and encourage more sustainable modes of travel. It is, therefore considered that 18 spaces would adequately cater for a development of this type (residents and visitors), without placing undue pressure on street parking.

As context, the existing church has no off street parking, whereas the Council's Parking Standards would require a maximum amount of parking based on the following criteria: 1 space per 10 seats or 1 space per 8 sqm of praying floor space. While these are maximum standards and while the pattern of use of the existing buildings may be different, it is relevant context to note that the existing use has no parking.

Secondly it is necessary to consider whether the loss of 5 spaces (to accommodate the access and vision splay) would unacceptably impact upon the availability of parking on street, highway safety and the free flow of traffic.

The Council's Highways Engineer has requested a 7 day survey to assess parking demand, however, the applicant contends that this is not reasonably necessary to assess the existing situation in respect of parking demand. The applicant's submissions include details of a parking survey on a Wednesday between 14:55 and 20:00 and further surveys between 07:00 and 20:00 on another Wednesday and a Saturday (5th June and 15th June respectively- i.e. term time and not in school holidays). The parking survey relates to St. Paul's Avenue only, and not to surrounding streets.

The south side of the road accommodates parking along almost the entire length and this is only interrupted by a traffic calming feature and a single vehicular crossover. The north side of the road accommodates unrestricted parking along much of its length, albeit there are two restricted zones outside of the school.

There is a school bus stop measuring approximately 30-metres long and a 'KEEP CLEAR' section measuring approximately 25-metres along the frontage of the schools. A Traffic Regulation Order (TRO) at the bus stop stipulates no stopping between 08:00-09:30 and 15:00-16:30 Monday to Friday between September and July except bank holidays. A TRO at the keep clear zone states no stopping

between 08:00-17:00 Monday-Friday. As such, parking on the bus stop and keep clear zone outside of the stated hours is allowed.

The Saturday survey showed that against a capacity of 82 spaces (which would become 77 if the development were to go ahead) there was between 36 and 52 parked vehicles throughout the survey period. This suggests that there would be ample capacity to deal with the development (the loss of five on street spaces) on a typical weekend.

On the full Wednesday there was between 39 and 68 cars parked, with the peak being at school drop off time. At that time, there was 1 car more than the calculated theoretical capacity that would exist if the 5 spaces were lost as a consequence of the development. In the interests of robustness, the survey did not consider other streets which are within very short walking distance of the site and the school, in particular Hilda Street and Montgomery Road. It is considered very likely that there was available on street capacity outside of (but close to) St. Paul's Avenue at school drop off time on the surveyed day.

The case officer has also visited the site at between 08.35 and 09.10 on a school day and the findings were as follows:

- There were no free parking spaces at any point on St. Paul's Avenue.
- The case officer witnessed parents and pupils getting out of cars on Hilda Street and Montgomery Road, suggesting that parents use these streets.
- There was initially (08:35) approximately 10-12 spaces free on Hilda Street and significantly more on Montgomery Road. There remained a lot of capacity on Montgomery Road throughout the surveyed period, while parking on Hilda Street was incrementally taken up. There remained at least 5 spaces at all times.
- Parked cars did not dissipate after the school day started and the street remained fully parked until the case officer left.
- The case officer did not count cars but noted that not every car was parked as efficiently as would be required to achieve full 'capacity'. This is not unexpected because while some cars arriving will have scope to park efficiently, others will not, depending on the size of space available.

The 8th July 2019 report does not quantify the results in terms of 'free spaces', rather it refers to 'capacity' and the number of parked cars. Whilst the implication may be that the difference between the two will be 'free spaces' that is not necessarily the case for the reason above. It is either the case that there was not free spaces on the surveyed Wednesday (like the day of the officer's visit) or there were spaces, but that day was not representative of the demand experienced on the day of the case officer's visit.

Given that cars did not visibly dissipate after school drop off, it would appear that the parked vehicles are either residents or staff from either of the two schools on St. Paul's Avenue. Neither school has parking on site and the office at High Street

Primary School has advised that staff park on street, either on St. Paul's Avenue or other streets nearby.

Therefore, and given that it is extremely unlikely no residents of the street will have left the street before 09:10, it is reasonable to conclude there is a practice of staff parking on this street. Furthermore in light of the likely timing/pattern of arrivals at the street for staff and residents it is reasonable to conclude that the lost 5 spaces on street would have greatest impact on the availability of parking for staff. I.e. Residents will typically (in most cases) return from work after staff have left, and those residents will be able to retain the spaces until they leave the next day. It is acknowledged that not all residents will have the same daily pattern of movement, but this assessment is considered to be reasonable and logical for a typical scenario.

These conclusions are supported by the available capacity on the applicant's surveyed week day (after 3.30 in particular) and similar levels of free space were witnessed by the case officer between 4.00 and 4.30 on three occasions (one of which being the day when the morning drop off was surveyed). On those occasions there was also significant capacity on Hilda Street and Montgomery Road (in excess of ten spaces on each).

The surveys and site visits show that at school drop off and pick up times, there is high demand for parking on St. Paul's Avenue. However, even at the times of highest demand, there is capacity in the nearby streets that are within very short walking distance of the school, and parents were observed using these areas. It was also noted that a number of parents informally dropped children off directly outside the school and while this practice blocks traffic for a matter of seconds, it did not cause a significant or problematic obstruction to the free flow of traffic. Outside of peak times, there would be comfortably enough parking on St. Paul's Avenue to accommodate the loss of 5 spaces.

It is understandable that local residents are concerned regarding parking and it is important to ensure that there is capacity to deal with the development, however, notwithstanding those concerns, the applicant and officers have assessed the existing situation to inform the assessment of the likely impacts. The Highways Engineer's request for a 7-day survey has been conveyed to the applicant, however, in the absence of this it is for the Local Planning Authority to consider the robustness of the submissions and whether they adequately enable a judgement of parking impacts to be made. It is considered that the applicant's surveys and the officer's visits are sufficient to enable the situation to be assessed (particularly given that the officer witnessed the street being fully parked and therefore no assumptions on the acceptability of the scheme are being based on a day of unusually low demand).

There is evidently no unused capacity on St. Paul's Avenue at drop off time and the development is likely to displace 5 parked cars from St. Paul's Avenue at this time of the day. However, for the reasons set out above, it is considered that this does not amount to an unacceptable impact. It is considered that this will not be likely to impact significantly on residents' ability to park and it is not unreasonable for staff to have to use other capacity in nearby streets. There would remain parking capacity in the streets nearest to St. Paul's Avenue.

On that basis, the proposed development is considered acceptable in respect of parking, both on site and in terms of the impacts on St. Paul's Avenue (and the wider network of streets). Consequently it is also considered that the development will not be likely to give rise to instances of dangerous parking or frequent 'circling of the block'. It is considered that impacts during the construction period can be minimised by a construction management plan that incorporates highways/parking provisions (e.g. the timing of deliveries, parking of construction/staff vehicles etc).

The Highways Engineer has advised that the new access will require a Traffic Regulation order (TRO) in respect of the removed parking spaces. Consequently, condition 5 requires the proposed works to be implemented by means of a Traffic Regulation Order, prior to the first beneficial occupation of the development.

Concerns have been raised in respect of pedestrian safety, however, while the development would result in vehicles movements across the pavement, that does not infer that the development will have unacceptable impacts. It is not uncommon for vehicles to cross a pedestrian pavement to access a site and there would be sufficient visibility for pedestrians and drivers across the extent of the site access, and the approaches on either side.

Having regard to the number of units and the likely number of vehicle trips associated with the development, it is considered that there would not be any appreciable adverse impacts in respect of traffic generation, congestion and the free flow of traffic (or air pollution as a consequence). Finally in respect of highway issues, the development is in a location which would be serviceable by emergency vehicles, and there is no reason in principle why there should be a barrier to emergency service access during the construction period.

Amenity space

The development would be served by approximately 200m² of shared amenity space at the rear. The Council's SPG recommends 15m² per person (on the basis of 2 people per flat) and the development would fall well short of this amount. However, the site's size and levels/topography are such that this amount could not practically be provided and notwithstanding the aims of the SPG, it is not unusual for flats to be served by more limited areas of amenity space. In this case, the area in question would be easily accessible to all occupiers and it is large enough to function as a practical and useable area of outdoor space.

Residents would also benefit from nearby public open space within close walking distance at Gladstone Gardens and Alexandra Crescent in particular. The limited on site space must be weighed against the positive impacts of the development; in this case principally the provision of much needed affordable units. In light of this and given the close relationship the site has with the nearby public open space, it is considered that the outdoor amenity needs of the occupiers can also be met in this way.

Ecology

The application is accompanied by a bat survey which revealed that the building hosts a Soprano Pipistrelle day roost and consequently, a licence is required from Natural Resources Wales (NRW).

Whilst only one bat was identified roosting at the church, there are a variety of potential roost features that would be lost if the church is demolished. The recommended level of mitigation is, therefore, the provision of four replacement roosts for crevice dwelling bats. This would provide a variety of roost conditions and provide sufficient shelter for the numbers pipistrelle bats recorded at the site. The proposed mitigation strategy is to provide two raised roof tiles and two bat boxes that can be integrated in to the walls of the new building. NRW have considered this and have advised that they *'do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range'*.

As a competent authority under the Conservation of Habitats and Species Regulations 2010 ('habitat regulations'), the Local Planning Authority must have regard to the Habitats Directive's requirement to establish a system of strict protection and to the fact that derogations are allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, 6.3.6). The three tests are:

- Test i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- Test ii) There is no satisfactory alternative.
- Test iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

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

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

In terms of Test 2, there is considered to be no satisfactory alternative, given that the building cannot practically be converted to make this affordable housing provision and the site could not accommodate it without the demolition of the building.

In terms of Test 3, NRW have advised that with the proposed mitigation measures, the development would not be detrimental to the maintenance of the

population of the species concerned at a favourable conservation status in its natural range.

The application also now includes a Biodiversity Enhancements Plan, which proposes nine swift boxes on the outside of the building. The Council's Ecologist raises no objection to the proposal and has requested the swift boxes be required by condition. Condition 16 requires this and compliance with the measures and recommendations contained within the Biodiversity Enhancements Plan.

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

Drainage

The submitted drainage strategy suggests that surface water will be disposed of to a combined sewer via an attenuated discharge. A Site Investigation Report has also been submitted which concludes that infiltration testing was unsuccessful at the site. Consequently, the Council's Drainage Engineer has requested a condition to require details of the full drainage system to be submitted to and approved by the Local Planning Authority (condition 9). Dwr Cymru Welsh Water have advised that the public system can accept foul flows and have requested a similar condition to the Council's engineer. Subject to this, the proposed development is considered acceptable in principle in terms of drainage. The development will not be subject to the SAB procedures given that it was submitted prior to January 2019.

Trees and landscaping

None of the existing trees within the site are protected with Tree Preservation Orders (TPO) and the site is not in a conservation area. It is considered that the trees in question are not worthy of a TPO and consequently there is no reasonable means of protecting them. Notwithstanding this, condition 14 requires details of a landscaping scheme to be submitted and approved, and there is scope within the areas at the front of the site for a quality landscaping scheme that would soften the visual impact of the development.

Other points of objection

Subject to appropriate maintenance, there is no reason to believe that the bin store will result in vermin, odour or nuisance. A number of issues have been raised which are not material planning matters, namely impact on property value, the costs of the development versus the costs of maintaining the church, the future destination of cultural items from within the church, a potential covenant on the land and loss of polling facilities. The site is well served in terms of services and infrastructure and the development will be subject to a legal agreement for financial contributions towards transport, community facilities and open space (but having regard to the Council's policy on affordable housing developments of up to 25 units). Finally, there is no evidence to suggest that the nature of occupants would have an adverse impact upon the amenity of the area.

Section 106 issues

At the Council's Cabinet meeting of the 5th September 2016, there was a resolution approved to waive the requirement to seek financial obligations on 100% affordable housing sites of twenty-five units or less, where the development is made by the Council or the four housing associations zoned by Welsh Government to develop in the Vale. Accordingly, the section 106 contributions for this development have been calculated based on the amount of units over 25- i.e. 2 units.

Affordable housing

There is acute affordable housing need in Barry and this is a significant material consideration in favour of the development. The 2017 Local Housing Market Assessment determined that 576 additional affordable housing units were required each year to meet housing need in the area. The need is further evidenced by the following figures from the council's Homes4U waiting list in the area in the ward of Buttrills:

Buttrills	
1 BED	331
2 BED	131
3 BED	56
4 BED	15
5 BED	
	535

It is considered that the development would make a significant contribution towards meeting that housing need. While a number of affordable units have been approved within the area of the Waterfront in the last 5 years in particular, the Waterfront development is not in this ward. Notwithstanding that (and acknowledging that the site lies close to ward boundaries with Castleland and Baruc), there is significant affordable housing need throughout Barry, which would not be fully met by this development, or those nearby on the already approved phases of the Waterfront. The table below shows the Homes4U waiting list for Barry as a whole (a total waiting list of 2622):

	1 bed	2 bed	3 bed	4 bed	5 bed	
Barry	6	1				7
Baruc ward	303	179	49	12	1	544
Buttrills ward	342	133	55	14	2	546
Cadoc ward	156	81	32	5	3	277
Castleland ward	268	127	46	9	2	452
Court ward	101	59	17	2		179
Dyfan ward	93	68	35	5	1	202
Gibbonsdown ward	100	67	25	7		199
Illtyd ward	106	77	27	5	1	216
Grand Total	1475	792	286	59	10	2622

The Homes4U waiting list for Buttrills ward is 342 for one bed units alone, and 475 units for one and two bed units combined. It is, therefore, considered that there is evidenced need for the development, and that the proposal clearly does not exceed or come close to meeting that need.

Sustainable Transport

Having regard to the cost of providing and upgrading sustainable transport facilities, the Council's Planning Obligations SPG provides a basis to consider the type of contribution that may be likely to mitigate the impacts of a development of this size. This is a key aim embodied in national and local planning and transport policies, which the Council is keen to deliver. In this case, a sustainable transport contribution is required to ensure that the site is sufficiently accessible by a range of modes of transport other than the private car, such that it may be considered a sustainable site.

While the site is in a sustainable location, residents would be reliant on local transport facilities and consequently, a sustainable transport contribution is considered reasonable and proportionate to the need arising from the development. The applicant has agreed to a request of £4,600 which accords with the rationale set out in the Council's SPG for 2 units. This money can be spent on improving access to and from the site and local services/facilities by sustainable modes, cycle provision in the town centre, etc.

Community facilities

The Planning Obligations SPG acknowledges that new residential developments place pressure on existing community facilities and create the need for new facilities. Therefore, it is reasonable to expect new residential developments of this scale to contribute towards the provision of new, or enhancement of existing, community facilities.

The Council has developed a formula to calculate reasonable levels of contributions for community facilities, which has been derived from an analysis of the costs associated with providing such 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. The formula set out in the Planning Obligations SPG ensures a fair and consistent approach to development proposals throughout the Vale of Glamorgan. The applicant has agreed to an amount of £2,520 which reflects the need that results from the development (based on 2 units) and accords with the guidance in the Council's SPG.

Public Open Space

Policy MD2 of the LDP requires open space to be provided in accordance with the Council's standards, and these are set out in the Planning Obligations SPG and policy MD3, as follows:

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

While public open space cannot practically be provided on site, the Council's SPG makes provision for payment of a contribution to be used to improve and upgrade public open space near to the site. In this case, and based upon 2 units, this would equate to £5,336 and this would be spent on improving facilities at areas of public open space that would be used by occupiers of the development.

Education

Given that only 6 of the units would have two bedrooms and the remainder would have one bedroom, the development does not trigger consideration of education contributions. This is because of the size of the units and the likely nature of occupancy.

Public Art

The Council's SPG requires developers to set aside a minimum of 1% of their project budget specifically for the commissioning of art and the public art should be provided on site integral to the development where possible. The applicant has agreed to this requirement.

RECOMMENDATION

Subject to the applicant/developer first entering into a Section 106 legal agreement to secure the following:

- The retention of the units as affordable in perpetuity.
- £4,600 towards upgrading sustainable transport facilities in the vicinity of the site.
- £2,520 towards community facilities provision in the local area.
- £5,336 towards public open space in the local area.
- A clause requiring the payment of a fee to monitor and implement the legal agreement (£4,400 in this case).
- The developer shall provide public art on the site to the value of 1% of the build costs or otherwise pay a contribution to the same value to the Council.
- The Legal Agreement will include the standard clause requiring the payment of a fee to monitor and implement the legal agreement.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the following plans: A115 Rev A, A116 Rev A, A119 Rev C, A120 Rev D, A121 Rev E, A122 Rev D, A124 Rev C and A125 Rev C.

The development shall be carried out strictly in accordance with these details.

Reason:

To ensure a satisfactory form of development and for the avoidance of doubt as to the approved plans.

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

Reason:

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

4. The site enclosures shall be in accordance with those shown on plan A119 Rev B (with the railings painted black), or an alternative schedule of enclosures, details of which shall be submitted to and approved in writing prior to their erection. The means of enclosure shall be erected in full, prior to the first beneficial occupation of the development, and so retained at all times thereafter.

Reason:

To safeguard local visual amenities, and to ensure the development accords with Policies MD2 and MD5 of the Local Development Plan.

5. Notwithstanding the submitted plans and prior to the commencement of the construction of the site access and internal site road, further engineering details of the proposed access into the site and all surface materials to be used in the parking areas and carriageways within the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of highway safety and to ensure compliance with Policies MD1 and MD2 of the LDP.

6. The site access, internal road, turning areas and parking areas shall be laid out in accordance with plan A119 Rev B and the details approved under the terms of condition 5 of this planning permission (and in accordance with any TROs as necessary), prior to the first beneficial occupation of any of the units, and the access, internal road, turning areas and parking

spaces shall be retained at all times thereafter to serve the development.

Reason:

In the interests of parking and highway safety and to ensure compliance with policy MD2 of the LDP.

7. Notwithstanding the submitted plans and prior to their erection, further details of the cycle storage areas shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be provided prior to the first beneficial occupation of any of the units and so retained at all times thereafter.

Reason:

In order to ensure that adequate cycle storage is provided and to ensure compliance with Policy MD2 of the LDP.

8. Any part of the following windows that are below 1.7m in height above the level of the floor in the rooms that they serve shall be obscurely glazed to a minimum of level 3 of the "Pilkington" scale of obscuration and fixed pane at the time of installation, and so retained at all times thereafter:

- Side window in flat 17 facing towards no. 9 St. Paul's Avenue
- Rear side elevation window in flat 18 facing towards no. 9 St. Paul's Avenue.
- Side window in flat 26 facing towards no. 9 St. Paul's Avenue
- Rear side elevation window in flat 27 facing towards no. 9 St. Paul's Avenue.
- Front window in flat 10 facing towards St. Paul's Avenue.

(as shown on plans A120 Rev D and A121 Rev E)

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.

9. Notwithstanding the submitted plans and details, and prior to the commencement of development, a scheme for foul and surface water drainage (including details of the perpetual management of the drainage system) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the first beneficial occupation of any of the units and maintained at all times thereafter in accordance with the approved details. The details shall include an assessment of the potential to dispose of surface and land water by sustainable means and a management and maintenance plan for the drainage system.

Reason:

To ensure the adequate drainage of the site, and to ensure the development accords with Policies MD2 and MD5 of the Local Development Plan.

10. Notwithstanding the submitted plans/forms and prior to their use in the construction of the development hereby approved, further details and samples of the external materials to be used (including the block work to be used for the parking bays) shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out and maintained at all times in accordance with the approved details.

Reason:

In the interests of visual amenity and to ensure the development accords with Policies MD2 and MD5 of the Local Development Plan.

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

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

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

Reason:

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

12. In the event that contamination is found at any time when carrying out the development that was not previously identified, it shall 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. The scheme shall include an investigation and risk assessment and where remediation is necessary, a remediation scheme and verification plan shall be 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, prior to the first beneficial occupation of any of the dwellings approved.

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 MD2, MD5 and MD7 of the Local Development Plan.

13. Any topsoil (natural or manufactured) or subsoil, and any aggregate (other than virgin quarry stone) or recycled aggregate to be imported (and any site won material including soils, aggregates, recycled materials) 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 the relevant Code of Practice and 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 and to ensure compliance with Policies MD1 and MD7 of the LDP.

14. Prior to the first beneficial occupation of any of the residential units, a scheme of landscaping (including details of the management and maintenance of the landscaped areas) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

15. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

16. The development shall be carried out in accordance with the Pure Ecology Biodiversity Enhancements Plan dated 10th July 2019 and all recommendations and measures in the strategy shall be carried out and maintained at all times, including the provision of 9 swift boxes, prior to the first beneficial occupation of any of the flats.

Reason:

In the interests of ecology and to ensure the development accords with Policy MD9 of the Local Development Plan.

17. Prior to the first beneficial occupation of any dwelling hereby approved, full details of a public art strategy and the timing of provision, shall be submitted to and approved in writing by the Local Planning Authority. The Public Art shall thereafter be implemented in accordance with the approved details.

Reason:

To ensure the delivery of Public Art on the site in accordance with the Council's Public Art Supplementary Planning Guidance, and to ensure compliance with Policy MD2 of the Local Development Plan.

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

Reason:

To ensure the development accords with sustainability principles and that site is accessible by a range of modes of transport in accordance with Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

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, MG20 – Nationally Protected Sites and Species, MD1 - Location of New Development, MD2 - Design of New Development, MD3 - Provision for Open Space, MD4 - Community Infrastructure and Planning Obligations, MD5 - Development within Settlement Boundaries, MD6 - Housing Densities, MD7 - Environmental Protection and MD9 - Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Planning Policy Wales (Edition 10, 2018), Technical Advice Notes 1, 2, 5, 12 and 16 and the Council's SPG on Affordable Housing, Biodiversity and Development, Parking Standards, Planning Obligations, Public Art in New Development, Renewable Energy, Residential and Householder Development, Sustainable Development - A Developer's Guide and Travel Plans, the proposed development is considered acceptable in principle and in terms of design, layout, residential amenity, parking, highway safety, drainage and ecology.

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

NOTE:

1. **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.

2. You are advised that there may be species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP
General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).
3. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.
4. The proposed development site may be crossed by a public sewer. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Dwr Cymru Welsh Water's Network Development Consultants on 0800 9172652.
5. **Warning: An European protected species (EPS) Licence is required for this development.**
This planning permission does not provide consent to undertake works that require an EPS licence.
It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.
To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

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.



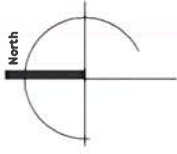
01 SITE LOCATION PLAN
1 : 1250

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Notes:
Do not scale this drawing. Check all dimensions on site. Any discrepancies to be reported back to the Architect for clarity.

North



Client:	Hale
Project:	THE FORMER ST PAUL'S CHURCH & HALL, ST PAUL'S AVENUE, BARRY
Job Number:	L742
Date:	07.12.18
Drawn by:	PC
Dwg No:	A115
SITE LOCATION PLAN	
Revision:	A
Scale:	1 : 1250 @ A3
Drawing Status:	PLANNING



Client: **Hale**

Project: THE FORMER ST PAUL'S CHURCH & HALL, ST PAUL'S AVENUE, BARRY

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Drawn by: PC

Dwg No: A115

SITE LOCATION PLAN

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Scale: 1 : 1250 @ A3

Drawing Status: PLANNING



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APPENDIX A

Response to Pre-Application Consultation on St Paul's Church and Hall, Barry

Thank you for the opportunity to respond to the Pre-Application Consultation (PAC) proposals for St Paul's Church and Hall, Barry, in my elected representative role as a local ward councillor at the Vale of Glamorgan Council.

My response includes a series of comments and questions which I hope will be answered to my satisfaction in the PAC Report should the developer conclude, following the consultation, that they wish to lodge a full planning application with the Local Planning Authority (LPA).

As a member of the LPA Planning Committee, I will make any determinations on the final plans based on all of the available information at the committee meeting and will not be pre-determining my response. However, prior to that meeting I will be playing a role in explaining the process and asking questions on behalf of the constituents whom I represent and who will be affected, directly or indirectly, by the proposals.

During recent weeks I have spoken and met with a number of local residents who have questions and comments on the draft plans and have informed them that they should be submitted through the appropriate channels to yourselves so that they can be included within the PAC Report. I hope that they have done so, in order that you will have received as wide as possible and well informed response from the local community.

I hope that the PAC Report will comprehensively respond to the questions from myself, Barry Town Council and local residents.

Councillor Ian Johnson



Vale of Glamorgan Councillor.

Questions and comments regarding draft proposals for St Paul's Church and Church Hall, Barry

The existing structures

The proposals include the demolition of the existing St Paul's Church, first developed in 1892, and associated Church Hall, built in 1981.

Other recent housing developments within the local vicinity, including Porthkerry Methodist Church and the Windsor Road United Reformed Church, have used the existing building to maintain the local aesthetic and history.

I strongly support the continued use of buildings which have a traditional link with the local community, and would prefer to see these maintained rather than demolished and forgotten.

Could you please outline the reasons for demolition of the buildings, rather than maintaining the existing structures?

The draft plans refer to some of the structural challenges regarding the church. What are the costs associated with maintenance of the church in order to bring it back into use (as housing or other use)?

How does this compare with the costs related to demolition and re-development, as proposed in the draft plans?

If the proposals for the demolition of the building were accepted, how does the developer intend to deal with issues of cultural heritage associated with the site? This includes maintenance and possible relocation of items of cultural value within the church, such as memorial window panes.

The Church Hall is a local community facility previously used by a number of organisations at different points and is used by the Vale of Glamorgan Council as a polling station. The demolition of the Church Hall represents a loss to the local community.

The PAC Report should clearly answer these questions, as demolition of the existing buildings is a key part of the draft plans. There should be a satisfactory responses to the need for demolition of a building which is more than 125 years of age and represents a Barry 'first' as an Anglican Church.

What consideration has the developer given to the impact of losing a community facility as part of their plans, to be replaced by a parking court? This appears to be against the intentions of the Well-being of Generations (Wales) Act 2015 which would seek to maintain community facilities for future generations.

The size and style of the proposed development

The proposal of 31 flats is a large development for the area, substantially increasing the population of St Paul's Avenue.

A four-storey development is not in keeping with the surrounding area of primarily two-storey low-rise housing opposite on St Paul's Avenue and the property at 7 St Paul's Avenue. The comparative height between the higher floors of the proposed development and neighbouring houses at 9-19 St Paul's Avenue is unclear from artist impressions.

The modern style of the development is markedly different from surrounding housing and school buildings, and is characteristic of a 'catalogue-style' approach to development, paying no attention to the local area and surroundings. This clash of styles will create a poor street scene of St Paul's Avenue and, from lower points of Barry will disrupt the existing skyline view by being so different to the surrounding streets.

I am concerned that the draft proposals represent an unsympathetic over-development of the site.

What consideration has been given to a smaller development which reduces the height of the proposed buildings and is, architecturally, more in keeping with the surrounding area?

What consideration was given, for example, to a development which mirrors the existing housing style on that side of the street, in terms of height and external appearance, whether as family homes or smaller one-bed or two-bed apartments within a development that was more sympathetic to the architectural styles of the area?

There is limited amenity space for a development of this size, which further supports the suggestion that this represents over-development of the site to residential use due to such an extensive footprint.

Residents opposite the site have expressed concern about the size, location and visual impact of the proposed bin-store.

The PAC Report should explain why the height, number of flats and external appearance of the proposed development should be considered acceptable when these indicators point to it being an over-development of the site which is unsympathetic to the local area.

The developer should also reconsider in the PAC Report which alternative locations are available for the proposed bin-store and what other amenity space can be developed on a site for the residents of 31 flats.

Parking

The draft plans include a car parking court with 18 car parking spaces on the site of the former Church Hall, but this is subject to the removal of 5 on-street car parking space, leading to a net gain of 13 spaces.

Concerns have been raised with me from the perspective of both road safety in the context of the local schools, and car parking capacity for the development, taking existing vehicle use into consideration.

The proposed access to the parking court includes driving across what is currently a consistent pavement area used by children as a safe route to school at both High Street Primary School and Ysgol Sant Baruc. This has created concerns about road safety and the regular use of this access by cars looking to park in the dedicated parking spaces provided. The implementation of the parking court access therefore carries a substantial additional risk to pupil safety that is not currently present.

I also believe that it is necessary to better understand the actual current use of St Paul's Avenue by vehicles and any road safety impacts of additional traffic upon the street, particularly given the location of two schools in such close proximity to the proposed development.

With regards to car parking capacity on the proposed development, the plans do not meet the maximum standard of parking spaces required for a development of this size.

The assumption is made that social housing tenants have a lower car ownership rate than private tenants or owner-occupiers. I am aware of evidence that dedicated car parks in social housing developments have lower use than might be anticipated, compared to other housing developments. However, anecdotal evidence from local residents in those areas suggests that, for ease of access and departure, many residents with cars park on-street rather than access their dedicated spaces.

I am disappointed that the report goes to great detail to establish sustainability points for the development, before casually referring to the removal of 5 on-street spaces as being easily accommodated. It feels that this reflects a tick-box attitude.

Sustainability points relating to the provision of local education should be discounted as the nature of the development means that there will be few, if any, children of school age housed there.

The travel report notes the pinch-point associated with high use of the road at the time of the local schools opening and closing times. It seems strange, if not disingenuous, that the survey counts potential parking spaces not in use but fails to include cars parked in non-official parking spaces, and who would otherwise be using available car parking spaces.

Although the survey covers the length of the street from the junction with Trinity Street to the roundabout, it does not accurately reflect likely parking usage on the more residential part of the street where the development will take place, or the likely traffic flows. The one-way nature of St Paul's Avenue at that point means that a local resident travelling by car will have already passed many of the potential parking spaces identified in the report before becoming aware of whether on-street parking spaces are available near the development. In that context, a further traffic survey should be considered, focusing on the area between 7 St Paul's Avenue and the roundabout, and perhaps including nearby Hilda Street which may be used by local motorists as a parking location after following the one-way system.

I do not accept the argument that the use of the Church and Church Hall should be considered a parking fall-back situation. The use of those facilities was for short periods of time only at varying points of the day, which is a different pattern of usage to a residential development.

The PAC Report should also outline what consultation has taken place with the Vale of Glamorgan Highways Department regarding road safety concerns in the vicinity of the local schools, and consultation with the schools themselves regarding pupil safety.

The developer should also re-consider in the PAC Report whether they are truly eligible for the number of sustainability points that they claim in the draft proposals and conduct a second traffic survey of the immediate area around the proposed development, rather than including a large number of parking spaces that would not be easily accessible.

Overlooking of neighbouring properties

The proposed development will be in close proximity to High Street Primary School, 7 St Paul's Avenue and 9 St Paul's Avenue and will create a new residential development to the rear of houses on Montgomery Road.

From the draft proposals it is unclear to what extent nearby gardens, houses and schools will be overlooked by residents in the new development, but that seems to be a reasonable assumption given the location of the current church vis-à-vis those properties.

The size of the proposed building with lights and windows higher than the current Church, which contains no overlooking features, will impact upon residents of Montgomery Road.

It is unclear to what extent will existing residents of St Paul's Avenue be overlooked by windows in the proposed development.

Concerns have been raised by High Street Primary School, which shares a boundary with the existing site, about overlooking upon their pupils whilst at play or exercise in the school.

The developer should make clear in the PAC report how impacts upon privacy for existing local residents and children at play in the nearby school will be resolved.

Restrictions on use of the site

Local residents with a long term connection to the area inform me that there was a covenant on use of the site associated with the Church, and that public funding had been used to develop the Church Hall.

The exact boundaries of the site have also been raised with me by local residents.

The developer should make clear in the PAC Report what investigations have been conducted into any restrictions of use of the land, and the findings thereof, and a confirmation of the exact boundaries of the site.

Environmental, Health and Safety and Animal Welfare Considerations

The topography of Barry means that there is a substantial amount of below surface water which runs downhill. Local residents have queried whether this water-flow might have impacted upon the land surrounding the Church, resulting in subsidence, or perhaps impact upon the proposed new development.

Barry generally consists of low rise housing. Local residents asked what consultation had taken place with the fire service regarding the proposals and whether the site could be easily reached, in case of fire.

Residents were surprised that the Bat Roost Assessment found such a limited use of the site by bats as this did not accord with their experience. They also expressed concern about the impact of development upon other non-protected species.

The developer should make clear in the PAC Report:

1. What consideration they have given to impact of the local water-flow,
2. What pre-application consultation had taken with the local fire service,
3. How mitigation will assist the local bat population,
4. Why surveys have not been carried out to test for other protected species, and
5. The impact upon non-protected species.

Construction Management Issues

Although the PAC is an early part of the planning application process, local residents have contacted me with regards to practical issues about the construction phase, should the plans gain planning permission.

These have included the length of time of the construction phase, whether the road at St Paul's Avenue will be closed and the impact on local residents given its one-way status, impact on local schools, impact on school and residential parking during the construction phase, noise and other considerations, including working hours and impact upon shift workers in the immediate area.

Other concerns include the impact of development upon walls and the potential for subsidence.

The PAC Report should respond to these concerns regarding construction management issues and how they would be mitigated, should the proposals receive planning permission.

Transparency

The PAC has been undertaken by LRM Planning and refers to Hale Construction. However, it is not clear from the documentation who will be the manager of the completed site, if granted planning permission.

Local newspaper reports have referred to Hafod Housing as the site manager.

Although not a core part of the consultation, it is unhelpful for a PAC not to disclose this information as to not publish available information will raise questions amongst local residents as to what other information is not being made readily available or disclosed to the general public.

The PAC Report should ensure that all information relating to the site is disclosed, including answers to queries raised through the consultation and any relevant information not yet published but would be considered as of public interest, particularly any issues which may be reported or relevant to the LPA.

Conclusions

This response to the St Paul's Church and Church Hall Pre-Application Consultation raises a number of questions, in particular those about the decision making process that led to proposals to demolish the existing structures, concerns that this is an over-development of the site in a manner unsympathetic to the local surroundings, and issues related to pupil safety en route to school, local parking need and other considerations.

I look forward to the PAC Report comprehensively responding to these questions and concerns from a local councillor, and any other issues raised by local residents during the period of the consultation. I reserve the right to raise further questions during the planning application process, if a formal application is lodged with the LPA.

APPENDIX B

9 Montgomery Road
BARRY
Vale of Glamorgan
CF62 7DA

Date 15 Jan 2019

Dear Mr Robinson,

ST PAUL'S AVENUE DEVELOPMENT APPLICATION No 2018/01383/FUL

Reference:

A. P/DC/IR/2018/01383/FUL

1. Your letter at Reference A asked for comments on the proposed demolition of the existing church and hall and development of 31 flats and associated works, in St Paul's Avenue, Barry.
2. In response to your request to review the above planning application and following my attendance at the public the exhibition event 21 November, where I had an opportunity to discuss the proposal with members of the development team, I have the following primary concerns:
3. Housing Density. The applicant states national guidance contained within Planning Policy Wales, advocates a high-density development to justify the high density of dwellings.
4. The Vale of Glamorgan Local Development Plan 2011 - 2026: Written Statement, POLICY MD6 - HOUSING DENSITIES stipulates a gross density minimum requirement of 30 dwellings per hectare. Higher densities are permissible where they reflect the character of the surrounding area and would not unacceptably impact upon local amenity. St Paul's Church site is 0.25 hectare. This development would result in a gross density figure of 124 dwellings per hectare, which is over 4 times higher than required by the policy.
5. I believe the proposed development is a direct contravention of Policy MD6 Higher Densities requirement; it is big, bulky and intrusive. The proposed building is too large for the size of the plot. It does not contribute to the creation of a balanced community nor does it reflect the character of the surrounding area and will impact upon local residential amenity.
6. Design Development not in keeping with the street. The applicant states the proposed architecture seeks to replicate certain aspects details found in the area, such as a traditional pitched roof, but with a more modern approach to materiality and fenestration.
7. The Vale of Glamorgan Local Development Plan 2011 - 2026: Written Statement, POLICY MD2 - DESIGN OF NEW DEVELOPMENT, requires new developments to: positively contribute to the context and character of the surrounding natural and built environment; fit in with the local context and character of neighbouring buildings in terms of type, form, scale, mix, and density.

8. I believe the proposed development is a direct contravention of POLICY MD2 - DESIGN OF NEW DEVELOPMENT. It pays no regard to the context of the local built environment and fails to enhance or preserve the character of the area. The chosen architectural style fails to maintain a local distinctiveness or pleasing appearance and no attention has been paid to use of local material, brick style or finish which are typical of the area. The height of the proposed building will tower over the street, which in turn will have an impact on the neighbouring properties and the street scene. No respect has been paid to, street pattern or, in particular, the scale and proportions of surrounding buildings. A traditional pitched roof has been proposed, it incorporates dormer windows which are inappropriate and out of place. The properties along St Paul's Avenue are characterised as mainly, terraced, detached, semi-detached houses a number of smaller bungalows and two schools, there are no 4-storey buildings.

9. Overbearing. The applicant feels the issue of overbearing is not considered to be a legitimate concern, given that (1) the existing ridge line of the church is higher than the proposed development, (2) that the ridge line will broadly accord with that of neighbouring properties and (3) the scale of the proposed building at its highest point does not exceed that of the existing church.

I believe the proposed development is a direct contravention of Vale of Glamorgan Local Development Plan 2011 - 2026: Written Statement, POLICY MD2 - DESIGN OF NEW DEVELOPMENT, item 8. Development proposals should safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance. This applies as much to gardens as houses, as gardens are considered an amenity which there is the right to quiet and private enjoyment of them.

(1) The ridge line of the church is mostly higher than the proposed development ridge line, however the east elevation will be higher than the current structure. The closeness, scale, density, height and layout of the development will have an adverse impact the property of 9 St Paul's Avenue making it overbearing.

(2) The ridge line of the proposed development will not broadly accord with that of neighbouring properties, as suggested by the applicant. The images portrayed in perspective views A126 & A127 are misleading, the proposed ridge line will be a good deal higher than suggested. A site visit will confirm this observation.

(3) The proposed building at its highest point does not exceed that of the existing church however, its mass and associated bulk is a sizable increase compared to the structure it is replacing. Three floors of windows on the north elevation will overlook Montgomery Road causing severe invasion of privacy.

10. Car Ownership, Parking spaces, Transport Statement. The applicant has provided a supporting Transport Statement that addresses matters relating to parking and car ownership. The Transport Statement uses PPW, 2011 Census dataset and Sustainability criteria to forecast car ownership and concludes, future residents of the site will own a total of between nine and 11 vehicles. Visitor parking is not provided can be accommodated on surrounding streets.

11. The allocation of the sustainability points impacts on the estimation of vehicles owned by future residents, higher the number the fewer vehicles. Sustainability points allocated because the development falls within the catchment area two schools should be discounted. With only 6x2 bedroom flats, the expected number of children eligible to attend these schools be low and will not warrant a sustainability score of 3. Considering the terrain between St Pauls Avenue, the retail park, leisure centre and leisure areas of Romilly Park, the Knap Gardens and Porthkerry Park, the walking credentials need to be reviewed. The allocation of 2 sustainability points should be questioned.

12. More recent travel surveys (e.g. *Personal Travel in Wales – 2012*) used in calculating the vehicle details show that Wales has the highest proportion of people travelling to work by car of any region or country within Great Britain. The use of the car dominates personal travel by people living in Wales, the car accounts for 69 per cent of total trips. The proportion of households without a car has fallen from 48% in 1971 (based on the Census) to 24% in 2017 while the proportion of households with more than one car increased over this period, from 8% to 35%. Using the above figures, and the removal of the sustainability points future residents could own upwards of 24 vehicles. This will have a major impact on parking in the area.

13. I believe that the proposed development does not provide sufficient parking space. In addition to this, there is already intense on-street parking pressure on St Paul's Avenue. The proposed additional on street will damage both highway safety and residential amenity.

14. In conclusion I would also like to request that, should the application be approved, the council consider using its powers to enforce controlled hours of operation and other restrictions that might make the duration of the works more bearable. The proposed site of development is very small and has limited access, so I would ask that consideration be made about how and where construction vehicles and staff would gain access to the site for unloading and parking without causing a highway hazard or inconveniencing neighbours.

15. I would be grateful if the council would take my objections into consideration when deciding this planning application. I wish to extend an invitation for you to meet me at the property to allow me to illustrate my objections first hand.

Yours sincerely,

John Lawrence

In response to the proposed demolition of St. Paul's Church and hall, Barry to develop 31 flats - I would strongly oppose these plans based on the negative impact it will have on St. Paul's Avenue, where I reside. I've outlined my concerns below;

- **Parking** - VOG Council will not currently give residents of St Paul's Avenue permits so that we are able to park outside or within close proximity to our homes. Given that there is also a school on the street, it is often impossible to get a parking space, especially at school start/finish times. This is very frustrating when you have a car full of shopping and are forced to make 2 or 3 trips from your car (which you've been forced to park at the other end of the street). Adding another 31 residencies into the street can only make this situation even worse, causing more inconvenience for residents. I understand that there will be limited parking available for the residents but where there is more than 1 car per household they will park in St Paul's Avenue, as will their visitors. VOG Council really ought to have looked at providing permit parking a long time ago, it's very unfair to current residents.
- **Privacy** - I am concerned that tenants in the proposed new builds will have the ability to look down into my home and my privacy will be compromised. I don't feel that it's appropriate or fair to be forced to close my blinds to get privacy.
- **Design** – The proposed design of these flats are totally out of character with the surroundings and not in keeping with the rest of the street at all, some houses being over 100 years old and clearly period properties. To place these tacky new build properties where St Paul's church currently sits would spoil the aesthetics of the street as well as increasing noise and traffic into what is currently a very quiet and peaceful street. Surely the new builds would be best kept together and not slap bang in the middle of an Avenue which dates back well over 100 years
- **Impact to current House prices** - ? I chose this home very carefully with a view to remaining here for the foreseeable future and well into my retirement, but if I can no longer park near my home and we have 31 new builds slap bang in the middle of the street looking directly into our currently private personal space, I am concerned that I'll be forced to relocate again. I'm further concerned that such a radical change to the street is going to detrimentally impact the current value of our homes on St Pauls avenue which would be a big problem if I were forced to sell up and move out because of the proposed plans. Has any research been done on this matter or can I assume that any potential financial losses are not the Developers / VOG Councils concern?

Furthermore, what kind of people will be living in these 31 homes? These will be Hafod Housing association but 1 bed homes cannot accommodate families, so will these be single people? Retired couples? Working professional people? People on Benefits? Vulnerable adults with addictions, adults being supported having left prison? What type of people are in mind when building these 1 bed homes?

I'd be grateful if these concerns can be addressed and taken into consideration before proceeding with the demolition of a beautiful building and ruining a street by placing these unsightly flats there.

APPLICANT: Mr. and Mrs. Taylor 16 Tair Onen,, Welsh St. Donats, CF71 7LA

AGENT: Andrew Parker Architect, The Studio, The Great Barn, Lillypot, Bonvilston, Vale of Glamorgan, CF5 6TR

16, Tair Onen, Welsh St. Donats

Demolition of existing stable block and replacement with proposed retirement dwelling

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 M. Morgan, who would like the planning committee to determine the application if planning officers should conclude that planning permission ought to be refused.

EXECUTIVE SUMMARY

The application site is in the countryside for policy purposes, and is not allocated for a particular land use in the Local Development Plan (LDP). The nearest defined settlements are Bonvilston, some 2.5 km to the east, and Aberthin, some 3 km to the north-west.

This is an application for full planning permission to demolish an existing stable block and to build a single-storey, one-bedroomed house.

This application follows a recent proposal (ref. 2018/00940/FUL), for a near identical form of development, which was refused being contrary to strategic policies and would not have contributed to the off-site provision of affordable housing.

This development proposal would place a market dwelling (as opposed to an affordable or rural-enterprise dwelling) in a part of the countryside which not only lacks facilities but is difficult to reach for non-drivers. It is, therefore, contrary to the Local Development Plan's settlement strategy and corresponding guidance in Planning Policy Wales. The application is recommended for refusal.

SITE AND CONTEXT

Roughly 1,300 square metres in area, the application site consists of a stable block, part of a workshop/storage building, and a yard, located to the north of two houses (15 and 16 Tair Onen), with woodland, a field, and a private drive serving several houses. The private drive joins the A48 to the south. The group of dwellings at Tair Onen are not within any defined settlement and classified as countryside for policy purposes in the Local Development Plan (LDP). The nearest defined settlements are Bonvilston, roughly 2.5 km to the east, and Aberthin, roughly 3 km to the north-west.



No public rights of way or historic assets are on, next to, or especially near the site. No protected trees are on the site. The site is in Flood Zone A, where there is little or no risk of flooding from rivers and the sea. It is also in Mineral Safeguarding Areas for limestone (categories 1 and 2) and sandstone (category 2).

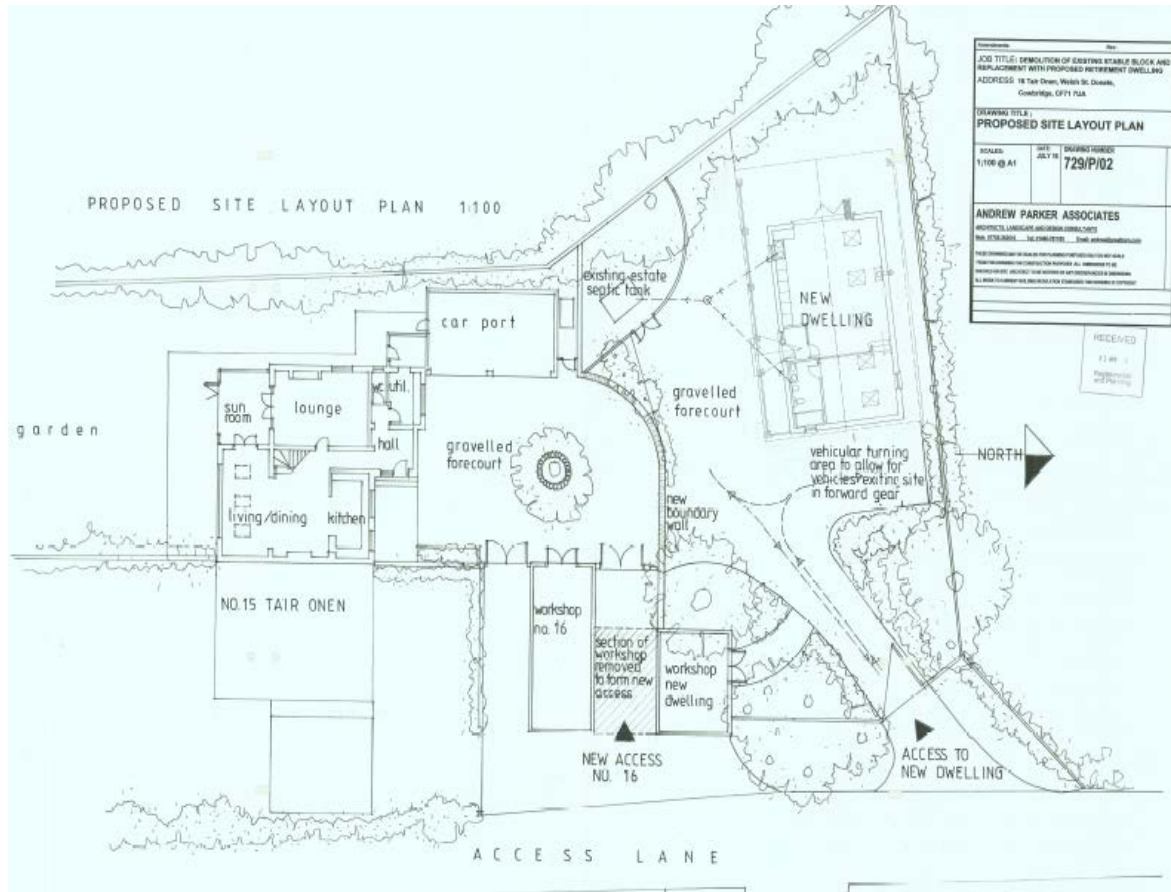
DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission to demolish an existing stable block and to build a single-storey, one-bedroomed house.

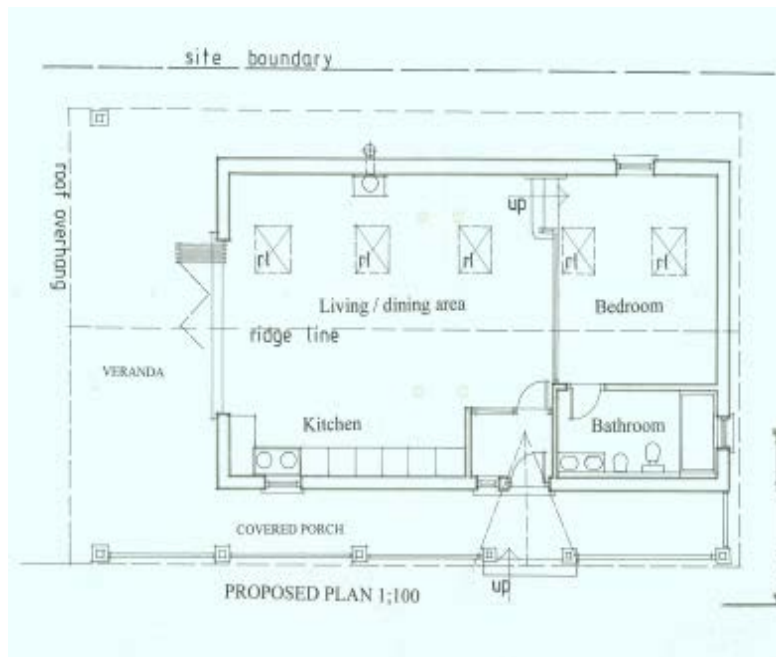
The application documents indicate the following:

- Retired people would live in the house, but the house would be a 'market' (as opposed to an 'affordable') dwelling;
- Outdoor space would consist of a garden (roughly 65 square metres in area) and a veranda;
- The house (including the covered porch and the veranda) would be (roughly) 17 metres long, 10.5 metres wide, and nearly 5 metres tall;
- External materials would include red facing brick (walls), natural slate (roof), and uPVC (doors, window frames, and cladding);
- A new 1.5-metre-tall stone wall would separate the proposed house and the existing house;
- The parking and turning area would be made of chippings;
- An existing workshop would be divided into two workshops (one for the existing house, one for the proposed house);

Proposed site plan:



Proposed floor plan:



Proposed elevations:



PLANNING HISTORY

16 Tair Onen:

2011/00181/FUL: Conservatory extension - decision: approved

2018/00940/FUL: Demolition of existing stable block and replacement with proposed retirement dwelling – decision: refused

Members should not that this application is more or less identical to the current proposal and was refused for the following reasons:

1. *The proposed dwelling represents an unjustified development in an unsustainable, rural location which would prejudice the character and setting of the countryside. As such the proposals are considered to be contrary to policies MD1 – Location of New Development, MD2 – Design of New Development, of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and the advice in Planning Policy Wales (Edition 9) 2016;*
2. *In the absence of the applicant agreeing to enter a Section 106 agreement towards off-site affordable provision within the Vale, the proposed development would fail to make adequate provision to meet affordable housing need, contrary to Policies SP4 - Affordable Housing Provision, MD1 - Location of New Development, MG4 – Affordable Housing and MD4 - Community Infrastructure and Planning Obligations of the Vale of Glamorgan Local Development Plan 2011-2026 and national guidance contained in TAN 2 (Planning and Affordable Housing) and Planning Policy Wales (Edition 9, 2016).*

CONSULTATIONS

Welsh St. Donats Community Council has been consulted and have responded stating that there appears to be no changes to the original planning application of 2018 and have requested that the previous comments made are considered again in which they raised no objection the principle of development. However comments were made with regard to the following:

- Tair Onen is a small settlement of 10 semi-detached houses. It is not a village;
- The cess pit is a communal facility;
- Some of the application documents do not show a 'turning easement to the access lane'.

The Councils **Highway Development Team** has been consulted and recommends that planning permission, if granted, is subject to conditions in respect of parking arrangements (property to have at least one parking space), the width of the proposed entrance to the existing house and closing another entrance on the private lane (the entrance in question is outside the application site).

Shared Regulatory Services (Pollution) has been consulted and recommends that planning permission, if granted, carry an informative note about construction-related noise.

Dwr Cymru Welsh Water has been consulted and does not object to the proposal or recommend any conditions. It does advise the applicant to discuss the septic tank with Natural Resources Wales (NRW).

Peterston-super-Ely Ward Members was consulted. Councillor M. Morgan has responded requesting that the application should be determined by planning committee if planning officers should conclude that planning permission ought to be refused.

REPRESENTATIONS

The neighbouring properties were consulted on 10 April 2019 and a site notice was displayed on 30 April 2019.

Two letters of representation have been received in which the following concerns have been raised:

- The fact that the LPA displayed a site notice after it had sent notification letters to neighbours, thereby extending the consultation period;
- The capacity and future maintenance of the communal septic tank;
- The effect of the proposal on the private road.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

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

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan
POLICY MG4 – Affordable Housing
POLICY MG22 – Development in Minerals Safeguarding Areas

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD4 - Community Infrastructure and Planning Obligations
POLICY MD6 - Housing Densities
POLICY MD7 - Environmental Protection
POLICY MD9 - Promoting Biodiversity
POLICY MD12 - Dwellings in the Countryside

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Placemaking in Rural Areas
- Accessibility
- Previously Developed Land
- The Best and Most Versatile Agricultural Land
- Development in the Countryside (including new housing)
- Supporting Infrastructure

Chapter 4 - Active and Social Places

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

Technical Advice Notes:

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

- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 20 – Planning and the Welsh Language (2017)

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a

review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- Affordable Housing (2018)
- Biodiversity and Development (2018)
- Design in the Landscape
- Minerals Safeguarding (2018)
- Model Design Guide for Wales
- Parking Standards (2019)
- Planning Obligations (2018)
- Residential and Householder Development (2018)
- Sustainable Development - A Developer's Guide

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

- Sustainable Settlements Appraisal Review (2016)

Other relevant evidence or policy guidance:

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

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 this assessment are:

- Principle of development;
- Visual impact;
- Living conditions;
- Highways;
- Affordable housing.

Other issues include:

- Drainage;
- Ecology;
- Minerals;
- Other public concerns.

Principle of development

The application site is located outside of a settlement boundary identified within the LDP. As such the site is located in the countryside where there is a strong presumption within both the LDP and PPW against the provision of new residential development.

The development proposes a new market dwelling in the countryside. The fact that the application is described as being a “retirement dwelling” , would not make any difference to the assessment of the application. The proposed dwelling would not be an affordable dwelling or any other type of restricted-occupancy dwelling (such as a rural-enterprise dwelling) recognised in planning policy as a form of ‘exception’.

TAN6 provides further guidance on the circumstances in which applications for new dwellings within the countryside including those for rural enterprise dwellings or affordable housing schemes, and the justification that would need to be provided.

The application proposes the erection of a single storey, one bedroom retirement bungalow, which it is understood would be occupied by the current occupants of 16 Tair Onen although this does not represent such a material justification for new residential development. Within the submitted documents, there is no justification provided for the dwelling in terms of its requirement for either agriculture, forestry or any supporting rural enterprise and it would not amount to the re-use of adaptation of an existing building to assist the rural economy.

With regard to sustainability the agent in his covering letter states that he will be submitting under separate cover a detailed justification as to why the provision of a one bedroom retirement dwelling in this location is justified, as the number of properties within the community of Tair Onen is some 40 houses and being adjacent to the A48 is more than adequately served by sustainable transport. The agent states that by allowing 490 houses to be built at Darren Farm, the same criteria regarding access to local facilities exists. To date, the LPA has not received the ‘detailed justification’ letter.

The existing stable block is located to the north of a pair of semi-detached dwellings that are the only two situated west of the approach road to this small residential enclave. The pairs of semi-detached dwellings are relatively loose knit in their appearance and, the existing group are very loosely knit. The existing dwellings are semi-detached and consistent in their built form but the street lacks any particular cohesion.

Consequently it is considered that the proposed dwelling would represent an arbitrary addition and extension to that group. Whilst there is an existing stable

block on the site, this is typical of such buildings within such contexts. Whilst the stables may no longer be suitable for housing of horses, this in itself is not a reason to allow residential development within the countryside at odds with the provisions of the aforementioned policies. Whilst the proposals to some degree, seek to mimic the scale of such a building the introduction of a further residential use, and associated paraphernalia would serve to further domesticate the site.

It is considered that the provision of an additional dwelling to the site would represent an arbitrary addition to the development with the pattern of development being somewhat disparate in this location. To the west of the track serving Tair Onen, there are only the pair of semi-detached dwellings that are viewed separately from the other dwellings to the north-east.

Given this it is considered that the principle of the provision of a new dwelling at this site would be contrary to the provisions of Policies MD1 and MD2 of the Development Plan and the advice contained within Planning Policy Wales.

Sustainability

The application site falls outside of a settlement as defined by the Vale of Glamorgan LDP 2011-2026, with the defined boundary of the nearest settlement being Bonvilston approximately 2.3 kilometres distant to the east.

As part of the background evidence for the Local Development Plan, the Council prepared a Sustainable Settlements Background Paper (2013) that ranks Tair Onen 45th of 72 settlements identified within the background paper, indicating the provision of a post box and bus stop whilst also indicating the provision of employment opportunities within the village.

Given its low sustainability score the background paper identifies the site as a 'Hamlet and Rural Area'. The background paper states that these 'are generally small hamlets comprised of historic sporadic development of isolated individual houses or farm houses and barn conversions. Although these hamlets have a limited role and function many are important to the rural character of the Vale of Glamorgan and as such require protection from over-development through planning controls to safeguard these sensitive rural settlements and the rural character of the Vale.'

At paragraph 6.10 the document goes further to state that 'in order to conclude what is deemed suitable for future development in the way of sustainability, it is considered that many of the Vale of Glamorgan's rural settlements cannot realistically fulfil this role principally because they do not have the range of services and facilities necessary to meet this requirement. Furthermore, many of them are isolated and do not have access to public transport services or access to basic community services or employment opportunities. Given their location and limited role and function it is reasonable to conclude that there is likely to be a high reliance on the private car to access basic amenities. Therefore, these areas are considered to be unsuitable and unsustainable locations for further additional development.'

It also must be noted that since the time of the preparation of this document that the Natural Resources Wales depot adjacent to Tair Onen no longer provides the

employment identified within the appraisal of its suitability for residential development. This is considered to compound the lack of suitability of the hamlet to assimilate further residential development. The lack of physical proximity to local services within the immediate vicinity and to nearby settlements would as suggested above result in reliance of future occupiers of this development on the private car and furthermore indicates that this site represents an unsuitable and unsustainable location for additional residential development within the countryside.

Policy MD1 'Location of New Development' relates to new development on unallocated sites and provides a number of criteria which such proposals should meet including criterion 1 'having no unacceptable impact on the countryside'. The supporting text contained at paragraph 7.2 states that 'new development will be directed to those locations that are accessible by sustainable transport and reduce dependence on the private car.'

Para 3.35 of PPW states "...In rural areas most new development should be located in settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole. Development in these areas should embrace the national sustainable placemaking outcomes and, where possible, offer good active travel connections to the centres of settlements to reduce the need to travel by car for local journeys."

Para 3.56 of PPW States " Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled."

Whilst noting that there is a bus service running along the A48 (with the nearest bus stops being approximately 180 metres walking distance away), with services between Cardiff and Porthcawl (on weekdays, the X2 runs in each direction roughly every 30 minutes). However the presence and frequency of the bus service is not considered to facilitate direct and easy access to the full range of services provided in nearby settlements including access to basic community services, education or employment opportunities.

The LDP seeks to 'reduce dependence on the private car' (see paragraph 7.2) and says that 'all new development should be highly accessible' (see paragraph 7.8). It also says that development in the countryside should '[contribute] positively to the rural economy and the viability and sustainability of rural communities' (see paragraph 7.3 of the LDP).

Tair Onen lacks everyday shops, services, facilities, and a range of job opportunities. Cowbridge, a service centre settlement, may have a good range of shops, services and facilities, but is not easily accessible from this site.

Manual for Streets suggests that a walking distance between 800 metres and two kilometres (roughly 1.6 miles) is comfortable for most people. Both Cowbridge

and Bonvilston are outside this range. People could cycle to Cowbridge or Bonvilston, but the route along the A48 which lacks shared paths and segregated cycle lanes, and parts of which have the national speed limit (60 mph) is likely to deter many cyclists.

In summary, the development proposal would create a market dwelling in a rural location which lacks everyday shops, services, and facilities. The dwelling would not be highly accessible, and it would not help to meet the area's need for affordable housing, either. Nor would it make a noticeable difference to the rural economy, to the social or cultural well-being of a rural community. For these reasons, the development proposal is unacceptable in principle.

Visual impact

As noted previously, there is an existing stable block on the site that is relatively modest in terms of its scale and typical of such development in terms of its design and materials. The proposed building would certainly be more domestic in its appearance finished in a mix of facing brickwork and white UPVC cladding beneath a slate roof. Furthermore, whilst the proposals to some degree, seek to mimic the scale of such a building the introduction of a further residential use, and associated paraphernalia would serve to further domesticate the site. Nevertheless, the site is not significantly visible from wider view, noting woodland to the north and vegetated boundaries to the east and west. Noting the modest scale of the proposed dwelling and mature vegetation adjacent to the site, it is considered that the dwelling would not result in an unacceptable visual impact.

However, if the principle of development were acceptable, the LPA could use a condition requiring the applicant (or any subsequent developer) to use alternative materials.

Impact upon the amenity of neighbouring residential properties

The proposals will result in the introduction of a single storey detached dwelling where there is currently a single storey stable block. The neighbouring pair of semi-detached dwellings are situated approximately 22 metres to the south of the proposed dwelling. Noting the single storey nature of the proposals, their modest mass and bulk and separation with neighbouring dwellings, it is considered that the proposals would not result in an unacceptable impact upon the amenity enjoyed by residents of the neighbouring properties to the south.

The additional activity, noise, and vehicle movements associated with one new house would not have a noticeable effect on anybody's sense of peace and quiet.

Given the separation with other properties, it is considered that the proposals would not result in any discernible detriment to the amenity enjoyed by these properties.

Amenity provision

The proposed layout plan indicates the provision of amenity space to serve the existing and proposed dwelling that would provide adequate amenity to serve

each of the existing and proposed dwelling, in line with the Residential and Householder Development SPG.

Highways

The LPA did not object to this aspect of the earlier proposal, and the highway authority recommends that the current proposal be controlled by conditions.

The developed site would be able to provide at least one parking space, and visibility at the junction of the private drive and the A48 is acceptable, according to the highway authority. This single-dwelling would not have an unacceptable effect on highway safety. Neither would it 'cause or exacerbate existing traffic congestion to an unacceptable degree' (see criterion 6 of policy MD2).

The highway authority has suggested using three conditions. The first one would require the applicant (or any subsequent developer) to show that the site could accommodate a single parking space (at least 2.6 metres wide and 4.8 metres long), which can be achieved on site.

The second condition would require the applicant (or any subsequent developer) to show that the access point between the workshops would be at least 3.6 metres wide. Having measured this piece of land on the application documents, the access point would be 4.1 metres wide. As a result, the suggested condition is not necessary to make the proposal acceptable in planning terms.

The third condition would require the applicant (or any subsequent developer) to close an access point on the other side of the private drive. This entrance is not on the application site or on any other land controlled by the applicant. Also, it is not clear how this entrance might have an unacceptable effect on safety on the private access road. Residents will be familiar with the road, and people are unlikely to drive quickly on or near the application site. In the LPA's opinion, the suggested condition is not necessary to make the proposal acceptable in planning terms.

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.

LDP Policy MG4 (Affordable Housing) states that residential developments (including mixed use schemes) will be required to contribute to meeting affordable housing need. In the area of Peterston Super Ely, based upon a net gain of 1 dwelling, the requirement is for 40% affordable housing to be provided. Based upon sites of 1-9 dwellings, the Council's Adopted SPG on Affordable Housing

(2018) sets out how to calculate the level of off-site contribution using the following equation:

Financial contribution (£) = Acceptable Cost Guidance (£) x Social Housing Grant (58%) x Number of affordable housing units

The Acceptable Cost Guidance band for the area of Peterston Super Ely is band 5. Based on a 1 bedroom dwelling as proposed the ACG figure would be £119,700.

The off-site affordable housing contribution would thus be:

£119,700 x 0.58 x 0.4 = £27,770.40

The requirement is the same for this current application.

Whilst the principle of development is not supported for the reasons set out above, the applicant was nevertheless advised of the requirement for an off-site contribution of £27,770.40 and the applicant has indicated his willingness to make the required contribution, which ordinarily would be entered into if planning permission were granted.

Drainage

Dwr Cymru does not object to this aspect of the proposal, but members of the public have cast doubt over the capacity and maintenance of the septic tank. The LPA could use a condition to obtain more information about foul-water drainage and surface water arrangements, if the development were approved.

Ecology

Demolishing the stable block is unlikely to have an unacceptable effect on the site's ecological value in relation to protected species. To increase biodiversity, however, the LPA would ordinarily use a condition requiring the applicant (or any subsequent developer) to install 'enhancement measures' such as boxes for birds and bats.

Minerals

The proposed development would be carried out largely, if not entirely, on previously developed land. Given that the site is only 1,300 square metres in area, the proposal seems very unlikely to have a 'significant impact on the possible working of [mineral resources]' (see criterion 3 of policy MG22). Moreover, any extraction would be in close proximity to an existing dwelling and would impact on the amenities of the existing occupiers.

Other public concerns

Some of the public concerns have already been discussed in the corresponding sections of this report. But the following concerns do not fall neatly into standard planning categories:

- The fact that the LPA displayed a site notice after it had sent notification letters to neighbours, thereby extending the consultation period;
- Some of the application documents do not show a 'turning easement to the access lane'.

The LPA may respond to these in the same order.

Consultation/notification period

A planning application does not have a single 21-day period of consultation and publicity. People who receive notification letters must be given 21 days in which to comment on the application. Similarly, a site notice must give the public 21 days in which to comment on the application. The LPA cannot always display a site notice and send letters to neighbours on the same day. As a result, the site notice's 21-day period often ends after the neighbours' 21-day period. But this does not prevent neighbours from commenting on the application during the site notice's 21-day period. On the contrary, people may comment on an application until the LPA issues a decision notice.

Turning easement to the access lane

Both the LPA and the highway authority have visited the application site. The highway authority does not object to the proposal, and the 'turning easement' does not appear to affect the entrance (outside the application site) which the highway authority wishes to be closed. The protection of easements is a civil matter between landowners.

RECOMMENDATION

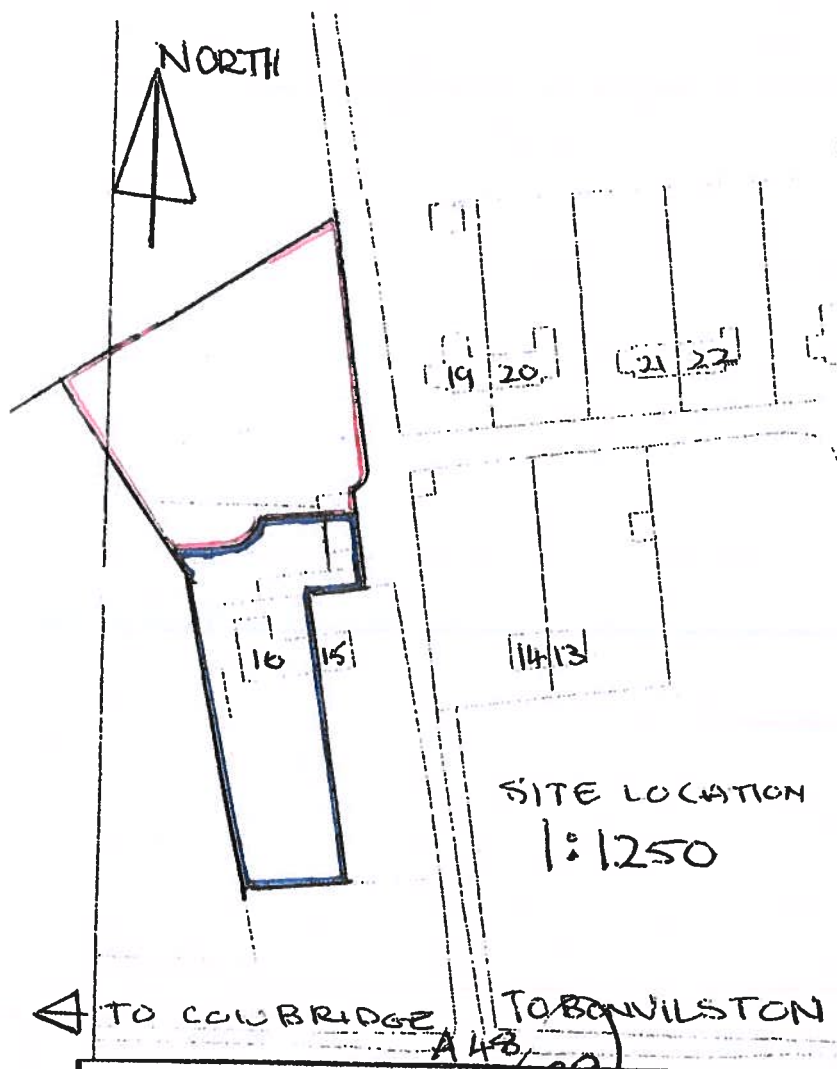
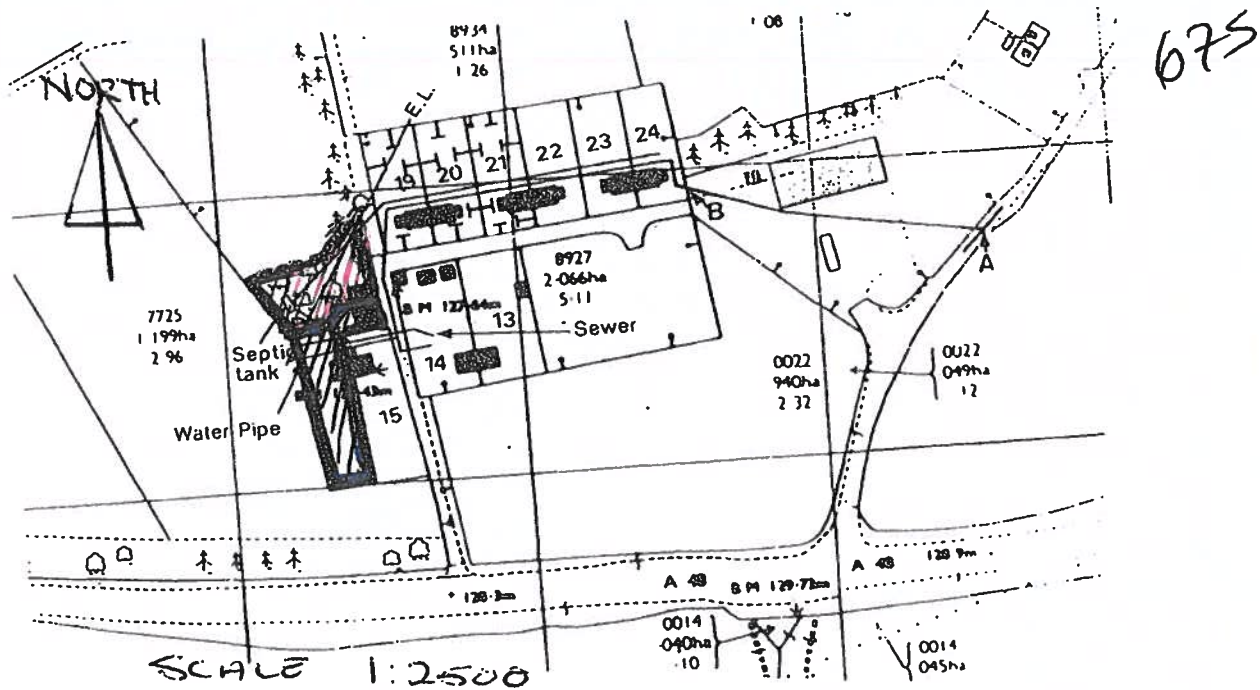
REFUSE

1. The proposed dwelling represents an unjustified development in an unsustainable, rural location which would prejudice the character and setting of the countryside. The proposal is contrary to policies SP1 (Delivering the Strategy) and MD1 (Location of New Development) of the Vale of Glamorgan Local Development Plan 2011 – 2026 and paragraphs 3.35 and 3.56 and the transport-related objectives of chapter four (Active and Social Places) of Planning Policy Wales (Edition 10, December 2018).

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.

This 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.



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RECEIVED
02 APR 2018
Regeneration
and Planning

JOB TITLE: DEMOLITION OF EXISTING STABLE BLOCK AND REPLACEMENT WITH PROPOSED RETIREMENT DWELLING
ADDRESS 16 Tair Onen, Welsh St. Donats, Cowbridge, CF71 7UA

APPLICANT: Vale of Glamorgan Council Civic Offices, Holton Road, Barry, Vale of Glamorgan, CF63 4RU

AGENT: Mr Gareth Hooper DPP Planning, Sophia House, 28, Cathedral Road, Cardiff, CF11 9LJ

Whitmore High School, Port Road West, Barry

Construction of a replacement secondary school building with associated playing fields and parking at the site of the existing Whitmore High School and the demolition of the existing secondary school building upon completion

REASON FOR COMMITTEE DETERMINATION

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

EXECUTIVE SUMMARY

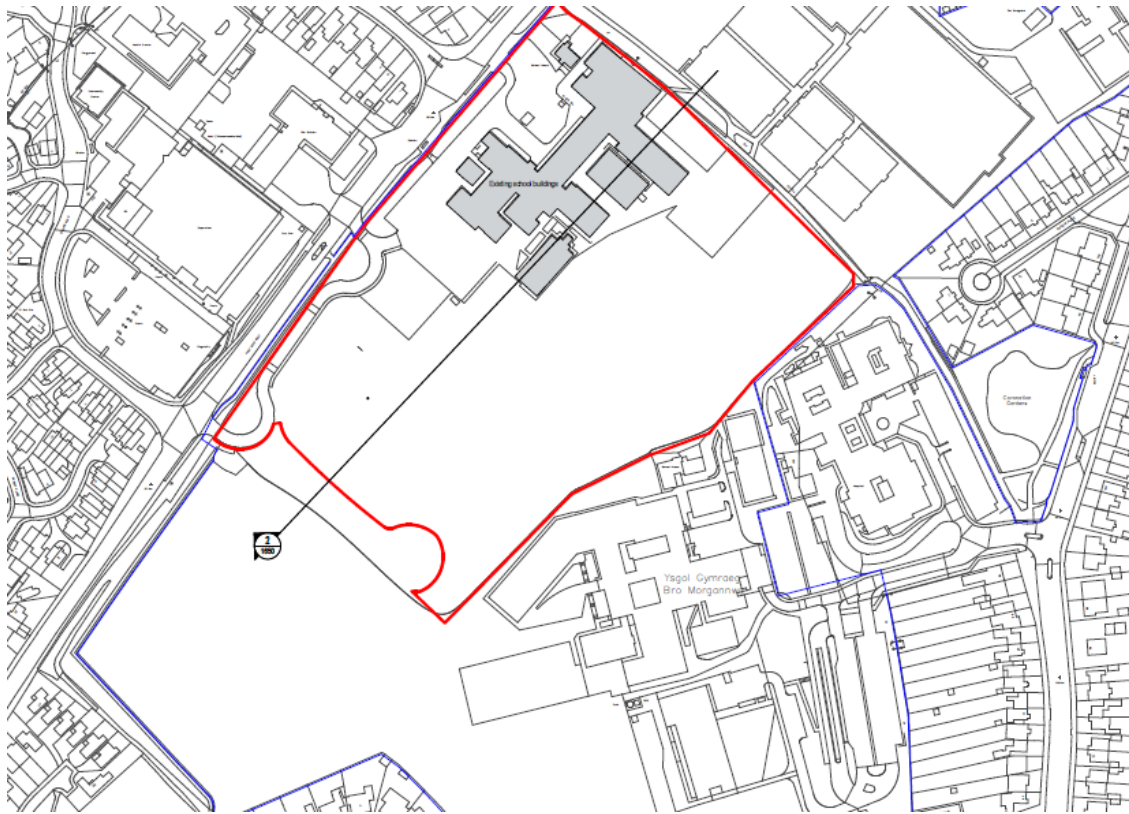
The application proposes a new high school (to be known As Whitmore High School) on the site of the existing Barry Comprehensive School which is accessed off Port Road West, Barry. The application also includes new sports pitches/games areas and a new car park/coach drop off/pick up zone, to be accessed off Port Road West (the same site access and exit points as at present).

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

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

SITE AND CONTEXT

The application site is land at Whitmore High School, Port Road West, Barry, as shown on the plan below:



The land lies within a varied context, with a superstore, fire station and dwellings located across Port Road, playing fields to the north east, Ysgol Gymraeg Bro Morgannwg to the south and west, and other dwellings to the south east. The neighbouring school has recently been subject to a planning application for extensions and new pitches (2019/00280/RG3- approved by Planning Committee on 27th June 2019). Vehicular access to the application site is currently from Port Road West.

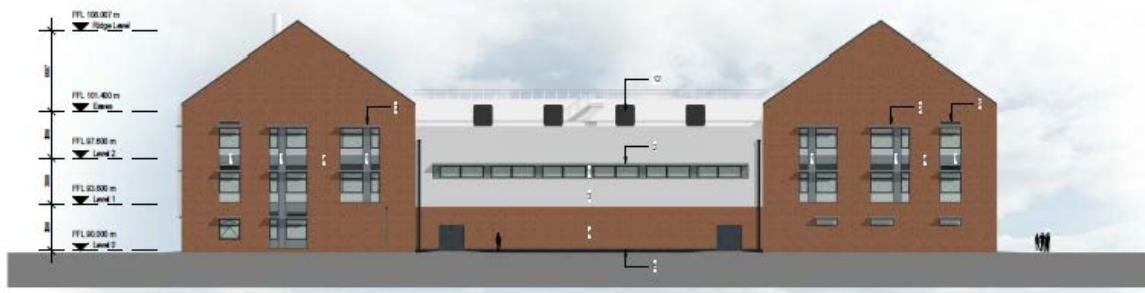
A separate application 2019/00436/RG3 relates to a new caretaker's bungalow, and this due to be determined under delegated powers.

DESCRIPTION OF DEVELOPMENT

The application proposes the demolition of the existing school and the construction of a new school. The existing school is in the northern part of the site, whereas the new building would be located towards the south west corner.

The existing site layout is as follows:

Elevations of the proposed building are shown below:



Below is a 3D image of the front of the proposed building:



The building would contain three storeys of accommodation, and would consist of a quadrangle with a central courtyard. The plans show elevations principally in brick and render, however, the applicant's agent has expressed that there may be scope to use a more modern cladding system, subject to budget.

The proposed layout includes an all-weather pitch, a games court/MUGA (multi use games area) and a grassed pitch, to the north of the proposed building and broadly in the location of the existing building.

Vehicular access to the site would remain from Port Road West in the same location as at present, and the vehicular exit will also remain the same (onto Port Road West, opposite Stirling Road). The proposed access arrangements and parking layout are shown below:



The car park includes 116 standard spaces, 6 disabled spaces, 6 motorcycle spaces and capacity for 65 bicycles. A layby adjacent to the internal circulation road would serve for bus drop offs.

The supporting planning statement explains the proposed phasing of the development:

- Phase 1: Creation of an all-weather pitch and games court maximises pitch availability when other pitches are unusable during construction;
- Phase 2: Construction of the new buildings, car parking and drop off areas
- Phase 3: Once the new buildings and car park are operational, the existing ones can be demolished;
- Phase 4: Once the new buildings are handed over, and the old ones demolished, the remaining site can be landscaped to provide grass pitches and informal areas;
- Phase 5: Construction of the Caretaker's House (subject of a separate application).

The existing school population comprises 905 pupils (796 secondary and 109 sixth form), however, the school has capacity for 1423. The proposed school would have a capacity of 1100, of which 200 would be sixth form. There are currently 89 staff and this would remain the same.

PLANNING HISTORY

2019/00436/RG3- New caretaker's bungalow- application not currently determined.

CONSULTATIONS

Barry Town Council-

1. The Vale of Glamorgan Planning Department are satisfied with (1) the proposed external materials and finished to the new buildings and (2) the proposed landscaping scheme.
2. The Vale of Glamorgan Highways department are satisfied with the internal arrangements for the drop off with space to accommodate coaches; mini buses; cars and cycles.
3. The Vale of Glamorgan Highways Department are satisfied with the highway arrangements for access/egress into the site from the A 4226.
4. Cooperation and joint project management between all parties i.e.
 - Vale of Glamorgan Council
 - Planning Consultants
 - Site Contractors
 - Developers
5. The Vale of Glamorgan Council Planning department and developers devise a landscaping scheme for the proposed new school with the aim of keeping and protecting any existing trees on site and planting additional trees to improve the visual amenity of the development

Highway Development- Amendments requested in respect of a number of internal layout matters, further information requested in respect of parking provision, and improvements requested to pedestrian and cycle infrastructure around the site.

Sport Wales- Sport Wales contributed to the pre-application consultation stating “no objection on the basis that the level of playing field and games courts provision will at least be maintained or even enhanced particularly with the inclusion of the all-weather pitch which will allow for intensive use and competitive hockey”.

It was also noted that the school will be able to make use of other facilities located in the vicinity as and when needed during the construction period, and thereafter it is considered that the facilities would be enhanced, relative to the existing (which serve a school with greater capacity).

Highways and Engineering- Advice provided in respect of the SAB process.

Shared Regulatory Services (Pollution)- Conditions requested in respect of land contamination.

Dwr Cymru Welsh Water- No objection subject to conditions, and advice regarding the SAB process.

Ecology Officer- No objection subject to a condition requiring compliance with the Reptile Method Statement.

Natural Resources Wales- No objection.

South Wales Police- Advice provided in respect of designing out crime.

Local ward members- No representations received.

REPRESENTATIONS

The neighbouring properties were consulted and the development has been advertised on site and in the press. No representations have been received to date.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy

Managing Growth Policies:

POLICY MG6 – Provision of Educational Facilities

POLICY MG7 – Provision of Community Facilities

POLICY MG16 – Transport Proposals

Managing Development Policies:

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

POLICY MD7 - Environmental Protection

POLICY MD9 - Promoting Biodiversity

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

Technical Advice Notes:

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

- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)

Supplementary Planning Guidance:

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

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

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

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

- Scale, design and visual impact
- Impact on residential amenity
- Highways issues

- Sports pitch/open space provision
- Drainage

Scale, design and visual impact

The existing school is beyond economical repair and consequently, the proposed development involves demolishing it and erecting a new building. The existing building is inoffensive but does not add significant value to the local built environment and consequently, the proposed demolition is considered acceptable in principle.

The new building would be materially taller than the existing, but it would occupy a smaller overall area and represents a more efficient use of space. While taller than the existing, the height would not be excessive and it is considered that the building would not appear over scaled or visually incongruous in this context.

The design and composition are relatively conventional. The respective parts of the building would have pitched roofs and the listed materials are brick and render. The patterns of openings in the side elevations are also relatively conventional and rhythmic, while the front elevation contains much larger, feature areas of glazing. Louvre panels and brise soleils will add depth to the elevations, while a standing seam metal roof will also add character and visual interest.

The surrounding street scene is made up of an appreciable mix of building types and designs and there is no particular design cue to follow. While the design and composition of this building are not particularly complicated, that is not objectionable and subject to the use of high quality materials, it is considered that the building would contribute positively to the street scene. Brick and render are considered acceptable in principle (subject to the quality of samples), however, notwithstanding this a more modern cladding system would be likely to weather better over time and this could also benefit the design and appearance of the building further. Condition 3 has been worded to allow flexibility in the materials to be used, to allow further consideration to be given to equally acceptable alternatives.

In terms of layout, the building would present a strong active frontage to the street and the car parking area to the side would not be prominent when travelling along Port Road.

Having regard to the above, the proposed building is considered to be of an acceptable scale, form and design which would comply with the objectives of Policies SP1 and MD2 of the LDP, and the proposed layout and composition of the site is also considered acceptable.

Trees and landscaping

The application submissions state as follows in respect of landscaping:

Many of the features in the proposed scheme are multi-functional providing an opportunity for the creation of wildlife corridors, improving amenity values and creating engaging and social spaces for students.

Bio-retention gardens at the front entrance and building courtyard, capture surface water and improve amenity and bio-diversity through the use of plants that are able to withstand extremes of both wet and dry conditions.

Swales have been used to create a green corridor of wild-flower and ornamental planting which enhances the visual appeal of the playground spaces. The detention basin at the end of the SUDS train is a large organic land form, that has adjacent informal earth mounds (that uses excess site cut) creating an engaging 3D landscape enhancing the visual and play appeal of the soft landscape areas.

A group of trees to the front of the existing school would be removed to facilitate the construction of the new games areas, however, almost all of the site perimeter landscaping (trees and hedges) would be retained. Additional planting is proposed around the site perimeter and throughout the site, as described in the extract above.

Condition 4 requires full detail of the landscaping scheme to be approved. It is considered that the removal of some trees (which does not require consent) and their replacement/supplementation with new planting would not unacceptably impact upon visual amenity and the proposed scheme would, in principle, create an attractive natural environment within and around the school boundary.

Impact on residential amenity

The proposed building would be at least 90m away from the nearest residential property and consequently, the building would not be overbearing towards any neighbour or result in overshadowing. The distance is also sufficient to preserve the privacy of the nearest neighbours.

The part of the sports pitch in the eastern corner of the site would be no closer to residential properties than the existing pitch is at present, and the games areas closest to Port Road West would be in excess of 40m from the nearest residential properties, and across the highway.

The number of comings and goings to the site would be no greater than those that would be associated with the existing school (at capacity) and the overall capacity of pupils will be reduced. The sports pitches are not proposed to be lit and consequently there are no concerns regarding light pollution.

In light of the above, it is considered that the development will not adversely affect residential amenity when operational, in accordance with policies MD2 and MD7 of the LDP. A Construction Environmental Management Plan condition is recommended (see condition 9) to ensure that impacts during the demolition/construction phases are minimised.

Highways Issues

Description of existing and proposed arrangements

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

At present, all on site vehicular activity associated with the school occurs via the access and egress points from/onto Port Road West and this is to remain unchanged.

The existing car park is to the immediate south west of the existing school building and currently comprises 102 staff parking spaces, 7 visitor spaces, 2 disabled spaces and 4 mini-bus spaces. The proposed layout comprises 116 standard spaces, 6 disabled spaces, 6 motorcycle spaces and capacity for 65 bicycles

It is proposed to develop shared school bus drop-off facilities with the neighbouring Ysgol Gymraeg Bro Morgannwg (YGBM) and this arrangement has already been approved for YGBM as part of planning permission 2019/00280/RG3. The proposed internal circulation changes will facilitate YGBM buses to continue along the Whitmore High School (WHS) access road to a new layout of bus drop-off/pick-up area, situated immediately southwest of the car park.

The layby in the new WHS would accommodate two coaches and the remaining two coaches (which are shared with pupils from YGBM) would be accommodated in the new coach/minibus drop off area at the adjacent site.

Parking

The Council's parking guidelines require 1 space per each member of teaching staff, 1 space per 2 ancillary staff, 1 space per 20 students of age 17 (or above) and 3 visitor spaces. This would equate to 86 spaces based on the pupil and staff numbers and consequently the proposed parking area would be sufficient to meet the needs of the school as extended. It would exceed the Council's maximum standards, however, it would enable the school to cater for any events of unusually high demand and would also serve as provision for parent drop off (as is the case within the existing car park).

The layby would accommodate 2 coaches and, as noted above, the other two coaches serving the school would use two of the spaces in the YGBM coach park. This provision is also considered acceptable and commensurate to need.

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

Traffic impacts

While the existing school has 905 pupils, it has capacity for 1423. The proposed school would have a capacity of 1100, which would be 313 less, and staff numbers are to remain to the same. The school will continue to be served by four buses/coaches. Therefore, while a full capacity of 1100 may result in more traffic than a school operational with 905 pupils, it is material that the school has capacity for 1423 and it is on that basis that the comparison must fundamentally be made. Relative to that existing capacity, the proposed development would be

likely to result in less traffic within the wider highway network, and less traffic using the entrance and exits to and from the site.

The Transport Assessment (TA) contains 'with development' and 'without development' comparisons and these show very minor increases in traffic at certain junctions. However, these comparisons are based on existing pupil numbers versus proposed capacity, as opposed to existing capacity versus proposed capacity.

In light of the above, it is considered that the development would not result in any additional traffic congestion around the site or intensification of the site access points, and the proposal is therefore considered acceptable in respect of traffic.

Highway safety

The layout would make provision for vehicles to park and turn within the site and the layout would not be likely to result in queuing that would affect the adopted highway. In light of this and the above traffic assessment, and given that the existing entrance and exit are not being altered the proposed development will not have an adverse impact on vehicular highway safety. Pedestrian matters are considered below.

Pedestrian and cycle access/facilities

The existing school is served by a pedestrian/cycleway along the whole frontage on Port Road West and there is a further pedestrian/cycleway link between Port Road West and Colcot Road, adjacent to the eastern boundary of the site. There is a signalised crossing point on Port Road West between Highlight Lane and Liscum Way (opposite the site) and a crossing point with a refuge island further along Port Road West opposite the Tesco superstore.

Consequently, the site is well served by pedestrian and cycling links/infrastructure and the existing infrastructure is not considered to be prohibitive to pedestrian and cycling journeys to the school from the surrounding residential areas.

The Highways Engineer's comments note that there would not be an increase in the capacity of the school, but refer to a change in desire lines. Consequently, the highways observations initially requested upgrades and improvements to infrastructure around the site as follows:

- Increasing the width of the footway/cycleway along the front of the site.
- Upgrade the signalised junction adjacent to Stirling Road (by the site exit) to include pedestrian and cycle crossing facilities.
- Provide a crossing point at the site exit adjacent to Port Road West.
- Upgrade the existing crossing with refuge to a Toucan crossing.
- Upgrade the signalised crossing point between Highlight Lane and Liscum Way to a Toucan crossing.

All of the above are potentially desirable infrastructure improvements in principle, however, it is only reasonable for a development to have to deliver any works that are necessary to make it acceptable. In this case, while a new school is proposed, the capacity of the school is not increasing above that of the existing;

moreover the capacity would be reduced by approximately 300 pupils. On that basis and given that the development will not result in an intensification of these routes (because the school has a lower capacity) it is considered that the above list of infrastructure improvements is not justified purely because the proposal would deliver a new school.

It is, however, necessary to consider whether there would be a change in desire lines (as referred to by the Highways Engineer) that is likely to alter the pattern of movements, such that any of the above requirements would be reasonable.

The request in relation to the footway/cycleway along Port Road West does not reflect any changes to desire lines and consequently, it is considered that it is not a reasonable requirement of this development.

The second and third points from the list above relate to the likelihood of pupils crossing Port Road West adjacent to Stirling Road (where there is a signalised junction but no crossing facilities). While there is to be no increase in the capacity of the school, the original plans showed a new pedestrian access in to the site adjacent to the vehicular exit point, and this would offer pupils the option of entering on foot there. Given that this would potentially be used by pupils coming from Stirling Road, it may have been likely to result in pupils crossing directly at that point, where there are not adequate pedestrian/cycle crossing facilities.

In response to these concerns, this pedestrian access point has been removed from the plans. It is not fundamentally necessary, given the scope of other pedestrian/cycle entrances to the site and as noted above, the site's pupil capacity is reducing. There is a safe refuge crossing point approximately 100m further up Port Road and that route wouldn't be materially longer or more difficult for pupils coming out of that estate at Stirling Road.

In respect of the fourth point (with reference to the refuge crossing point) there is already a pelican crossing just to the east of Liscum Way. The only logical increase in use of the refuge point would be if pupils coming out of Liscum Way choose (as a consequence of the development) to walk along to the refuge point as opposed to crossing somewhere further to the east of the refuge. While the refuge point is directly opposite a proposed new pedestrian access into the site, it is considered unlikely that there would be a significantly changed pattern of pedestrian movements arising from Liscum Way (noting that the Pelican crossing is only 30m from Liscum Way). Pupils on the north side of Port Road that live to the east of the existing pelican crossing will logically continue to use the pelican crossing.

Notwithstanding this, the transport consultant has advised that in order to provide an additional measure for limiting this movement, the school will install a ruling that school children, below Year 11, will not be permitted to leave the school ground during the normal school day, to reduce the potential for pupils travelling to and from the Tesco store.

Having regard to the above, it is considered that desire lines and pedestrian movements will not change to such a significant extent that this refuge should justifiably be upgraded to a toucan crossing.

In respect of the final point above, there are no likely changes to desire lines which would suggest a greater use of the pelican crossing and consequently, upgrading it to a toucan crossing is not a justified requirement of this development.

The applicant has responded to the Highways Engineer's comments/requests, albeit to date no further response has been received. Nevertheless, the above is considered to represent a robust and reasonable assessment of the respective issues.

In making this assessment, regard has been given to The Active Travel (Wales) Act 2013 and in particular, Section 9, which states:

The Welsh Ministers and each local authority must, in the exercise of their functions under Parts 3, 4, 5, 9 and 12 of the Highways Act 1980 (creation, maintenance and improvement of highways, interference with highways and acquisition etc. of land), in so far as it is practicable to do so, take reasonable steps to enhance the provision made for walkers and cyclists.

While this is a duty for the Local Authority as a whole, it is considered that for the reasons given above, this cannot be reasonably or practicably required as part of this planning application. Consequently, it is considered that the approval of the application without improvements to existing routes would not conflict with this provision.

Other matters raised by the Highways Engineer

The Highways Engineer has queried parking provision for taxis and sixth form students, however, this has been factored in to the parking calculations and there is sufficient capacity for both. Swept paths have been provided to demonstrate that the relevant vehicles can move appropriately through the site and the plans have been updated to remove the zebra crossings by the site exit (as a consequence of removing the pedestrian access at the site exit from Port Road West). The plans have also been updated to include give way lining at the points suggested by the Highways Engineer.

Summary of Highways issues

Having regard to the above, it is considered that the proposed development would be served by safe access points for vehicles, pedestrians and cyclists, and sufficient parking. The development would not result in a material increase in traffic on the highway and consequently, it would not result in congestion in the wider highway network, in accordance with policies SP1 and MD2 of the LDP.

Ecology

The application is accompanied by a preliminary ecology appraisal, which makes recommendations in respect of bats, breeding birds and invertebrates. The Council's Ecologist has advised that no further survey work is required at this time regarding bats and consequently Natural Resources Wales do not raise an objection to the application.

The Council's Ecologist requested further reptile work prior to the determination of the application, and the applicant has submitted a reptile method statement, which sets out the proposed working method and practices that will be followed if reptiles are encountered. The Council's Ecologist has considered the Method Statement and raises no objection subject to a condition requiring compliance with it (see condition 15).

Having regard to the above, the proposed development is considered acceptable in respect of ecological impacts, in accordance with Policy MD9 of the LDP.

Open Space and sports pitch provision

Sport Wales contributed to the pre-application consultation stating "no objection on the basis that the level of playing field and games courts provision will at least be maintained or even enhanced particularly with the inclusion of the all-weather pitch which will allow for intensive use and competitive hockey".

The school will be able to make use of other facilities located in the vicinity as and when needed during the construction period, and thereafter it is considered that the facilities would be enhanced, relative to the existing situation (which serve a school with greater capacity).

Drainage and flood risk

The application is accompanied by a Flood Consequences Assessment (FCA) and the Design and Access Statement summarises the proposed drainage strategy. In terms of flood risk, the FCA has assessed flood sources to and from the proposed development and, while it is a type that would be classed as highly vulnerable, the majority of the site is located within DAM Zone A, with the exception of a small area towards the south of the site which is located within DAM Zone B. Consequently the development would not be at unacceptable risk of flooding.

At present, parts of the site drain to a private surface water drain (that also serves Ysgol Gymraeg Bro Morgannwg) and other parts drain to the Dwr Cymru Welsh Water (DCWW) combined sewer on Port Road. The application states that *"following the redevelopment of the site it is expected that all surface water will be discharged from the site via a new connection to the surface water drain"*, however, Dwr Cymru Welsh Water have advised that there is no agreement to communicate surface flows into the public sewerage system.

The drainage principle suggest that infiltration will be the principle means of disposing of surface water, but that flows exceeding the infiltration capability and the storage capacity of the basin are to be discharged at a controlled rate into the surface water sewer which currently serves the site.

The Council's Drainage Engineer has raised no objection in principle to the application and has advised that the development will require SuDS Approval Body (SAB) approval prior to the commencement of construction. The Council's Engineer has also requested that a planning condition controlling the scheme be imposed in this case.

Subject to this (condition 6), it is considered that the proposed development is acceptable in terms of drainage and flood risk.

RECOMMENDATION

Deemed planning consent be GRANTED subject to the following condition(s):

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

Reason:

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

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

-26W006-ATK-0-XX-DR-L-X-9001 Rev P03
-26W006-ATK-X-XX-DR-A-PL-0600 Rev P03
-26W006-ATK-X-00-DR-A-PL-1150 Rev P03
-26W006-ATK-0-XX-DR-L-X-9005 Rev P04
-26W006-ATK-0-XX-DR-L-X-9106 Rev P05
-26W006-ATK-0-XX-DR-L-X-9400 Rev P05
-26W006-ATK-0-XX-DR-L-X-9505 Rev P05
-26W006-ATK-X-01-DR-A-PL-1151 Rev P03
-26W006-ATK-X-02-DR-A-PL-1152 Rev P03
-26W006-ATK-X-RF-DR-A-PL-1350 Rev P03
-26W006-ATK-X-XX-DR-A-PL-0410 Rev P04
-26W006-ATK-X-XX-DR-A-PL-0400 Rev P03
-26W006-ATK-X-XX-DR-A-EL-1450 Rev P04
-26W006-ATK-X-XX-DR-A-EL-1451 Rev P04
-26W006-ATK-X-XX-DR-A-EL-1452 Rev P05
-26W006-ATK-X-XX-DR-A-EL-1453 Rev P05

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

Reason:

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

4. Notwithstanding the submitted plans, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority, prior to the occupation of any element of the development hereby approved. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

Reason:

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

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

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

6. No part of the development hereby approved shall be brought into beneficial use (and no new hard surfaces shall be laid, until a scheme of foul, land and surface water drainage has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details prior to the first beneficial use of the development and retained in perpetuity.

Reason:

To prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policies MD2 of the Local Development Plan.

7. The development shall be carried out at all times in accordance with the Aecom Travel Plan (Project number: 60571313): February 2019.

Reason:

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

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

Reason:

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

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

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

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

Reason:

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

10. Prior to the commencement of the 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.

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, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and to ensure compliance with Policy MD7 of the LDP.

11. Prior to the commencement of the development, a detailed contamination remediation scheme and verification plan 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, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and to ensure compliance with Policy MD7 of the LDP.

12. The remediation scheme approved by condition 11 above must be fully undertaken in accordance with its terms prior to the occupation of any part of the development, or in accordance an alternative set of timescales that shall first be approved in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of the 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, and to ensure compliance with Policy MD7 of the LDP.

13. In the event that contamination is found at any time when carrying out the development that was not previously identified, it shall be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place (unless otherwise agreed in writing) until a scheme to deal with the contamination found has been approved in writing by the local planning authority. The scheme shall include an investigation and risk assessment and where remediation is necessary a remediation scheme and verification plan shall 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, prior to the first beneficial occupation of any of the dwellings approved.

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 MD2, MD5 and MD7 of the Local Development Plan.

14. Any topsoil (natural or manufactured) or subsoil, and any aggregate (other than virgin quarry stone) or recycled aggregate to be imported (and any site won material including soils, aggregates, recycled materials) 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 the relevant Code of Practice and 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 and to ensure compliance with Policies MD1 and MD7 of the LDP.

15. The development shall be carried out in accordance with the recommendations and measures contained in:

- Whitmore High School - Reptile Method Statement 16 July 2019.
- Aecom Preliminary Ecological Appraisal and BREEAM Ecology Report July 2018
- AecomYsgol Gymraeg Bro Morgannwg and Whitmore High School Bat Activity Survey Report November 2018

Reason:

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

REASON FOR RECOMMENDATION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate

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

Having regard to Policies SP1 – Delivering the Strategy, MG6 – Provision of Educational Facilities, MG7 – Provision of Community Facilities, MG16 – Transport Proposals, MD2 - Design of New Development, MD5 - Development within Settlement Boundaries, MD7 - Environmental Protection and MD9 - Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Planning Policy Wales (Edition 10, 2018) (PPW), Technical Advice Notes 11, 12, 16 and 18 and the Council's Supplementary Planning Guidance on Biodiversity and Development, Parking Standards, Sustainable Development - A Developer's Guide, Travel Plans and Trees, Woodlands, Hedgerows and Development, the proposed development is considered acceptable in terms of design, impact on residential amenity, highway safety, traffic, parking, drainage, play/sport space and ecology.

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

NOTE:

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

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

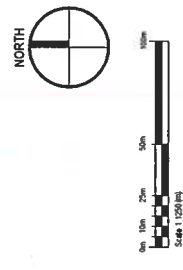
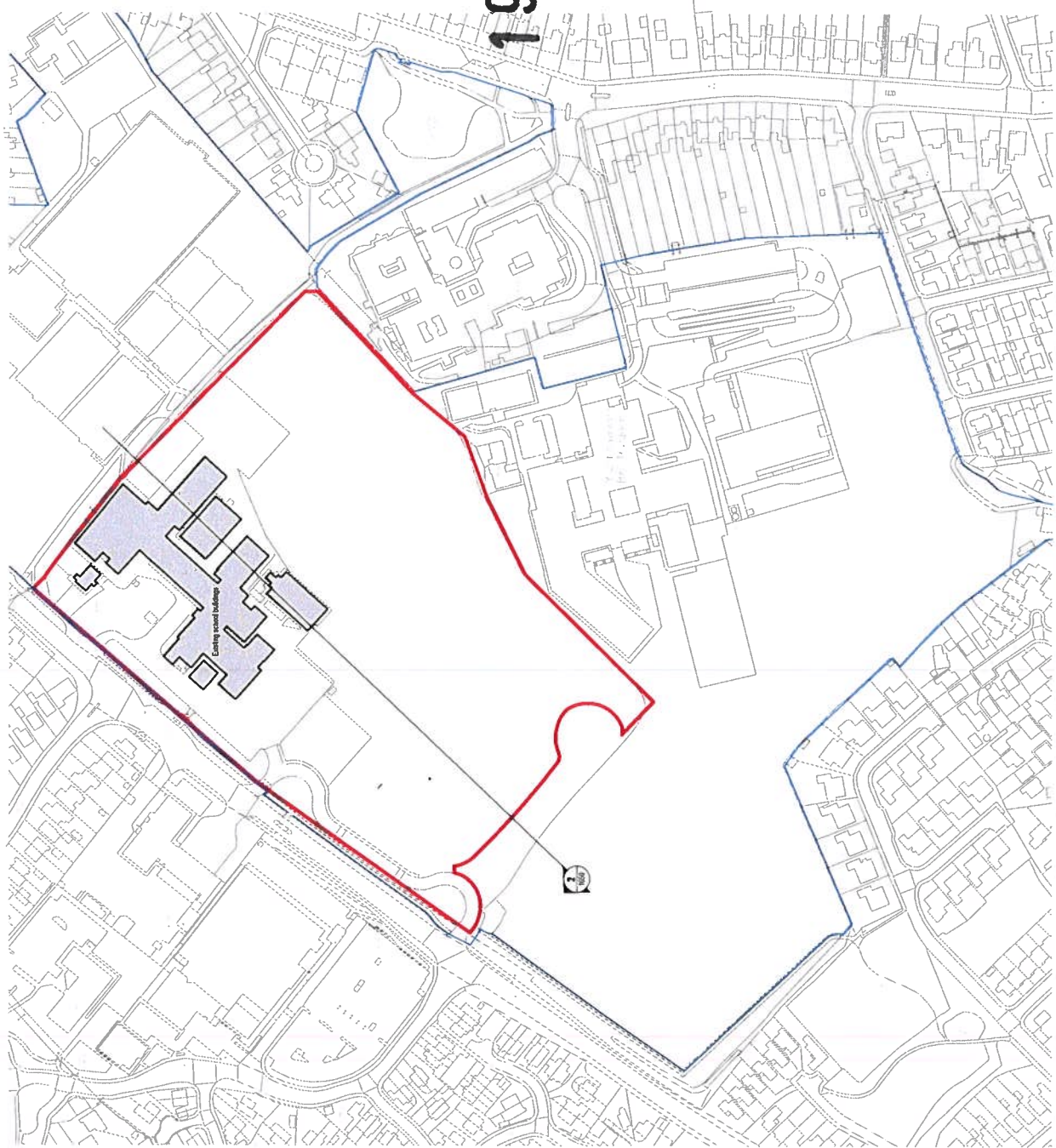
The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised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

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

Disclaimer
 This document is subject to the terms of the contract between SNC-Lavalin, Morgan Sindall Construction and Atkins. The accuracy of the information contained herein is not guaranteed. The user of this document is advised to verify the information contained herein with the appropriate authorities. The user of this document is advised to verify the information contained herein with the appropriate authorities. The user of this document is advised to verify the information contained herein with the appropriate authorities.

Notes
 1. Shows the site location within the project boundary.
 2. Shows the site location within the project boundary.

— WHS Application Boundary
 — Land within Applicants Ownership



FOR PLANNING

SNC-LAVALIN
ATKINS

MORGAN SINDALL
26W006

Whitmore High School
 Port Road West, Barry, CF82 8ZJ

26W006-ATK-XX-DR-PL-0400

Scale	1:1250	Author	AV	Checked	CR	Reviewed	HC
Original Date	05/04/19	Date	05/04/19	Date	05/04/19	Date	05/04/19
Drawn by	AV	Drawn by	05/04/19	Drawn by	05/04/19	Drawn by	05/04/19

1 Site Location Plan
 SCALE 1:1250

APPLICANT: Mr. Samuel Lewis SLR Hospitality, 6, St. Nicholas Road, Barry, Vale of Glamorgan, CF62 6QW

AGENT: Mr. Samuel Lewis SLR Hospitality, 6, St. Nicholas Road, Barry, Vale of Glamorgan, CF62 6QW

6, St. Nicholas Road, Barry

Change of use of the property from A1 (Retail) to A3 (Food and Drink) to setup as a coffee shop during the day and a wine bar during the evening

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 was originally submitted by a current Member of the Council and it has therefore been advertised as being subject to Committee determination from the date of registration. However, it should be noted that the applicant details have changed and the new applicant is not a serving Councillor.

EXECUTIVE SUMMARY

Planning permission is sought for the change of use of the premises from Class A1 (Retail) to A3 (Food and Drink), specifically to allow retention of the recently opened coffee shop and wine bar known as The Watering Hole. The site is located on St Nicholas Road, Barry in an area that is predominantly residential, albeit within reasonable walking distance of the local shopping centre Park Crescent, and district shopping centre at High Street/ Broad Street and local public transport links.

The principal issues to consider are the impact of the development upon residential amenity through noise and disturbance and impacts relating to parking and highway safety.

Barry Town Council objected on grounds of the detrimental effect upon amenities of local residents due to possible noise, disturbance and traffic levels. Shared Regulatory Services objected due to the impact of the development upon neighbouring amenity and a lack of supporting documentation to fully assess these impacts. Highway Development requested additional information, noting no parking, turning and bin/ recycle storage layout was provided and that the Parking Standards requirement for the development would be 1.no commercial space, 1.no staff space and 20.no car parking spaces.

There were also representations made from 25 individuals, all either raising concerns with or objection to the development. The principal grounds of objection related to noise and disturbance from the premises, parking overspill and knock-on effect upon road safety. There were also procedural issues raised and these issues are discussed in more detail within the main body of the report.

The report outlines that Policy MD2, MD5 and MD7 of the Local Development Plan and national guidance seek to protect residential amenity. It concludes that

the change of use has had an unacceptable impact upon residential amenity, through breakout noise, the potential for noise impact to the flat above and other noise and disturbance from the comings and goings of patrons. It also concludes that the change of use is acceptable in relation to parking provision and highway safety considerations.

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

SITE AND CONTEXT

The application site is No. 6 St. Nicholas Road, which is located at the corner of Nicholas Road and Old Village Road, Barry. It is a large, property, comprised of a retail unit at ground floor, a flat at first floor above and a vacant warehouse. The building is finished in painted render with a slate roof. The proposed change of use relates only to the retail premises, which comprises the two rooms fronting the hardstanding area at ground floor. The hardstanding principally operates as a car park and has two access points off St Nicholas Road.

The building has a pitched roof with its gable ends facing towards St. Nicholas Road and Kington House residential home, which directly abuts the rear boundary of the building and application site. The site location is depicted within the below plan extract:

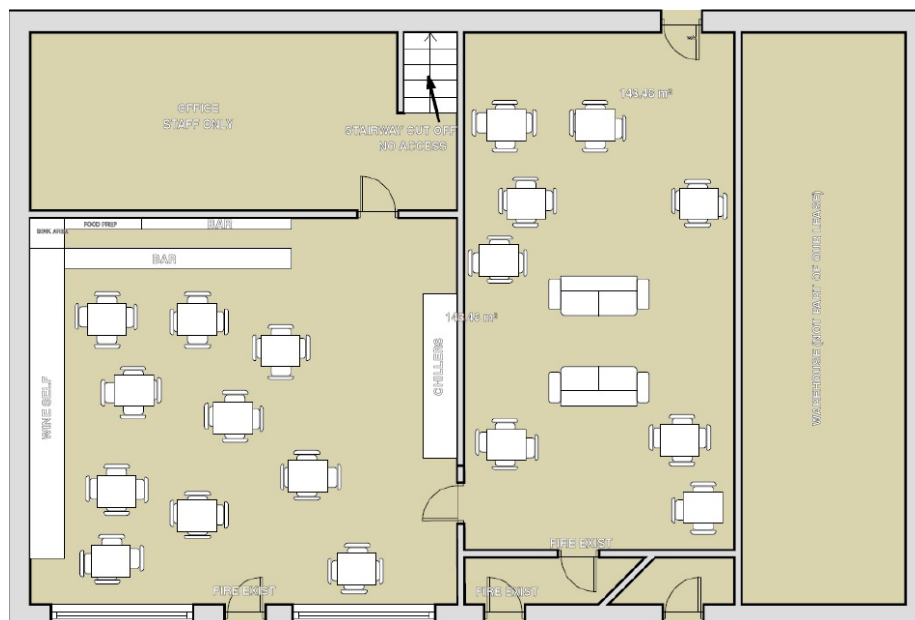


The retail premises and warehouse were vacant prior to the recent unauthorised conversion to a coffee and wine bar, having previously been an A1 bridal shop and off-licence prior to that.

DESCRIPTION OF DEVELOPMENT

Planning permission is sought for the change of use of the premises from Class A1 (Retail) to A3 (Food and Drink), specifically to allow retention of the recently opened coffee shop and wine bar. No external alterations are proposed as part of this application.

The proposed layout is illustrated in the below plan extract:



The proposed hours of operation are from 10am to 11pm weekdays and 10am to 12am Saturday. It is not proposed to serve hot meals, with a limited menu comprising items such as bacon rolls, Panini's and jacket potatoes.

PLANNING HISTORY

2007/01762/FUL, Address: 6, St. Nicholas Road, Barry, Proposal: Retention of existing first floor flat above shop and installation of external staircase to form new access, Decision: Approved

2008/00027/FUL, Address: 6, St. Nicholas Road, Barry, Proposal: Conversion of redundant retail warehouse space into 2 x 2 bed flats and 2 x 1 bed flats at 6, St. Nicholas Road and replacement garage at 4, St. Nicholas Road, Decision: Approved

2008/00746/FUL, Address: 6, St. Nicholas Road, Barry, Proposal: Conversion of redundant retail warehouse space into 6 x 1 bedroom units, Decision: Withdrawn

CONSULTATIONS

1. Barry Town Council objected to the development stating the "proposed development would have a detrimental effect upon the amenities that local residents currently enjoy due to possible noise; disturbance and traffic levels".

2. Highway Development requested additional information, noting no parking, turning and bin/ recycle storage layout was provided. It was also noted that the Parking Standards requirement for the development would be 1.no commercial space, 1.no staff space and 20.no car parking spaces.
3. Shared Regulatory Services (Pollution) raised concerns with the development and lack of information regarding noise impacts as follows:

“The proposal is in a predominantly residential area, the applicant confirming that there is no other establishment within the locality. Therefore noise from vehicle movements as the patrons come and go, and the noise from the patrons themselves as they leave the establishment at closing time is likely to have an effect on this otherwise quiet location. The proposal incorporates use in the evenings as a wine bar, with a current premises licence application including recorded and live music. It is possible that neighbours might also be affected by noise breakout from the premises as there does not seem to be any mitigation contained in the application such as double door system, properties of the existing glazing etc.

In addition to a currently-occupied residential flat on the upper floor of the application site, there are residential properties within a very short distance from the premises. The nearest residential property to this application (other than the flat above) is the Residential Home next door, which is a residential facility for persons with mental health and brain injuries, being less than 6 metres away from the proposal. This property was subject to an application (2004/01907/FUL) for a change of use from Class C2 residential care for the elderly to Class C2 residential care for adults (aged 18-65), therefore the residents are particularly vulnerable to the effects of this application.

Other residential properties are situated to the side and front of the proposal, some 18 to 27 metres away.

The application does not provide any information on sound insulation properties between this premises and the residential flat above.

This application site is not situated in an area normally considered to be part of the night time economy. I feel therefore that it would not be suitable in a wholly residential environment due to potential noise issues.

No information has been submitted in regards to kitchen extraction system which would be expected for an application for an A3 use.

At this stage I do not feel I am able to assess the full impact of this proposal without a Noise Impact Report being submitted. I would therefore respectfully request that the applicant submits a noise impact assessment prior to being able to give recommendations on this application”.

4. Baruc Ward Councillors did not respond.

REPRESENTATIONS

The neighbouring properties were consulted on or before 30th May 2019.

A site notice was also displayed on 10th May 2019

There were representations received from 25 individuals and all raised concerns and/or stated an objection to the development. The grounds of objection have been summarised as follows:

- Inadequate public consultation
- Insufficient documentation and inaccurate information submitted
- Inadequate parking provision, resulting in overspill, inappropriate parking inc. on junctions, blocking access for emergency and servicing vehicles and danger to pedestrians.
- Insufficient parking for existing residents nearby
- Inadequate vehicular access, one of which has been temporarily blocked off
- Noise and disruption from customers, increased traffic and music at late hours
- The wellbeing of the occupiers of Kingston House (a residential care facility for vulnerable adults) would be affected.
- No community consultation by the developer
- Procedural impropriety and conflicts of interest
- Not in keeping with the area
- Negative impact on property values
- Breaches of licencing conditions, hours and planning control
- Anti-social behaviour
- It is operating solely as a wine bar

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

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
- Promoting Healthier Places
- Accessibility

Chapter 4 - Active and Social Places

- Transport
- Activities in Places (retail and commercial development)

4.3.43 Retail and commercial centres often include activities which contribute to a vibrant and viable evening and night time economy. Such uses may include, for example, bars, restaurants, pubs, theatres, music, arts and other entertainment venues which provide for social and cultural experience and spaces in which creativity can be fostered. Such activities are likely to be characterised by increased levels of noise, large gatherings of people, later operating hours and greater movements in traffic.

4.1.53 Local authorities should develop an integrated strategy on parking to support the overall transport and locational policies of the development plan. Local authorities should consider parking issues on a joint basis with neighbouring authorities. They should jointly establish maximum levels of parking for broad classes of development, together with a threshold size of development above which such levels will apply. These maximum standards should be set in collaboration with interested organisations. Local authorities will need to ensure that their parking standards reflect local transport provision, are adopted by individual authorities as supplementary planning guidance, and are kept under review. Parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high quality places.

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

6.7.3 Certain sounds, such as those created by trees, birds or water features, can contribute to a sense of tranquillity whilst others can be reassuring as a consequence of their association with the normality of everyday activities. Problematic forms of sound are generally experienced as noise pollution and can affect amenity and be prejudicial to health or a nuisance. Noise action plans drawn up by public bodies aim to prevent and reduce noise levels where necessary and preserve soundscape quality where it is good. Noise levels used to identify priority areas contained in noise action plans are usually set quite high in order to focus resources on the most polluted areas and noise must meet a number of tests before it qualifies as a statutory nuisance. Lower levels of noise, however, can still be annoying or disruptive and impact on amenity and as such should be protected through the planning process wherever necessary. The planning system must protect amenity and it is not acceptable to rely on statutory nuisance under the Environmental Protection Act 1990 to do so.

6.7.6 In proposing new development, planning authorities and developers must, therefore:

- *address any implication arising as a result of its association with, or location within, air quality management areas, noise action planning priority areas or areas where there are sensitive receptors;*
- *not create areas of poor air quality or inappropriate soundscape; and*
- *seek to incorporate measures which reduce overall exposure to air and noise pollution and create appropriate soundscapes.*

Technical Advice Notes:

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

- Technical Advice Note 11 – Noise (1997)

“8. Local planning authorities must ensure that noise generating development does not cause an unacceptable degree of disturbance. They should also bear in mind that if subsequent intensification or change of use results in greater intrusion, consideration should be given to the use of appropriate conditions.”

B18. Commercial developments such as fast food restaurants, discos, night clubs and public houses pose particular difficulties, not least because associated activities are often at their peak in the evening and late at night.

Local planning authorities will wish to bear in mind not only the noise that is generated within the premises but also the attendant problems of noise that may be made by customers in the vicinity. Disturbance that can be caused by traffic and associated car parking should not be underestimated.

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)

Other relevant evidence or policy guidance:

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

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

Procedural matters

The application was required to be determined at Planning Committee as the original applicant was a current Member of the Council. The applicant was subsequently changed on 25th June 2019 and that Member has withdrawn from the process. It is nevertheless prudent for the application to remain a Committee determination and ensure that proper procedure is still followed as the application was advertised as being a Committee determination from the start.

The change of use subject of this application has commenced and is currently unauthorised. This assessment relates only to the planning merits in terms of land use and the actions of the developer should not prejudice any decision subsequently made by the Council.

The comments relating to the accuracy of submitted information and/or lack of supporting information are noted and are discussed in more detail within the body of this report. The application is nonetheless considered to be valid and the public consultation undertaken has also met and exceeded statutory requirements.

Principle of the development

There are no external alterations proposed as part of this application and considerations relate therefore to the proposed use of the building as A3 (Food and Drink), specifically to allow retention of the recently opened coffee shop and wine bar.

The site is located within the centre of Barry, but outside of a defined retail centre and as such there is no specific protection given to the retail use of the building within Local Development Plan (LDP) policies. The proposed change of use to a coffee shop and wine bar is therefore considered acceptable in principle, but remains subject to detailed assessment against the other relevant policies. Policy MD2 – Design of New Development, MD5 – Development within Settlement Boundaries and MD7 – Environmental Protection are all of relevance to the assessment. The policies seek to ensure, among other criteria, that new development has no unacceptable impact on the amenity and character of the locality by way of noise, traffic congestion and parking. These matters are assessed as follows:

Impact on Residential Amenity

The proposed use falls within the A3 Class, being a type of food and drink establishment. It is understood that the premises is principally a drinks establishment with food offering limited to cold snacks and light meals such as paninis and jacket potatoes. It is also understood that music being played at the establishment would principally be background music, with occasional live acoustic music, which may also be amplified. It is nevertheless relevant to consider the potential impact arising from activities typically associated with food and drink establishments, as permission rests with the land and the exact manner in which the establishment is operated could change over time.

The benefit of food and drink establishments to the night time economy is noted within Planning Policy Wales (PPW) (Ed.10) at Paragraph 4.3.43, although here with specific reference to retail and commercial centres where they can contribute positively to footfall and the local economy. It is also noted, however, that *“such activities are likely to be characterised by increased levels of noise, large gatherings of people, later operating hours and greater movements in traffic”*. In addition, it is stated at Paragraph 6.7.3 that while some sounds (such as trees, birds etc.) can become normalised and a pleasant part of the soundscape, other problematic sounds are generally experienced as noise pollution.

The site is located within a predominantly residential area, which can be expected to have a reasonable degree of tranquillity during the evening, despite some existing noise associated with traffic movements along St. Nicholas Road (at its peak during the day). There are dwellings that adjoin the site and a row of terraced houses fronting the opposite side of St Nicholas Road. In addition, there is also a residential care home that adjoins the site at the rear, which is understood to offer care for vulnerable adults. It has been suggested in representation that the occupiers may be particularly sensitive to noise disturbances. Nevertheless, no representation to this application has been made by any representative of Kingston House.

The use has recently commenced at the site and is known as The Watering Hole, which is the only establishment of its kind in the immediate vicinity and is approx. 400m distance from other premises on Broad Street/High Street that are part of the established night time economy in Barry. It has a sufficient separation from that district centre as to give the area a residential character. The change of use has greatly increased the otherwise low potential for noise disturbance and anti-social behaviour in this, and other, nearby residential streets during the late evening and the early hours of the morning. Noise from vehicle movements and the comings and goings of the patrons as they leave the establishment, particularly at closing time, are therefore likely to have a continuing significant effect on this otherwise relatively quiet location. This is evidenced by several complaints from members of the public to the Planning and Shared Regulatory Services of the Council, since it was opened. The lack of other late night premises in the locality has resulted result in a significant change to the character of the area, given that noise from this site being more keenly perceived than in other, more commercialised, locations. Moreover, this impact peaks during late hours, when harm to neighbouring amenity is amplified by issues such as sleep disturbance.

There is also a flat located within the building on the first floor. It has a separate access and can be occupied independently of the Watering Hole. The potential impact of the new use upon occupiers of the flat is also a material consideration. The change would undoubtedly give rise to an increased level of noise generated within the building, through the playing of music (inc. some amplified music) and from the flow of patrons. This could cause a significant degree of harm to the amenities of the residential occupiers of this flat, unless suitably mitigated. The degree of harm is not fully understood as the sound insulation properties between the premises and the flat are not known (such information has been sought but not provided to date by the applicant). In the absence of such supporting information, the severity of this impact cannot be reliably assessed (or deemed to be acceptable).

It is stated within PPW at Paragraph 6.7.6 that developers must:

- *address any implication arising as a result of its association with, or location within, air quality management areas, noise action planning priority areas or areas where there are sensitive receptors;*
- *not create areas of poor air quality or inappropriate soundscape; and*
- *seek to incorporate measures which reduce overall exposure to air and noise pollution and create appropriate soundscapes.*

It is noted within the application documents that signage at the premises would encourage patrons to leave in an orderly manner and that a high quality branding is envisaged. The principal evening offer of the establishment would remain, however, the offer of alcoholic beverages, irrespective of clientele. There are no significant details provided as to how noise and disturbance to neighbouring properties might be mitigated (in accordance with the above guidance). Noise from music played at the premises might be audible outside of the site and affect the amenities of nearby residents, especially if doors were kept open on summer evenings. Insulation measures (for example, a double door system) might offer

some mitigation, however, details of any associated plant and machinery (air conditioning units for example) would also need to be considered. In addition, such measures are unlikely to have a significant impact upon noise from patrons leaving in high spirits or congregating outdoors at closing time, nor coming and going throughout the evening or patrons gathering to smoke outside the premises.

In addition to the above, there is also potential for noise impact from vehicles coming and going from the site to occur. The public complaints received since the premises opened have also cited noise impact from waiting vehicles, including the sounding of horns (typical of taxi collections from public houses). The number of vehicle movements may not differ significantly from a late retailing use, but is more likely to be concentrated at late closing times and have the associated noise and disturbance from patrons themselves. It is understood the conditions of the premises licence prevent drinking outside; nevertheless, some patrons are likely to stand outside in order to smoke. It is possible that noise disturbance could occur from loud voices and shouting, particularly on occasions that music is audible outside the building. This type of noise is more likely to cause nuisance, as defined by Paragraph 6.7.3 of PPW. It is noted that the existing retail use could also potentially also be open at late evening. However, the character of the new use (through playing of music etc.) and the manner in which customers arrive and depart would differ significantly to that of a retailer.

It is noted that a premises licence has been granted for The Watering Hole. The licencing regime operates under a different legislative framework, with consideration focused on the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. In consideration of the planning application, Members must also take into consideration the impact to residential amenity in accordance with aforementioned planning policies and guidance.

Planning Policy Wales states in similar regard that a statutory nuisance, (although relating specifically the Environmental Protection Act 1990), need not always be identified to constitute harm to amenity. It states *“Lower levels of noise, however, can still be annoying or disruptive and impact on amenity and as such should be protected through the planning process wherever necessary. The planning system must protect amenity and it is not acceptable to rely on statutory nuisance under the Environmental Protection Act 1990 to do so”*. It is considered that the same approach should be adopted in relation to the Licencing Act 2003, noting the presence of a licence does not exempt the Council, as the Local Planning Authority, from considering the impact of new development upon residential amenity. Concerns have also been raised by the Shared Regulatory Services team, who deal and respond to complaints of noise nuisance under the Environmental Protection Act.

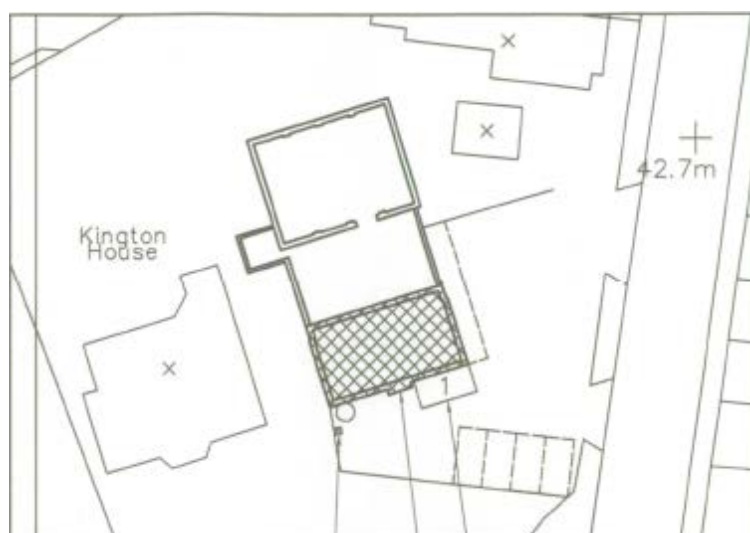
In relation to potential impacts relating to fumes and odour from cooking, the preparation and service of cooked meals could be adequately controlled by condition until such a point that suitable means of fume extraction was agreed.

For the reasons outlined above, the proposed change of use is considered to be contrary to Criterion 8 of Policy MD2, Criterion 6 of Policy MD5 and Criterion 4 of Policy MD7 of the LDP, which all seek to ensure new development has no

unacceptable impact to residential amenity, health and wellbeing through noise and disturbance. The proposal is also considered contrary to the advice contained within Paragraph 8 and B.18 of Technical Advice Note 11- Noise and the advice and guidance within Planning Policy Wales (10th Edition), at Paragraph 6.7.3 and 6.7.6 in particular.

Parking and Highway Safety

There is a hardstanding to the front of the building that principally functions as a parking and turning area shared between the retail unit, flat and the vacant warehouse. It is indicated within the application documents that it can provide for between 10 and 12 parking spaces, although no detailed layout is provided and there are no delineated spaces on site. In granting planning permission for the retention of the flat, a single parking space was allocated by condition, as depicted within the below plan extract:



There are four other spaces depicted on that plan although there is some further room to the northern end of the hardstanding that could accommodate approx. three additional vehicles. The site may be able to accommodate ten vehicles, although to maintain adequate circulation space and bin storage a total of eight is considered to be a more realistic approximation. There are some marked bays opposite the site and parking is not restricted on the adjacent Canon Street and Old Village Road, although due to parking restrictions on St Nicholas Road it appears as though the available space can be fairly limited in these locations, particularly so in the evening.

The existing A1 use would attract a maximum standard of a single commercial vehicle space and two customer parking spaces, according to the guidance within the Parking Standards SPG. The use of the property as a public house, meanwhile, would have a maximum standard of a single commercial vehicle parking space, one staff parking space and 20 customer parking spaces (based upon approx. 100sq.m public floor area).

The Parking Standards SPG therefore identifies uplift in the maximum applicable parking standard of approx. 19 parking spaces. The guidance within Planning Policy Wales and the Parking Standards SPG, however, states that a flexible

approach should be adopted. PPW in particular promotes the provision of lower parking levels than have historically been achieved. It is stated at Paragraph 4.1.53 that *“parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high quality places.”* The site is in a particularly sustainable location, and is within easy walking distance of the High Street/ Broad Street District Centre, Barry Train Station and other bus services. It is therefore reasonable to expect that a reasonable number of patrons would arrive by foot, public transport or be dropped off at the site, particularly so if parking options were known to be limited.

The circular turning area provides adequate space for vehicles to enter the site, drop off passengers and exit in forward gear, even if the parking spaces were fully occupied. If the demand for spaces exceeded capacity, vehicles could still safely egress the site and seek parking opportunities elsewhere, so long as adequate circulation space was maintained. The presence of parking restrictions on St Nicholas Road would ensure that the free flow of traffic was safely maintained on this road. It is therefore considered that, while potentially inconvenient, there would be no significant detriment to highway safety in the event that the parking area became fully occupied and it would not be reasonable to refuse the application on grounds of lack of parking.

It is considered that sufficient room exists to satisfy parking for the flat and for staff provision (based upon the size of the unit) and typical customer parking requirements. It would, however, be beneficial for spaces within the hardstanding area to be demarcated in order to ensure adequate efficient use of the space and that circulation space is maintained when it is at capacity. The details of and implementation of a parking scheme (inc. bin storage provision) could feasibly be required by condition.

The development is therefore considered acceptable in relation to parking provision and associated highway safety impacts.

Other matters

No external alterations have been proposed as part of this application and the development is considered acceptable in relation to visual impact.

It is noted that advertisements may have been erected since the original submission of this application. Adverts such as fascia boards typically benefit from deemed or express consent under the Town and Country Planning (Control of Advertisements) Regulations, 1992. They nevertheless do not form part of these proposals and would be subject of a separate application for advertisement consent, if so required.

The impact of the development upon property values is not a material consideration.

RESOURCE IMPLICATIONS (FINANCIAL AND EMPLOYMENT)

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

LEGAL IMPLICATIONS (TO INCLUDE HUMAN RIGHTS IMPLICATIONS)

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

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

EQUAL OPPORTUNITIES IMPLICATIONS (TO INCLUDE WELSH LANGUAGE ISSUES)

None.

WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015

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

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

RECOMMENDATION

- (1) That planning permission for the retention of the change of use is refused.
- (2) That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
 - (i) The cessation of the unauthorised use of the building as a coffee shop and wine bar.
- (3) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

REFUSE

1. Having regard to the Policies MD2 – Design of New Development, MD5 – Development within Settlement Boundaries and ENV7 – Environmental Protection of the Vale of Glamorgan Local Development Plan 2011-2026, as well as the advice and guidance set out in Planning Policy Wales (10th

Edition) and Technical Advice Note 11- Noise, the change of use would result in unacceptable levels of noise and disturbance from the playing of music, flow of patrons and other comings and goings, that would adversely affect the amenity of neighbouring occupiers at unsociable hours.

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.

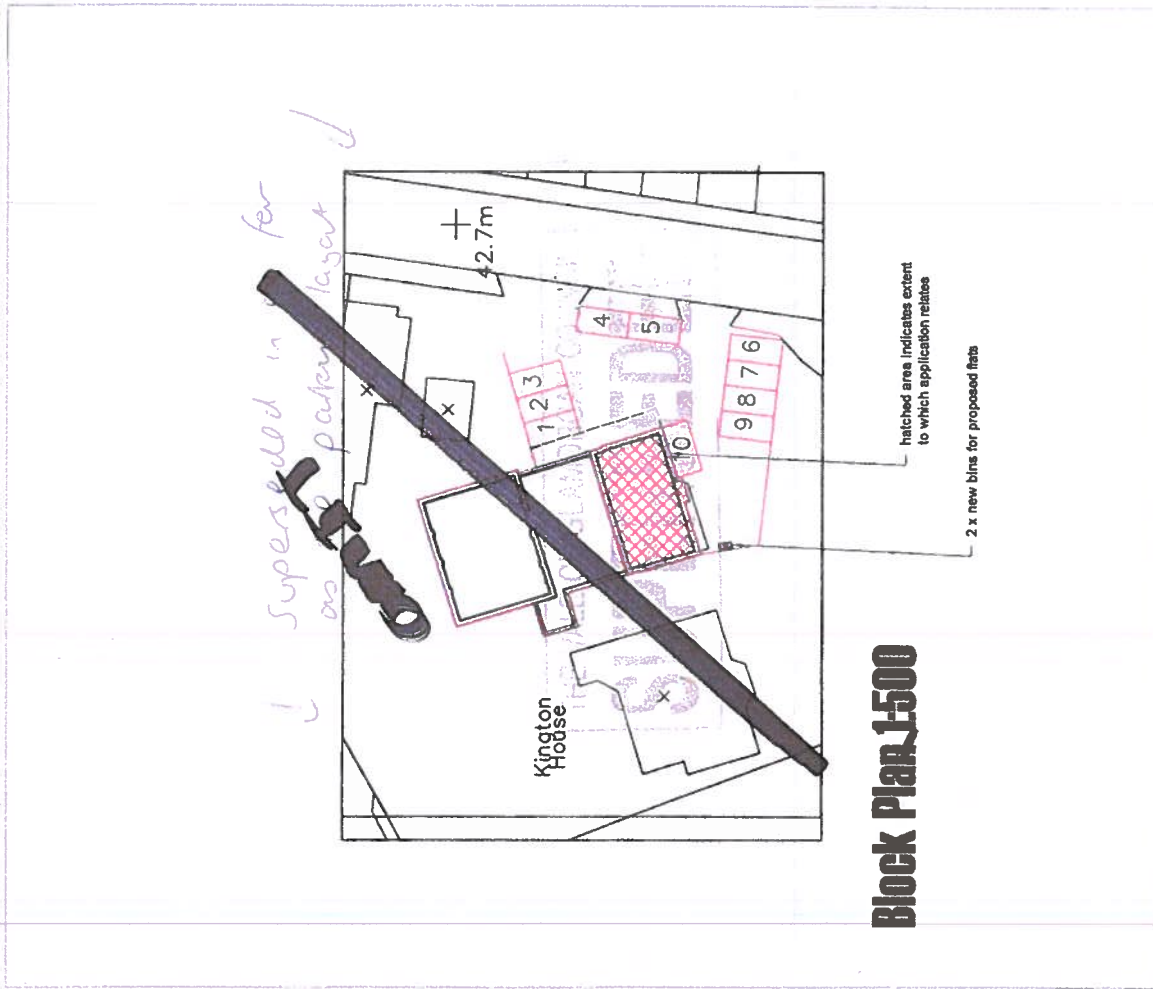
6 St Nicholas Road, Barry CF62 6QW

Location and Parking Plans

2019 00439 FUL



Location plan 1:1250



Block Plan 1:500

Morph 41/04

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APPLICANT: Anlo Properties LLP C/o Agent

AGENT: Miss Sian Thomas DPP Planning, Sophia House, 28, Cathedral Road, Cardiff, CF11 9LJ

Site of existing Waitrose, Palmerston Road, Barry

Work to trees under TPO No.5 of 2013. Clearance of trees G3 (7 alders) and G4 (8 alders)

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 Councillor N. Moore (due to concerns regarding the proposed tree loss).

EXECUTIVE SUMMARY

The application proposes the removal of 15 Alder trees at the site of the former Waitrose store, Palmerston Road, Barry. The application proposes the removal of the trees due to damage they are causing to the car park surface, and to enable better visibility of the building frontage.

There are objections to the application from Councillors N. Moore, A. Moore, and P. Drake and from over 20 members of the public.

It is recommended that the removal of 7 trees be approved due to the damage they are causing (subject to the planting of 14 replacements), and it is recommended that the removal of the other 8 trees be refused.

SITE AND CONTEXT

The application site relates to the former Waitrose store and car park area at, Palmerston Road, Barry, as indicated on the plan below:



DESCRIPTION OF DEVELOPMENT

The application proposes the removal of trees that are protected under TPO No. 5 2013. The plan below shows the existing site layout, with the trees denoted as green circles:



The plan below shows the proposed planting layout:



The proposals involve the removal of trees 11-25, from the first plan above. There is currently a single tree adjacent to the filling station forecourt, three trees in a group close to Palmerston Road, trees along the southern perimeter of the car park, and three linear rows of trees within the main part of the car park. The application proposes the removal of the southern and central rows (trees 11-17 and trees 18-25). The application does not propose the removal of trees 5-10, which comprise the northernmost row, or the other trees closer to the site perimeter.

As mitigation for the tree loss and in accordance with the Council's Supplementary Planning Guidance, the application proposes replacement tree planting at a ratio of 2:1. This would equate to 30 new trees and they are proposed along the southern and northern borders of the site, as shown on the second plan above.

The cited justification for the tree removal is essentially two fold. Firstly, the applicant has asserted that the tree removal is necessary to open up views of the store frontage to prospective customers, and that the existing situation is prejudicial to the effective and viable running of the store(s). Secondly, the application cites damage that the trees are causing to the car park surface and tree planters, caused as a consequence of the trees outgrowing their 'pits'. The submissions also state that the damage is likely to progress and that the health of the trees is questionable, with each showing evidence of stress.

PLANNING HISTORY

2016/00148/TPO, Address: Waitrose, Palmerston Road, Barry, Proposal: T1 - Alder - remove to ground level: Decision: Withdrawn

2016/00202/TPO, Address: Waitrose, Palmerston Road, Barry, Proposal: T1 - Alder, remove to ground level, Decision: Approved

2019/00448/FUL, Address: Site of existing Waitrose, Palmerston Road, Barry, Proposal: Proposed external alterations to existing building and change of use of

restricted Class A3 Cafeteria to Class A1 Retail Use, together with associated tree-related works, Decision: Approved.

REPRESENTATIONS

Representations have been received as follows:

Councillor N. Moore objects to the removal of the trees. The submitted representations contest the applicant's view that the removal of the trees is required to make the store frontage more visible, and Councillor Moore suggests that access could be prevented to affected areas of the car park.

Councillor A. Moore has objected and supports the comments above from Councillor N. Moore. Councillor A. Moore also queries the need to remove them, noting that the car park is large and has rarely been full.

Councillor P. Drake agreed with Cllr Moore's comments and commented that there is insufficient greenery in the area, which is necessary to screen buildings and for wildlife.

Representations have been received from **Jane Hutt AM**, noting the concerns of residents, and seeking clarification on the proposal. No further response has been received.

In excess of 20 letters/emails of objection have been received from members of the public, and the grounds are summarised as follows:

- Retaining the trees would be in the interests of nature and would make Barry greener.
- The trees support wildlife and maintain an ecological balance.
- Trees provide noise mitigation.
- There is ample parking without the affected spaces.
- Trees absorb CO2 and assist the environment.
- Adverse visual and landscape impact.
- The trees are healthy.

REPORT

Relevant Policies and Guidance

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 10 – Tree Preservation Orders (1997)

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:

- Trees, Woodlands, Hedgerows and Development (2018)

Well-being of Future Generations (Wales) Act 2015

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

Issues

The applicant's justification for removing the trees in question relates to the visibility of the store frontage and the damage that the trees are causing to the car park area.

In respect of the first issue, the store frontage is largely visible with the trees in situ and it is considered that tree removal is not required to render these retail units 'viable' in business terms. The applicant's agent has suggested that the prospective occupier(s) of the store are concerned that the trees mask the store frontage, to the extent that this would affect their ability to attract customers. Firstly, any customers pre-planning trips to the store would not be affected by how visible the frontage is, and passing trade can be easily alerted to the presence of the store by signage at the entrance on Palmerston Road. There are clear views of the site entrance along this straight section of Palmerston Road and there is no reason why signage in this location would not be sufficient to capture passing trade. Consequently, this is not a reasonable justification for the removal of protected trees.

The applicant's agent has asserted that the refusal of the application would result in the prospective occupiers of the store withdrawing, however, having regard to the above, this does not, in the view of officers, amount to a reasonably substantiated basis to justify the removal of the trees.

The second reason relates to damage the trees are causing to the car park surface and the health of the trees. The row of trees numbered 11-17 (all Alders) are sited within a pedestrian walkway and do not occupy parts of parking bays (as is the case with the trees at row 18-24) and there is extremely little (if any) evidence of damage to the footway or the adjacent parking areas. The trees along this row are smaller than those at row 18-24 and it is the view of the applicant's Arboriculturist that this is likely to be a consequence of ground conditions. I.e. the conditions in this part of the site are more restrictive to the trees' growth and as a consequence, the trees have not caused damage to the hard surfaces around them. These trees are showing signs of stress, which suggests that the ground conditions are not optimum, however, the submitted tree survey suggests that the trees are of 'good' health and vigour, with at least 20 years useful remaining life. Consequently, and given that there is no discernible damage to the car park or other property (or any particularly likely risk to safety) it is considered that the removal of these trees is unjustified. It is considered that their removal would unnecessarily erode the landscaping and visual amenity of the site and would adversely impact upon the character of the wider area, contrary to policies SP1 (criteria 6 and 8) and MD2 (criteria 1, 8, 10 and 11) of the LDP.

The row of trees numbered 18-25 comprises more mature specimens, and they are also all Alders. Due to the ground conditions, these trees have been able to grow larger than the trees assessed above, and this has resulted in a greater degree of disruption to the hard surfaces around them. In contrast to the trees (11-17) that are situated within a pedestrian walkway, these trees are planted within diamond shaped raised planting beds which sit at the junction of (and occupy part of) four parking spaces each- see photo below:



To varying degrees, the trees have caused damage to these planters and the areas of tarmac surrounding them, with the damage generally decreasing in magnitude with distance away from the store.

In a number of cases the trees and their roots have dislodged the brick and concrete edges, and the surfacing of the raised planters is undulating- see photos below of trees in the group between 18 and 21:



In the case of this group, which lies closest to the store, the damage to the tarmac in the parking bays around the planters is also most significant. The planters at trees 22-24 are less significantly damaged, albeit there is varying degrees of visible root damage to the surrounding tarmac, resulting in an undulating surface.

There is very little visible damage to the area around tree 25, which is the specimen that lies furthest from the store. It is considered that this tree does not pose a material risk to safety and consequently, it is considered that there is insufficient justification for the removal of tree 25.

It is likely that the trees at rows 5-10 (the smallest in the car park and not the subject of this application), 11-17 and 18-25 were planted at the same time and as referred to above, the difference in size is likely to be a consequence of ground conditions. In the case of the smaller trees (5-10 and 11-17) it is considered to be less likely that there will be significant future damage to the car park surface, given that the ground conditions appear to be limiting their size and impact. In the case of trees 18-24, it is more likely that the existing damage will increase and worsen.

In the case of each of trees 18-24 there is evidence of stress, most likely as a consequence of the tree roots being constrained beyond what would ideally be the case. The arboriculturist has observed that the trees are of an age where you would not expect these signs of stress if the ground conditions were better, i.e. they are not of an age where their health would typically decline without prejudicial external factors.

The applicant's case is that the trees are both a financial liability and a danger to pedestrian/customer safety. If the trees continue to cause damage, the reparation costs will be likely to increase, and it is considered that it is not unreasonable that the applicant would be concerned in this respect. Similarly, if a customer was to trip or lose footing as a consequence of the uneven surface/dislodged materials, this is potentially a liability for the stores/landowners.

A single Alder that was located between tree 11 and the store was removed in 2016, with consent from the Local Planning Authority (2016/00202/TPO). In that case the physical constraints on the tree's growth had resulted in badly disrupted paving and edging in the trees immediate rootzone, and that was the cause of a customer accident. In light of this it was deemed that the removal of the tree would be prudent.

It is considered that the same issues are prevalent now in respect of trees 18-24. The disruption of the top surface is most severe in the case of trees 18-21, however, it is considered that there is a reasonable possibility/potential likelihood of a customer accident as a consequence of the surface disruption at trees 18-23 in particular. The root damage and surface undulation is less severe around tree 24 and it is very difficult to identify exactly what damage is being caused by trees 23 or 24. However, the applicant is proposing to re-surface the affected areas and the re-surfacing of the root damaged area between trees 23 and 24 is very likely to be in the root zone of tree 24, and would be likely to affect its health and future lifespan in any case.

Re-surfacing on top of the existing tarmac would not rectify the issues and removing the top surface to replace it with new tarmac would be very likely to have a detrimental impact on the health of the trees, given how the roots have grown. It is considered that this would also not be a satisfactory course of action and would not resolve the issues with these trees. Representations have questioned whether this part of the car park is needed, however, while there was

typically 'over capacity' in the car park when Waitrose was operational, that may not be the case with the new operators. It is considered that it would not be reasonable to require the new operators to permanently cordon off part of the car park.

The trees are showing signs of stress, but they are not dead or dying and therefore their removal is not warranted on these grounds alone. However, taken together with the damage that is being caused to the surfacing, it is considered that trees 18-24 are no longer appropriate in this constrained context. It is considered on balance that the removal of trees 18-24 is acceptable and justified, subject to a condition to require re-planting at a ratio of 2:1. The re-planting would take place at the site perimeter and would be most appropriate at the northern boundary, to mitigate the visual impact of the palisade fence which encloses the site.

The various representations from local ward members and the public have been fully considered and the views expressed about the benefits of trees are valid in principle. However, in this case, it is considered that the reasons for the removal of the identified trees outweigh these objections, given that re-planting will take place to mitigate against much of the loss. While these trees would take time to reach full maturity, planting appropriate species in appropriate locations would ensure the long term presence of trees that will contribute to landscaping, ecology and the environment.

In summary, it is recommended that the removal of trees 11-17 and 25 be refused, and the removal of trees 18-24 be allowed, subject to conditions regarding their replacement.

RECOMMENDATION

The **APPROVAL** of the removal of trees 18-24 (as shown on 'Drwg. No. 19/690/01' of the Mackley Davies Associates Tree Survey Report March 2019), subject to the following conditions:

1. The work shall be carried out in accordance with accepted rules and practices of good tree surgery to conform to B.S. 3998 - Recommendations for Tree Work.

Reason:

To ensure the work is carried out to an acceptable standard.

2. The work hereby approved shall be carried out by a suitably qualified professional tree surgeon.

Reason:

To ensure the continued health of the tree and therefore, that the visual amenities of the area are protected.

3. The work hereby approved shall be carried out within 12 months of the date of this consent.

Reason:

To ensure the work is completed within a reasonable time limit

4. The following shall be planted within the site during the next available planting season (October to March) following felling and shall be properly staked and watered during periods of drought for a period of five years.

-14 replacement trees comprising either *Betula Pendula* or *Carpinus Betulus Fastigiata*, in 14 of the locations shown on the plan titled 'Proposed Planting Plan' from the 'Mackley Davies Associates Ltd Landscape Planting Proposals Scheme April 2019'.

In the event that any of the trees become diseased or die, another similar sized tree shall be planted in its place in the following planting season, and these shall be properly staked and watered during periods of drought for a period of five years.

Reason:

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

and

The **REFUSAL** of the removal of trees 11-17 and 25 (as shown on 'Drwg. No. 19/690/01' of the Mackley Davies Associates Tree Survey Report March 2019), for the following reason:

1. There is insufficient justification for the removal of trees 11-17 and 25 (as indicated on plan 'Drwg. No. 19/690/01' of the Mackley Davies Associates Tree Survey Report March 2019) and their removal would adversely impact upon the character and appearance of the site and the wider area, contrary to Policies SP1 and MD2 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

REASON FOR RECOMMENDATION

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.

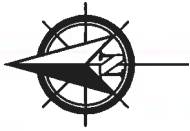
NOTE:

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.



1900520 TPO

NO.	REVISIONS	DATE

CLIENT	Atto Properties LLP
PROJECT	Wellrose Administration Road, Barry CP10 2PE
DRAWN BY	SM
CHECKED BY	MS
DATE	18.04.19
DRAWING NO.	111250 @ A4
DRAWING TITLE	Site Location Plan
DRAWING NO.	DWG MAP 0110106 - 206

Mason Partners

Mason Partners LLP, The Corn Exchange,
Brunswick Street, Liverpool, L2 0PJ



APPLICANT: Mrs Christine Cave 18, East View, Llandow Village, Nr Cowbridge, CF71 7NZ

AGENT: Mrs Christine Cave 18, East View, Llandow Village, Nr Cowbridge, CF71 7NZ

4, Old Hall, High Street, Cowbridge

Change of use from B1 general office space to Class D1 counselling services

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 submitted by a current Member of the Council.

EXECUTIVE SUMMARY

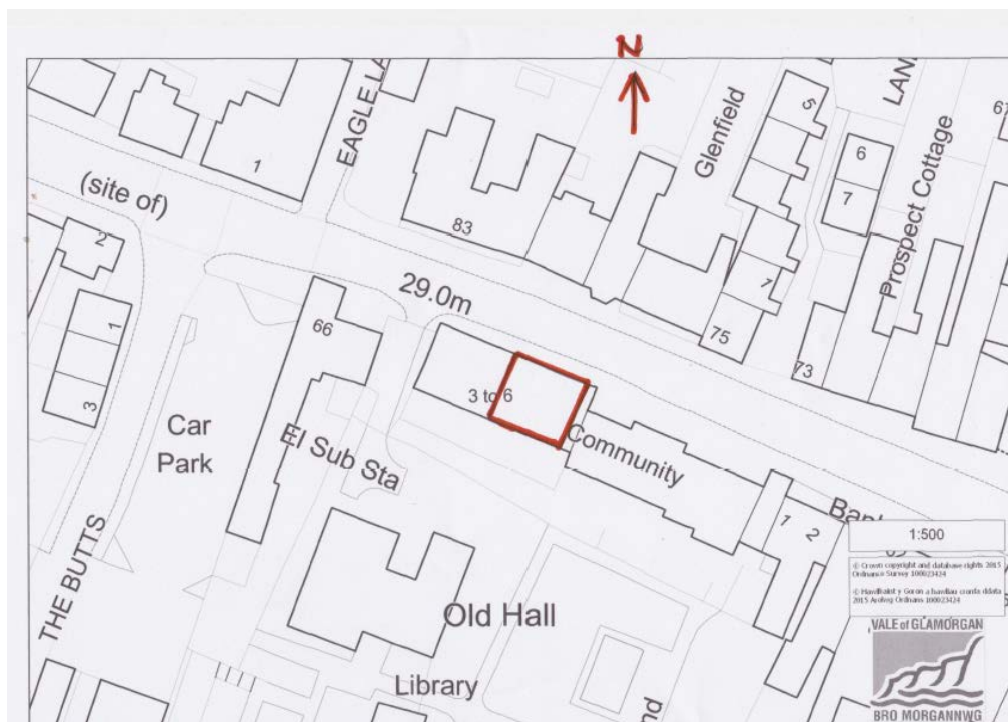
This is an application for a change of use of two first floor rooms (No.4) within the Old Hall, High Street Cowbridge, from a B1 (office) use to a counselling service (D1 non-residential institution). The unit is currently vacant.

The Old Hall is a grade II listed building within the Cowbridge Conservation Area. The proposal would not result in any changes to the inside or the outside of the building.

The use as a counselling service is acceptable (subject to a Condition restricting its use for no other D1 uses) and the application documents demonstrate that the unit has been appropriately marketed. Given that the majority of the units within the Old Hall will remain in a B1 use, it is not considered the nature of the proposed use would impact on viability of the employment premises. Furthermore the proposal would also generate employment and the nature of the use would not result in impacts on neighbouring properties or result in any adverse highway impacts.

For these reasons, officers recommend that planning permission be granted.

SITE AND CONTEXT



Roughly 35 square metres in area, the application site consists of part of the first-floor office in a grade II listed building, located at Old Hall, High Street, Cowbridge.

There are several other offices within the building and Cowbridge Library to the rear. This part of High Street comprises of a mix of office, retail and residential uses. The application site does not have parking spaces or a vehicular entrance on a public road.

According to the application documents, the application site has been vacant since 30 June 2018, and was last used by a drug-and-alcohol outreach service.

The Local Development Plan (LDP) does not allocate the site for a particular land use, although the site falls within the Cowbridge District Retail Centre and the defined settlement of Cowbridge and is within the Cowbridge Conservation Area.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for a change of use of two first floor rooms (No.4) with the Old Hall, from B1 (office) to a D1 non-residential institution. The unit's entrance is on the ground floor, with an internal staircase leading to the office.

The supporting information states that the use would comprise of counselling services in the form of cognitive behavioural therapy (CBT). The proposal would not result in any external changes to the outside of the building.

The application documents set out how the business would operate:

- Room 1 would be a space for qualified and student play therapists and would eventually, create work for five or six therapists. Up to five children would visit the room every weekday;
- Room 2 would be used mainly for adult counselling. Up to six counsellors would work in it, and up to six adults would visit it every weekday;
- Play therapy would be offered between 9 a.m. and 4 p.m.;
- Adult counselling would be offered between 8 a.m. and 8 p.m., to allow for people's work commitments;
- Therapists would also use the offices for administrative tasks;
- The offices will run an appointment system. Many of the appointments will be for individuals but some will be for small groups;
- A typical session might last between 75 and 80 minutes, with the counsellor performing administrative tasks before and after it.

PLANNING HISTORY

Relevant applications (some of which relate to Old Hall as a whole):

1991/00704/FUL: Old Hall, High Street, Cowbridge, Proposal: Change of use from residential accommodation of flats 2 and 3 to community college use - decision: unknown

2008/01025/RG3: Flats 3,4,5,6 to Old Hall Complex, High Street, Cowbridge, Proposal: Change of use for flats 3, 4, 5 and 6 - from residential to business use - decision: approved, subject to conditions.

Condition 2: The premises shall be used for business purposes within Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason:

For the avoidance of doubt and to enable the Local Planning Authority to maintain control over the nature of the use in accordance with Policies EMP2 - New Business and Industrial Development and ENV27 - Design of New Developments of the Unitary Development Plan.

2010/00294/FUL: The Old Hall, High Street, Cowbridge, Proposal: Change of use from offices (B1 use) to day nursery (D1 use) - decision: withdrawn

CONSULTATIONS

Cowbridge with Llanblethian Town Council was consulted and have responded raising no objection to the proposal.

Cowbridge Ward members were consulted and no comments have been received to date.

REPRESENTATIONS

The neighbouring properties were consulted on 31 May 2019, and a site notice was displayed on 04 June 2019.

To date no letters of representation have been received.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

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

Managing Growth Policies:

POLICY MG7 – Provision of Community Facilities
POLICY MG8 – Provision of Health 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 MD16 – Protection of Existing Employment Sites and Premises

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 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 4 – Retailing and commercial development (2016)
- Technical Advice Note 20 – Planning and the Welsh Language (2017)
- Technical Advice Note 23 – Economic Development (2014)
- Technical Advice Note 24 – The Historic Environment (2017)

Supplementary Planning Guidance:

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

- Parking Standards (2019)
- Cowbridge Conservation Area Appraisal and Management Plan

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

- Employment Land and Premises Study (2013)
- Local Employment Land Deliverability Paper (2015) (Also see LDP Hearing Session 5, Action Point 8 response)
- Further Advice on Employment Land and Premises Study (2015)

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to 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 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 in this assessment are:

- Principle of development in relation to the loss of a B1 unit
- Effect on neighbours;
- Highways.

In respect of visual impact, the proposal would not result in any changes to the outside of the building. Similarly, in respect of impacts on historic assets, the proposed change of use would neither change the appearance of the listed building nor have a noticeable effect on the character of the listed building or the Cowbridge Conservation Area.

Old Hall is in Cowbridge District Retail Centre), however the application site relates to the first floor of the building. As such, Policy MG14 (Non-A1 Retail Uses within Town and District Retail Centres), only seeks to restrict proposals non A1 retail units a ground floor level.

Principle of development

Main policy considerations

Policy SP1 (Delivering the Strategy) says that a development proposal should, amongst other things, reinforce the role of service centre settlements (of which Cowbridge is one) as providers as cultural, commercial and community services.

Policy MG7 (Provision of Community Facilities) states that proposals which provide 'new or enhanced [multi-use] community facilities ... in accessible locations will be favoured'. The proposed counselling centre would not strictly relate to a community facility in the same way as a library, a community hall, a school, or a leisure centre etc. but is a form of health care provision.

Policy MG8 (Provision of Health Facilities) states that developments which provide 'new or enhanced health facilities ... in accessible locations will be favoured'. The glossary of the LDP states that a health facility is a building or site where medicine is practised. However a counselling centre can reasonably be considered to be within the general meaning of 'health facilities'.

Policy MD1 (Location of New Development) says that new development on unallocated sites should, amongst other things, have access to sustainable

modes of transport and reinforce the role of service centre settlements as providers of commercial, community and healthcare services.

The principal policy in assessing this application is Policy MD16 (Protection of Existing Employment Sites and Premises). This policy states that at existing employment sites and premises, proposals for non B1, B2 and B8 employment uses will only be permitted where:

1. *The proposal is for ancillary or sui generis uses that would not singularly or cumulatively lead to a material change in the nature of the employment site;*
2. *The existing employment use has unacceptable adverse impacts on amenity or the environment; or*
3. *Land of equal or better quality is made available for employment uses elsewhere; or*
4. *It is demonstrated that the site or premises is no longer suitable or viable for employment purposes; and*
5. *The proposal would not prejudice existing or neighbouring employment uses, have an unacceptable impact on amenity or the environment and would not lead to a material change in the nature of the employment site.*

The supporting text says:

Existing employment sites and premises provide valuable opportunities for employment close to where people live and support economic growth and the local economy. As such the loss of employment uses can negatively impact on access to local jobs and the competitiveness of the local area. The Council's Employment Land and Premises Study (2013) highlights a relative scarcity of a range and choice of available and developable land, alongside an identified demand from small business start-ups and "grow on" space within the Vale of Glamorgan [paragraph 7.80 of the LDP refers].

....Where proposals involve the loss of an existing employment site or premises the Council will require them to be supported by appropriate evidence supporting their justification under the Policy. The type of evidence required will vary depending on the use and individual circumstances but may include details of why the land or premises is no longer in use and evidence to show that appropriate and reasonable efforts have been made to market it for sale or lease for its existing use [paragraph 7.81 of the LDP refers].

Information from the agent or applicant regarding demand (in relation to Criterion 4) could take the form of a marketing report or correspondence from the relevant property agent. The type of information could include the following:

- *Details of existing occupiers, if any;*
- *If appropriate, the length of time a property or site has been vacant;*
- *The type of use which the property/site has been marketed for, and what the marketing strategy involved and its duration;*

- *The amount of interest in the site during the marketing period - this should detail the number of queries, the type of use sought, and if known, the reason for not pursuing the initial query; and,*
- *Whether the relocation of existing occupiers to other suitable accommodation will be facilitated [paragraph 7.82].*

The glossary of the LDP defines an 'employment land/site' in the following terms:

Land used for employment purposes by one or more of the following: offices, manufacturing, research and development, storage and distribution.

Paragraph 5.17 of the Employment Land and Premises Study (LDP Background Paper, September 2013) stated:

*There is reasonable demand for office space in Cowbridge, relative to the size of the town, and existing suites achieve good rental levels. Opinion is divided as to whether there is need for an additional office scheme in the settlement. However, **any unmet demand is likely to be for small suites of 93 sqm or less** [emphasis added]. Local businesses seeking larger space tend to go to Pencoed.*

Technical Advice Note (TAN) 23: Economic Development (February 2014)

Paragraph 4.6.8 states:

The traditional employment uses tend to generate lower land values than many other land uses, especially housing and retail, consequently, any land lost to these uses is generally difficult to replace. Planning authorities should avoid releasing for other uses sites where there is strong evidence of likely future need for B1-B8. In some areas, older, lower-cost employment areas may be required, especially for small and new firms who cannot afford newer and more prestigious accommodation. The loss of such areas may cause harm to local economies and should be avoided.

Analysis

The LPA may decide whether the proposal is acceptable in principle by asking itself the following questions:

- Is the proposed D1 use acceptable in this location?
- Does the development proposal comply with policy MD16?
- Regardless of policy MD16, do the proposal's merits, including any likely economic benefits, justify the loss of the B1 unit?

Is the proposed D1 use acceptable in this location?

Cowbridge is defined as a Service Centre Settlement. This historic service centre settlement is one of an area of significant population, public transport provision, local employment opportunities, a town centre and a range of educational and community services and facilities.

Therefore the proposed use of the first-floor unit for D1 purposes, within this central location, with a mix of retail, commercial and other D1 uses in the vicinity,

is acceptable in principle and would not be at odds with the character of the area. As a health-related facility are a form of economic activity, for instance, the counselling centre would help to reinforce the role of this Service Centre settlement to provide commercial and healthcare services.

However, notwithstanding the above, the proposal must satisfy at least one of the criteria of Policy MD16 and each of the criteria will be considered in turn:

1. *The proposal is for ancillary or sui generis uses that would not singularly or cumulatively lead to a material change in the nature of the employment site;*

As the proposed counselling centre is neither an ancillary use nor a *sui generis* (unique or 'not belonging to a specified use class') use, this criterion is not relevant to this assessment, particularly given that this is not an employment site, rather an individual premises.

2. *The existing employment use has unacceptable adverse impacts on amenity or the environment;*

The approved B1 use relates mainly to office uses or other light commercial uses which are defined as those which 'can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit' (see the Town and Country Planning (Use Classes) order 1987). On this basis it is not considered that the approved B1 use would have any unacceptable adverse impacts on amenity or the environment.

3. *Land of equal or better quality is made available for employment uses elsewhere; or*

The information submitted with the application documents does not indicate that land might be made available elsewhere.

4. *It is demonstrated that the site or premises is no longer suitable or viable for employment purposes; and*

The application documents and the Council's own information indicate that the unit has been vacant for just over a year (since 30 June 2018) and was last used by a drug-and alcohol outreach service. The unit was advertised in October 2018 and received only three offers, one for an office use that was later withdrawn. The unit was advertised again in March and April 2019 with the only interested coming from the applicant. The Council's estates officer suggests an abundance of office space in Cowbridge might explain the limited interest in this unit.

The applicant has stated that in view of the information provided and the previous advertisements that show the offices being available since March 2018, it is stated that the property could well remain empty for a considerable period if the application is not supported.

The information submitted covers the main points set out in the supporting text of policy MD16 and the level of justification and evidence submitted is considered proportionate, having regard to the size of the unit and the fact that it only relates

to the change of use of two rooms, within a larger building, with the majority of the building still retaining its B1 use. On the basis of the above, proposal is considered to satisfy the requirements of Criterion 4.

5. *The proposal would not prejudice existing or neighbouring employment uses, have an unacceptable impact on amenity or the environment and would not lead to a material change in the nature of the employment site.*

There is no reason to believe the proposed use, which would have very similar impacts as the approved B1 uses, would have any unacceptable effect on other units in Old Hall, on the overall character and function of Old Hall, or on the character or appearance of this part of Cowbridge.

The particular D1 use proposed in this application is quite similar to a typical B1 office use. For instance, the counselling centre might receive more visitors than a typical office, but the services would involve talking and indoor activities, and therapists would also perform their administrative tasks in the unit. These similarities would weigh in favour of the proposal. Other D1 uses – such as a children’s nursery, a museum, or a place of worship would be quite different, not only in nature, but in their wider impacts, in respect of their effect on comings and goings, noise, parking requirements, and so on. For this reason, it is considered necessary to condition any planning permission to limited it to a counselling centre only and not for any other purposes in use class D1 (**Condition 3 refers**).

Whilst the application is considered acceptable in that it satisfies Criterion 4 of Policy MD16, consideration should also be given, to the economic benefits of the proposal.

According to the application documents, the counselling centre would create up to 12 jobs. Therefore whilst it may not be a “*traditional* employment use”, the counselling service would still be an *employment-generating* use.

In summary, the use of part of the first-floor of the Old Hall for counselling services is acceptable in principle, and the proposal is considered to satisfy the requirements of Policy MD16. In addition, and the proposal would also result in the creation of jobs and the level of impact of the use would be similar to that of the approved B1 use.

Effect on neighbours

The Old Hall is an office building located in the centre of a Cowbridge High Street and near several other commercial / public buildings, with the nearest dwellings are on the opposite side of the road.

The application documents indicate that the counselling centre would be open between 8 a.m. and 8 p.m., with people coming and going throughout the day. This would be acceptable in the centre of Cowbridge. The nature of the use is unlikely to be noisy and direct access to the building is from the rear. As such people entering and leaving the building in the early part of the evening are unlikely to disturb commercial or residential neighbours.

Some uses falling with a D1 use might attract more visitors than others and or result in more noise generating activities. As stated above, it is considered necessary to condition any planning permission is limited to a counselling centre only and not for any other purposes in use class D1 (**Condition 3 refers**).

Parking

The application site is not served by any off-street parking spaces. The section of High Street outside Old Hall has double yellow lines, with single yellow lines on the other side of the road.

The Parking Standards SPG places the application site in Zone A (Town Centre). According to the SPG, the existing use (B1) should provide one parking space for every 35 square metres of floor space. This creates a requirement of one space.

The proposed use (D1) does not fall neatly into any of the SPG's categories and is most similar, perhaps, to a health centre, which is a type of community establishment (for the purposes of the SPG). The SPG says that a health centre in any parking zone should provide one 'operational' parking space for every practitioner, one 'non-operational' parking space for every three ancillary employees, and three 'non-operational' parking spaces for every practitioner.

The application documents indicate the proposal might create up to 12 jobs. If the LPA were to use the standard method of calculation, the number of jobs might point to a large parking requirement (albeit noting these are maximum not minimum standards). It should be noted that the counselling centre would offer fewer overlapping services than many health centres do and a typical counselling session would likely be longer than a typical appointment with a nurse or a GP. With relatively few overlapping appointments available, the counselling centre's clients would probably spend little, if any, time waiting in or near the building.

Given the fall back position as a B1 use and the sustainable location of the site, clients and staff could walk or cycle to Old Hall, with adequate provision of public transport serving Cowbridge. Furthermore it should be noted that there are several public car parks within walking distance of the site.

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:

- Location plan;
- e-mail from applicant to Vale of Glamorgan Council (subject: 'FW: FW: 2019/00548/FUL: 4 Old Hall, High Street, Cowbridge - application for planning permission for change of use'; date: 03.07.2019; time: 08:45).

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 unit may be used only as a counselling centre shown and described in the approved plans and documents. It may not be used for any other purpose falling under Use Class D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or the corresponding use class of any piece of legislation which might replace the 1987 Order).

Reason:

To protect the living conditions of neighbours, to protect the character of the Cowbridge Conservation Area, and to prevent the proposal from having an unacceptable effect on highway safety, in accordance with policies SP1, SP10, MD2, MD5, and MD8 of the Vale of Glamorgan Local Development Plan.

REASON FOR RECOMMENDATION

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

Having regard to policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development), MD2 (Design of New Development), MD5 (Development within Settlement Boundaries), MD7 (Environmental Protection), MD8 (Historic Environment), and MD16 (Protection of Existing Employment Sites and Premises), the proposed change of use of part of the first floor of the Old Hall for a counselling service is not considered to impact on the viability of the existing employment premises, and the use is considered acceptable in respect of its impacts on the amenities of the nearby residential occupiers and would not impact on highway safety.

This 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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