

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **30 MARCH, 2022**

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:

2021/0662/BN	A W	11, Leigh Close, Llantwit Major. CF61 1UL	Gym rear of garden (24m ²), single storey extension (10-40m ²), window replacement (less than 20) and changing hip roof to gable
2022/0002/PO	AC	1, Y Goedwig, Rhiwbina, Cardiff, CF14 6UL	Single storey side elevation extension. Loft conversion with full rear dormer and hip to gable extension.
2022/0003/PO	AC	28, Heathbrook, Cardiff, CF14 5FA	Dormer loft conversion
2022/0063/BN	A	52, Glebe Street, Penarth. CF64 1EG	Rear bedroom ceiling vaulted, bathroom modification / relocation to en suite, modifying existing stairwell and balustrade
2022/0069/BR	AC	Hamilton House, 123, Broad Street, Barry. CF62 7AL	Conversion of office space into 6 no 1 bed flats for social housing
2022/0073/BN	A W	3, Tyle House Close, Llanmaes, CF61 2XZ	Single story rear extension 10-40m ²
2022/0086/BR	AC	Old Cogan Hall, Sully Road, Penarth, CF64 2TQ	Erection of a freestanding timber carport/ double garage structure to provide sheltered car parking.
2022/0087/BN	A	16, Barry Road, Barry, CF63 1BA	Convert 3 bed terraced house to 5 bed HMO. Create 3 new bathrooms

			with drainage into existing public sewer. Replacement uPVC back door and the replacement of two single glazed windows with uPVC.
2022/0090/BN	A W	Land at Pantynawel House, Cowbridge Road, St Athan, CF62 4LE	Proposed construction of detached 2 storey dwelling with access, on site parking and amenity space.
2022/0093/BN	A	117, Minehead Avenue, Sully, CF64 5TL	Internal alterations
2022/0094/BN	A	71, Caer Odyn, Dinas Powys. CF64 4UF	Single storey extension to enlarge kitchen and living room
2022/0095/BN	A W	116, Andrew Road, Cogan, Penarth, CF64 2NW	Dormer loft conversion. Single storey side extension, single storey front extension
2022/0097/BN	A	27, Augusta Crescent, Penarth, CF64 5RL	Re-roof
2022/0098/BN	A	7 Goldsland Walk, Wenvoe. CF5 6FD	Garden room
2022/0099/BN	A	Stallington House, Stalling Down, Cowbridge, CF71 7DT	Internal wall removal and replacement with steels. Replacement windows. Ground floor windows to be replaced with bifold doors. Turning utility room into downstairs WC.
2022/0100/BR	AC	10, Maes Glas, Barry, CF62 6LP	Rear extension-sun lounge
2022/0101/BN	A	3, Clive Place, Penarth, CF64 1AU	Remodelling of existing layout to include, five sky lights, two en suites, remodelling of family bathroom, removal of chimney breast at first floor level, knock through internal wall at ground floor level and open up existing wall to new single storey extension (12.1sqm)

2022/0102/BR	AC	7, Earl Crescent, Barry, CF62 5TS	Two storey side extension and single storey rear extension
2022/0103/BN	A	6, Porthkerry Road, Barry, CF62 7AX	Loft conversion with dormer window
2022/0104/BR	AC	20, Wordsworth Avenue, Penarth, CF64 2RL	Existing garage demolition and single storey side extension
2022/0105/BN	A	Ty Corwynt, 48, Greenmeadow Way, Rhoose, CF62 3FJ	Garage conversion
2022/0106/BN	A	16, Dyffryn Close, St Nicholas, CF5 6SS	Re-roof
2022/0108/BN	A	Saers Court, St Mary Church, Cowbridge, CF71 7LT	Single storey rear extensions
2022/0109/BR	AC	37, Boverton Brook, Boverton, Llantwit Major, CF61 1YH	Proposed single storey extension, two storey side extension and internal alterations
2022/0110/BN	A	63, Broadway, Llanblethian, Cowbridge, CF71 7EX	Single storey rear extension, replace a small rear dormer with a full width dormer and re-slating the roof
2022/0111/BR	AC	92, Castle Avenue, Penarth, CF64 3QT	First floor rear extension and loft conversion with rear dormer
2022/0112/BN	A	49, St Mary's Avenue, Barry, CF63 4LT	Structural alterations to kitchen
2022/0113/BN	A W	Wesley Chapel, Wesley Street, Llantwit Major	Conversions of chapel into one dwelling
2022/0114/BN	A W	33, Dyfan Road, Barry, CF63 1DP	Single storey rear extension (4m x 4.5m)
2022/0115/BN	A	Manor House Hotel, Sully Road, Penarth, CF64 2TQ	Conversion of hotel to dwelling
2022/0116/BR	AC	51, Cornerswell Road, Penarth, CF64 2UX	Rear extension and detached garage.

2022/0117/BN	A W	35, Tynwydd Road, Barry, CF62 8HB	Demolition of existing rear double garage and erection of ancillary granny annex
2022/0118/BN	A W	The Cwtch, Oyster Bend, Sully, CF64 5LW	New single storey dwelling with accommodation within the roof space
2022/0119/BR	AC	Woodside, Westra, Dinas Powys, CF64 4HA	Garden room to rear of dwelling
2022/0122/BN	A	28, Glyn Y Gog, Rhoose, CF62 3LJ	Supalite roof
2022/0123/BR	AC	40, Adenfield Way, Fontygary, Rhoose, CF62 3EA	Single storey extension to enlarge kitchen/diner
2022/0125/BR	AC	3, The Meadows, Corntown, CF35 5BD	Front porch extension, two storey side extension and single storey rear extension
2022/0127/BN	A	7A, Beach Road, Penarth, CF64 1JX	First floor extension on top of existing extension with associated works and rear extension
2022/0128/BR	AC	Adelie, 8, Ewenny Road, St. Brides Major. CF32 0SB	2 storey extension for garage and kitchen, first floor bedroom, en-suite and utility area
2022/0130/BN	A	3, Church Crescent, St. Hilary. CF71 7DQ	Proposed two storey rear extension featuring a Juliette balcony.
2022/0131/BN	A	2, Tresilian Close, Llantwit Major. CF61 1QX	Single storey extension to rear of property approximately 8.5m2 in area.
2022/0133/BN	A	1, Rectory Road, Barry, CF63 3QB	Conversion to a 6 bed HMO. 1 new bathroom into existing drainage replacement windows and doors
2022/0134/BN	A	7, St. Augustines Road, Penarth. CF64 1BH	Change 2 rooms into 1

2022/0135/BN	A	Flat 3, Romilly Views, Highfield Close, Barry. CF62 6NP	Replacement separating floor between flats (3 and 6)
2022/0136/BN	A	Flat 6, Romilly Views, Highfield Close, Barry. CF62 6NP	Replacement separating floor between flats
2022/0137/BR	AC	39, Cardiff Road, Dinas Powys. CF64 4DH	Single storey rear extension
2022/0139/BN	A W	The Dales, Little Brynhill Lane, Barry. CF62 8PN	Conversion of existing detached garage to 2 no. holiday lets
2022/0140/BN	A	22, Nailsea Court, Sully. CF64 5SQ	Single storey extension to rear kitchen, demolition of existing garage and erection of single storey extension to side of property
2022/0142/BN	A	Ellerslie, Sully Road, Penarth, CF64 2TQ	Single storey extensions, structural openings, loft conversion, change of bathrooms, full house renovations and change of windows
2022/0143/BN	A	12, Masefield Road, Penarth. CF64 2SD	Single storey rear and side extension to extend kitchen / dining area and provide a utility room and storage
2022/0144/BN	A	5, Maughan Terrace, Penarth. CF64 1DT	Remove chimney wall between kitchen and bathroom to form open plan living and form new ground floor bathroom
2022/0146/BR	AC	346, Barry Road, Barry. CF62 8HH	Single storey rear extension and two storey side extension
2022/0147/BN	A W	21, Westbourne Road, Penarth. CF64 3HA	Detached single storey Garden Room
2022/0149/BR	AC	Headlands School, 2, St. Augustine's Road, Penarth. CF64 1YY	Change of use of existing two storey pupil accomm. into key stage 2 teaching centre providing classrooms, study rooms, offices, library, staff and dining room

2022/0151/BR	AC	17, Clement Place, Barry, CF62 6SN	Demolish Existing lean to conservatory and utility room and construct a rear single storey extension with dormer above.
2022/0153/BN	A	Higher End Cottage, Llanbethery, CF62 3AN	Re-roof
2022/0158/BN	A	3, Llandaff Close, Penarth, CF64 3JH	Internal alterations and Micro extension
2022/0159/BN	A	Pepperland Cottage, Llancarfan, CF62 3AD	Re-roof

(b) Building Regulation Applications - Reject

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

2022/0120/BN	R	12, Nailsea Court, Sully, CF64 5SQ	Porch under 10sqm, including wc
2022/0121/BN	R	9, Powys Place, Dinas Powys, CF64 4LB	Double rear extension and attic conversion
2022/0124/BN	R	4, Grassmere Close, Llandough, CF64 2PT	Rear two storey extension

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

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

2022/0026/AI	A	14, Cornerswell Place, Penarth, CF64 2TJ	Internal structural alterations, single storey rear extension and insertion of bi-fold doors
2022/0027/AI	A	Argoed Uchaf, Llanharry, Pontyclun, CF72 9JX	Construction of a two-storey dwelling
2022/0028/AI	A	50, Craig Yr Eos Road, Ogmore By Sea. CF32 0PH	Detached 4 bed dwelling, 2nd fix / internal fit out; and external works only
2022/0029/AI	A	57, The Parade, Barry. CF62 6SG	Two-storey side extension, installation of windows, roof tiling, top coat render, above and below-ground drainage, internal fit-out and external works only

2022/0030/AI	A	Tusker House, 71 Main Road, Ogmore By Sea, CF32 0PW	Single storey side extension
2022/0031/AI	A	28, Fonmon Road, Fontygary, Rhoose, CF62 3DZ	Ground floor single story extension with detached garage and loft conversion.
2022/0032/AI	A	Woodlands, Bonvilston. CF5 6TR	Three-storey dwelling with detached garage
2022/0033/AI	A	Hook Hill, Love Lane, Llanblethian, Cowbridge, CF71 7JQ	Single storey rear extension and two storey side extension
2022/0034/AI	A	Cardiff and Vale College, Barry Campus, Colcot Road, Barry, CF62 8YJ	New external cladding and installation of a partial heating system to existing workshop
2022/0035/AI	A	Tudor Garage Ltd, Cowbridge Road, Ystradowen. CF71 7SY	Demolish and extend part of existing garage workshop including associated works.
2022/0036/AI	A	Ty Gardd, Jenner Street, Barry, South Glamorgan, CF63 2JJ	Construction of two storey building with 2 No. one bedroom apartments
2022/0037/AI	A	12, Lon Fferm Felin, Barry. CF62 6LY	Replacement Warm Roof to rear elevations
2022/0038/AI	A	The Old Rectory, 10 - 12, Old Port Road, Wenvoe. CF5 6AN	Conversion of Grade II listed building and detached coach house to 10 residential units
2022/0039/AI	A	41, Heol Pearetree, Rhoose. CF62 3LB	Single storey rear kitchen / dining extension, garage conversion to habitable room and associated works
2022/0040/AI	A	204, Railway Road, Rhoose. CF62 3FG	Single storey rear extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2022/0041/AI	A	3, Romilly Avenue, Barry, CF62 6RB	Dormer loft conversion to create a habitable room at second floor level with WC

2022/0042/AI	A	59, Vere Street, Barry, CF63 2HW	Change of use from former ground floor laundrette to 2 bed ground floor apartment
2022/0043/AI	A	54, Eastgate, Cowbridge, CF71 7AB	Single storey rear extension, internal alterations, re-rendering property and new windows and doors throughout.

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PLANNING COMMITTEE : **30 MARCH, 2022**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

2. PLANNING APPLICATIONS DETERMINED BY THE HEAD OF REGENERATION AND PLANNING UNDER DELEGATED POWERS

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

Decision Codes

A	-	Approved	O	-	Outstanding (approved subject to the approval of Cadw OR to a prior agreement
C	-	Unclear if permitted (PN)	B	-	No observations (OBS)
EB	-	EIA (Scoping) Further information required	E	-	Split Decision
EN	-	EIA (Screening) Not Required	G	-	Approved the further information following "F" above (PN)
F	-	Prior approval required (PN)	N	-	Non Permittal (OBS - objections)
H	-	Allowed : Agricultural Condition Imposed : Appeals	NMA	-	Non Material Amendments
J	-	Determined by NAFW	Q	-	Referred to Secretary of State for Wales (HAZ)
L	-	Approved <u>AND</u> refused (LAW)	S	-	Special observations (OBS)
P	-	Permittal (OBS - no objections)	U	-	Undetermined
R	-	Refused	RE	-	Refused (Enforcement Unit Attention)
			V	-	Variation of condition(s) approved

2015/01070/3/N MA	A	Golwg Y Mor (Land North of the Railway Line), Porthkerry Road, Rhoose	Non Material Amendment - Replacement of the planting plans listed under condition 1 on the decision notice. Planning approval 2015/01070/RES - Residential development with associated access and associated works, to include public open space and land for a primary school (including the demolition of 46 Porthkerry Road and its associated outbuildings)
2015/01072/2/N MA	A	Golwg Y Mor (Land North of the Railway Line), Porthkerry Road, Rhoose	Non Material Amendment - Replacement of the planting plans listed under

			condition 1 on the decision notice. Planning approval 2015/01072/RES - Residential development with associated access and associated works, to include public open space and land for a primary school (including the demolition of 46 Porthkerry Road and its associated outbuildings)
2017/00841/5/N MA	A	Land at North West Cowbridge	Non Material Amendment - To revise conditions to substitute approved plans for 1 bedroom flats. Planning approval 2017/00841/RES - Phase 1 of the development consisting of 169 dwellings with associated access, roads and footpaths, landscaping, public open space and other ancillary works
2019/01371/2/N MA	A	East Quay Public Open Space at Barry Waterfront	Non Material Amendment - This revision includes the movement of trees outside of the Council's ownership zones and also shows where the embanked areas of Council ownership are. The footpath to the North West of the public open space is also amended to reflect the planning application submitted by OWT for their relocation to the public open space. Planning approval 2019/01371/RES - Landscaping in so far as it relates to the East Quay phase of development (Planning Permission ref. 2014/00229/EAO)

2020/00113/FUL	A	Shorkot Farm, Leckwith	Proposed re-siting and alteration of annexe as approved by 2018/00621/FUL.
2020/00184/3/N MA	A	20, Augusta Road, Penarth	Non Material Amendment - Change the cladding to be used on dormer to Millboard Envello cladding, colour Burnt Oak. Planning approval 2020/00184/FUL - Single storey rear and side extensions with removal of existing conservatory and associated refurbishment works
2020/00629/1/N MA	A	The Foreshore, Beach Road, Swanbridge	Non Material Amendment - Change of use of materials approved. Planning approval 2020/00629/1/NMA - Proposed reinstatement of private beach slipway and small boat storage area
2020/01219/FUL	R	Felin Dawel, Michaelston Le Pit Road, Michaelston Le Pit	Change of use of garage unit (sui generis) to gym (Class D2)
2021/00001/FUL	A	Sea Crest House, Old Barry Road, Penarth	Relocation of garden wall to incorporate land owned by the applicant, thereby extending existing garden.
2021/00064/1/N MA	A	Detached dwelling at land fronting Castle Brook, Llanmaes	Non Material Amendment - Amend front entrance porch from glazing to stonework. Planning approval 2021/00064/FUL - Proposed detached dwelling
2021/00378/1/C D	A	Land at Hayes Wood, The Bendricks, Sully	Discharge of Condition 6 (CEMP). Planning approval 2021/00378/RG3 - Proposed affordable residential scheme for 53 units and associated works

2021/00379/1/N MA	A	Land to the west of Ffordd y Mileniwm, Barry	Non Material Amendment application for the variation of condition 2 (approved plans) of planning consent 2021/00379/FUL to allows for changes to be made to the proposed materials and alter condition 3 (materials) to a compliance condition. Planning approval 2021/00379/FUL - The construction of a new primary school, access, car parking, landscaping and associated works
2021/00514/FUL	A	9, St. Dyfrig Close, Dinas Powys	Double storey side extension and single storey rear extension. Change the front of the house to match next door property (No. 7). Add a dormer to the back of the property
2021/00599/FUL	A	Red Cross Society Hall, The Broadshoard, Cowbridge	Proposed conversion from office space to one bedroom dwelling
2021/00609/FUL	A	Adjacent to 1, Plas Pamir, Penarth Marina	Erection of CCTV tower for the purpose of crime prevention
2021/00771/FUL	R	Llanmihangel Cottage, Llanmihangel	Proposed single storey extension to existing listed barn
2021/00772/LBC	R	Llanmihangel Cottage, Llanmihangel, Cowbridge	Proposed single storey extension to existing listed barn
2021/00930/FUL	A	Land adjacent to Beechwood College off Hayes Road, Sully	Change of use to community allotments (New application to replace an existing permission 15/01116/FUL in order to extend the time limit for implementation)

2021/00945/FUL	A	83, Queens Road, Penarth	Three storey rear extension plus loft conversion with new flat roof dormer/Juliet balconies and internal alterations to form new HMO dwelling (C4 use class)
2021/00988/FUL	A	Rose Cottage, David Street, Wick	Change of use from residential garage and yard area to a commercial use. This change will be for the storage of vehicles and equipment currently used in conjunction with a family run gardening business
2021/01033/FUL	A	Land at Marche House, Llantrithyd Road, St. Hilary	Erection of a timber stable block and training manege / arena with new access point. Existing Agricultural Land - Change of Use to Equestrian
2021/01124/FUL	A	Petit Forestier (UK) Ltd., 21, Llandough Trading Estate, Llandough, Penarth	Over-cladding of existing asbestos cement roof with an insulated metal clad roofing system. Installation of 1.8m high galvanized metal palisade fence and gate to form a new enclosed yard adjacent to the unit.
2021/01144/FUL	A	Old Middle Hill, Walterston, Llancarfan	Proposed extension to existing agricultural machinery unit
2021/01269/FUL	A	12, White House, Barry	Excavate an area 6,000 x 3,000 to install open air swimming pool at ground level: no retaining wall or enclosure required
2021/01277/LAW	A	50, Castle Drive, Dinas Powys	Removal of an existing conservatory, replaced with a single storey rear extension on similar footprint

2021/01297/FUL	R	7, Hillside Drive, Cowbridge	Erect a 6 foot fence around one side and the back of our back garden which backs onto a public highway.
2021/01377/FUL	A	Pen Y Gaer, St. Mary Hill	Demolition of existing stable and construction of tractor shed and wood store
2021/01397/FUL	A	21B, Lavernock Road, Penarth	Enlargement of existing flat roof dormer with Juliet balcony and change from pitched roof to flat roof.
2021/01404/1/N MA	A	18, Lakeside, Barry	Rear dormer extension, alterations to porch, extend balcony with glass balustrade including fenestration. Amend ground floor elevation by replacing bay windows with sliding doors and reducing cill to side window
2021/01461/FUL	A	Sunnyside, Wesley Street, Llantwit Major	Variation of condition 2 of 2020/00882/FUL. Request for the addition of solar panels, either on the roof or on the plot - fulfilling sustainable energy brief. The removal of 2 chimneys on the plans - redundant (no fireplaces). Replace with a stainless steel flue on the left side elevation to vent a small free-standing wood burner
2021/01467/FUL	A	Land adjacent to 7, Pantycelyn Place, St. Athan	Proposed new dwelling, attached to No. 7 Pantycelyn Place
2021/01490/FUL	A	Caehir House, Peterston Super Ely	Alterations and enlargement of existing conservatory including covered walkway and balcony to the rear

2021/01586/FUL	A	1, Victoria Avenue, Penarth	Single storey rear extension, including internal alterations
2021/01609/LBC	A	St. Donats Castle, East Drive, St. Donats	We propose to upgrade our masonry sea wall with a structural concrete replacement
2021/01630/FUL	A	19, Dyserth Road, Penarth	Single storey rear extension
2021/01631/FUL	A	Cora Lynn, 11, Colcot Road, Barry	Extend the ground floor to the rear of the property to create an open plan kitchen/ diner. A new porch will be installed to the front of the property, extending across in front of integrated garage to increase the size of the garage
2021/01632/FUL	A	11, Tair Onen, St Hilary	Double storey side extension with Juliette balcony to existing home
2021/01646/FUL	A	19, Victoria Road, Penarth	Remove 9 wooden windows to front of property and replace with Box Sash plastic windows of similar style
2021/01650/FUL	A	19, Clive Place, Penarth	Rear and side ground floor extension with 2 photovoltaic panels on flat roof, and loft conversion with flat roof dormer to rear, and side conservation skylights
2021/01654/ADV	R	Stardust (Ex Phoenix Amusements), Paget Road, Barry Island	To replace existing fascia / advertising on front of arcade
2021/01659/FUL	A	Kingscombe, Llanmihangel Road, Llanblethian, Cowbridge	Rear boot room extension and new internal aperture in central wall to connect kitchen with dining room

2021/01672/CAC	A	The Manse, Llancadle	Provision of additional car parking to the side of the property
2021/01675/FUL	A	Wesley Chapel, Wesley Street, Llantwit Major	Conversion of former chapel into four-bedroom dwelling with off road parking for two cars. Demolition of the rear existing single storey extension and replacing with rear private amenity space for the occupants
2021/01678/LAW	A	Woodland Rise, St. Andrews Road, Dinas Powys	Demolish an existing wooden, single storey, detached double garage/outdoor room and replace it with a single storey, detached double garage / outdoor room
2021/01681/FUL	A	Caddys Cwtch, 49, Vere Street, Barry	Variation of conditions 3 (opening times) and 6 (takeaway) of 2005/00565/FUL - Change of use from butchers to Cafe
2021/01685/FUL	R	32, Slade Road, Barry	Two storey side extension with rear Juliet balcony
2021/01688/FUL	A	11, Marine Parade, Penarth	Demolition of existing rear extension, rear entrance porch and steps and conservatory. Construction of single storey flat roofed rear extension and replacement wall (Amended Plans received).
2021/01689/FUL	A	Windsor House, Factory Road, Llanblethian, Cowbridge	Minor remodel of interior entry space to main house, relocated side entrance to create entrance lobby with new porch over, enlarge north facing kitchen window, conversion of existing two storey garage into annex (previous

			planning approval gained) and remodel and extension of garden workshop into office
2021/01692/FUL	A	16, Heol St. Cattwg, Pendoylan, Cowbridge	Two storey extension to house a kitchen on the ground floor and bedroom/ensuite on the first floor
2021/01697/FUL	A	21, Pwll Y Min Crescent, Peterston Super Ely	Removal of existing failing conservatory and replacement with single storey flat roof extension. Raising roof on rear wing of house and addition of flat roof dormer to provide more useable space in upper storey
2021/01702/FUL	R	Channel View, Buttrills Road, Barry	Proposed garage and double storey side extension
2021/01705/FUL	A	24, Oxford Street, Barry	Proposed rear single storey extensions
2021/01706/LBC	A	Sant Y Nyll House, Heol Sant Y Nyll, St. Brides Super Ely	Install new dormer windows and associated internal works to roof space
2021/01707/FUL	A	Llanerch Vineyard, Hensol	Proposed substitution and relocation of tasting lodge
2021/01709/FUL	A	Overway, Park Road, Penarth	New dwarf wall and railings to the front boundary of the house
2021/01711/FUL	A	Ashdene, St. Nicholas	Proposed extension to existing garage to create office and ancillary accommodation
2021/01712/FUL	A	Pinefield, 16, Park Road, Penarth	Building extensions to side and rear, including dormer and roof remodelling, external and internal material alterations,

			external workshop/gym and office accommodation (Amended Plans Received)
2021/01713/FUL	A	55, Murch Road, Murch, Dinas Powys	Proposed single storey rear garden extension and garage alterations
2021/01716/FUL	A	51, Cornerswell Road, Penarth	First floor rear extension, detached garage and roof window
2021/01717/FUL	A	2, Plas Glen Rosa, Penarth Portway, Penarth	Third floor window to door changes, including balcony to East elevation and Juliette balconies to North elevation
2021/01721/FUL	R	Land adjacent to Station Terrace, Station Road East, Wenvoe	Proposed construction of Berm house
2021/01727/FUL	A	15, Robinswood Close, Penarth	Rebuild the property as per existing design, and extension using the design approved by application 2021/01015/FUL.
2021/01738/FUL	A	14, Tair Onen, St. Hilary	Single storey rear flat roof extension incorporating kitchen and utility room
2021/01739/FUL	A	47, Marine Drive, Barry	Balcony addition on the front of the property
2021/01740/FUL	R	32, Archer Road, Penarth	Detached garage
2021/01741/FUL	A	Barry Delivery Office, 3 - 5, Holton Road, Barry	Change of Use of the former Post Office sales counter located on the ground floor of 3-5 Holton Road, Barry from A1 to B8, to allow Royal Mail to form a new Customer Service Point
2021/01746/FUL	R	Vishwell Farmhouse, St. Andrews Road, Wenvoe	Dormer addition. Extension on top of single storey aspect on rear. New addition of three door

			garage with annex addition for office and bathroom space
2021/01748/FUL	A	The Paddocks, Colwinston	Alterations / improvements to dwelling
2021/01749/FUL	A	66, Wordsworth Avenue, Penarth	Loft conversion with hip to gable and rear dormer
2021/01751/FUL	A	6, Winsford Road, Sully	Single and part two storey extension to rear
2021/01758/FUL	A	24, Elfed Avenue, Penarth	Proposed single storey garden pavilion
2021/01760/FUL	A	26, Cwrt Y Vil Road, Penarth	Demolition of existing garage and outbuilding. Construction of new single storey ground floor extension, loft conversion to create additional bedroom plus new single storey garden room and all associated works
2021/01761/FUL	A	Woodlands, Broad Close Lane, Moulton	Demolition of existing dwelling and erection of a replacement dwelling (resubmission of 2021/00933/FUL)
2021/01762/FUL	A	63, Plymouth Road, Penarth	Single storey side extension
2021/01763/FUL	A	Jordan Civil Ltd, Tumulus Way, Vale Business Park, Cowbridge	Erection of an industrial building comprising 2.no Class B8 units
2021/01765/FUL	A	Robinswood, Bridgeman Road, Penarth	Like-for-like of three replacement Velux windows and one cabrio style Velux on side roof elevation
2021/01769/FUL	A	23, St. Andrews Road, Barry	Proposed first floor bedroom over existing flat roof extension. All finishes to match existing and rear dormer loft conversion

2021/01772/FUL	A	Cwrt Yr Ala House, Michealston Le Pit Road, Michaelston Le Pit	Retention of additional dormer windows to existing holiday let accommodation (a previously converted garage/workshop)
2021/01778/FUL	A	4, Plover Way, Penarth	Removal of existing conservatory and new single storey rear extension
2021/01780/FUL	A	4, Kymin Terrace, Penarth	Replace the rotten timber bay window to the front elevation with new traditional sash window in hardwood, painted white
2021/01791/FUL	A	8, St. James Crescent, Barry	Proposed extension to rear of existing domestic dwelling to replace existing conservatory
2021/01792/FUL	A	1, Coed Bach, Barry	Proposed single storey extension to side of existing domestic dwelling
2021/01799/FUL	A	Espex Batteries Limited, Unit 15, Atlantic Trading Estate, Barry	Erection of a storage building ancillary to existing industrial operations
2021/01802/RG3	A	Cosmeston Country Park, Lavernock Road, Penarth	Installation of a Cairns perimeter beam shade canopy as part of the entrance improvements.
2021/01803/FUL	A	The Old Rectory, Llangan	Proposed orangery to rear of property
2021/01804/LBC	A	The Old Rectory, Llangan	Proposed orangery to rear of property
2022/00005/FUL	A	Ty R Waun, Cross Common Road, Dinas Powys	Refurbishment of existing dwelling elements, construction of a new extension at the rear and a new roof covering existing and proposed elements. Replacement of existing glazed porch structure to

			front entrance with new stone clad entrance porch.
2022/00014/FUL	A	49, Harvey Street, Barry	Proposed loft conversion with rear flat roof dormer window
2022/00022/FUL	A	166, Redlands Road, Penarth	Single storey rear extension
2022/00036/PNA	A	Coed Y Tor Woodland, St. Hilary	Forestry Machinery Storage Building: Timber framed, timber clad building for the safe and secure storage of machinery necessary for forestry works
2022/00050/FUL	A	22, Paget Road, Penarth	Proposed erection of single storey annex to main building with confines of rear garden area
2022/00105/OBS	S	Land at Pen Onn Farm, Llancarfan	Erection of a photovoltaic solar farm with a generating capacity up to 48MW and associated works (DNS - 3273713)
2022/00122/OBS	B	White Heart Farm Estate, Orchard Cottage Leckwith	Improve power supply on existing overhead line. The works entail increasing from single phase 11KV supply to three phase supply. An extra cable being placed on the existing overhead span – increasing from 2 horizontal cables to 3 with a slight increase in size of the existing arms to meet health and safety regulations – to stop any cables clashing

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3. APPEALS

(a) Planning Appeals Received

LPA Reference No: 2021/01348/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-01577-R1J3F1
Appellant: Ms Sam Williams
Location: Ty Mawr, Llanbethery
Proposal: Demolition of part of boundary wall to create new vehicle entrance off the main lane adjacent to existing pedestrian access
Start Date: 21 February 2022

LPA Reference No: 2021/00958/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-01588-S7K4C5
Appellant: Mr Peter Zehetmayr
Location: Tower Hill Residential Home, 54, Plymouth Road, Penarth
Proposal: Retention of a single-storey Visitor Pod / Garden Office Unit placed on a concrete base in the rear garden, to provide a safe visitor facility for Residents of the Care Home as well as additional office space
Start Date: 23 February 2022

LPA Reference No: 2021/00713/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-01526-D4Z5V9
Appellant: Benjamin Mathew
Location: Pen Y Bryn, Llanmaes
Proposal: Proposed Extension to Railway
Start Date: 24 February 2022

LPA Reference No: 2021/00921/ADV
Appeal Method: Written Representations
Appeal Reference No: CAS-01670-Z0X1C2
Appellant: Dr Lara Welch
Location: Y Bont Faen Dental Surgery, 64C Eastgate, Cowbridge
Proposal: Appeal against Signs 1, 2 & 5 of planning permission 2021/00921/ADV
Start Date: 28 February 2022

LPA Reference No: 2021/01267/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-01691-S7N5F3
Appellant: Mr R Lucas
Location: Land adjacent to 8, Shakespeare Road, Barry
Proposal: Residential development of a single two bedroom dwelling at the junction of Shakespeare Road and Milton Road, Barry
Start Date: 17 March 2022

(b) Enforcement Appeals Received

None.

(c) Planning Appeal Decisions

LPA Reference No: 2021/00558/TPO
Appeal Method: Written Representations
Appeal Reference No: CAS-01355-J5K9N4
Appellant: Mr. Chris Hinam
Location: Trees bordering the B4270, opposite The Pheasant House, Llantwit Major Road, Cowbridge, CF71 7NS
Proposal: Work to Trees covered by TPO No. 5, 1954, Sectioning down and removal of trees along roadside (T1), Sectioning down and removal of two suppressed Sycamore trees (T2) and reduction of two mature Sycamore trees (T3 and T4) by approximately 25% covered by TPO No. 11, 2007
Decision: Appeal Dismissed
Date: 24 February 2022
Inspector: Richard Duggan
Council Determination: Delegated

Summary

It was confirmed that the Council had issued a split decision allowing a 25% crown reduction to tree T4 to reduce its proximity and overhanging of the adjacent highway but had refused to grant consent for the proposed works to the seven trees identified as T1. The main issue identified was whether the Council's decision to refuse consent was justified, having regard to the contribution that the trees made to public amenity and the reasons put forward for felling.

Character and Appearance

The seven trees identified for removal under T1 were a mixture of tall mature and semi-mature specimens that formed part of an avenue of trees along Llantwit Major Road. The Inspector noted that even during winter months when they were not in leaf, the avenue of trees was a very attractive feature along the highway that would be enjoyed by passing motorists and other users of the road.

The trees to be felled were part of a larger group within TPO No.5 of 1954 that contributed to the rural setting and environment of the locality and their removal would have a harmful effect on the character and appearance of the area. It was within this context that the Inspector considered the potential impact of the trees on the appellant and whether this justified felling them.

Justification for the works

The Inspector confirmed that the only justification for felling the trees was "due to encroachment on the highway and to rule out any further encroachment issues". The Council had confirmed that Council Highways Officers had undertaken an assessment of the trees in respect of highway safety and found no safety grounds to warrant the removal of the trees.

The appellant's statement had also raised concerns regarding the proximity of the trees to Pheasant House, which is a Grade II Listed Building, suggesting that any damage caused to the house and property by falling trees or branches was excluded from insurance cover if the trees were above 10 metres in height and within 5 metres of the property. It was stated that the trees had growth that was within this exclusion and there was also a risk that squirrels would be able to jump across and get into the roof space of the property.

The Inspector identified however that no professional report or technical analysis by an engineer, building surveyor or other appropriate expert had been provided as part of the TPO application or appeal to support the assertion that the trees could be causing damage to the property. He therefore considered that the grounds of appeal had not been substantiated and based on the evidence before him, was not persuaded that the appeal trees carried such a risk of harm to the property that was sufficient to remove them on grounds of safety.

It was confirmed by the Inspector that should trees become dangerous there was provision within legislation for their removal and in relation to the potential for falling branches, he was not convinced that branches or other debris

posed an unacceptable risk in this case. He also noted that when purchasing a property within close proximity to large trees, it should be accepted that those trees were an integral part of that environment; otherwise the result would be a gradual erosion of the character and appearance of that area, as trees that people later objected to were lost. Furthermore, the choice of residents to buy or live at their respective dwellings would have been based, in part at least, on its position within an attractive environment containing mature trees.

The appellant had also raised concerns regarding the potential for the trees and falling branches to cause damage to utilities and supply cables, however the Inspector considered that the responsibility of maintenance and ensuring that trees did not pose a threat to utilities such as telephone and electricity cables lay with the relevant statutory undertaker and any works would be exempt.

Conclusions

It was considered that with any application to fell protected trees, the need for the works applied for needed to be weighed against the resultant loss to the amenity of the area. In this case, there had simply been insufficient justification supported by detailed evidence for the removal of this section of trees that formed part of this attractive avenue of trees. It was therefore concluded there was insufficient grounds to justify felling the trees and that the appeal should therefore be dismissed

(d) Enforcement Appeal Decisions

None.

(e) April 2021 – March 2022 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (to measure performance)	W	20	4	24	-
	H	-	-	-	-
	PI	-	-	-	-
Planning Total		20 (83%)	4 (17%)	24	
Committee Determination		4	1	5	-
Other Planning appeals (inc. appeal against a condition)		-	1	1	-
Enforcement Appeals	W	1	1	2	1
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		1 (50%)	1 (50%)	2	1
All Appeals (excludes non validation appeals)	W	21	6	27	3
	H	-	-	-	-
	PI	-	-	-	-
Combined Total		21 (78%)	6 (22%)	27	3

Background Papers

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

Contact Officer:

Sarah Feist - Tel: 01446 704690

Officers Consulted:

HEAD OF REGENERATION AND PLANNING

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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

2021/01598/TPO	A	Argoed, Llanmihangel Road, Llanblethian, Cowbridge	Work to trees covered by Tree Preservation Order No. 07, 1973 - Removal of one ash tree
2021/01658/TPO	A	Church Cottage, St. Hilary	TPO - No. 07 1972- Removal of one mature Sycamore tree (T1)
2021/01686/TCA	A	52, Clive Place, Penarth	Work to trees in Penarth Conservation Area: removal T4, a semi-mature Magnolia located within the properties garden and T6, a semi-mature Apple tree
2022/00002/TCA	A	New House, Llancarfan	Work to tree in Llancarfan Conservation Area: Reduction of one apple tree (T1) back to previous reduction points
2022/00009/TCA	A	St. Mary Church, Penmark	Work to Trees in a Conservation Area: G1

Yew - Crown raise off path and road. Ivy break and deadwood. G2 Sycamore - Deadwood and monitor. G3 Sycamore - Take down of group of marked Sycamore by wall causing damage. G4 Sycamore - crown raise and thin. Removing around 25% of volume from crown. G5 Cypress - Monitor, G6 Sycamore - Ivy break deadwood Monitor, G7 Horse Chestnut and Sycamore - Take down Sycamore poorly formed, waited over road. Horse Chestnut crown raise, reduce waited limbs over road and neighbouring property, deadwood and monitor - crown raise and thin. Removing around 25% of volume of crown.

2022/00024/TPO	A	Main Avenue, Wyndham Park, Peterston Super Ely	Works to trees covered by TPO No.02 of 1959: As set out in tree survey information and summarised as removal of one mature Horse Chestnut and deadwood removal/crown thinning/inspection of seven others. Felling of a pollarded specimen (under previous TPO consent) which has not responded well
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2022/00052/TCA	A	The Croft, Llysworney	Work to trees in Conservation Area: Removal of 14 Leylandii in front garden. G1 on plan
2022/00064/TCA	A	Ty Coleg, College Gardens, Llantwit Major	Work to trees in Llantwit Major Conservation Area: Remove 12 Leylandii conifers and replant with indigenous trees
2022/00065/TCA	A	Colwinston House, Colwinston	Work to tree(s) in a Conservation Area: To take down a single Ash tree located in the middle of the garden
2022/00103/TCA	A	8 Westbourne Road, Penarth	Work to tree in Penarth Conservation Area: Yew Tree in front garden - Reduce overall crown by up to 0.5-1.0 m pruning back to appropriate pruning points

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5. PLANNING APPLICATIONS

Background Papers

The following reports are based upon the contents of the Planning Application files up to the date of dispatch of the agenda and reports.

2021/01665/FUL Received on 22 November 2021

APPLICANT: Mr S Howes, Porthkerry House, Porthkerry, CF62 3BZ

AGENT: Mrs Arran Dallimore C2J Architects and Town Planners, UNIT 1A, Compass Business Park, Pacific Road, Ocean Park, Cardiff. CF24 5HL

Porthkerry House, Porthkerry

Retention of pool house and enclosed terrace

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because there is a dual recommendation for the refusal of the application and the authorisation of enforcement action.

EXECUTIVE SUMMARY

The application relates to Porthkerry House, Porthkerry, and in particular to an existing pool located to the south-west of the dwelling. Retrospective consent is sought for the retention of a poolhouse and raised terrace. The current application is a resubmission of a previous proposal – 2019/00968/FUL which was refused for the following reason:

The introduction of the terrace within the root protection area of the Holm Oak, which forms part of a wider ancient woodland, would be likely to result in the death of the tree and the loss of a substantial historic natural feature. The development would therefore be contrary to policy MD1 of the LDP (criterion 1, due to the impact on the character of this rural site), policy MD2 (criterion 10 due to the adverse impact on the existing landscaping features and criterion 12 due to the adverse environmental impacts of losing the tree) and Policy SP10 (due to harm to the natural environment/heritage) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, the Council's Trees, Woodlands, Hedgerows and Development SPG and the advice within Planning Policy Wales 11.

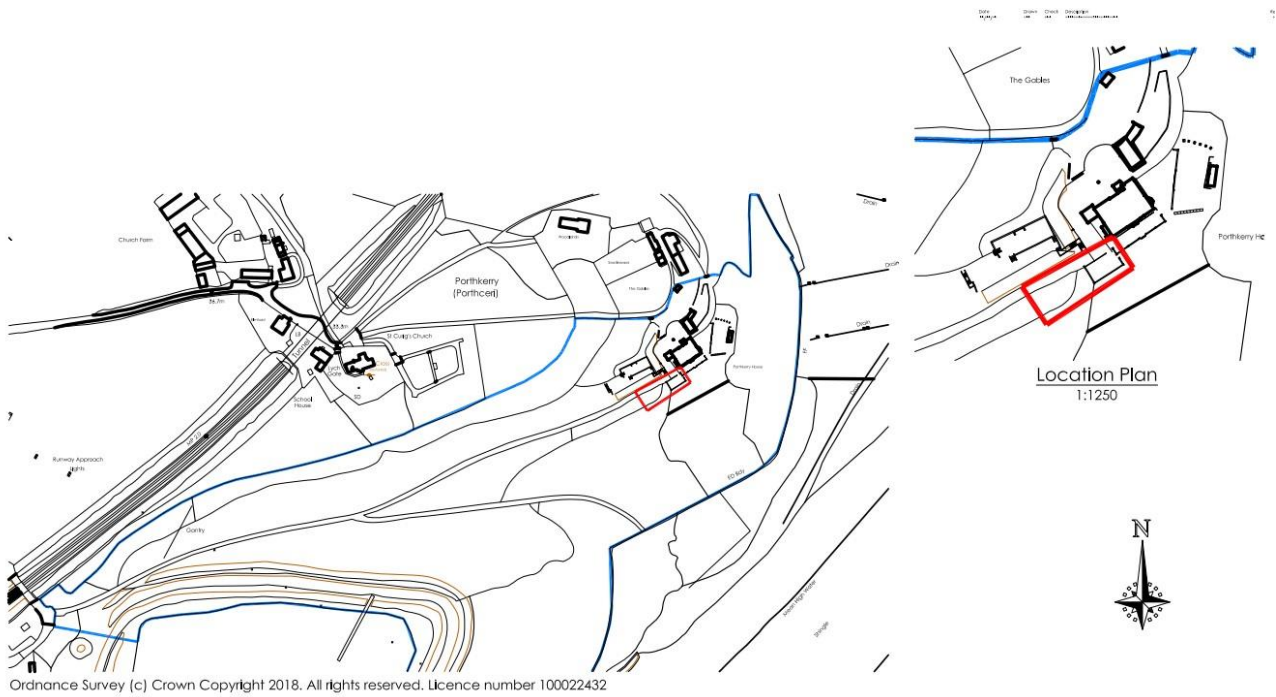
This application is for an identical scheme, with no further mitigation proposed, with it being argued that the "construction of the terrace has already caused the tree some level of damage. The complete removal of the terrace will unlikely improve the future health of this tree."

This matter has previously been reported to Planning Committee, however, in light of the information provided by the applicant, it is being reported back so that Members can consider this.

SITE AND CONTEXT

The application relates to Porthkerry House, a large detached property located outside any defined settlement boundary. The house itself is of historic interest and is a registered County Treasure. To the south-west of the property is a pool house, which forms the basis of this application. The site is located within a 'category 2 area' for safeguarding sand and gravel and also Limestone. In addition, it is located within a broadleaved woodland habitat site (broadleaved woodland is a term used within Natural Resources Wales guidance for referring to ancient woodland) and is within the Green Wedge which separates Barry and

Rhoose. A single protected (with a TPO) Holm Oak lies to the south west of the house, within the area of the constructed patio/terrace.



The site is also located within and adjacent to an area of identified restored ancient woodland as defined by Natural Resources Wales (shown marked with trees) in the extract from their 'Lle' mapping system is shown below:



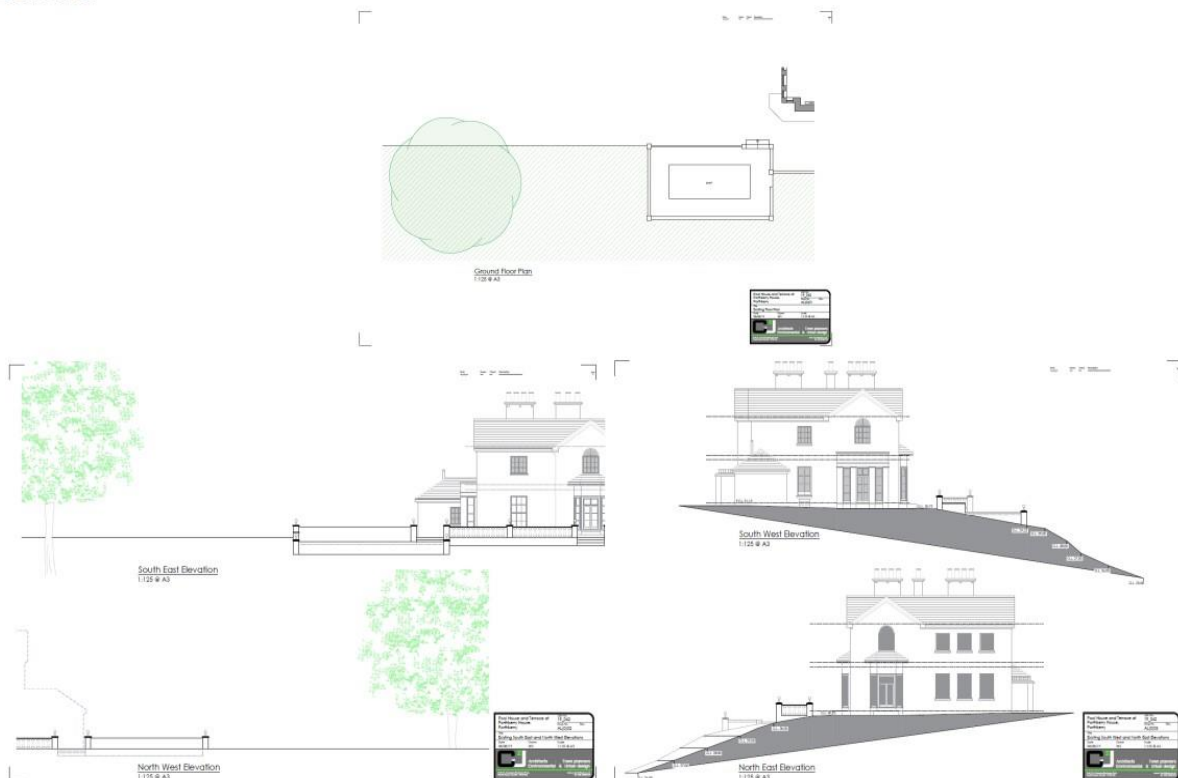
DESCRIPTION OF DEVELOPMENT

Retrospective permission is sought for the retention of a pool house and enclosed terrace.

The poolhouse is approximately 7.6m deep (not including a modest porch) and approximately 13m wide. The height to the eaves is approximately 3.2m, whilst the height to the top of the lantern is approximately 4.8m.

The terrace matches the depth of the pool house and is approximately 22m wide. Due to the sloped nature of the ground, at its tallest, the terrace is approximately 2.8m above ground level.

Before:



After:



The protected Oak tree is denoted by the canopy on the plans above, located towards the western part of the terrace.

PLANNING HISTORY

2019/00968/FUL, Address: Porthkerry House, Porthkerry, Proposal: Proposed construction of pool house and enclosed terrace, Decision: Refused

CONSULTATIONS

Glamorgan Gwent Archaeological Trust (GGAT)- No objection.

Ecology Officer – No representations received.

Rhose Ward Councillors – No representations received.

REPRESENTATIONS

The neighbouring properties were consulted on 14 December 2021. No representations 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 Vale of Glamorgan Adopted Local Development Plan 2011-2026 forms the local authority level tier of the development plan framework. The LDP 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 MG18 – Green Wedges

POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species

POLICY MG22 – Development in Minerals Safeguarding Areas

Managing Development Policies:

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD8 - Historic Environment

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.

Future Wales: The National Plan 2040:

Future Wales – the National Plan 2040 is the national development plan and is of relevance to the determination of this planning application. Future Wales provides a

strategic direction for all scales of planning and sets out policies and key issues to be considered in the planning decision making process

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (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,

6.4.24 Trees, woodlands, copses and hedgerows are of great importance for biodiversity. They are important connecting habitats for resilient ecological networks and make a valuable wider contribution to landscape character, sense of place, air quality, recreation and local climate moderation. They also play a vital role in tackling the climate emergency by locking up carbon, and can provide shade and shelter, a sustainable energy source and building materials. The particular role, siting and design requirements of urban trees in providing health and well-being benefits to communities, now and in the future should be promoted as part of plan making and decision taking.

6.4.25 Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function. Planning authorities should consider the importance of native woodland and valued trees, and should have regard, where appropriate, to local authority tree strategies or SPG. Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting.

6.4.26 Ancient woodland and semi-natural woodlands and individual ancient, veteran and heritage trees are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such trees and woodlands should be afforded protection from development which would result in their loss or deterioration unless there are significant and clearly defined public benefits; this protection should prevent potentially damaging operations and their unnecessary loss. In the case of a site recorded on the Ancient Woodland Inventory, authorities should consider the advice of NRW. Planning authorities should also have regard to the Ancient Tree Inventory.

6.4.27 The protection and planting of trees and hedgerows should be delivered, where appropriate, through locally specific strategies and policies, through imposing conditions when granting planning permission, and/or by making Tree Preservation Orders (TPOs). They should also be incorporated into Green Infrastructure Assessments and plans.

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

Welsh National Marine Plan:

National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this application. The primary objective of WNMP is to ensure that the planning system contributes towards the delivery of sustainable development and contributes to the Wales well-being goals within the Marine Plan Area for Wales.

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:

- County Treasures
- Minerals Safeguarding (2018)
- Parking Standards (2019)
- Residential and Householder Development (2018)
- Trees, Woodlands, Hedgerows and Development (2018) – in particular the following extracts:

5.8.1. Ancient woodlands in Britain are those which have been continuously wooded for a minimum of three to four hundred years, (although not necessarily with the same type of tree cover). They are frequently very diverse and will often also contain rare or unusual species. They may also have historical and archaeological significance due to the low level of physical disturbance. Ancient woodland is therefore an irreplaceable resource and is protected through Welsh Government policy. If you are proposing works to any woodland you should check whether it is categorised as ancient woodland before commencing work.

5.8.3. Mature and veteran trees are trees which are of biological, cultural or aesthetic interest by virtue of their age, size or condition. Generally a tree which is a minimum of 200 years old is considered to be a veteran or mature tree; however the precise age of a tree can be difficult to attain. Therefore, trees with a combination of the following characteristics are likely to be defined as mature or veteran trees:

- Girth large for the tree species concerned
- Major trunk cavities or progressive hollowing
- Naturally forming water pools
- Decay holes
- Physical damage to trunk
- Bark loss
- Large quantity of dead wood in the canopy

- Sap runs
- Crevices in the bark, under branches or on the root plate sheltered from direct rainfall
- Fungal fruiting bodies (e.g. from heart rotting species)
- High number of interdependent wildlife species
- Epiphytic plants
- An 'old' look
- High aesthetic interest

5.8.5. Due to the biological and historical interest mature and veteran trees have, they are considered to be irreplaceable. Therefore, they cannot be adequately mitigated or compensated in relation to development proposals, consequently, the conservation and protection of these types of trees is the only means to secure them for the future. In all cases proposed development should avoid works to veteran and mature trees to ensure they are appropriately protected. The Woodland Trust's Ancient Tree Inventory (<https://ati.woodlandtrust.org.uk/>) is a good resource to help developers identify if a tree is protected, where developers are unsure of the identification of a tree, advice should be sought from an ecologist consultant or arboriculturist consultant to certify whether the tree is considered to be a veteran or mature tree.

13.1.1. In determining planning applications, the Council will consider the likely effect of the development on existing trees and the overall landscape as a material consideration, with due regard to the policies of the LDP and this SPG. The Arboricultural Impact Assessment and other detailed information submitted in support of the application including drainage plans and details of other underground works will be an important aspect in assisting the Council to evaluate the balance between tree/landscape losses and gains thus providing a basis for determining appropriate planning conditions.

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

The primary issues to consider are the visual impact as well as the potential impact upon the amenity of neighbouring residential properties and the ancient woodland.

Design and Visual Impact of the extension

The pool house is located to the south-west of the property and is visible from the footpath to the south, albeit this is at a distance. The pool house and adjoining terrace are not of a modest scale, however, when viewed in relation to the wider property, it is considered that the development does not have an unacceptably pronounced visual impact within this context. As such, it is considered that the proposal, in terms of its design and visual impact, complies with policy MD2 of the Council's LDP.

In addition, the proposal (in terms of the design and character of the operational development) does not harmfully impact the character of the dwelling, or that of the countryside and, therefore, it is considered that the proposals comply with policies SP10, MD8 and MD12 of the Council's LDP.

Policy MG18 states that development within green wedges cannot prejudice the open nature of the land. In this instance and when considering the wider context, there would be no detrimental impact on the wider green wedge. The proposal therefore complies with policy MG18.

Parking

The proposal has no impact on existing parking provision and does not result in an increased demand.

Amenity Space

The proposal does result in the loss of a modest amount of amenity space. However, it is considered that the remaining amenity space is sufficient to serve the needs of the occupants.

Impact on Ancient Woodland/the protected Oak

Part of the site is identified as being part of a restored ancient woodland, as per NRW's inventory. The woodland as a whole is not protected by a Tree Preservation Order (TPO), however, the Oak within the area of the terrace is protected with a TPO. Satellite imagery would suggest that some works have taken place over recent years on the trees in the area. The below images show the differences in tree coverage between 2001 and 2022:





Planning Policy Wales states that ancient woodland are irreplaceable and as such, the trees should be protected “from development which would result in their loss or deterioration unless there are significant and clearly defined public benefits”. As a result of the concerns raised regarding the impacts on the tree, and the clear policy objectives to protect them, a tree preservation order was placed on it during the course of the 2019 application in order to ensure no further detrimental works whilst the application was determined.

The principal issue is the impact of the works on a Holm Oak which is identified as forming part of the wider ancient woodland. The tree has been retained and the terrace has been built around it as shown below.





A Tree report accompanied the submission, remaining unchanged from the 2019 application. This report identified that the tree was of fair form, with multi-stems. The largest stem measured approximately 750mm in diameter at around 1m above the newly created ground levels. A second, smaller stem was noted to have a significant lean with some evidence of stem failure. Bark damage was also identified, although it was noted that this may have been caused by the works to the terrace. The ground levels around the tree appeared to have been infilled with a sand / gravel mix to create a flat terrace. The report states that an “unknown, but likely significant level of root damage and soil disturbance” (page 3) has occurred to the root protection area of the tree from the construction of the raised terrace. The pool house is outside the protection area and therefore, no adverse impact will likely have occurred from this work. The report later states that due to the increase in ground levels around the trunks of the tree, “in time the trunks will decline due to unnatural anaerobic conditions and cause an adverse impact onto the future health of this tree” (page 3).

The tree survey recommends a programme to try and minimise the impact of the works on the tree. This includes hand excavating around the trunks, wrapping the trunks with a hessian material and replacing the infill with perforated tubes and large clean angular stones. In addition, works to tree branches and tree inspections are suggested – in addition to the planting of a new Holm Oak to ensure no net loss should the tree go into decline. The report later states that the roots likely extend some way and that whilst some localised damage may have taken place, with the aforementioned methods carried out there is “moderate” chance the tree will tolerate the works.”

An additional supporting statement has been submitted from the arboriculturalist concluding that “the construction of the terrace has already caused T1 some level of damage. The complete removal of the terrace will unlikely improve the future health of this tree. The suggested methods as detailed above provide reasonable arboricultural management for T1. T1 is already showing signs of decline so focusing on future tree planting to secure the tree amenity of the area appears to be the best arboricultural approach.”

As part of the original application, the tree report, including recommendations, was sent to the Woodland Trust for further comment, and they subsequently stated: “In terms of mitigation, the Trust would recommend that the terracing within the root protection area of the tree is removed to hopefully counter any damage caused. However, if the tree significantly declines due to damage from the works, then a 3:1 replacement planting ratio

is recommended. This is outlined in the Trust's recently published Emergency Tree Plan (pg. 15), and ideally the new trees should be native species."

Whilst the tree survey identifies certain works, it is considered that the stated "moderate chance" of tolerating the works is not acceptable/sufficient to demonstrate that there would not be harmful impacts on the tree. It is considered that the only acceptable course of action at this stage would be to remove the development from within the root protection area and whilst this does not guarantee to overcome the damage caused already, it is considered that it may counter any damage caused and is the best course of action in the interests of the tree.

The applicant has not meaningfully amended the proposal from the previous application and it remains for the retention of the works as a whole. The proposed development has treated the tree in a starkly insensitive way and the construction of the terrace has had very little regard to the likely consequences for the health of the tree. It is extremely likely that if left in situ, the development would result in the tree dying. This in turn would cause demonstrable harm to the ancient woodland and would result in the loss of a substantial and historic natural feature. This would have intrinsic environmental and ecological harm, and there would also be harm visually through the loss of such a mature tree.

The updated tree impact note says that the work has already caused 'some level of damage' and that removal of the terrace would be unlikely to improve the health of the tree. However, it also suggests certain measures to 'prevent the decline\decay' if the tree. This would suggest that even if damage thus far cannot be reversed, further decline can potentially be prevented. In order to give the tree the best chance of avoiding further decline and prolonging its life, the removal of the terrace is considered the most appropriate course of action. In summary, there has been no material change to the relevant considerations since the time of the last application to justify a different conclusion being reached.

The development would therefore be contrary to policy MD1 of the LDP (criterion 1, due to the impact on the countryside), policy MD2 (criterion 10 due to the adverse impact on the existing landscaping features and criterion 12 due to the adverse environmental impacts of losing the tree) and Policy SP10 (due to harm to the natural environment/heritage) of the adopted LDP.

It is considered that the proposal would fail to comply with the aims of the Council's SPG and paragraph 6.4.26 of PPW.

Enforcement Action

In light of the harm identified above and given that the works have been carried out, authorisation is also required to enable officers to serve an Enforcement Notice to seek the removal of the unacceptable works. This is detailed in the recommendation below.

RECOMMENDATION

1. That planning permission for the retention of the works be refused.
2. That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:

- (i) The removal of the terrace that is the subject of this planning application.
- (ii) The re-instatement of the land within the root protection area to its former condition immediately prior to the commencement of the unauthorised works.

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

REASON FOR RECOMMENDATION

The decision to refuse planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040.

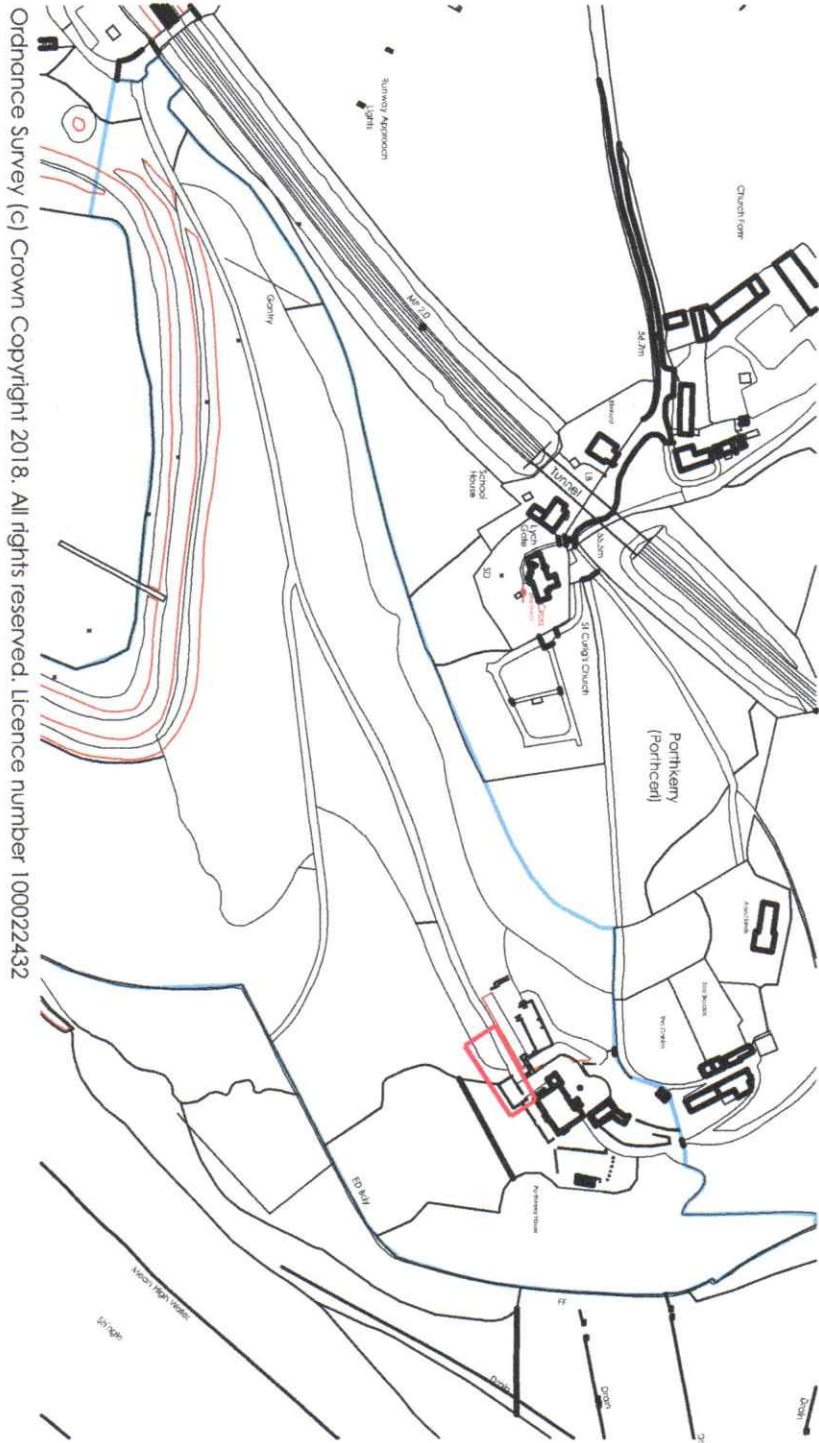
It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

The appropriate marine policy documents have been considered in the determination of this application in accordance with Section 59 of the Marine and Coastal Access Act 2009.

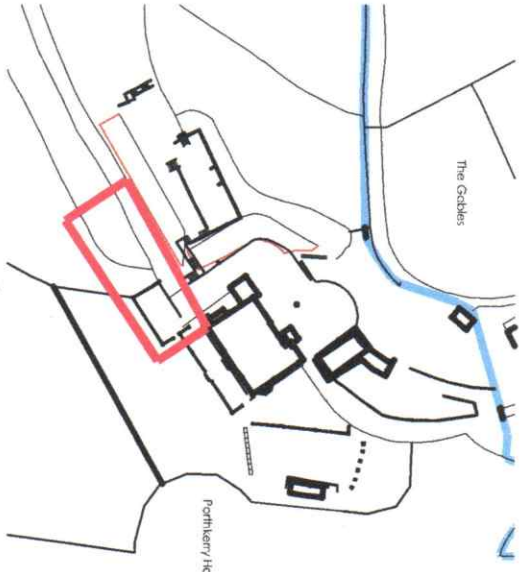
RECOMMENDATION

REFUSE AND AUTHORISE ENFORCEMENT ACTION

1. The introduction of the terrace around the trunk and within the root protection area of the Holm Oak, which forms part of a wider ancient woodland, would be likely to result in the death of the tree and the loss of a substantial historic natural feature. The development would therefore be contrary to policy MD1 of the LDP (criterion 1, due to the impact on the character of this rural site), policy MD2 (criterion 10 due to the adverse impact on the existing landscaping features and criterion 12 due to the adverse environmental impacts of losing the tree) and Policy SP10 (due to harm to the natural environment/heritage) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, the Council's Trees, Woodlands, Hedgerows and Development SPG and the advice within Planning Policy Wales 11.



Location Plan
1:2500



2021/01665/FUL



	Architects Environmental & Urban design	Town planners
	<small> 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000 </small>	
Title: Location Plan Date: 09/08/19 Drawn: WS Scale: 1:2500/1250 @ A3	Pool House and Terrace at Portlough House, Portlough	Ref No: 19_062 Ref: AL19001 A

2021/00217/FUL Received on 12 March 2021

APPLICANT: Frederick Ash C/o Agent

AGENT: Jon Waters Planabuild, 8, Ely Court, Francis Street, Tonyrefail, CF39 8EP

Dragon Clay Sports, Wick Road, Ewenny

Full planning permission is sought for improvements to the existing clay sports club shooting area and increase in height to sound attenuation bunds

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 Cave due to the level of public interest.

EXECUTIVE SUMMARY

This is a full application for development at the existing Dragon Clay Shooting Club. It seeks permission to increase the height of the acoustic bunds, re-profile the land on the range to lower the site overall by 2m (this will reduce the height of the existing stands), and regularise the operational hours at the premises, albeit with an extension to the hours one day per week and four competition days per year. It also seeks permission to upgrade and improve the access and parking facilities at the site.

This application is itself a revision of a scheme refused planning permission in February 2020 (application ref: 2016/01412/FUL). However, the application no longer includes the construction of an additional range in the field to the West and is therefore not an intensification of land or use as was the case for the 2016 application. As aforementioned, it now seeks permission for improvements and upgrades to the existing shooting range and to regularise the operational hours.

In light of the matters raised, the main issues include the visual impact upon the surrounding rural area, the impact on neighbouring residential amenity and highway safety matters. The impact upon the Special Landscape Area, ecology matters and mineral safeguarding will also be assessed in the determination of the planning application.

34 letters of objections have been received outlining their concerns on grounds including noise and disturbance; impacts upon wildlife and ecology; mental health issues; loss of agricultural land; an extension to the perimeter would exacerbate the noise associated with the operations; concerns that noise attenuation bunds have never been erected; and operational hours extend beyond those specified in the environmental health guidance.

It is considered that the proposals would not have a detrimental visual impact on the surrounding countryside, together with the Castle Upon Alun Special Landscape Area. In respect of noise, the Council's Shared Regulatory Services section have raised no objection, subject to the attachment of conditions should planning permission be forthcoming.

Whilst noting the content of the letters of objections raised, the application is recommended for approval, subject to conditions.

SITE AND CONTEXT

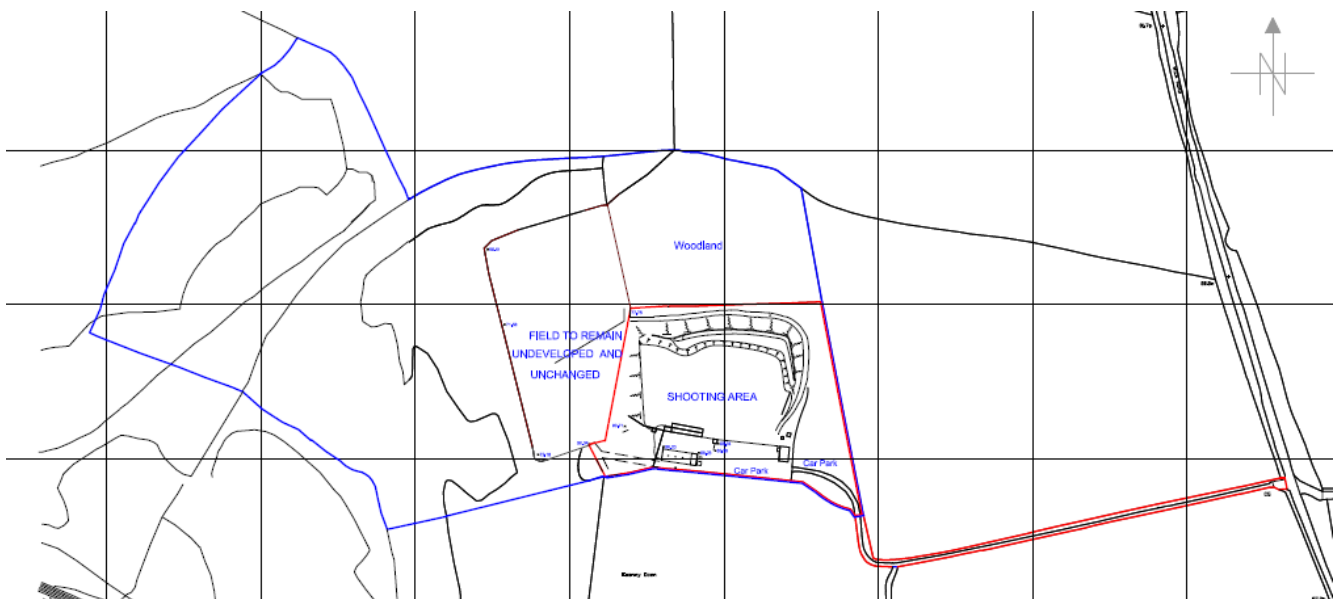
The application site relates to an established gun shooting club known as 'Dragon Clay Sports' located off Wick Road, Ewenny. The application site measures approximately 2.9 hectares in size and is located outside any settlement boundary in the adopted Vale of Glamorgan Local Development Plan and is therefore in the countryside.

The northern, southern and eastern boundary of the site adjoin agricultural land with the western boundary adjoining a woodland which forms a site of Importance for Nature Conservation (SINC). The site is located within Mineral Safeguarding Zone for limestone (Category 1) and is within the Castle upon Alun Special Landscape Area.

The gun club has operated from the site since the 1960's when it operated as a shooting range. In more recent years, it has expanded its operation to include Clay Pigeon shooting and Skeet.

An informal parking area is located to the eastern extent of the site. The range is accessed via an existing field gate off Wick Road.

The site location is shown below:



DESCRIPTION OF DEVELOPMENT

Full planning permission is sought for the following components:

- Re-profile the land on the range to lower the site overall by 2m (this will reduce the overall height of the stands);
- Increase the height of the attenuation bunds to retain gun noise below 50 db (A) – the level specified in the 1987 permission;
- Increase height of bunds around the range
- Regularise the operational hours together and to allow shooting to take place from 3:30 – 6pm (no more than one day per week);

- Competition days would be held in no more than 4 occasions per year would have duration of 8.5 hours between 9.30 am and 6.00 pm; and
- Improvements to the access and parking arrangements.

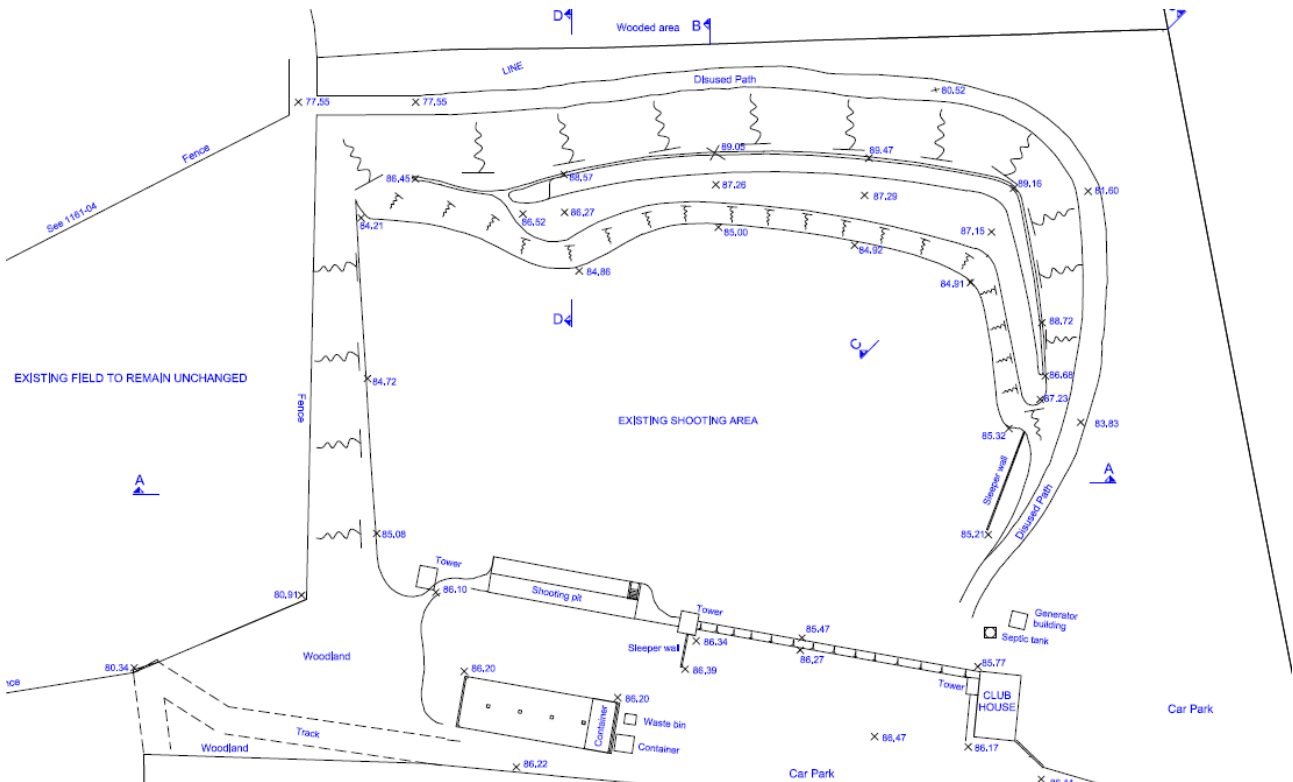
Acoustic Bunds

The acoustic bunds would be constructed of 30,000 cubic metres of excavated material (from the site levels), together with importing sub-soils as well as the existing topsoil that currently forms the existing bunds on site (this element will form the final surface of the bunds). The exterior of the proposed bunds will be planted with a mix comprising native species, hazel, blackthorn, rowan, oak, holly and hawthorn, and grasses..

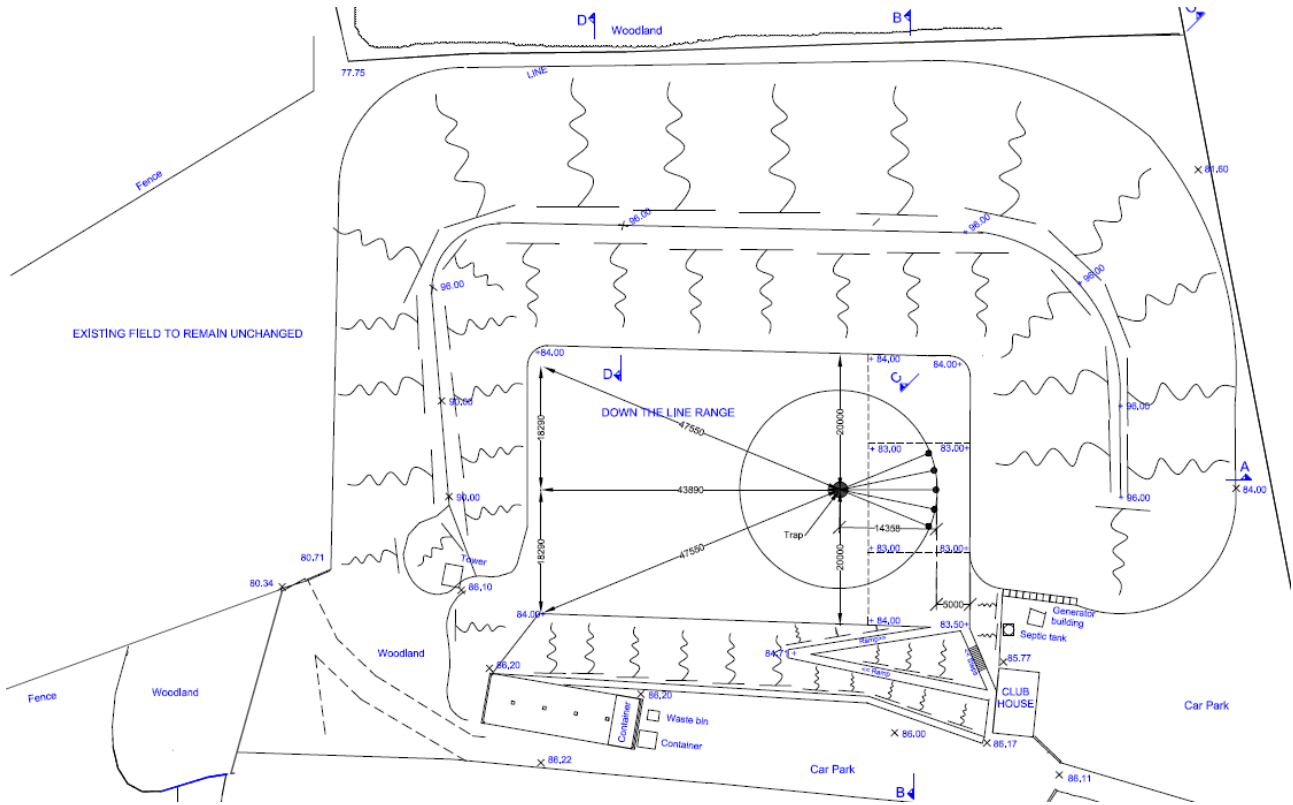
The proposed bunds would be approximately 11.5m above ground level at the highest point and would have a maximum gradient of 1 in 2. The bund extends on the existing to the western wing of the range and would form a crescent shape, surrounding the north, eastern and western extent on the perimeter of the range.

The existing and proposed site layout, together with the cross sections of the proposed bunds is shown below:

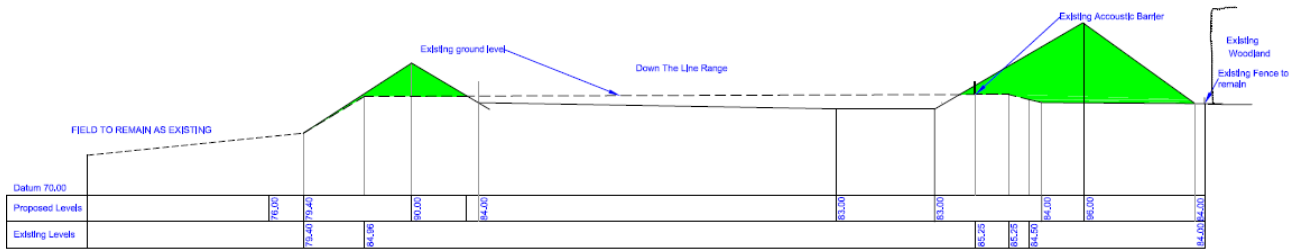
Existing Site Layout:



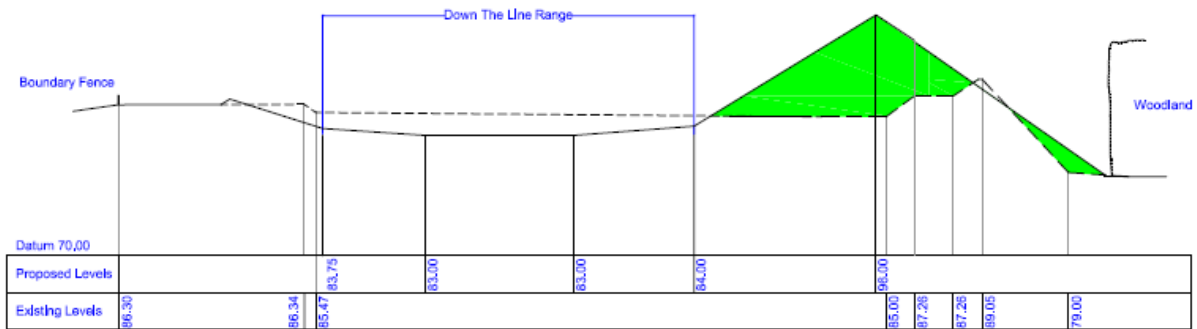
Proposed Site Layout:



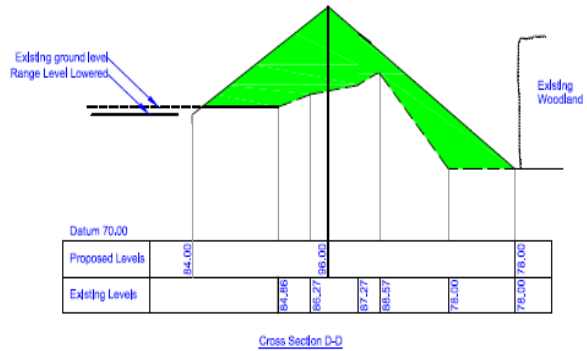
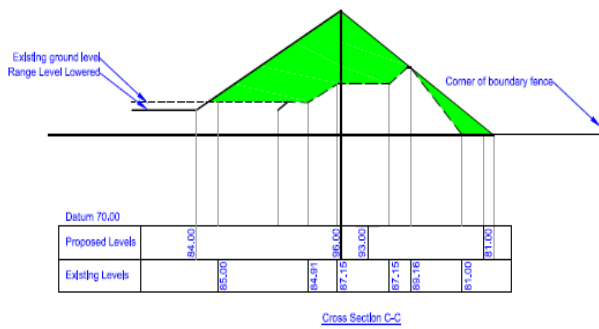
Existing and Proposed Cross Section of Attenuation Bunds:



Cross Section A-A



Cross Section B-B



PLANNING HISTORY

1981/00603/OGWR, Address: Bridgend Gun Club, Wick Road, Ewenny, Proposal: Shooting Ranges and layout for clay target shooting at Treetops Shooting Ground, Decision: Approved;

OGWR BOROUGH COUNCIL as the Local Planning Authority,

hereby PERMIT the proposed development to be carried out in accordance with the plans (if any) submitted with the said Application, subject to the development being begun on a date which is not later than five years from the date of this permission and subject also to compliance with the condition(s) (if any) specified below.

CONDITIONS

- (1) Noise from the shooting activities within the site shall not exceed 35dBa inside the dwellings and a figure of 50dBa as measured outside the noise sensitive properties in the vicinity of the site.
- (2) The buildings and structures to which the consent relates shall be externally finished in materials to be agreed with the Local Planning Authority.
- (3) Work on the construction of the proposed sound barrier shall be commenced within one month of the date of this permission and shall be completed to the satisfaction of the Local Planning Authority within six months of the date of this permission.
- (4) The proposed sound barrier shall be graded, soiled and seeded during the first planting season following its completion, and thereafter maintained so as to secure a grass cover to the satisfaction of the Local Planning Authority.

1987/00846/OGWR, Address: Tree Tops Shooting Ground, Wick Road, Ewenny, Bridgend, Proposal: Improvements to existing gun range, Decision: Approved;

87/0846

CONDITIONS

- (1) The scheme for the landscaping of the enlarged bund shall be implemented to the satisfaction of the Local Planning Authority in the first appropriate planting season following the completion of the works.
- (2) Details of the design and siting of the proposed septic tank shall be submitted for the agreement of the Local Planning Authority before the development is commenced.
- (3) Noise from the shooting activities within the site shall not exceed 35dBa inside the dwellings and a figure of 50dBa as measured outside the noise sensitive properties in the vicinity of the site.
- (4) The proposed concrete panel fence shall be painted in a colour to be agreed with the Local Planning Authority. Such painting shall be carried out to the satisfaction of the Local Planning Authority within one month of the erection of the fence.
- (5) No existing tree or hedges at the site shall be removed without the prior agreement of the Local Planning Authority.
- (6) Prior to the commencement of the development, details of a scheme for screen planting on the western boundary of the site shall be submitted for the prior agreement of the Local Planning Authority. Such screen planting as may be agreed shall be carried out in the first appropriate planting season following erection of the new fence along this boundary and thereafter staked, protected, cultivated and maintained so as to secure satisfactory growth. Any trees which within a period of five years die or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

2016/01412/FUL, Address: Dragon Clay Sports, Wick Road, Ewenny, Proposal: Change use of land to extend clay shooting area and extend perimeter sound attenuation bunds, Decision: Refused;

APP/Z6950/A/20/3256448 – Appeal Dismissed 3 November 2020

Overall Conclusions

21. I have found above that the proposed development would cause material harm to the living conditions of the occupiers of neighbouring residential properties, by reason of noise impact, and be detrimental to biodiversity interests. Such concerns amount to compelling reasons why planning permission should be withheld in this instance and are not, therefore, outweighed by the matters in favour of the development, including the contribution that it would make to local tourism and the wider economy. For this reason, and having considered all matters raised, I conclude that the appeal should be dismissed.
22. In coming to this conclusion, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WCFG Act). I have taken into account the ways of working set out at section 5 of the WCFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WCFG Act.

2017/00278/FUL, Address: Dragon Clay Sports, Wick Road, Ewenny, Bridgend, Proposal: Change of use of land to extend clay sports club shooting areas (retrospective) and extension of existing perimeter sound attenuation bunds, Decision: Withdrawn;

CONSULTATIONS

Highway Development were consulted on 15 March 2021 and re-consulted on 17 November 2021. A response was received on 6 May 2021 advising the space standards for parking, the material finishes for the access track and the appropriate visibility splays required for the site access. The requirements have been addressed and the Highways Authority raises no objection.

Councils Drainage Section were consulted on 15 March 2021 and re-consulted on 17 November 2021. To date, no response has been received at the time of writing this report.

Shared Regulatory Services (Pollution) were consulted on 15 March 2021 and re-consulted on 17 November 2021. A response was received on 29 December 2021 confirming no objection, subject to the attachment of a series of conditions (**Conditions 6, 7 and 8** refer).

Ewenny Community Council were consulted on 15 March 2021 and re-consulted on 17 November 2021. A response was received 25 May 2021 and 26 November 2021. The response outlined the following objections:

- A log history of the complaints issued to the Vale of Glamorgan Planning Department, together with Environmental Health – Shared Regulatory Services (Pollution) since 2015 – 2021;
- Increased traffic, particularly LGV vehicles to and from the quarries, Dwr Cymru Treatment Works, and a new Digestate Lagoon.
- Noise disturbance from quarries and regular shooting noise from existing shooting grounds.
- Noise from shooting conducted over six days per week, is excessive and disruptive to residents and visitors alike, and particularly affects any outdoor activities;
- the frequency of shots and the nonstop duration of shooting for six hours per day is unacceptable.
- Reference made to the Chartered Institute of Environmental Health (CIEH) published guidance in 2003 on the Control of Noise for Clay Target Shooting.
- Concerns regarding the movement of large quantities of materials to create and enlarge existing noise attenuation bunds will lead to significant habitat degradation as well as preventing this land being used for agriculture in the future.
- The proposed works are likely to have a negative effect on the High Brown Fritillary butterfly and the nearby SSSI, as well as other protected flora and fauna.
- The applicant has not undertaken any form of public consultation or engagement before submitting this application.
- Ewenny Community Council objects to this proposal on the grounds that the activities at Dragon Clay Sports are a significant nuisance and annoyance to the residents of Ewenny, Corntown and Llampha.
- During the past six to seven years the Community Council has received numerous complaints from residents about noise nuisance, and these concerns were vocally expressed at a public meeting held in March 2017.
- An independent noise monitoring report should be undertaken to assess this application.

- Should planning permission be recommended for approval, a series of conditions should be imposed.

Ecology Officer was consulted on 15 March 2021 and re-consulted on 17 November 2021. A response was received 22 November 2021, confirmed no objection subject to the attachment of a condition in relation to the management of habitats for dormouse and the excavation of bracken (**Conditions 10 & 11** refer).

Natural Resources Wales were consulted on 15 March 2021 and re-consulted on 17 November 2021. A response was received on 29 November 2021 confirmed concerns with the proposed development, however they are satisfied these concerns can be overcome by attaching a series of conditions for the management of habitats (**Condition 10** refers).

Ward Members were consulted on 15 March 2021 and re-consulted on 17 November 2021. A response was received by Cllr Cave calling the application in for determination by planning committee owing to the possible unneighbourly aspect of the proposals.

REPRESENTATIONS

The neighbouring properties were consulted on 15 March 2021. A site notice was also displayed on 15 April 2021 and a second on 25 November 2021. To date, 34 letters of objections have been received outlining their objections on the following grounds:

- Exacerbate noise disturbance currently experienced
- Increase in traffic combined with poor access
- Impact of shot debris on neighbouring properties and flowers/fauna.
- Clay Pigeon shooting hasn't operated from the site for over 30 years and has recently re-started.
- Loss of agricultural land
- Attenuation bunds have not been constructed
- Impact on property prices
- Elderly residents too afraid to leave homes
- The original consent allowed 1 gun club, there are now 6
- Site is located 400m away from residential properties and not the 1km required by guidance
- Impact on wildlife
- Interference with working from harm
- Impacts of mental health associated with the proposals
- Unnecessary CO2 emissions by car users
- Could lead to gun crime
- The sound is audible from 2.5km from the application site
- heavy metal contamination at shooting range soils exists (see below) is of great environmental concern
- Use of tower for shooting

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 Vale of Glamorgan Adopted Local Development Plan 2011-2026 forms the local authority level tier of the development plan framework. The LDP 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 SP7 – Transportation
POLICY SP9 – Minerals
POLICY SP10 – Built and Natural Environment
POLICY SP11 – Tourism and Leisure

Managing Growth Policies:

POLICY MG17 – Special Landscape Areas
POLICY MG19 – Sites and Species of European Importance
POLICY MG20 – Nationally Protected Sites and Species
POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species
POLICY MG22 – Development in Minerals Safeguarding Areas
POLICY MG29 – Tourism and Leisure Facilities

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD7 - Environmental Protection
POLICY MD9 - Promoting Biodiversity
POLICY MD13 - Tourism and Leisure

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

Future Wales: The National Plan 2040:

Future Wales – the National Plan 2040 is the national development plan and is of relevance to the determination of this planning application. Future Wales provides a strategic direction for all scales of planning and sets out policies and key issues to be considered in the planning decision making process. The following chapters and policies are of relevance in the assessment of this planning application:

Chapter 3: Setting and achieving our ambitions

- 11 Future Wales' outcomes are overarching ambitions based on the national planning principles and national sustainable placemaking outcomes set out in Planning Policy Wales.

Chapter 4: Strategic and Spatial Choices: Future Wales' Spatial Strategy

- Guiding framework for where large-scale change and nationally important developments will be focussed over the next 20 years.
- Strategy builds on existing strengths and advantages and encourages sustainable and efficient patterns of development.

Chapter 5 – The Regions

- The Vale of Glamorgan falls within the South East region.
- Regional policies provide a framework for national growth, for regional growth, for managing growth and supporting growth.
- In the absence of SDPs, development management process needs to demonstrate how Future Wales' regional policies have been taken into account.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (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
- Sustainable Management of Natural Resources
- Placemaking in Rural Areas
- Accessibility

Chapter 4 - Active and Social Places

- Transport

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 5 – Nature Conservation and Planning (2009)
- 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.”

10. Local planning authorities should consider whether proposals for new noise-sensitive development would be incompatible with existing activities, taking into account the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future. Such development should not normally be permitted in areas which are, or are expected to become, subject to unacceptably high levels of noise and should not normally be permitted where high levels of noise will continue throughout the night.

- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 13 – Tourism (1997)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 23 – Economic Development (2014)

Welsh National Marine Plan:

National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this application. The primary objective of WNMP is to ensure that the planning system contributes towards the delivery of sustainable development and contributes to the Wales well-being goals within the Marine Plan Area for Wales.

Supplementary Planning Guidance:

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

- Biodiversity and Development (2018)
- County Treasures
- Design in the Landscape
- Minerals Safeguarding (2018)
- Parking Standards (2019)
- Tourism and Leisure Development (2019)
- Trees, Woodlands, Hedgerows and Development (2018)

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

Background Context

As aforementioned, the application site accommodates an already established unrestricted (in terms of hours) shooting range that has been occupied since 1964, known as the 'Dragon Clay Shooting Club'. The original permission was granted by the Penybont Rural District Council under reference TP/6979/S.20840 on 1 July 1964. The range has been operating since the original permission was granted.

There have been a number of historic applications submitted at the application site since the original permission was granted. This includes planning permission being granted by Ogwr Borough Council under application reference 81/0603/OGWR in October 1981, for the construction of the club house and earth bunds to the north and north east of the upper shooting range area. In addition, planning permission 1987/00846/OGWR proposed extending the area of use and improvements to the facilities to serve the extended club. The application also proposed widening of the attenuation bunds to minimise any noise disturbance at the site as a result of the proposed use. However, the supporting documents confirm that whilst all other aspects of the proposal were implemented, the bunds were never widened. In granting both planning permissions, it is important to note that there were no restrictions imposed on the operational hours of the range, rather there was only a condition limiting decibel levels at the site.

The most relevant and recent application was the submission in March 2017 under ref: 2016/01412/FUL for a change of use of land to extend the clay shooting area to accommodate a new range and extend perimeter sound attenuation bunds. This application was refused on 13 February 2020 for the following reasons::

- 1. 'By reason of the site's location, the proximity to residential properties and the frequency/duration and scale of shooting events proposed, the development would result in significant harm to the living conditions & amenity of the occupiers of nearby residential properties; and*
- 2. It has not been demonstrated, through submission of acceptable mitigation measures, that the development would not be detrimental to the maintenance of European Protected Species'.*

A subsequent appeal was submitted (reference APP/Z6950/A/20/3256448) against that refusal, and was dismissed on 3 November 2020.

The application does not seek a new range, any intensification to or change to the nature of the approved and already established use. Typically the operational hours are between 9am and 3.30pm on weekdays and 9am until 1.30pm on Saturdays (closed on Sundays and Bank Holidays), however, those are not limitations contained within the site's planning permissions. The applicant has stated that they wish to operate until 6pm on one day per week and hold four competition days per year, together with the extension of the attenuation bunds and upgrades and improvements to the access and parking area.

Consequently, the principle of the proposed use has been assessed and approved historically and the existing permissions allow the applicant to operate a clay pigeon shooting facility at this site. Whilst neighbouring comments in respect of the use generally are noted, the principle of the use cannot be reassessed here.

Therefore, in light of the matters above, the application is being considered on the grounds of landscape and visual impacts potential noise and neighbour impacts, highway safety, minerals safeguarding and ecological matters. These are discussed in turn below, in the following paragraphs.

Impact on the Character and Appearance of the Area

The application site is located outside of any defined settlement boundary and is therefore deemed as countryside. Whilst the application site relates to an existing shooting range, immediately neighbouring the site is mature woodland forming a SINC to the northern, southern and western boundaries. The proposal does not seek to introduce any additional structures; however, it does propose extensions to the existing bunds, together with a new bund on the western perimeter of the range to better attenuate noise.

Policy MD1 'Location of New Development' is a criteria-based policy that states that 'new development on unallocated sites should '1. *Have no unacceptable impact on the countryside*' and 3. *Where appropriate promote new enterprises, tourism, leisure and community facilities in the Vale of Glamorgan.*' Policy MD1 of the Development Plan 'seeks to emphasise the importance of the protecting the countryside from unacceptable and unjustified new development' (paragraph 7.3). Policy MD2 that requires development to, *inter alia*, positively contribute to the context and character of the surrounding environment.

The proposal would not introduce any new structures within the application site. The principle part of the development would be engineering operations to increase the height of the existing bunds and creating a bund on the western edge. The application has been supported by a Landscape and Visual Impact Assessment (LVIA) to assess the impacts. The report concludes that there are no nearby dwellings or other developments which would be directly affected by the erection/extension of the acoustic bunds. The range is largely screened by existing mature hedgerow and trees ensuring that views would be restricted from the wider public realm.

This wider landscape is depicted within the accompanying LVIA as shown below:



As highlighted above, the site is not visually prominent from wider viewpoints. It is well enclosed by mature wooded areas and there are not clear or close range views of it from public rights of way or adopted highways. The wider land is separated by a series of agricultural fields, mature hedgerow and trees immediately north, east and west (including the neighbouring SINC), whereby any public views are likely to be screened or are viewed from a significant distance. The site also lies approximately 0.37km to the west of Wick Road, thus not being visually prominent from the adopted highway.

The bunds would not exceed 11.5 metres in height and, whilst relatively large in scale, given the overall context of the site, its surroundings, and the acoustic mitigation benefits as a result of the proposed bunds, it is considered that they would not to be visually obtrusive or a prominent feature within the wider landscape. While bigger than those existing bunds on site, it is considered that they would not appear incongruous in this context and on balance, are not considered to unacceptably harm the character of the area.

Furthermore, part of the proposals include the introduction of planting with native species, including hazel, blackthorn, holly, oak and hawthorn on the external face of the bunds, which would assist in assimilating them into their rural context. The internal face of the bunds (only visible when in the shooting range) would be seeded with a calcareous grassland mix, thus representing ecological mitigation, as well as landscape benefits. The proposed landscaping and planting scheme would result in the bunds integrating well into the existing landscape and it is therefore considered that they would not to harm the appearance of the character of the countryside.

The application site is also located within Castle upon Alun Special Landscape Area. Policy MG17 states *'development proposals will be permitted where it is demonstrated they would cause no unacceptable harm to the important landscape character of the area'*. As aforementioned, given that there would be no physical change other than the increase in bund heights and given the proposed landscaping proposals put forward, the proposal on balance is considered to not unacceptably harm the character of the Special Landscape Area.

Overall, it is considered that the proposals would not appear as out of keeping with the special landscape area and would not be demonstrably harmful to the character of the area or the countryside. It is therefore considered that the proposed development accords with Policy MD2 of the adopted LDP and in line with the requirements of the adopted Design in the Landscape SPG.

Impact on Neighbouring Properties

Criterion 8 of policy MD2 requires that new development should safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance. Furthermore, policy MD7 (Environmental Protection) requires proposals to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from (inter alia):

- Noise, vibration, odour nuisance and light pollution.

In addition TAN6 states:

"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."

10. Local planning authorities should consider whether proposals for new noise-sensitive development would be incompatible with existing activities, taking into account the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future. Such development should not normally be permitted in areas which are, or are expected to become, subject to unacceptably high levels of noise and should not normally be permitted where high levels of noise will continue throughout the night.

Furthermore, the CIEH guidance on the control of noise associated with clay target shooting is not statutory guidance but is intended to promote good practice in site management, outline the method for measuring noise levels and offer guidance to enforcement officers who are investigating noise complaints. It also gives advice on practical measures that site operators can take to reduce noise impact. (Clay Target Shooting – Guidance on the Control of Noise - CIEH 2003).

The guidance says there is no fixed shooting noise level at which annoyance starts to occur. But it is less likely to occur when the mean shooting noise level (SNL) is below 55 decibels and highly likely to occur when the SNL is over 65 decibels. The SNL is the average of the 25 highest shot levels recorded in a 30 minute period.

The application relates to an existing establishment that generates a level of noise as a result of the activities taking place at the site. Of note, the proposal does not seek to intensify the use of the land beyond what is permitted by the most recent planning permission. Rather the proposal relates to an increase in the height of the earth bunds and reduction in the shooting area ground levels to mitigate noise disturbance. Furthermore, the application seeks to regularise the operational hours at the site.

Whilst there are currently no restrictions on the operational use of the range, the supporting application documentation details that the existing operations at the site are as follows:

'Existing Operations

The Club currently operates with one "Down the Line" shooting range. The opening hours are:

- *Monday to Friday 9.30 am to 3.30 pm - Attendance between 5-20 persons (average 15)*
- *Saturday 9.30 am to 1.30 pm - Attendance between 20 -50 persons (average 40)*
- *Sundays & Bank Holidays Closed*

The shooting range has 5 stands. Each member of the team uses an individual stand and takes 25 shots each over a 30 minute period. (Total 125 shots).

Following the completion of the above round another team occupies the stands and repeats the process.

The average number of rounds is only 3 during Weekdays and 8 on Saturdays'.

The application seeks to regularise the hours, with the proposed opening hours to include the following:

1. *The proposed opening hours are to remain as existing with an extension between 3.30 pm and 6.00 pm on no more than one day per week to allow members to be able to shoot a round after work.*
2. *Competition days would be held in not more than 4 occasions per year would have duration of 8.5 hours between 9.30 am and 6.00 pm.*

While that stated intended hours would represent an extension on one day per week compared to current operations, consent is not required to operate until that time at present. The competition days would be very limited in number and notwithstanding that, the hours proposed for the competition days would not breach the terms of the existing planning permission in principle. It is considered that the opportunity afforded by this application to formalise and control hours is positive, and would result in greater control of site activities.

The application has been supported by an updated noise impact assessment. The report models the current activities at the application site, together with the implementation of the mitigation which includes the reduction in ground levels (therefore reducing the relative height of the shooting stands) and the increase in bunds at the application site. The report concentrates on the five closest residential properties within the vicinity of the site, which include Beechcourt Farm (approximately 0.26 kilometres from the boundary of the application site). The remaining neighbours of relevance given the proximity are Manor Court Close, Highmead, The Hill and Playford House.

The noise levels have been modelled and it is relevant to consider this in the context of Condition 3 of planning permission 1987/00846/OGWR, which the Inspector under appeal ref: APP/Z6950/A/20/3256448 gave considerable attention to. This condition refers to a noise level of 50 decibels. In the Inspector's decision, it was concluded that:

'5 – Despite the fact that the 1987 proposal sought to widen the existing noise attenuation bunds, I am advised that such works were never completed, despite the fact that the other aspects of the scheme were implemented. The 1987 permission did however include the following planning condition: "3. Noise from the shooting activities within the site shall not exceed 35dBa inside nearby dwellings and a figure of 50dBa as measured outside the noise sensitive properties in the vicinity of the site". I am not aware of a Lawful Development Certificate (LDC) being issued in respect of any failure to comply with that condition. Similarly, I have not been made aware that the condition has been varied or removed through the relevant provisions of the Act. Therefore, on the basis of the evidence before me, it would appear that the use of the site in accordance with such terms represents the lawful fallback position.'

Taking into account the above matters and the proposed acoustic mitigation measures, the findings of the updated noise assessment are presented in the table below:

Table 1 – Calculated SNL at Sensitive Properties	SNL (dB) Existing	SNL (dB) Original Design to achieve results below 55 Db	SNL (dB) Revised Design to achieve results below 50dB
Beech Court Farm	60.4	53.8	48.8
Manor Court Close	47.3	44.5	46.7
Highmead	56.3	53.5	39.3
The Hill	43.3	38.8	37.6
Playford House	58.2	44.6	37.0

The noise propagation contour plan is also displayed below (Figure 1). It is clear that a noise barrier positioned on the northern, eastern and western perimeter as highlighted in purple is important to reducing overall noise spillage to the wider area. The nearest dwellings, to the north (Beech Court Farm) is forecast to receive a noise level of 48.8dB during a shooting event, thus being below the ‘annoyance levels’ specified in the CIEH Guidance, and the condition attached to the 1987 permission.

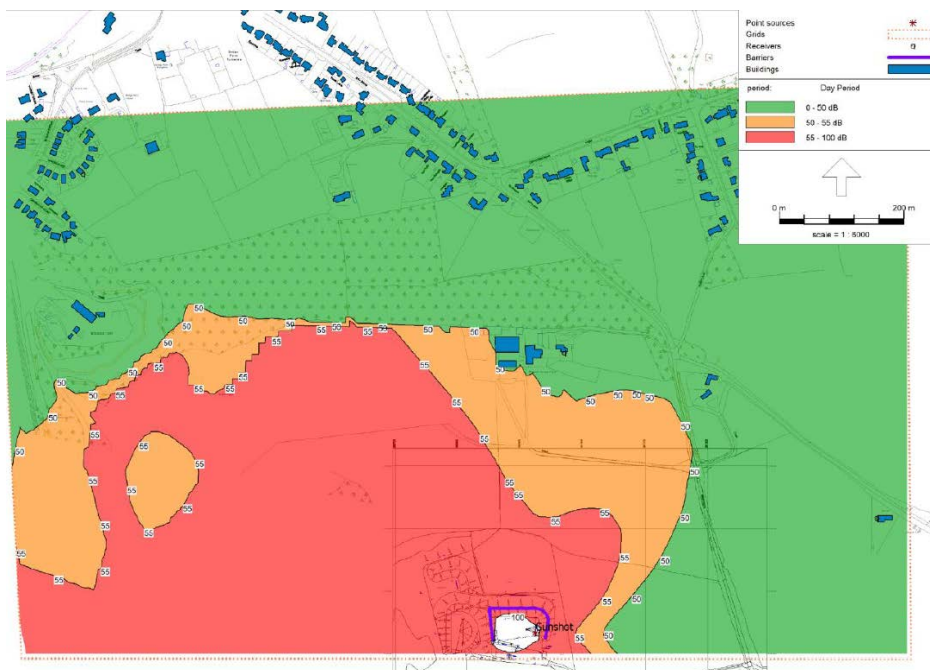


Figure 1 – Noise Propagation Contour Plan

This application has generated over 34 letters of objection from local residents and the complaints log history from Ewenny Community Council who have stated there is currently significant noise disturbance taking place. The log history issued by the Community Council dates back to May 2015 – April 2021, setting out the noise complaints that have taken place over the six year period. The log history provides a chronological order of the complaints written to the Local Planning Authority and also Shared Regulatory Services (Pollution). Occupants of these residential properties and the objections raised by the Community Council have suggested that the gun shots cause significant noise and disturbance to local residents of Ewenny and further afield and that this has happened for a long period of time.

It is understood that previously, the Council's Planning Enforcement Team visited the site in 2016 following noise complaints from neighbouring properties. The applicant had started operating the extended club and subsequently submitted an application in 2016 to formally seek the change of use of the site. Furthermore, whilst not a planning matter it is also noted that an Abatement Notice is in place in relation to this premise. The Notice was served on 20 July 2018 in relation to the '*likely recurrence of a statutory nuisance*' due to noise '*arising from gun shots from clay pigeon shooting*'. This is likely a result of the noise complaints received from the Community Council.

Whilst taking on board the above matters and neighbouring complaints, the Council's Shared Regulatory Services (SRS) section has assessed the application and the submitted noise modelling. The Officer has reviewed all supporting material and has raised no objection to the proposals or the updated modelling, subject to a series of conditions. The SRS Officer concludes that the modelling provided within the updated noise report is robust and has been undertaken by a competent consultant. In conclusion, the Officer is satisfied that the modelled impacts are reliable and that the conclusions suggest noise levels that would not unacceptably impact upon residential amenity.

Concern has been raised by the Community Council with regards to the CIEH guidance and that the applicant fails to comply with the requirements, more specifically where '*shooting should not normally take place within a separation distance of less than 1km in the direction of the shooting except under very exceptional circumstances and that, should noise buffer zones be decreased, the frequency and duration of events may also need to be decreased*'. However, this application relates to a site with an existing permission that is subject to a condition that limits only decibel levels and not hours of operation. While the CIEH guidance is noted, the noise modelling demonstrates that the proposed development is likely to result in a reduction of noise levels outside the site (and the principle of the use of the site cannot be re-visited in this application).

The SRS Officer has requested conditions relating to the following:

- Restriction on the noise levels being no greater than 50dB(A) for external levels;
- The submission of a Site Management Plan, however, given the results of the noise modelling and the more restrictive hours, it is considered that this requirement would not meet the tests in the Circular.
- Submission of an Environmental Management Plan;
- Regularisation of operational hours.

With regards to the latter, the operational hours was also a matter of interest raised by the Inspector at the time of the appeal, whereby it was stated that the granting of the proposed development, the subject of the Appeal (at the time), and as in this case any further application, would permit the Local Planning Authority (LPA) the opportunity to restrict operating hours, as set out below:

'7 The proposed development would also offer the opportunity to introduce restricted operating hours, something which is not controlled through the 1981 and 1987 planning permissions. Specifically, it is proposed that shooting times be restricted to between 09:30 and 18:00 hours between Mondays and Fridays; and between 09:30 and 13:20 hours on Saturdays. The Club would be closed on Sundays and Bank Holidays.'

It is therefore considered the application submission provides a positive opportunity to control and regularise the use of the operational hours of the premises. Therefore, it is necessary to attach a condition to restrict the use of hours to protect neighbouring amenity (**Condition 6** refers). The condition also limits the cumulative duration of shooting during any day.

In summary, given the unrestricted nature of the existing use, the proposed regularised hours, the modelled impacts as a result of the proposals and proposed noise attenuation, the proposed development would be likely to improve the physical and acoustic relationship with neighbouring residential properties. For the reasons set out above, the proposals are therefore considered to comply with the requirements of Policy MD2 and MD7 of the adopted LDP and it is considered that the proposal would not in itself be harmful to residential amenity.

Ecology

Policies MD9, MG19 and 21 of the LDP are most relevant in respect of ecology matters. Policy MD9 of the LDP states:

New development proposals will be required to conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that:

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

Policy MG19 states that development proposals likely to have a significant effect on a European site, when considered alone or in combination with other projects or plans will only be permitted where:

- 1. The proposal is directly connected with or necessary for the protection, enhancement and positive management of the site for conservation purpose; or*
- 2. The proposal will not adversely affect the integrity of the site;*
- 3. There is no alternative solution;*
- 4. There are reasons of overriding public interest; and*
- 5. Appropriate compensatory measures are secured*

Policy MG21 relates to sites of importance for nature conservation, regionally important geological and geomorphological sites and priority habitats and species. It requires development proposals likely to have an adverse impact on sites of importance for nature conservation or priority habitats and species will only be permitted where it can be demonstrated that:

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

The Council's Biodiversity and Development SPG (2018) requires new development to provide ecological enhancements to promote biodiversity within the Vale of Glamorgan. Although the appeal site has no statutory designation, it is close to a 'Site of Importance for Nature Conservation (SINC), one which is known or thought to have a higher level of biodiversity value than other sites and therefore important to the Vale of Glamorgan's overall biodiversity.

The current application does not include any work to the adjacent field as was assessed under application ref: 2016/01412/FUL. Therefore, an updated Ecological Appraisal (PEA) has been submitted as part of the planning application that concludes that the proposal would not compromise the site's ecological value. NRW have 'raised concerns' in relation to European Protected Species, specifically dormice but are comfortable these concerns can be overcome subject to the attachment of a condition which requires compliance with the measures set out in the submitted documents (**Conditions 11** refers). In addition, the Council's Ecologist has considered this assessment and concurs with NRW's response.

Further details have been sought from the applicant with regards to the revision of the tree and shrub species mix, an identification of the source of plug plants and an amendment to the mitigation planting to cover grassland and future management of this. The applicant has provided an updated mitigation planting scheme to address the points raised. The Council's Ecologist was satisfied with the updated information and has raised no objection. Both NRW and the Council's Ecologist request a condition in respect of the procedures and management of habitat for dormouse and the management strategy identified within the PEA (**Conditions 10** and **11** refer).

Notwithstanding the above, 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, the application proposals relate to an already established shooting range, that provides economic benefits to the rural economy. The proposal also provides a series of acoustic mitigation measures that are in the interests of public health and safety. It is therefore considered that this test is met.

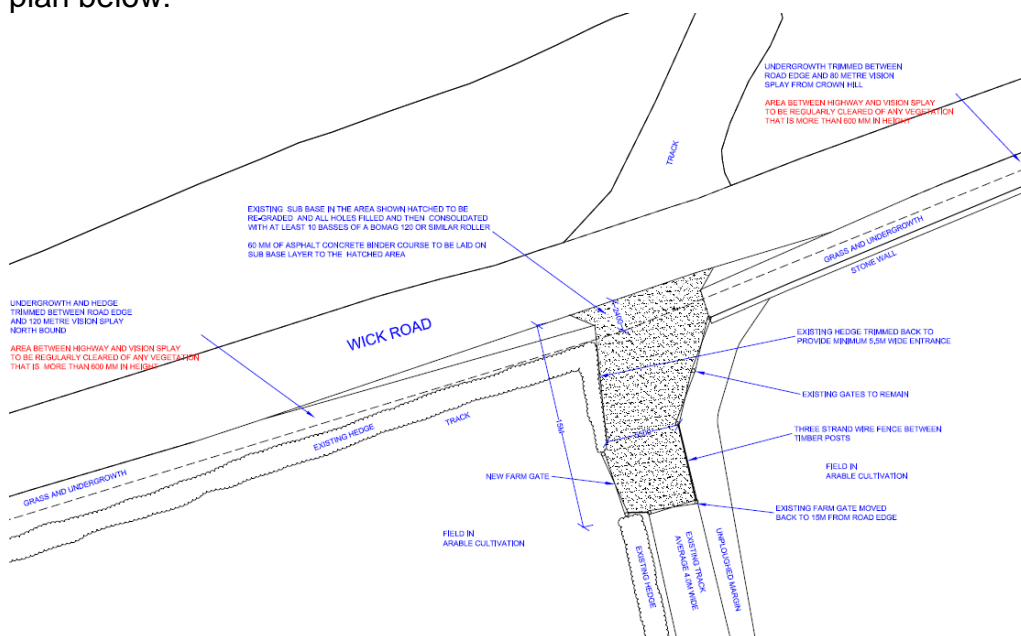
In terms of Test 2, the application seeks to simply regularise the operational hours and provides a means of acoustic mitigation which would improve the situation regarding noise.

In terms of Test 3, it is noted that NRW have not raised an objection to the proposal, however, this is subject to a condition requesting a comprehensive scheme of mitigation for protected species, notably dormice. There is potential for European Protected Species on the site and NRW have stated an EPS licence would be required. These matters have also been raised by the Council's Ecologist. In assessing the application and enforcing the appropriate conditions, test 3 is met.

In summary, it is considered the proposed mitigation planting scheme provides a resource for wildlife and ecological improvements and therefore this would be in accordance with the requirements of adopted LDP Policies MD9, MG19 and 21.

Parking and Highway Safety

The site would continue to be served by the existing vehicular access as shown on the plan below:



The proposal relates to an existing use, and as noted within the supporting Planning Statement, the proposed development would be not be likely to generate an increase in vehicular movements. The proposals include a 6m wide passing bay to enable vehicles to safely enter and exit the site without vehicle conflict. Limited hedgerow maintenance and trimming would be required to accommodate the proposed passing bay.

The application has been accompanied by an access plan and drawing showing the proposed parking arrangements, as requested by the Council's Highways Officer. The plan indicates that the existing access would provide sufficient visibility in either direction, and that the parking being provided would meet the Council's Standards. The Highways Engineer also requested the means of access to be completed in a permanent/bound material. The submitted details have been amended to reflect these recommendations by the Highways Engineer.

While the comments raised by local residents are noted, it is considered that the scale of the development is such that there would not be a significant impact upon traffic that would cause congestion or adversely impact upon highway safety. Consequently, the Highways Engineer has raised no objection to the improvements and upgrades.

Having regard to the above, it is considered that the development can be adequately served by the existing highway network and that it would not adversely impact upon the safety and free flow of traffic, in accordance with Policies MD1 and MD2 of the Adopted LDP 2011-2026

Mineral Safeguarding

It is noted that the site is covered by Limestone (Category 1) and Sand and Gravel (Category 2) mineral safeguarding zone in the LDP. Strategic Policy SP9 (Minerals) and MG22 (Development in Minerals Safeguarding Areas) seek to safeguard known mineral resources. Policy MG22 states that, in such areas with known resources, new development will only be permitted in an area of known mineral resource where it has first been demonstrated that:

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

In this case, having regard to criterion 3, given that the proposed use is already established and has been operating since 1964, it is not considered to have any significant impact on the possible workings of the resources. Therefore, as the proposed use would not impact any workings of the resources, the proposal is in line with Policy MG22 in that it would satisfy criterion 3.

RECOMMENDATION

APPROVE

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:
 - 1161 05 B Proposed Site Plan Received 12/02/2021
 - 1161 07 B Cross Section A A And B B Received 12/02/2021
 - 1161 08 B Cross Sections C C And D D Received 12/02/2021
 - 1161 12 Proposed Access Road Sheet 1 Of 2 Received 12/02/2021

- 1161 13 Proposed Access Road Sheet 2 Of 2 Received 12/02/2021
- 1161 15 Cross Section H H Received 12/02/2021
- L1161 02 A Landscape And Visual Impact Assessment Received 12/02/2021
- Accoustics And Noise Report 1708111r01 Received 12/02/2021
- Hawkeswood Report 232017 V2 June 2018 Received 12/02/2021
- 1161 10 Planning Statement Received 12/02/2021
- 1161-14-A Proposed Plan at Entrance.pdf Received 24/06/2021
- 1161-20 On-site Parking Arrangements.pdf Received 24/06/2021
- 1161_03_C Proposed Mitigation and Landscape Planting Received 24/06/2021

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 landscaping works shall be fully carried out in accordance with document ref:- Proposed Mitigation and Landscape Planting - Ref: -1161_03_C Received 24/06/21 during the first planting season immediately following completion of the bund that those landscaping works relate to, and any trees or plants which within a period of 5 years from the completion of the works 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 the terms of Policies SP10 (Built and Natural Environment), MD1 (Location of New Development) & MD2 (Design of New Developments) of the Local Development Plan.

4. The noise attenuation bunds shall be constructed in accordance with Drawing Refs: 1161 05 Rev B, 1161 07 B Cross Section A A And B B Received 12/02/2021 and 1161 08 B Cross Sections C C And D D Received 12/02/2021.

Reason:

To protect the interests of neighbouring amenity, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

5. A schedule of timescales for the construction of the bunds (and how the shooting use would be operated during that period) shall be submitted to and approved in writing by the Local Planning Authority. The shooting use shall not be operated outside of 0900 to 1530 on weekdays and 0900 to 1330 on Saturdays until the schedule referred to above has been approved. The development shall thereafter only be carried out in accordance with the approved details.

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.

6. The use of the site as a shooting centre/range shall not be carried out outside the hours of the following:

Monday to Friday 09:30 – 15:30 (other than one weekday evening per calendar week where the use may continue until 18:00)
Saturday 09:30 – 13:30

Closed on Sundays and Bank Holidays.

On four days per calendar year, competitions may take place between 09:30 – 18:00. Prior to the competition taking place, the event shall be publicised to the local community in accordance with a publicity scheme which shall be submitted to and approved in writing by the Local Planning Authority, prior to the first competition after the date of this planning permission. The scheme shall include details of who the events will be publicised to, how it will be publicised, and the timescales prior to competition dates.

Cumulative Duration:

Mondays to Friday - maximum cumulative duration of 4 hours per day
Saturday- maximum cumulative duration of 3 hours
(with the exception of competition days)

Reason:

To protect the interests of neighbouring amenity, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

7. Noise from the shooting activities associated with the use shall not exceed 50dB(A) when measured externally at any neighbouring dwelling house.

Reason:

To protect the interests of neighbouring amenity, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

8. No development shall commence relating to the construction of the bunds until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include the following details:

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

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.

9. The maximum number of shooting stands on site shall be limited to five.

Reason:

To protect the interests of neighbouring amenity, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

10. The development shall at all times be carried out in accordance with the recommendations contained within the Preliminary Ecology Appraisal V2 undertaken by Hawkeswood Ecology June 2018, inclusive of Section 8 - Dormice under Section 9 (1) of the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017.

Reason:

In the interests of ecology and to ensure compliance with Policy MD9 (Promoting Biodiversity) of the Local Development Plan.

11. Notwithstanding the submitted Preliminary Ecological Appraisal dated June 2018, a scheme for the management and translocation of bracken shall be submitted to and in approved in writing by the Local Planning Authority prior to the commencement of development. The development shall thereafter be carried out in accordance with the details as approved.

Reason:

In the interests of ecology and to ensure compliance with Policy MD9 (Promoting Biodiversity) 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 and Future Wales – the National Plan 2040.

Having regard to Policies SP1 – Delivering the Strategy, SP7 – Transportation, SP9 – Minerals, SP10 – Built and Natural Environment, SP11 – Tourism and Leisure, MG17 – Special Landscape Areas, MG19 – Sites and Species of European Importance, MG20 – Nationally Protected Sites and Species, MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species, MG22 – Development in Minerals Safeguarding Areas, MG29 – Tourism and Leisure Facilities, MD1 - Location of New Development, MD2 - Design of New Development, MD7 - Environmental Protection, MD9 - Promoting Biodiversity, MD13 - Tourism and Leisure, the Councils adopted SPGs Biodiversity and Development (2018) County Treasures Design in the Landscape Minerals Safeguarding (2018) Parking Standards (2019) Tourism and Leisure Development (2019) Trees, Woodlands, Hedgerows and Development (2018) and national planning guidance including Planning Policy Wales Edition 11, Technical Advice Note 5 – Nature Conservation and Planning (2009), Technical Advice Note 11 – Noise (1997), Technical Advice Note 12 – Design (2016), Technical Advice Note 13 – Tourism (1997), Technical Advice Note 18 – Transport (2007) and Technical Advice Note 23 – Economic Development (2014), the planning authority concluded that the development proposal is acceptable and would have an acceptable impact on visual amenity, neighbouring amenity, highway safety, biodiversity, mineral resources and would not harm the surrounding open countryside.

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.

The appropriate marine policy documents have been considered in the determination of this application in accordance with Section 59 of the Marine and Coastal Access Act 2009.

NOTE:

- 1. The applicants are advised that all necessary consents / licences must be obtained from Natural Resources Wales (formerly Environment Agency Wales) prior to commencing any site works. The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**
- 2. New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.**

Further information of the SAB process can be found at our website or by contacting our SAB team: sab@valeofglamorgan.gov.uk

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.

