

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 21 DECEMBER, 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

**Decision Codes:**

A	Accepted
AC	Approved Conditionally
AW	Accepted (Welsh Water)
R	Refused

(a) Building Regulation Applications - Pass

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

2022/0005/PV	AC	Marks And Spencer Plc, Culverhouse Cross, Cardiff, CF5 6YZ	Internal alterations to extend food hall
2022/0006/PV	A	12, Raglande Court, Llantwit Major, CF61 1TB	New roof structure incorporating solid panels on existing conservatory
2022/0007/RV	A	116, Westbourne Road, Penarth, CF64 3HH	Reversion application from approved inspector- Single storey rear extension and associated works
2022/0027/PO	AC	29, St Cadoc Road, Heath, Cardiff, CF14 4ND	Loft conversion with hip to gable and rear dormer
2022/0028/PO	AC	43, St Michaels Road, Cardiff, CF5 2AN	Single Storey rear extensions and glass covered courtyard to the rear. Replacement of entrance porch.
2022/0030/PO	AC	3, Forest Glade, Cardiff, CF14 7JL	Demolition of existing conservatory and construction of single storey replacement and new raised terrace

2022/0031/PO	AC	54, Clare Road, Cardiff, CF11 6RT	Upper floor extensions to provide 5 self-contained flats and retail unit to ground floor while retaining existing chemist and post office commercial use with external alterations and associated works
2022/0382/BN	A	172, Jenner Road, Barry. CF62 7HR	Loft conversion with dormer
2022/0389/BN	A	27, Burdons Close, Wenvoe, CF5 6FE	Single storey orangery extension to rear
2022/0531/BN	A W	Manor House Chalets, Sully Road, Penarth. CF64 2TQ	Conversion of existing chalet into 1 residential dwelling
2022/0534/BN	A W	Plot 1, Pwll Y Min Farm, Main Avenue, Peterston Super Ely, CF5 6LQ	Proposed dwelling
2022/0575/BN	A	83, Queens Road, Penarth. CF64 1DL	Conversion of dwelling into 4 bed HMO, first floor extension and dormer loft conversion
2022/0610/BN	A W	Land to rear of Seaton Hoe, Pen Y Turnpike Road, Dinas Powys, CF64 4HG	New dwelling
2022/0727/BN	A	47, St Nicholas' Road, Barry, CF62 6QX	Re roof
2022/0734/BN	A	23, Dochdwy Road, Llandough, Penarth. CF64 2PD	Removal of wall between kitchen and dining room. Installation of RSJ.
2022/0735/BR	AC	10, Gibson Way, Penarth. CF64 1TA	Knock through
2022/0737/BN	A	16, Clos Cradog, Penarth, CF64 3RJ	Knock through, removing the internal stud wall and side door to be bricked up
2022/0738/BN	A	7, Myrtle Grove, Barry, CF63 2LR	Renovation of thermal element

2022/0740/BR	AC	Land at Coldbrook Road East, Barry, CF63 1NG	Construction of 20 no. walk up apartments in timber frame construction, split over two blocks, two storey high
2022/0746/BR	AC	12, Britten Road, Penarth, CF64 3QJ	Loft conversion with dormers and single storey extension
2022/0747/BN	A W	33, Ffordd Cwm Cidi, Barry. CF62 6LJ	3m x 10m rear ground floor extension
2022/0748/BN	A	11, Mountbatten Road, Barry. CF62 9HF	Removal of load-bearing wall between kitchen and dining room. Steel beams to be put in place
2022/0749/BR	AC	Hazelwood, Church Close, Ogmore By Sea. CF32 0PZ	Construction of porch to front of property and conversion of existing garage to kitchen
2022/0750/BN	A	45, Celtic Way, Rhoose. CF62 3FT	Convert an existing integral garage into an habitable room
2022/0752/BN	A	35, Adenfield Way, Fontygary, Rhoose, CF62 3EA	Internal re-modelling works
2022/0753/BN	A W	13, Mountjoy Crescent, Penarth, CF64 2SZ	Single storey side and rear extension plus all associated works
2022/0756/BR	AC	9, Fonmon Park Road, Rhoose. CF62 3BG	Proposed single storey rear extension
2022/0757/BN	A W	Hidden House, Bonvilston. CF5 6TQ	Construction of an underground dwelling
2022/0758/BN	A	27, Maes Y Gwenyn, Rhoose. CF62 3LA	Single storey extension, tied into existing property with glass balustrade balcony above and some internal steel works
2022/0759/BN	A	1, Argoed Cottages, Llanharry. CF72 9JX	Two storey extension to rear (approx. 8m <sup>2</sup> ) and second storey to be added to existing side extension (approx. 30m <sup>2</sup> )

2022/0760/BN	A	51, Mallory Close, St Athan, CF62 4JJ	Single storey extension
2022/0761/BN	A	Oaktree Farm, Morfa Lane, Wenvoe, CF5 6AE	Loft conversion and Ground floor internal alterations along with balcony
2022/0762/BN	A	3, Sully Terrace, Penarth, CF64 3DS	Two knock throughs
2022/0763/BN	A	4, Knowbury Avenue, Penarth, CF64 5RX	Two rooms into one
2022/0764/BN	A W	6, Perclose, Dinas Powys, CF64 4JL	Single storey rear extension. New entrance porch and revised fenestration to front elevation
2022/0765/BN	A W	64, Tynewydd Road, Barry, CF62 8BA	Single storey extension
2022/0766/BN	A	18, St. Lythans Road, Barry, CF62 7NG	Upgrade existing loft rooms to habitable rooms and new bathroom, one new window
2022/0767/BR	AC	Woodlands, Moulton, CF62 3AB	New dwelling
2022/0768/BN	A	2, Mount Road, Dinas Powys, CF64 4DG	Two storey side extension and single storey front and rear extension and single storey detached unit
2022/0769/BN	A	Hawthorns, Llancarfan, CF62 3AD	Re roof
2022/0770/BN	A	212, Redlands Road, Penarth, CF64 2QS	Modify existing kitchen / diner area, new flat roof and replace balustrade on first floor balcony
2022/0771/BR	AC	Sea View, 8, Station Terrace, East Aberthaw, CF62 3DH	Two and single storey side extension
2022/0772/BR	AC	Court Farm, Bonvilston, CF5 6TR	Refurbishment of existing house to include internal alterations, new kitchen, bathroom, windows, doors, electrics and plumbing

2022/0773/BN	A	28, Court Road, Barry, CF63 4EU	Loft conversion
2022/0774/BR	AC	6, Cornerswell Road, Penarth, CF64 2UZ	Single storey rear extension
2022/0775/BN	A W	80, Shakespeare Avenue, Penarth. CF64 2RX	Single storey side extension
2022/0776/BR	AC	The Ferns, 1, Northcliffe Drive, Penarth, CF64 1DQ	Proposed single storey rear extension with balcony access at first floor level. Proposed single storey side attached structure. Proposed extension to detached garage structure to facilitate widening of existing structure with associated roof alteration works
2022/0777/BR	AC	12, Tudor Place, Llantwit Major, CF61 1TL	Proposed first floor extension and associated internal alterations
2022/0780/BN	A	5, Salop Street, Penarth, CF64 1HF	Loft extension - Full rear dormer
2022/0782/BN	A W	10, Stradling Close, Cowbridge, CF71 7BX	Single storey side extension
2022/0783/BN	A	8, Willowmere, Llandough, Penarth. CF64 2LP	Proposed structural opening dining / kitchen
2022/0784/BN	A W	13 Church Hill Close, Llanblethian, CF71 7JH	Double garage with master bedroom and ensuite above. Side extension and refurb of existing bungalow
2022/0785/BR	AC	32, Clos Yr Ysgol, Dinas Powys. CF64 4RJ	Garage conversion. First floor extension over existing garage including alterations to roof. Single storey rear extension. Single storey side extension
2022/0786/BR	AC	9, Purcell Road, Penarth. CF64 3QL	Loft conversion with dormer, kitchen extension and bedroom extension

2022/0787/BN	A	70, Lewis Road, Llandough, Penarth. CF64 2LX	Velux loft conversion (No dormer) - with new tiles to existing roof
2022/0788/BR	AC	31, Augusta Crescent, Penarth, CF64 5RL	First floor extension and internal alterations to existing dormer bungalow
2022/0789/BR	AC	17, Masefield Road, Penarth, CF64 2SD	Single story extension to rear of the house
2022/0790/BN	A W	24, The Wheate Close, Rhoose, CF62 3HH	Extension to rear
2022/0791/BR	AC	44, The Parade, Barry, CF62 6SF	Single storey rear extension and new dormer to existing second floor roof
2022/0792/BN	A W	10, Gibbonsdown Close, Barry, CF63 1AU	First floor side extension and single storey rear extension
2022/0793/BN	A W	8, Dyffryn Place, Barry, CF62 8UN	Two storey side extension and single storey front and rear extensions
2022/0794/BR	AC	74, Winston Road, Barry, CF62 9SX	Demolition of existing rear, single storey conservatory structure. Proposed single storey rear extension and two storey side extension with all associated external works.
2022/0795/BR	AC	174, Westward Rise, Barry, CF62 6NQ	Front single storey pitch roof extension and integral garage conversion
2022/0796/BR	AC	27, Westward Rise, Barry, CF62 6PN	Single storey extension
2022/0797/BN	A	1, Charles Place, Barry, CF62 6SH	1 replacement window
2022/0798/BN	A	69, St David's Crescent, Penarth, CF64 3NA	Single storey extension
2022/0799/BN	A	4A, Pontypridd Road, Barry, CF62 7LR	Loft conversion with dormer, new Velux windows to rear, new windows and doors to rear elevation and internal opening for new doors

2022/0800/BN	A	10, Cornerswell Place, Penarth, CF64 2TJ	Loft conversion with hip to gable and dormer to rear
2022/0801/BR	AC	Caerlan, Bridge Street, Barry, CF63 1LD	Double and single storey extension to the rear of the property
2022/0804/BR	AC	13, Heol Merioneth, Llantwit Major. CF61 2GS	Proposed single storey rear extension.
2022/0805/BN	A	51, Brockhill Way, Penarth. CF64 5QD	Single / two storey extension and associated works
2022/0806/BN	A	Ynys Las, Ham Lane South, Llantwit Major, CF61 1RN	Conversion of detached double garage with single storey extension to garage to form annexe
2022/0807/BR	AC	Caerleon House, 4, Rhoose Road, Rhoose, CF62 3EP	New two storey extension to front/side elevations to infill space formed by a previous extension. New single storey extension to rear to replace existing conservatory and utility room. Reconfiguration of main roof and inclusion of new dormer provision at front and rear
2022/0808/BN	A	The Woodlands, Beach Road, Swanbridge, Penarth, CF64 5UH	First floor flat roof extension over existing flat ground floor flat roof incorporating a recessed balcony
2022/0809/BN	A	13, Romilly Road, Barry, CF62 6AZ	Rear first floor extension
2022/0810/BR	AC	12, Purcell Road, Penarth, CF64 3QL	Proposed single storey rear extension with front porch structure and associated external works including boundary wall and replacement roof covering (not including side extension this will be done at a later date)

2022/0811/BN	A	39, Wordsworth Avenue, Penarth, CF64 2RL	Loft conversion with dormer
2022/0812/BN	A	2, Salisbury Avenue, Penarth, CF64 3JA	Single storey extension with internal alterations
2022/0813/BN	A	23, Upper Cosmeston Farm, Penarth, CF64 5UB	Form closed porch
2022/0814/BR	AC	Former Cowbridge Comprehensive School, Aberthin Road, Cowbridge	Demolition of existing school, and development of 30 no. apartments in two blocks and 4 no. houses together with associated works
2022/0815/BR	AC	30, Crawshay Drive, Boverton, Llantwit Major, CF61 2LH	Single storey side extension
2022/0816/BR	AC	22, Llandilo Close, Dinas Powys, CF64 4PR	Single storey side extension to form WC, study and kitchen
2022/0817/BN	A	Oakwood, Llanmaes, Llantwit Major. CF61 2XR	Removal of two internal walls to join second sitting room and kitchen and create larger open living space
2022/0818/BN	A	19, Channel Close, Rhoose. CF62 3EH	Single storey rear extension
2022/0819/BR	AC	Hazelwood, Church Close, Ogmore By Sea. CF23 0PZ	Single storey extension to lower rear elevation to provide bedrooms, bathroom and en-suite
2022/0820/BR	AC	Cartref, Ty Draw Farm, Llantrithyd Road, Llantrithyd, CF71 7UB	To convert existing stables to gym, shower room and workshop
2022/0821/BR	AC	The Hatches, Whitefield Farm Road, Aberthin	To convert existing barn to holiday let (2 storey)
2022/0822/BR	AC	Marlborough Grange, Cross Ways, Cowbridge. CF71 7LJ	Partial demolition of existing outbuilding and replacement with new two storey rear extension to existing main house.
2022/0823/BR	AC	16, Harbour Road, Barry. CF62 5SA	Demolition of existing attached single storey lean to side extension.



			Proposed single storey side extension and smooth render finish to rear annexe wall, all with associated external and internal works
2022/0824/BN	A	57, Clive Place, Penarth. CF64 1AX	Rear single storey lean to pitched roof side extension
2022/0825/BN	A	23, Meliden Road, Penarth. CF64 3UH	Loft conversion with dormer
2022/0826/BN	A	20, Smeaton Close, Fontygary, Rhoose, CF62 3FU	Single storey rear extension to enlarge kitchen
2022/0827/BN	A W	17, Suran Y Gog, Barry, CF63 1FT	Demolish existing extension and build single storey extension
2022/0828/BN	A	42, Rhodfar Morwydd, Penarth, CF64 2UD	Removal of load bearing wall between family room and kitchen
2022/0829/BN	A	13, Windsor Terrace, Penarth, CF64 1AA	Single storey rear side extension
2022/0830/BR	AC	19, Salisbury Road, Barry, CF62 6PB	Demolish existing ground floor canopy. Construct new infill ground floor extension to side and rear annexe to rear of property
2022/0831/BN	A	87A, Porth-y-castell, Barry, CF62 6QE	Removal of existing concrete tiled roof covering and re-clad in slate, to include insulation between and over the existing rafters as a warm roof.
2022/0833/BN	A	The Misk, 7, Flush Meadow, Llantwit Major, CF61 1RW	Removal of load bearing walls and new sub floor
2022/0834/BN	A	34, Heath Avenue, Cogan, Penarth, CF64 2QZ	Garage conversion
2022/0835/BN	A	17, Sully Terrace, Penarth, CF64 3DS	Single storey rear extension
2022/0836/BR	AC	Land off Heol y Pentir, Rhoose	Construction of 15 new dwellings

2022/0837/BN	A	48, St David's Crescent, Penarth, CF64 3NA	Rear detached outbuilding for one habitable room and a toilet
2022/0838/BR	AC	3-4, Paget Road, Barry, CF62 5TQ	Remodelling works with two new openings, partitions and fire doors, new reinstated stairs and new floor to approximately 25 square meters of first floor
2022/0839/BN	A	Windmill Farm House, Llantwit Road, Wick, CF71 7QD	Detached building with one habitable room
2022/0841/BN	A	10 Ruthen Terrace, Barry, CF62 7JD	Internal wall alterations and external extensions
2022/0842/BN	A	27, The Wheate Close, Rhoose	Garage conversion into dining room
2022/0843/BN	A	25, Wimbourne Close, Llantwit Major, CF61 1QW	Removal of internal wall to be replaced with a girder
2022/0844/BN	A	5, Wimborne Crescent, Sully, CF64 5SR	Internal wall alterations and external extensions
2022/0845/BN	A	1, Castle Green, St Georges Super Ely, CF5 6EX	Internal wall alterations and external extensions, new roofs and external walls on all properties. solar panels. Sprinklers
2022/0846/BN	A	2, Castle Green, St Georges Super Ely, CF5 6EX	Internal wall alterations and external extension, new roofs and external walls on all properties. Solar panels and sprinklers
2022/0847/BN	A	4, Castle Green, St Georges Super Ely, CF5 6EX	Internal wall alterations and external extension, new roofs and external walls on all properties. solar panels and sprinklers.
2022/0848/BN	A	5, Castle Green, St Georges Super Ely, CF5 6EX	Internal wall alterations and external extensions, new roofs and external walls on all properties. New heating and solar panels. Rewire, sprinklers.

2022/0849/BN	A	Courtrai, 42, Cog Road, Sully, CF64 5TD	First floor extension and porch
2022/0850/BN	A	22, Clive Place, Penarth. CF64 1AY	Single storey extension to enlarge the kitchen
2022/0851/BR	AC	18, Hewell Street, Cogan, Penarth. CF64 2JZ	Re construction of shower room floor including new drainage connections
2022/0852/BR	AC	42, Phyllis Street, Barry, CF62 5UW	Dormer loft conversion with Juliet balcony
2022/0853/BN	A	Ty Garreg, Llangan. CF35 5DW	Fit a wood burning fire
2022/0855/BN	A	21, Heol Yr Ysgol, St Brides Major, CF32 0TB	Conservatory roof replacement
2022/0857/BN	A	The Barn, Chapel Road, Wick, CF71 7QJ	Proposed rear single storey extension
2022/0858/BN	A	13, Wesley Avenue, Rhoose, CF62 3DX	Loft conversion with dormer
2022/0859/BR	AC	Llantwit Major Surf Lifesaving, Lifeguard Station, Llantwit Major, CF61 1RT	First floor balcony and addition of roof lights and associated internal works.
2022/0861/BN	A	2, Orchard Lodge, Boverton. CF61 1UH	Small extension for utility use and replacement window
2022/0865/BN	A	5, Newbarn Holdings, Flemingston. CF62 4QL	Replacement conservatory for a single storey extension at front of property
2022/0866/BN	A	8, Rudry Street, Penarth. CF64 2TZ	Loft conversion with dormer
2022/0867/BN	A	6, Thaw Close, Rhoose. CF62 3FX	To replace 7 windows and 1 door
2022/0874/BN	A	Ty Fry Farm, Llandow, CF71 7NT	Convert an existing cowshed into a plant room and home gym

(b) Building Regulation Applications - Reject

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

2022/0706/BN	R	61, Heol Y Frenhines, Dinas Powys. CF64 4UE	Single storey extension to rear, wall out fit steels, front garage conversion.
2022/0754/BN	R	2, Clive Road, Barry. CF62 5XA	Internal structural alterations and patio doors with new side window
2022/0778/BR	R	Crossways Methodist Church, Court Road, Barry, CF63 4ET	Conversion of church into 15 no. 1 bedroom apartments
2022/0840/BN	R	19, Heol Gwendoline, Barry, CF62 5AN	Loft conversion

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

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

2022/0186/AI	A	5, Milton Road, Penarth. CF64 2SW	Rear ground floor extension, thermal upgrade of lean to loft conversion with dormer and new hip to gable and new garden room office
2022/0187/AI	A	3, Hawthorn Road, Barry, CF62 6LE	Single storey rear extension
2022/0188/AI	A	Land adjoining St Athan Road, Cowbridge, CF71 7HP	105 residential units
2022/0189/AI	A	17, Heol Sirhwi, Barry, CF62 7TG	Replacement of existing conservatory roof with a Warm Roof System
2022/0190/AI	A	41, Cornerswell Road, Penarth, CF64 2UX	Dormer loft conversion and associated works
2022/0191/AI	A	15, Ael y Bryn, Peterston Super Ely, CF5 6LL	Dormer loft conversion and associated works
2022/0192/AI	A	1, Spires Walk, Barry. Cf63 1FJ	Single storey rear extension with warm roof (works to incorporate material alterations to structure, controlled

			services, fittings and thermal elements)
2022/0193/AI	A	East House, Maendy, Cowbridge, CF71 7TG	Two storey extension and internal alterations / renovations
2022/0194/AI	A	Headlands School, St. Augustine's Road, Penarth, CF64 1YY	Internal alterations to provide en-suite accommodation and Improvements Including fire alarm/suppression system and renovated thermal elements including replacement windows
2022/0195/AI	A	Land at Moat Farm, Llysworney, CF71 7NQ	Three apartment blocks containing a total of 10 new apartments
2022/0196/AI	A	Unit 37, Spider Camp, Barry, CF63 2XA	Fit out to form an office on ground and first floor including installation of sanitary ware
2022/0197/AI	A	45, Porthkerry Road, Rhooose, CF62 3HE	Proposed two storey extension including new loft room and associated works
2022/0198/AI	A	50, Holton Road, Barry. CF63 4HE	Change of use to create 9 no. apartments
2022/0199/AI	A	Stanford Cottage, Bonvilston. CF5 6TQ	Conversion of integral double garage into habitable accommodation to existing domestic dwelling
2022/0200/AI	A	15, Craven Walk, Penarth, CF64 5RU	Single storey rear extension and extension to existing annex to link to dwelling
2022/0201/AI	A	36, Clos Yr Wylan, Barry, CF62 5DB	Single storey rear extension
2022/0202/AI	A	4, Larkwood Avenue, Penarth, CF64 3JJ	Side/rear extension, new front entrance, loft conversion including new roof structure and covering, internal alterations and associated works

2022/0203/AI	A	Ground Floor, 81, High Street, Cowbridge, CF71 7AF	Full refurbishment of a vacant retail unit and fit-out to a dental practice
2022/0204/AI	A	Fairways, Wick Road, Ewenny, CF35 5BL	Rear extension
2022/0205/AI	A	Upalong House, Pen Y Turnpike Road, Dinas Powys, CF64 4HG	Structural opening
2022/0206/AI	A	Land at 12, Llanmaes Road, Llantwit Major, CF61 2XD	Construction of 4 no new build dormer bungalows with associated site works
2022/0207/AI	A	81-85 Holton Road, Barry, CF63 4HG	Conversion and alterations of the upper floors of Nos. 81 - 85 Holton Road to provide 25 No. residential flats
2022/0208/AI	A	Unit D & E, Windmill Park, Hayes Road, Sully. CF64 5RZ	Construction of no. industrial units (shell only) (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)

(d) Section 32 Building Act, 1984

It is proposed to implement the above section of the Building Act with a view to remove from the filing system, building regulation plans relating to work which has not commenced. This section of the Building Act makes provision for the Local Authority to serve notice in respect of plans which are three or more years old. Where such notices have been served (when the proposal has not commenced), it means that the plans are of no further effect and can be destroyed.

It is proposed to serve notices in respect of the following Building Regulations applications.

2019/1057/BR

2020/0003/BR

2020/0031/BN

2020/1039/BR

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **21 DECEMBER, 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

2017/00818/1/N MA	A	The Pound, Duffryn Lane, St. Nicholas	Non Material Amendment- Conditions 5, 7, 9, 18 these conditions to amended to read 'Prior to occupation of the dwelling. Minor revisions to parking layout and external layout. Application 2017/00818/FUL: construction of four bedroom detached house in the side garden of 'The Pound', Duffryn Lane, St. Nicholas
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2018/00371/1/N MA	A	25A, Archer Road, Penarth	Non Material Amendment - Changes to internal layout and front elevation approved as part of planning permission 2018/00371/FUL Extensions and modifications to existing dwelling including extension to front and single storey extension to rear elevation to incorporate Granny Annexe
2020/00433/LBC	A	Tinkins Hall, Cowbridge Road, St. Nicholas	Replacement of existing railings and reinstatement of the front courtyard. Repair of existing stone bollards.
2020/01551/FUL	A	Erw Delyn Stud Farm, Sully Road, Penarth	Refurbishment/replacemen t/removal and upgrading of stables and the conversion of blocks C and D to a rural enterprise dwelling.
2020/01557/1/C D	A	Penllyn Castle, Penllyn, Cowbridge, CF71 7RQ	Discharge of condition 4 a (drawings) and b (Method Statement). Previous approval 2020/01557/LBC - Erection of flue through stable yard cottage porch roof. Installation of new WC to GF of tower and construction of underground foul drainage within stable court. Installation of boiler & associated equipment in existing in garage/coach house. Installation of new timber windows to east elevation incorporating slim line double glazed units at Penllyn Castle.



2021/00277/1/C D	A	26, Archer Road, Penarth	Discharge of Condition 4 (Details/Additional Details). Planning approval 2021/00277/FUL - Removal of front elevation extension and double garage. New single storey extension to rear elevation. Conservation roof lights to third floor roof. Existing uPVC windows replaced with new PVC sash windows
2021/01105/3/C D	A	Court Road Depot, Barry Road, Barry	Discharge of Condition 3 (Materials Details). Planning approval 2021/01105/RG3 - Proposed Pupil Referral Unit (PRU) School and associated works
2021/01123/2/C D	A	Land to the South and West of the Goodsheds, Barry	Discharge of Condition 4 (Cycle Storage Details). Planning approval 2021/01123/FUL - Proposed development of tourist accommodation, employment spaces and associated works
2021/01443/FUL	A	Llanwensan Farm, Groes Faen, Pontyclun	The removal of the existing 15m monopole and the installation of a replacement monopole supporting 6No. antennas and 1No. 0.3m dish up to a total of 17.5 metres in height. The development, refreshing and installation of associated ancillary equipment
2021/01522/1/N MA	A	Brookside, 34, Mill Road, Dinas Powys	Non Material Amendment - Change of material from brickwork to timber cladding painted black. Planning approval 2021/01522/FUL - Proposed two storey side

			extension, including roof terrace
2021/01619/FUL	A	9, Station Road, Rhoose	Demolition of existing coach house on land to the rear of 9, Station Road Rhoose and the construction of new detached two storey two bed dwelling house
2021/01689/1/N MA	A	Windsor House, Factory Road, Llanblethian, Cowbridge	Non Material Amendment - All changes apply to the garden room/annex - no changes to the main house. Reduction in size of East facing windows and introduction of new door to North elevation of the garden room. Updated window style to composite windows and doors. Adjustment of the finished floor level in the garden room to match the floor level in the annex. Hip added to garden room roof to match annex N.B. Ridge height of the garden room remains as approved drawings. Planning Approval 2021/01689/FUL - 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

2022/00079/FUL	A	Rear of 106, Broad Street, Barry	Proposed first floor side extension and other alterations to existing office / workshop / store
2022/00089/FUL	A	Llys Gwinwydd, Boverton Park Drive, Boverton, Llantwit Major	Partial demolition of existing garage and single storey extensions and construction of residential annexe as ancillary accommodation to main house
2022/00174/1/N MA	A	1, Charter Avenue, Barry	Non Material Amendment - To align rear wall to run flush through. Planning permission ref: 2022/00174/FUL -
2022/00295/FUL	A	4, Denbigh Way, Barry	Front and rear dormer loft conversion
2022/00326/FUL	A	29, Merlin Close, Penarth	Proposed two storey side extension. All finishes to match existing
2022/00403/FUL	A	Brynhill Golf Club, Little Brynhill Lane, Barry	Extension and formalisation of car parking area
2022/00405/LBC	A	The Windmill, Windmill Lane, Llantwit Major	Installation of Air Source Heat Pump on West side of building, ground level. Replace windows and doors. Paint the galvanised safety fence on the viewing platform. Fix glass safety screen directly to the galvanised barrier. The improvement of the concrete hardstanding. Also, to include the installation of a pond in the north-east curtilage

2022/00424/1/N MA	A	Hallowdene, St Athan Road, Cowbridge	Non Material Amendment - Large pitch roof to a flat roof. Planning approval - 2022/00424/FUL - Proposed Alteration and extension, including disabled access and facilities to existing bungalow
2022/00438/FUL	A	10, Ruthen Terrace, Barry	Two storey rear extension, alterations to front driveway plus all associated works
2022/00445/FUL	A	Land to the West of St Lythans Road, Wenvoe	Change of use of an agricultural field to a secure dog walking field with associated access and parking area
2022/00537/FUL	A	Glan Yr Afon, Llancarfan	Single storey extension on principal elevation including a new main entrance and porch. Bifolding door replacing a UPVC french door arrangement to rear
2022/00582/FUL	A	Caravan Repair Centre Ltd., Coed Emlyn Park, A48, St. Hilary	Extensions to existing workshop and storage building
2022/00610/FUL	R	Land to the rear of 1-9, Hilda Street, Barry	Proposed demolition of existing buildings. Construction of three storey block of nine, one bedroom self contained flats with car parking and amenity space. Changes in levels and construction of retaining walls
2022/00614/FUL	A	8, Norwood Crescent, Barry	Retrospective application for demolition of garage, erection of single storey rear and side extension and loft conversion with rear dormer and external alterations

2022/00633/LBC	A	Sant Y Nyll House, Heol Sant Y Nyll, St, Brides Super Ely	Extensions to the existing dwelling, internal works and associated works, including the removal of the orangery and lean-to
2022/00634/FUL	A	Sant Y Nyll House, Heol Sant Y Nyll, St Brides Super Ely	Extensions to the existing dwelling, internal works and associated works
2022/00648/FUL	A	9, Baron Road, Penarth	Proposed rear and side return extension
2022/00673/FUL	A	2, John Street, Penarth	Dormer addition to the rear elevation and the insertion of two Velux roof lights to the front elevation
2022/00689/RG3	A	Olive Lodge, 2, Port Road East, Barry	Change of use of Olive Lodge from C1 (Hotel) to Sui Generis (Interim accommodation for the homeless) with external alterations including a single storey rear extension and a new dormer to the existing roof
2022/00692/FUL	A	7, Pant Y Celyn Place, St Athan	Proposed new dwelling on land adjacent to 7, Pantycelyn Place, St. Athan
2022/00737/LBC	A	Windsor Court, Windsor Road, Barry	External Repairs and Redecoration of Building
2022/00739/FUL	A	Seacroft, 57, Clive Place, Penarth	Single storey side and rear extension
2022/00749/FUL	A	Pebbles, Beach Road, Southerndown	Expansion of existing loft conversion with two new dormers and balcony. Increase in size of first floor dormer

2022/00762/FUL	A	Cartref, Ty Draw Farm, Llantrithyd	To convert existing stables (redundant) to workshop / storage and gymnasium and with shower / toilet facilities
2022/00765/FUL	A	15, Merthyr Dyfan Road, Barry	New entrance porch with glazed front door and roof lights
2022/00783/FUL	A	The Old School, Llysworney	Timber conservatory
2022/00784/LBC	A	The Old School, Llysworney	Timber conservatory
2022/00787/LAW	A	29, Port Road East, Barry	Hip to gable loft conversion with dormer to PD rights
2022/00797/FUL	A	30, Archer Road, Penarth	Replace existing wooden sash windows with sash style upvc windows of identical appearance
2022/00804/FUL	A	65, St. Johns View, St. Athan	Alteration to gardens and rear elevation of property, including: - Single storey extension to rear of property; Replacing current dirt banking at rear of garden with a brick wall; Levelling remainder of garden and installing Sandstone Patio; Levelling frontage of garden, and retaining with face-brick wall to match existing
2022/00815/FUL	A	38, Crompton Way, Ogmere By Sea	Proposed hypedome mini
2022/00816/FUL	A	38, Crompton Way, Ogmere By Sea	Proposed timber cabin in rear garden

2022/00818/FUL	A	38, Crompton Way, Ogmore By Sea	Variation of Condition 2 (Approved Plans and Documents) of Planning Approval 2017/00812/FUL: Proposed rear garden terrace
2022/00822/FUL	A	The Pines, Park Road, Barry	Proposed two storey side extension to existing property
2022/00864/FUL	A	Knits And Glitz, 178, Holton Road, Barry	Retention of sui generis taxi office use to ground floor
2022/00878/FUL	A	Eastleigh, St. Georges Super Ely	Proposed extensions to make existing bungalow a two storey dwelling house. Alteration to driveway.
2022/00884/OUT	O	Wenvoe Service Station, Port Road, Wenvoe	Outline planning application for 2 No. four bedroom bungalows on the existing Wenvoe Service Station and West Cross sites
2022/00886/FUL	A	24, Marine Walk, Ogmore By Sea	Single storey garage extension to front elevation, single storey infills to side elevations, single storey glazed rear extension
2022/00905/FUL	A	42, Phyllis Street, Barry	Proposed dormer loft conversion with Juliet balcony
2022/00906/FUL	A	Woodlands, Broad Close Lane, Moulton	Retention of external landscape works and outbuildings

2022/00909/FUL	A	The Misk, 7, Flush Meadow, Llantwit Major	Demolition of existing garage, utility room, canopy and conservatory. Refurbishment and extension to create open plan living space and additional master bedroom and ensuite at first floor, upgrade of thermal fabric of the existing house.
2022/00919/FUL	A	Sandy Ridge, 58, Craig Yr Eos Road, Ogmore By Sea	Replace the existing lean-to extension at the front of the property, which has an acrylic sheet roof, with a smaller extension and pitched roof. Pitched roof to mirror that on similar extension at the front of the adjoining property (No 60) and the match and tie in with the existing roof of the main part of the building. Redundant chimney stack to be removed. Two additional off-road parking spaces to be created at front of property.
2022/00933/FUL	A	44, The Parade, Barry	Single Storey rear extension to replace existing buildings plus refurbishment of existing second floor with new dormer.
2022/00934/FUL	A	Ewenny Village Shop, Wick Road, Ewenny	Change of Use of Ground Floor Room and New First Floor Extension to Provide One Bedroom Short Term Holiday Let as Part of Tourism Diversification of Commercial Premises
2022/00945/FUL	A	41, Marine Drive, Barry	Demolish existing side garage. Construct two storey side extension with first floor balcony to front and dormer roof extension with balcony



2022/00946/FUL	A	11, Clos Cradog, Penarth	Change of use of adjacent tract of woodland to land for residential garden use
2022/00949/FUL	A	Norfolk Villa, 11, Pembroke Terrace, Penarth	Proposed loft conversion complete with dormer to rear
2022/00953/1/N MA	A	30, Crawshay Drive, Boverton	Non Material Amendment - Width enlargement to the previously approved side extension. Planning approval 2022/00953/FUL - New single storey side extension
2022/00962/FUL	A	174, Westward Rise, Barry	Proposed garage conversion, new front porch and single storey pitched roof living room extension to front elevation. All finishes to match existing
2022/00963/FUL	A	62, Norwood Crescent, Barry	Two storey side extension and front porch. All finishes to match existing
2022/00964/FUL	A	50, Arcot Street, Penarth	Single storey rear lean to side extension and single storey wrap around kitchen extension to rear elevation with pitched roof. All finishes to match existing
2022/00966/FUL	A	Curnix Farm, Moulton	Change of use of garage to holiday let
2022/00967/FUL	A	Porthkerry House, Porthkerry	This retrospective application seeks to gain consent for the garage/storage building

2022/00971/FUL	A	49, Teifi Drive, Barry	First floor extension over existing garage and utility room to provide new bedroom and ensuite. Replace garage door with new glazed French doors. Garage to be used as games room. Kitchen window to be enlarged
2022/00977/FUL	A	60, Bron Awelon, Barry	Ground floor front and side extension
2022/00978/FUL	A	1, Daniel Street, Barry	Detached garage store area to replace existing structure rear of 1 Daniel Street, Barry
2022/00990/FUL	A	Cherilee, 118, Wordsworth Avenue, Penarth	Single storey side extension, loft conversion with hip to gable and dormer to rear
2022/00991/FUL	A	The Mount, 116, Wordsworth Avenue, Penarth	Proposed loft conversion with hip to gable and rear dormer
2022/00992/FUL	A	105, Plymouth Road, Penarth	Installation of solar panels to roof of garage (separate outbuilding)
2022/00993/FUL	A	Holiday Let, Heol Las Farm, Llangan	Install a flue for a wood burning stove
2022/00994/FUL	A	Garreg Wen, A48, Bonvilston	Retrospective planning permission for shelter to provide cover over seating area benches already in situ and side extension.
2022/00996/HR	A	Penmark Place, Kenson Hill, Penmark	Removal of hedgerow
2022/00998/FUL	A	67, Plassey Street, Penarth	Existing residential dwelling with approved new rear and side extension

2022/00999/FUL	R	70, Lakin Drive, Barry	Convert and extend existing garage, erect a garden room to the rear elevation
2022/01001/FUL	A	Ruthin Fawr Farmhouse, St Mary Hill	Demolish the existing stone garage rebuild a new garage/gym
2022/01004/FUL	A	Courtrai, 42, Cog Road, Sully	Proposed first floor side extension for new bedroom accommodation
2022/01012/FUL	A	1, Lower Farm Court, Rhoose	One single storey and one two storey front extensions
2022/01017/FUL	A	75, 77 and 79, Holton Road, Barry	Conversion of upper floors to 4 no. residential apartments with terraces to rear
2022/01018/FUL	A	12, Castle Avenue, Penarth	Rear double storey extension to existing house., comprising of an extra double bedroom with bathroom on first floor and kitchen/living area on ground floor
2022/01019/FUL	A	51, Brockhill Way, Penarth	Two storey side extension and associated works
2022/01030/FUL	A	256, Barry Road, Barry	Proposed 2 storey extension to side elevation, extension of existing porch to front elevation and single storey extension to rear elevation
2022/01034/FUL	A	10, Victoria Square, Penarth	Proposed single storey rear extension and minor internal alterations to the existing property

2022/01035/FUL	A	30, Evenlode Avenue, Penarth	Double storey rear and side extension with Juliet balcony to rear. Extension of existing balcony and changes to fenestration. Single storey extension to side and front of garage
2022/01037/LBC	A	Ewenny Priory, Abbey Road, Ewenny	Removal of existing 20th century porch and store. Insertion of sash window to replace existing door
2022/01039/FUL	R	51, The Parade, Barry	Loft conversion including replacement of front aspect Velux window with 2 x velux cabrio windows, elevated side aspect Velux and elevated rear aspect velux above new internal stairwell for additional natural light into loft
2022/01041/FUL	A	7, Earl Crescent, Barry	Single storey extensions to side and rear of existing house
2022/01044/FUL	A	23, Enfield Drive, Barry	Two storey rear extension
2022/01045/FUL	A	Orchard Bungalow, St. Mary Church	Poly tunnel with tool shed situated on agricultural land
2022/01050/FUL	A	The Barn, Chapel Road, Wick	Proposed rear extension to existing property
2022/01051/LAW	A	Pen Onn Cottage, Llancarfan	Use of land as part of garden
2022/01053/ADV	A	Romilly Park, Barry	Non illuminated signage to front fascia of existing shelter
2022/01054/FUL	A	Westbury, Factory Road, Llanblethian, Cowbridge	Replacement garage with attached garden room
2022/01055/FUL	A	16, Brecon Street, Boverton, Llantwit Major	Demolition of existing conservatory and erection of rear extension

2022/01056/LBC	A	Paget Rooms, Victoria Road, Penarth	Windows to be repaired and repainted, existing façades render, repaired and repainted. Several windows to be replaced with new double glazed units
2022/01057/LAW	A	Land North East of St. Hilary	Certificate of Lawfulness to establish the implementation of Planning Permission 2015/01093/OUT and associated Reserve Matters approval 2019/00805/RES: Construction of a rural enterprise dwelling along with associated equestrian buildings
2022/01059/FUL	A	Master Fryer, Unit 3-4. Skomer Road, Barry	The retention of an automated teller machine
2022/01060/ADV	A	Master Fryer, Unit 3-4, Skomer Road, Barry	The retention of 1no non-illuminated top sign and 1no illuminated logo panel relating to ATM
2022/01065/FUL	A	114, Lavernock Road, Penarth	Remove existing entrance porch to build new canopy and new windows on side boundary
2022/01069/FUL	A	33, Dinas Road, Penarth	Single storey rear extension. New proposed shed in rear garden
2022/01070/FUL	A	Delfryn, 47, Craig Yr Eos Road, Ogmore By Sea	Erection of outbuilding to house, one bedroom holiday let plus changes to access and car parking

2022/01073/FUL	A	The Athletic Field, Lavernock Road, Penarth	Replace existing cricket nets, along with part of an existing tennis court, located on the South East boundary of the athletic field, with a new four lane non-turf cricket practice facility and fencing system for Penarth Cricket Club
2022/01087/FUL	A	4, Ashgrove, Dinas Powys	Proposed two storey side extension and front bay to ground floor
2022/01095/FUL	A	Oaktree Farm, Morfa Lane, Wenvoe	Loft conversion with rear roof terrace, side balcony and dormers
2022/01098/FUL	A	11, Cambrian Avenue, Llantwit Major	Single storey extension at rear of the house. Two storey extension to side of house
2022/01105/FUL	A	8 Castle Drive, Dinas Powys	Demolition of existing garage and the construction of a two storey extension to the side and a single storey extension to the rear of the property
2022/01112/FUL	A	58, Plymouth Road, Penarth	Existing garage to be converted into hobbies/study area. New windows, rooflights and doors to be inserted. New gates to be fitted to front wall
2022/01114/PNA	R	Land off Redway Road, Pendoylan	New agricultural barn
2022/01115/FUL	A	Forge Cottage, Heol Y Mynydd, Welsh St Donats,	Change of use of outbuilding currently known as Little Barn. Outbuilding to be reverted back as extended accommodation, utility area, toilet, storage and studio/workshop, to the dwelling Forge Cottage.

2022/01132/FUL	A	Manderley, 3, Broadway Green, St. Nicholas	Amendments to consent 2021/01547/FUL - Proposed two storey rear extension, removal of existing conservatory for new part two storey part single storey extension with roof terrace.
2022/01157/OBS	S	Fforest Wood Quarry, Cowbridge Road, Talygarn, Pontyclun	Change of use for a proposed soil blending operation

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **21 DECEMBER 2022**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2022/00041/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-02113-T4F4C4  
Appellant: Mr Roger Brown  
**Location: 19, Canon Walk, Llandough, Penarth**  
Proposal: Construction of new single garage with single storey and flat roof to the side of property  
Start Date: 25 November 2022

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L.P.A. Reference No: 2022/00638/LAW  
Appeal Method: Public Inquiry  
Appeal Reference No: CAS-02068-D9F3K6  
Appellant: Mr Andrew Peters  
**Location: Tinkins Hall, Cowbridge Road, St. Nicholas**  
Proposal: Change of use to residential dwelling  
Start Date: 29 November 2022

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(b) Enforcement Appeals Received

None.

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(c) Planning Appeal Decisions

L.P.A. Reference No: 2022/00041/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-02113-T4F4C4  
Appellant: Mr Roger Brown  
**Location: 19, Canon Walk, Llandough, Penarth**  
Proposal: Construction of new single garage with single storey and flat roof to the side of property  
Decision: Appeal INVALID  
Date: 30 November 2022  
Council Determination: Delegated



## Summary

The appeal was received on 16<sup>th</sup> August 2022, however as the application was a 'householder application', the deadline for an appeal against the refusal of permission was 12 weeks from the date of the decision issued which was 22 July 2022. As the appeal had not been received within the deadline, it was found to be late and therefore invalid.

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LPA Reference No:	2021/01628/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-01893-G9R8B0
Appellant:	Mr Ken Broad
<b>Location:</b>	<b>Land off Fairford Street, Barry</b>
Proposal:	Construction of 2 no. three bed houses on existing vacant site. Proposal includes provision of private gardens and amenity space and the provision of 5 no. off road parking bays at Land off Fairford Street, Barry (Resubmission of 2020/01090/FUL)
Decision:	Appeal Dismissed
Date:	7 December 2022
Inspector:	R Jenkins
Council Determination:	Delegated

## Summary

The main issue was considered to be the effect of the proposed development on the living conditions of the occupiers of neighbouring residential properties, having particular regard to levels of outlook, privacy and natural light.

The appeal related to a vacant, uneven and largely unkempt parcel of land located to the rear of a number of residential properties located along the eastern flank of Fairford Street in Barry. The appeal proposal was for the erection of a pair of semi-detached residential dwellings with private amenity space and the provision of 5 No. off street parking bays and represented a resubmission of planning application 2020/01090/FUL.

The Inspector identified that the dwellings had been reduced in height by 800mm through the reduction in ground levels and as a result, there would not be any material harm to the living conditions of the occupiers of the existing residential properties located along Fairford Street or the residential units located at Ty Cerrig.

Nevertheless, the proposed dwellings would only be located some 5.5 metres from the boundary with No.26 and No.26A Barry Road and the first floor habitable room windows of the new dwellings would provide opportunities for direct overlooking of the rear garden areas of these properties. Similarly, whilst No.24 was located at a higher ground level than the appeal site, the proposed dwellings would be located only approximately 1.8 metres from the shared boundary and would cause unacceptable oppressive and overbearing

impacts on the garden area of No.24 and overlooking from the first floor habitable room windows.

The Inspector therefore concluded that the proposed development would cause material harm to the living conditions of the occupiers of neighbouring residential properties, having particular regard to both levels of outlook and privacy. It would therefore conflict with the aims of Policy MD2 of the LDP and the Council's 'Residential and Householder Development' SPG (2018). Whilst the proposal would have a positive contribution towards the local housing land supply, this would not outweigh the adverse consequences of the scheme and the appeal was therefore dismissed.

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LPA Reference No:	2022/00187/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-02005-M7Q1K697
Appellant:	Mr David O'Sullivan
<b>Location:</b>	<b>97, Tynewydd Road, Barry</b>
Proposal:	Dropped kerb and off-street parking. Conversion of current front garden to a driveway to enable off street parking and access to a charging point for an electric motor vehicle. This will require the Kerb to be dropped to allow access to the proposed drive. The entire front garden will be converted into a driveway to allow the car to be parked parallel to the house
Decision:	Appeal Dismissed
Date:	8 December 2022
Inspector:	R Jenkins
Council Determination:	Delegated

### **Summary**

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

#### *Highway Safety*

The proposed off-street parking space would provide the occupants of the property with the opportunity to park in a parallel arrangement to the dwelling. Whilst the appellant had pointed out that there would be no need for the vehicles to reverse into or onto the public highway, the Inspector identified that there would not be sufficient room for vehicles to turn on site and would require significant manoeuvrability. Reversing movements would be likely in some form, including potentially across the pedestrian footway, and even if vehicles were to egress from the property in a forward gear they would need to edge into the carriageway in a more perpendicular arrangement, with cars parked along the carriageway representing a visual obstruction. The Inspector therefore concluded that such an arrangement would represent a material risk to the users of the highway and therefore run counter to the aims of criterion 6 of Policy MD2 of the LDP, the Council's 'Parking Standards' SPG and national policy.

### *Character and Appearance*

The Inspector considered that despite the fact that some boundary walls had been removed from nearby properties, such boundary features had a positive impact on the immediate environs and the replacement of the frontage of the property with an extensive area of open hardstanding represented an incongruous feature in the street scene. These concerns would be exacerbated by the proposed parking arrangements which would create a cluttered frontage, to the detriment of the visual amenities of the area. The proposed arrangement would therefore cause material harm to the character and appearance of the area and conflict with the aims of Policy MD2 and Policy MD5 of the LDP, the Council's 'Residential and Householder Development' SPG (2018) and national planning policy.

### *Planning Balance and Overall Conclusions*

The Inspector therefore concluded that the proposed development would represent a threat to highway safety and cause material harm to the character and appearance of the area. Whilst the proposed development would facilitate an electric charging point that would make a positive contribution towards Welsh Government's efforts to combat the climate emergency, this would make a modest contribution to reducing harmful emissions and would not outweigh the adverse consequences of the scheme. It was therefore concluded that the appeal should be dismissed.

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(d) Enforcement Appeal Decisions

None.

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(e) April 2022 – March 2023 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
<b>Planning Appeals</b> (to measure performance)	W	10	5	15	3
	H	-	-	-	-
	PI	-	-	-	-
<b>Planning Total</b>		10 ( 67%)	5 (33%)	15	3
<b>Committee Determination</b>		1	2	3	1
<b>Other Planning appeals (inc. appeal against a condition)</b>		-	-	-	1
<b>Enforcement Appeals</b>	W	2	-	2	1
	H	-	-	-	-
	PI	-	-	-	-
<b>Enforcement Total</b>		2 (100%)	-	2	1
<b>All Appeals (excludes non validation appeals)</b>	W	11	5	16	4
	H	-	-	-	-
	PI	-	-	-	-
<b>Combined Total</b>		12 ( 71%)	5 (29%)	17	4

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

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **21 DECEMBER, 2022**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. TREES

(a) Delegated Powers

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

**Decision Codes**

A - Approved  
 E Split Decision  
 R - Refused

Trees

2022/00467/TPO	A	Castle Wood, Western side of Lettons Way, Dinas Powys	Work to Trees covered by Tree Preservation Order No.2 of 1954 : Continual ongoing maintenance of Castle Wood
2022/00565/TPO	A	Oakbrook, 40 Duffryn Crescent, Peterston Super Ely	Work to Trees covered by TPO No. 02 of 1959-T1 Oak front of property reduce limb over highway, T2 Oak side of property 4m reduction
2022/01066/TPO	A	Twyn Bach, St. Nicholas	Work to Tree(s) covered by Tree Preservation Order 1972, No. 5: Fell 1 x Ash, infected with Ash dieback (identified as T1) located in rear garden
2022/01078/TPO	A	Sycamore Lodge, 4, Mill Lay Lane, Llantwit Major	Work to Tree(s) covered by Tree Preservation Order 1977, No. 3 : Crown reduction on Sycamore tree 1, restore balance to canopy which at present is very tall with canopy

			extending more towards the house
2022/01086/TCA	A	26, Cwrt y Vil Road, Penarth	Works to trees in Penarth Conservation Area: Remove a number of trees located within the rear garden of the property to enable the development granted under 2021/01760/FUL and supplementary modern landscaping works to commence
2022/01100/TCA	A	Stourbridge House, Llysworney	Work to tree in Llysworney Conservation Area: T1 removal of willow for garden landscaping
2022/01107/TCA	A	Second Floor Flat, 4, Park Road, Penarth	Work to Tree in Penarth Conservation area: Fell existing apple tree in the private garden at the rear of the property
2022/01118/TCA	A	Pen Y Cae, 1, Beach Lane, Penarth	Works to trees in the Penarth Conservation Area: G1 - Monitor, Common Hawthorn - Reduce crown by 2-3m, John Downie - Crown lift to 2m, Cherry Laurel - Coppice, 3x Common Ash - Fell, 4x Bay - Coppice
2022/01127/TPO	A	Stanwell Road Baptist Church, Stanwell Road, Penarth	Works to trees covered by TPO No.12 of 2010: Crown lifting of two Yew trees either side of entry gates from Stanwell Road, as requested by the Highways Dept
2022/01130/TCA	A	4, Maes-y-Felin, Llandow, Cowbridge	Work to Trees in Llandow Conservation Area: T1 Ash - Fell. T2 Sycamore - Pollard at main stem. T3 Ash - Monitor condition

2022/01140/TCA	A	Memorial Field, Peterston Super Ely	Work to Trees in Peterston Super Ely Conservation Area: Crown lift to T1 English Oak, T2 Wild Cherry, T3 English Oak and T4 Conifer
2022/01147/TPO	A	5, Court Close, Llantwit Major	Deadwood Ash which is identified as T04, as per recommendation from professional risk assessment undertaken by Aborwood Tree Care
2022/01177/TCA	A	3, Church Place South, Penarth	Fell dying apple tree
2022/01217/TCA	A	The Old Dairy, Llandow	Works to trees in Conservation Area
2022/01218/TCA	A	Ty Fry Farm, Llandow	Works to trees in Conservation Area

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **21 DECEMBER, 2022**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. PLANNING APPLICATIONS

Background Papers

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



**2022/00077/FUL** Received on 26 May 2022

**APPLICANT:** DS Holdings (Penarth) Ltd c/o agent,

**AGENT:** Gwen Thomas Unit 9, Oak Tree Court, Cardiff Gate Business Park, Cardiff, CF23 8RS

### **Former Albert Road Church, Penarth**

Change of use to mixed office space, community use spaces and lifestyle uses (B1a and D1 uses) and external alterations and window refurbishments/replacements.

### **REASON FOR COMMITTEE DETERMINATION**

This application is reported to Planning Committee under the Council's approved scheme of delegation at the request of Councillor Sivagnanam to assess the development due to the strong public interest and possible breach of the Vale's conservation policy.

### **EXECUTIVE SUMMARY**

The application is for a mixed use development comprising the conversion of the building to include office uses (Class B1a) in a mix with the existing/former uses of the building (Class D1). Originally the description included Class D2 uses (Assembly and Leisure), however this was removed in an amendment to the submission. In addition, changes to the windows and other alterations are proposed to the outside of the building. Much of the external works have already been carried out.

The main issues involved in the assessment of the application are considered to be the principle of the uses, design and visual impact of the alterations and the impact on the conservation area, the impact on residential amenity and parking and highway issues.

Concerns have been raised from the public and an objection has been raised by Penarth Town Council and St Augustine Ward Members to the application.

Whilst concerns have been raised with regard some of the external changes, overall, it is considered that the proposal and continued upkeep of the building would result in the building's character being preserved to the benefit of the conservation area.

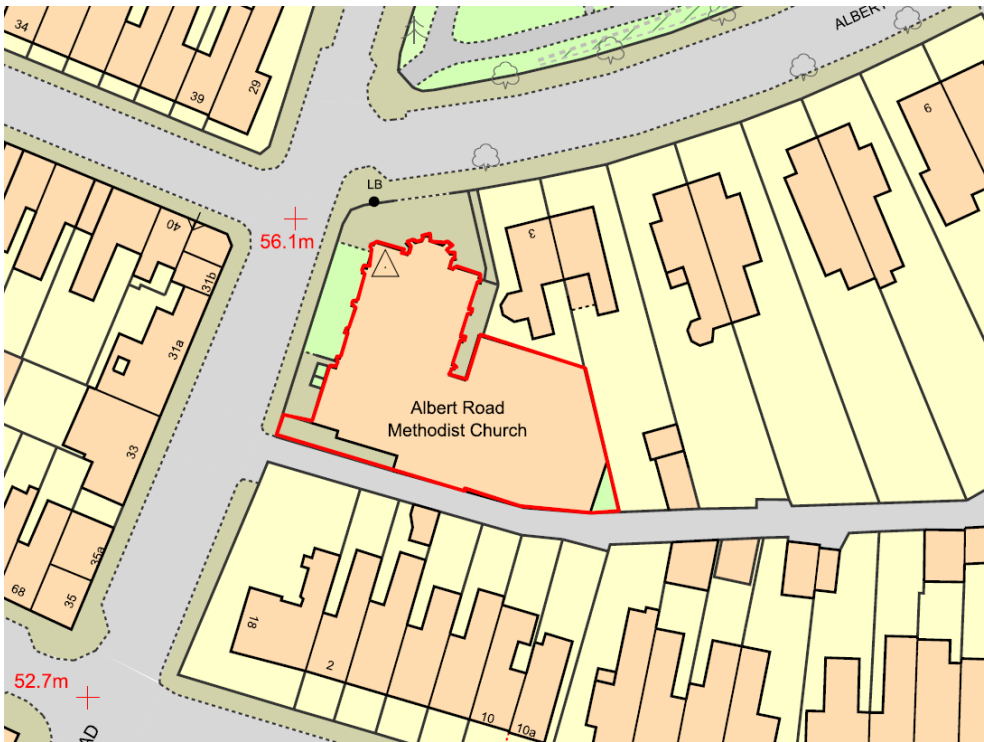
In terms of parking, the demand for car parking spaces, would be similar to what would be demanded by an intensification of the existing use. As detailed above, this would not require planning permission. The site is close to the town centre and public transport links, which makes it a sustainable location for this type of commercial development.

The application is recommended for approval, subject to conditions.

### **SITE AND CONTEXT**

The application site is located at the former Albert Road Methodist Church, Albert Road within the settlement boundary of Penarth. The church building is recognised as a County Treasure and is a Positive Building within the Penarth Conservation Area. The site is on a corner plot bounded by Albert Road to the west, Albert Crescent to the north and Jubilee Lane to the south. The site also abuts the residential properties at 3 and 4 Albert Crescent.

Part of the former church has previously been converted to residential dwellings and would not be amended by this application.



## DESCRIPTION OF DEVELOPMENT

Planning permission, as amended, is sought for “*Change of use to mixed office space, community use spaces and lifestyle uses (B1a and D1 uses) and external alterations and window refurbishments/replacements*”. The development has commenced and the proposal is partly retrospective.

Class B1a uses are office uses.

Class D1 uses are termed Non-residential Institutional uses. These can include: medical and health services, a nursery, art gallery, library, provision of education, public hall and public religious worship.

The proposed basement would have an open plan multipurpose/community space (Use Class D1), storerooms and toilets. Basement windows would remain infilled apart from a new grate vent on the south elevation.

The ground floor would be partitioned to provide a mix of offices for 18 people and lifestyle/flexible rooms for a total of 52 people. It is detailed a lifestyle/flexible unit could be occupied by for example a physiotherapist. A kitchen, tea point and toilets and shower would also be provided. Obscure glazing to an internal height of 2130mm from the floor level would be provided on the office windows facing Jubilee Lane. Further obscure glazing is proposed for the east elevation office and lifestyle rooms.

The first floor would be partitioned into offices for up to 58 people, kitchenette, toilet and shower room. An outside seating area, that was originally proposed, has been removed from the amended plans. Horizontal wood panelling has been provided to the elevation facing the outside space and is proposed to be retained. Obscure glazing is proposed to the stairwell windows on the south elevation, office windows on east elevation and office windows on the north elevation at this level.

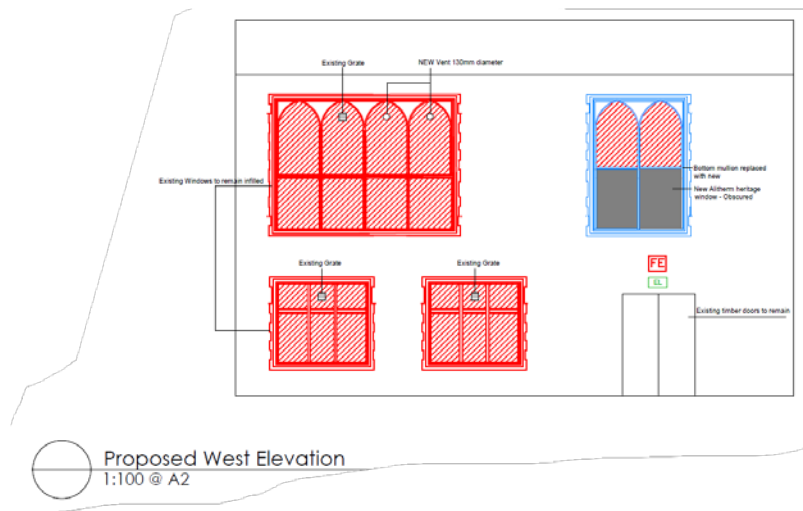
It is detailed the premises would be run through a management company/concierge who will be responsible for tenants, cleaning and a contact point for occupants. Space within the building would then be let to individuals or companies to use. The offices are proposed to shut at 20:00 and the other spaces at 22:00 Monday to Sundays.

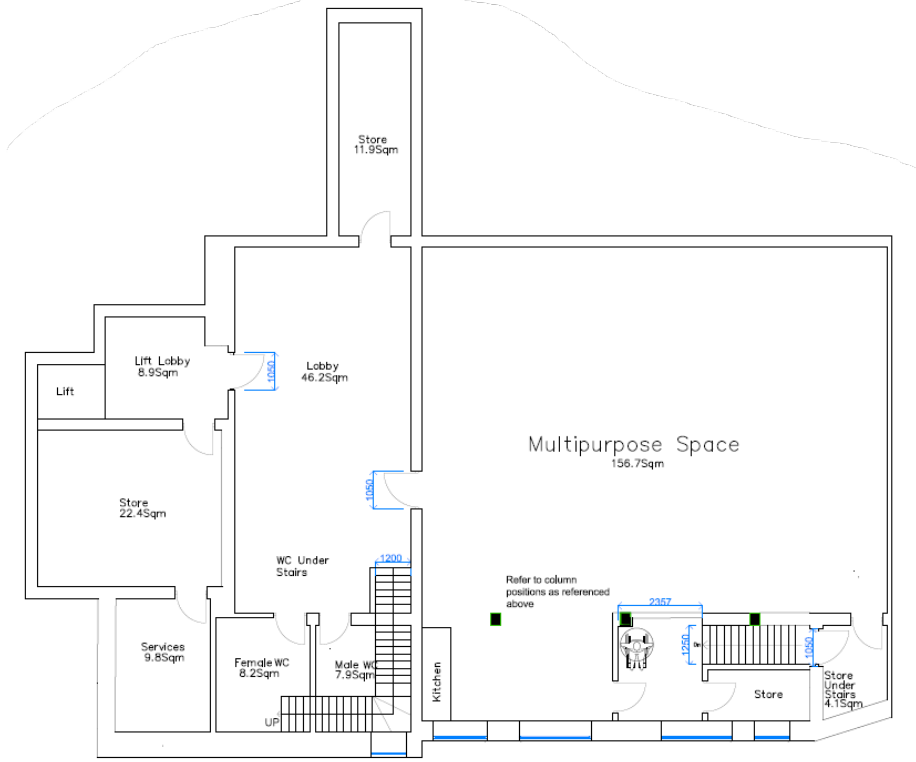
With regard to external changes, these include, new double glazed Alitherm heritage windows in RAL7016 (anthracite grey) to replace some windows and others would have secondary glazing provided. It is proposed to make good any damage to the stonework of the windows in re-opening them. Other alterations include infilling of a doorway and the provision of a new door to the front entrance. Hanging slates have been provided on the east facing elevation on the outside roof space and wooden cladding to the south facing elevation. A corrugated sheet roof would be replaced with a Cembrit Cemsix corrugated sheeting roof (natural grey colour).

A section of wall on Jubilee lane has been demolished and partially replaced with a red brick wall, which serves as the rear wall for 4 Albert Crescent. This part of the rear wall is however outside the application site area. Part of the wall inside the site area that has been demolished is proposed to be rebuilt with stone.

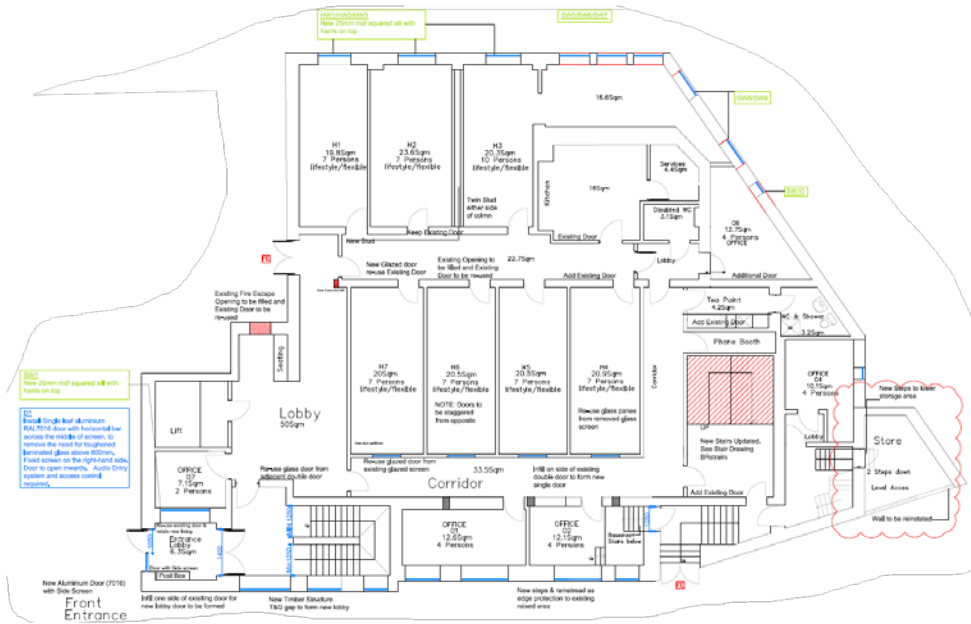
Extracts from the proposed plans are provided below:



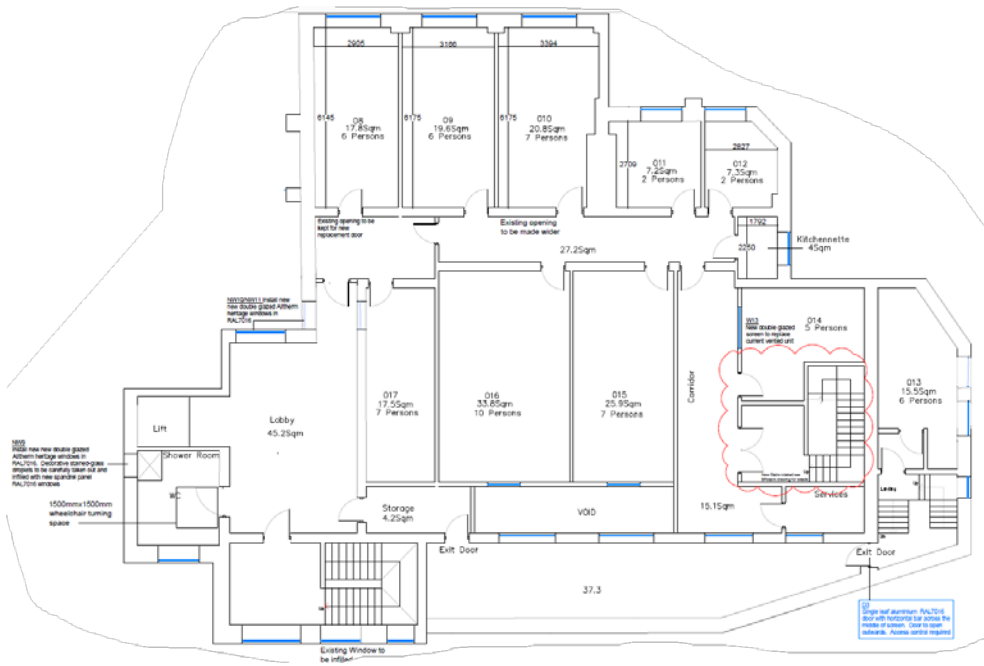




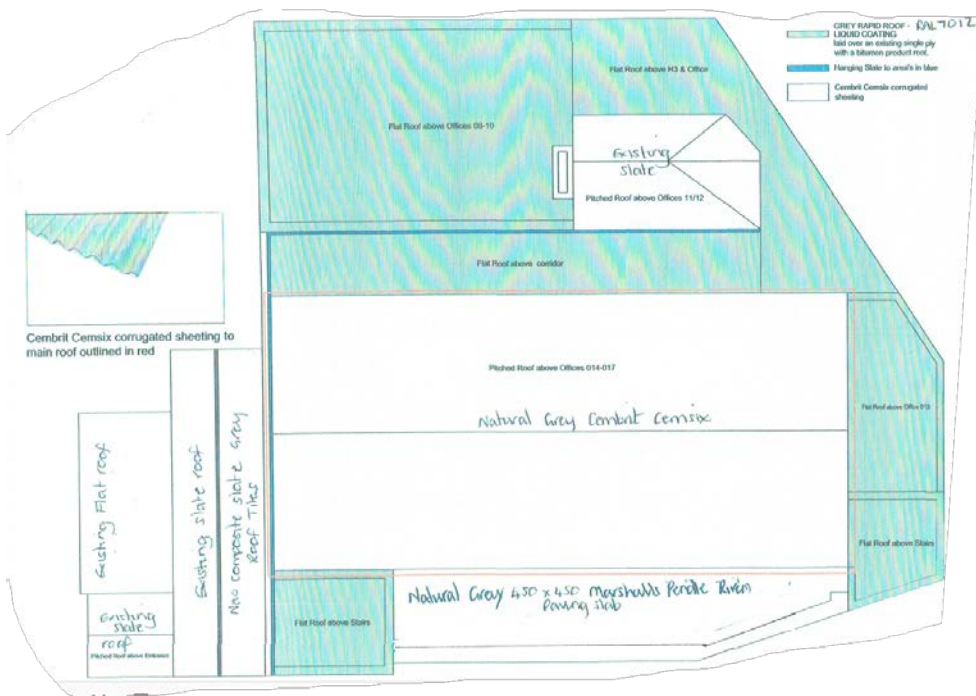
PROPOSED BASEMENT FLOOR



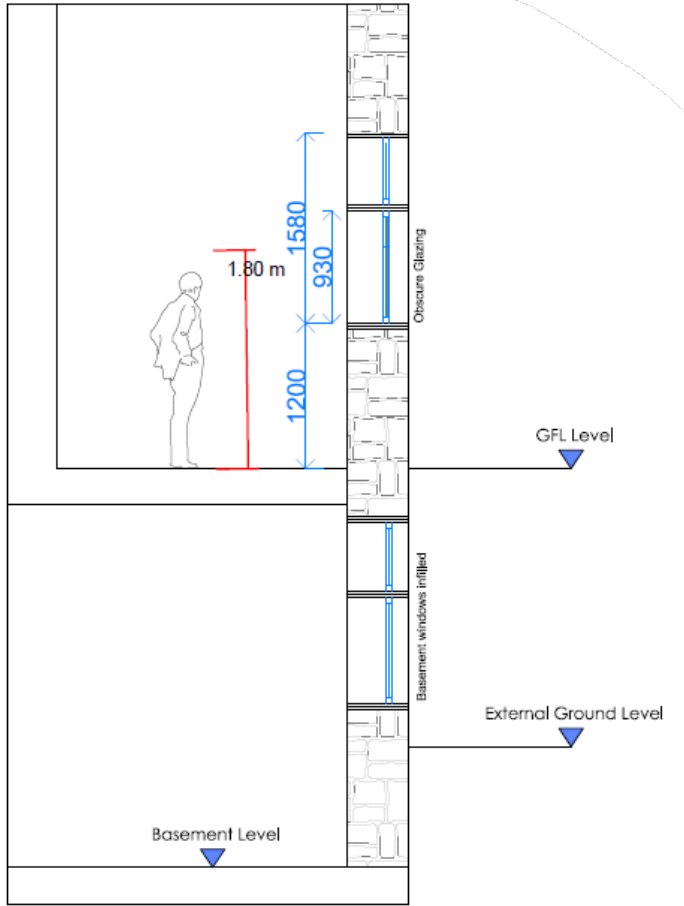
Proposed Ground Floor Plan



Proposed First Floor Plan

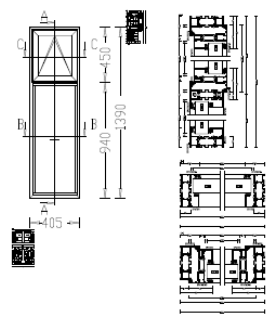


Proposed Roof Plan

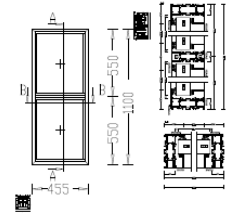


Obscure Window Section BB 1:50

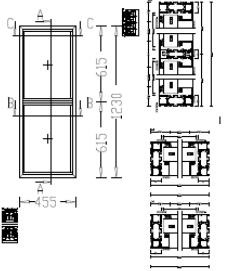
Pos. BATHROOM, Quamity 2  
 Back Handles, Obscure Glazing, 70mm Panel to be cut into arch above.  
 No U/L, 20mm Glazing.  
 Job IS PROPERTIES (CHURCH)  
 System Sorker ALL VU Casement Square Without  
 Exterior View



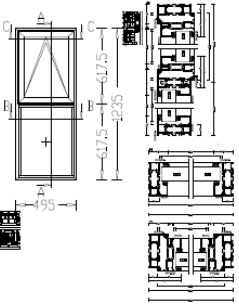
Pos. STAIRS TOP, Quamity 2  
 Back Handles, Clear Glazing, 70mm Panel to be cut into arch above.  
 No U/L, 20mm Glazing.  
 Job IS PROPERTIES (CHURCH)  
 System Sorker ALL VU Casement Square Without  
 Exterior View



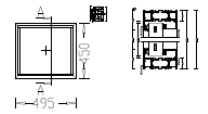
Pos. STAIRS TOP, Quamity 2  
 Back Handles, Clear Glazing, 70mm Panel to be cut into arch above.  
 No U/L, 20mm Glazing.  
 Job IS PROPERTIES (CHURCH)  
 System Sorker ALL VU Casement Square Without  
 Exterior View



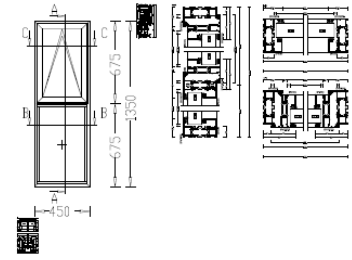
Pos. REAR LANDING, Quamity 4  
 Back Handles, Obscure glazing, restricted hinges.  
 No U/L, 20mm Glazing.  
 Job IS PROPERTIES (CHURCH)  
 System Sorker ALL VU Casement Square Without  
 Exterior View



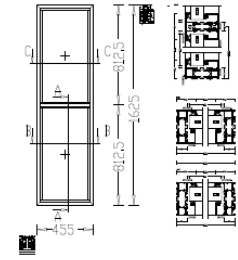
Pos. REAR LANDING TOPS, Quamity 4  
 Obscure Glazing, 70mm Panel to be cut into arch above.  
 No U/L, 20mm Glazing.  
 Job IS PROPERTIES (CHURCH)  
 System Sorker ALL VU Casement Square Without  
 Exterior View



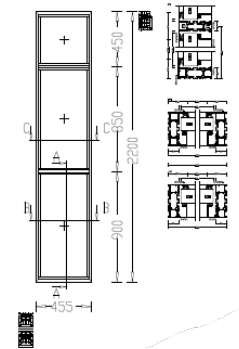
Pos. FRONT, Quamity 9  
 Back Handles, Clear Glazing, 70mm Panel to be cut into arch above.  
 No U/L, 20mm Glazing.  
 Job IS PROPERTIES (CHURCH)  
 System Sorker ALL VU Casement Square Without  
 Exterior View



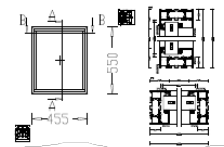
Pos. HALL, Quamity 3  
 Clear Glazing.  
 No U/L, 20mm Glazing.  
 Job IS PROPERTIES (CHURCH)  
 System Sorker ALL VU Casement Square Without  
 Exterior View



Pos. LANDING, Quamity 3  
 Clear glazing, 10mm brass pane to lower pane, 70mm Panel to be cut  
 No U/L, 20mm Glazing.  
 Job IS PROPERTIES (CHURCH)  
 System Sorker ALL VU Casement Square Without  
 Exterior View

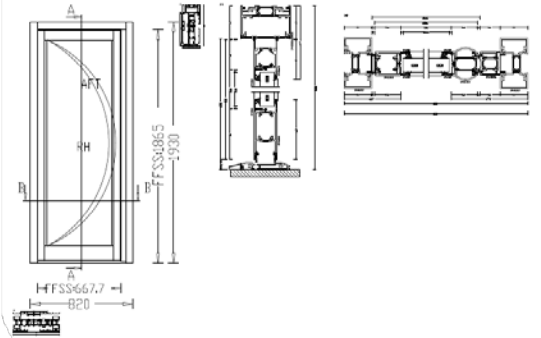


Pos. HALL TOPS, Quamity 3  
 Clear Glazing, 70mm Panel to be cut into arch above.  
 No U/L, 20mm Glazing.  
 Job IS PROPERTIES (CHURCH)  
 System Sorker ALL VU Casement Square Without  
 Exterior View

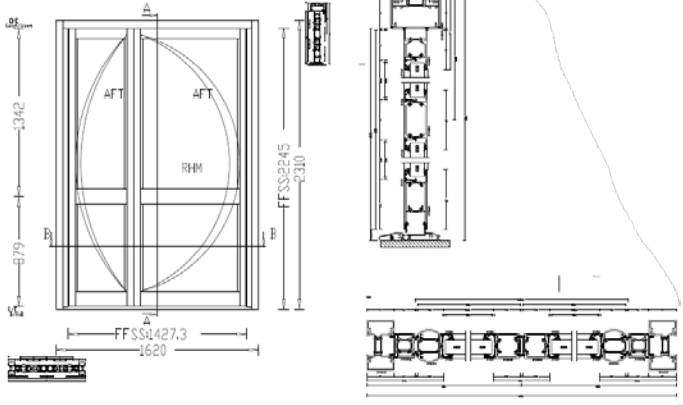


Window Profile – sheet 1

Pos. ROOF TERRACE, Quamity 1  
 4750 Brushnick, Electric Stroke, Non Hold Open Closer, Holdlock  
 Opening outwards, Walkover thresholds, Anti Ringer, trap styles.  
 Job IS PROPERTIES (CHURCH)  
 System Sorker SPW 500/50 SPW 50L Standard  
 Exterior View



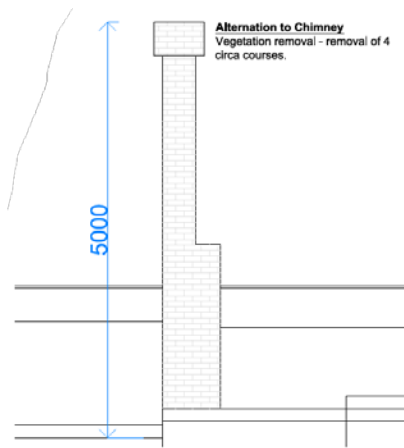
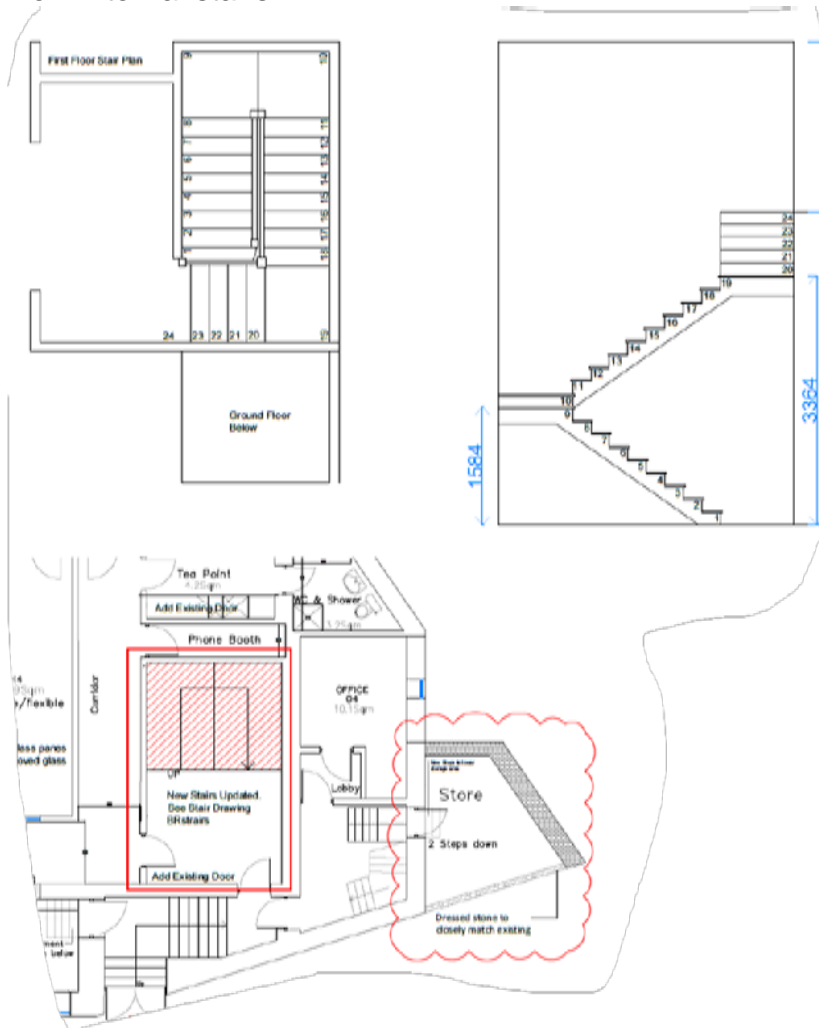
Pos. FRONT DOOR, Quamity 1  
 4750 Brushnick, Electric stroke, Threshold Internal, Non hold open closer.  
 SAA pad handles, open out, Clear Tgh. Glass.  
 Job IS PROPERTIES (CHURCH)  
 System Sorker SPW 500/50 SPW 50L Standard  
 Exterior View



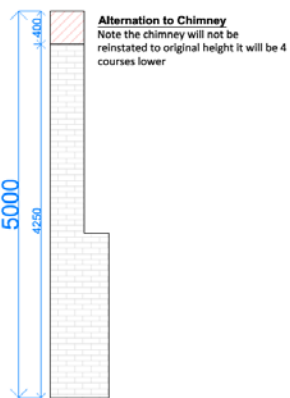
Window Profile Sheet 2



# New internal stairs



Existing Chimney



New Chimney

The application is supported by the following:

- Planning Cover Letter
- Alitherm Heritage Brochure

- Bulkhead Lighting Specification – Fusion
- Bulkhead Lighting Specification Sheet - Industville
- Paving Brochure
- Traffic Tech Report
- Liquid Proofing Systems Brochure – Rapid Proof
- Austin Partnership Civil & Structural Engineering Consultants relating to chimney.
- Cembrit Cemsix Information
- Vellacine Window Detail
- Slates Technical data - SVK

## PLANNING HISTORY

2004/01998/FUL, Address: Albert Road Methodist Church, Penarth, Proposal: Conversion of part of building to residential and associated works, Decision: Approved.

2006/01815/FUL, Address: Albert Road Methodist Church, Albert Road, Penarth, Proposal: Variation of condition 3 to move parking spaces no 1&2 approximately 1.250m to allow for a protected pedestrian walkway, Decision: Approved.

2007/01690/FUL, Address: Albert Road Methodist Church, Albert Road, Penarth, Proposal: Additional two apartments. Replacement of existing windows with steel windows. Additional 3 windows to south elevation. Move communal entrance on north elevation. Close up redundant doorway, north elevation, Decision: Approved.

2008/01117/FUL, Address: Albert Road Methodist Church, Albert Road, Penarth, Proposal: Two additional units to provide a total of 10 units, Decision: Approved.

2012/00679/FUL, Address: Methodist Church, Albert Road, Penarth, Proposal: Change of use of an existing Church building into Eight (Self Contained) Units, Decision: Approved.

2017/00625/FUL, Address: Albert Road Methodist Church, Albert Road, Penarth, Proposal: Restoration and replacement of existing windows (4no.) in Bell Tower., Decision: Approved.

2021/01568/FUL, Address: Building adjacent to the Former Albert Road Church, Penarth, Proposal: Proposed replacement of selected existing windows, re-opening of selected former windows, and installation of balustrade and planters, Decision: Withdrawn.

## CONSULTATIONS

**Penarth Town Council** were consulted on 26 May 2022 and again on 24 October 2022. They have responded stating that the following needs to be considered:

- The conservation officer is satisfied that external alterations will not detrimentally affect the character of the building?
- The removal of historic stained glass will not be detrimental to the buildings aesthetics or character. Penarth Town Council objected to the removal of this glass?
- The highway authority is satisfied that kerbside capacity is acceptable for the potential numbers of people who may occupy and use the building?

- The highway authority is satisfied that the proposed uses of the building do not detrimentally affect already difficult traffic flows between Plassey Street, Albert Road and Clive Place?
- The highway authority is satisfied that sufficient parking is available to cope with a proposed increase in use if the buildings uses are authorised.

**St Augustines Ward Members** were consulted on 26 May 2022 and again on 24 October 2022. Councillor Neil Thomas has responded with the following comments:

- I am concerned that the change of appearance from stained glass to the new windows will change the appearance of this building in the conservation area.
- I am confused that in the documents there is reference to a partial removal of a wall adjacent to the bin store with steps and the retention/rebuild of the stone wall on Jubilee Lane which seems contradictory.
- The proposed terrace is a considerable cause for concern amongst local residents given the potential for overlooking, noise generation and light pollution.
- I would expect the conservation officer to have close regard to the planned changes to the external changes that have already taken place, particularly to the terrace area where wooden facing has been installed that is out of character with the historic appearance of the building along with changes to overhangs etc.
- Jubilee Lane is heavily trafficked particularly by residents in Church Avenue and as pedestrian access and I would be concerned that the commercial use of this building would generate considerable parking pressure on an already heavily parked area.
- I would welcome a site visit to allow committee to fully appreciate this application.

**Councils Ecology Officer** was consulted on 26 May 2022 and again on 24 October 2022. A response has been received that biodiversity enhancement is required to comply with Policy MD9 and Planning Policy Wales. Two bat boxes are recommended.

**Council's Estates (Strategic Property Estates)** were consulted on 26 May 2022 and again on 24 October 2022. No response has been received.

**Councils Highway Development Team** were consulted on 26 May 2022 and again on 24 October 2022. They have responded to the first consultation request as follows:

*The floor space of the proposed building according to the application information is not being altered but rather there is a change of use suggested and internal alterations which would create offices and lifestyle/flexible units. Parking is at a premium in the surrounding area and a number of traffic regulation orders are in place. Notwithstanding this, the historic use of the proposed site must be considered and the fall back position when looking at any increased demand on parking and the site lies in a sustainable location with good access to local amenities and public transport. There is a need to ensure that any increase in trips to/from the site can be catered for on street.*

*The highway authority does not object to the proposals subject to the following being provided:-*

1. *There is a need to ensure sufficient kerbside capacity is available for any increased demand in parking as the proposals do not provide any off-street parking and as such a parking survey is required to be undertaken by the applicant in the surrounding area.*

2. *Before beneficial occupation, a Travel Plan shall be submitted to and approved in writing by the LPA. The reason for this is to promote and encourage sustainable modes of travel to and from the site.*
3. *Before beneficial occupation, details of cycle parking shall be provided within the boundary of the site, secured and undercover. The reason for this is to promote and encourage sustainable modes of travel.*

Following re-consultation on the submission of supplementary information in respect of on street parking capacity, updated comments have been received and summarised below:

*The TRICS analysis and reduction in trip rates for an office use compared to the existing use is accepted. Whilst parking is at a premium in the surrounding area an objection could not be sustained given that it is unlikely there would be a material increase in vehicle trips to/from the proposed site. The Travel Plan and cycle parking requirement is retained to further reduce potential vehicle trips to/from the site.*

**Shared Regulatory Services (Pollution)** were consulted on 26 May 2022 and again on 24 October 2022. They have responded as follows:

*The proposed use of the basement as a multipurpose/ community space operating until 22:00. With the upper ground and first floors operating as offices and 'lifestyle/ flexible' units until 20:00, as proposed in the letter from Asbri Planning, dated 19 October 2022, appears to be appropriate for this building on the periphery of the town centre of Penarth. Such uses are generally not to the detriment of residential amenity in terms of noise and therefore the compiling of a Noise Impact Assessment would not be necessary and productive in this instance.*

*Regarding light pollution concerns were addressed following the receiving of a complaint in July and as noted, the plans indicate the obscuring of glazing in a number of windows that will reduce the risk of light pollution as well as address the matter of privacy and residential amenity.*

*I understand the matter of the use of the open/ external terrace area has been addressed as this may have been a source of noise and light pollution. However, I understand this external area is no longer to be used and the matters of potential noise and light pollution from this area has therefore been addressed.*

*Finally, as the property has an expanse of glazing it is advised that the leaving of lights on overnight is minimised to that required for safety and Building Regulation purposes only, so to protect the residential amenity of the residential properties in the vicinity.*

**Shared Regulatory Services (Contaminated Land, Air & Water Quality)** were consulted on 26 May 2022 and again on 24 October 2022. No response has been received.

## REPRESENTATIONS

The neighbouring properties were consulted on 26 May 2022 and again on 24 October 2022. A site notice was also displayed on 08 June 2022 and again on 21 October 2022.

**Penarth Civic Society** have commented as follows: *“The society is concerned with the current application principally with the proposed east-west roof covering to the rear roof. The replacement of the roof with a pitched roof is welcome but the cement-fibre corrugated coverings are industrial in nature and wholly inappropriate to a conservation area setting. The roof should be covered with slates as on the main building. Other concerns have come from residents over the nature of the proposed roof level terrace and how obscure the glass screen will be. PCS feel that this screen should be opaque. As submitted PCS feel that the application should be should refused”.*

Over 30 responses have been received at the time of writing this report and the main points of objection and comment are summarised below:

### General

- Concerned work has already gone ahead without planning permission and consulting the local residents.
- The re-use of the building is supported and provides opportunities for local business growth.

### Uses

- The building has never been used for offices. There is no evidence for this provided.
- A D2 “cinema, concert hall, casino, dancehall, swimming and gymnasium” use has never been operated at the building and the proposal would be open outside normal working hours. It would result in a detriment to the amenity of surrounding residents. This should be removed.
- The occupancy could result in a huge footfall and exceed 150 people at any one time.

### Amenity

- It has been advertised as having a 24 hour use which will lead to long and noisy events.
- It will result in noise and disturbance from people going backwards and forwards.
- There will be noise from the building, which will impact on residents.
- No noise report has been submitted.
- It will result in overlooking and a loss of privacy. All windows should be obscured glazing. A ‘film’ covering would not be acceptable as it could be removed and may deteriorate.

- The balcony has never previously been used. It would result in overlooking and overbearing to dwellings on Clive Place. It has resulted in not being able to use our gardens and some rear bedrooms.
- The plans show different heights for the balconies obscure glazing screen. Both are insufficient as 24% of the population are over 5'11".
- It will result in light pollution particularly to rear garden areas.
- The vents on the building and storage/bin area next to Jubilee Lane would result in air pollution.
- Bin areas are insufficient and would attract noise, smells and vermin.

#### Character

- The windows on the south elevation are not accurate.
- The church wall has been demolished and replaced by an unacceptable red brick wall.
- Alterations have been made and features removed from the building which has impacted on the character of it
- Removal of stain glass windows and provision of upvc windows is a concern.
- The wooden battens and potential obscure glazing screen of the roof terrace is not in keeping with the conservation area.

#### Access, Parking and Traffic

- Concerned with increase in traffic, congestion and parking in the area.
- There is a lack of on street parking in the area. More resident parking areas are needed.
- There is a lack of support for active travel beyond the perimeter of the site.
- Jubilee Lane has been blocked by construction vehicles.

#### Other

- Has asbestos been correctly and safely removed?
- Are substantial contributions going to be asked for to make up for the impact that the new use will bring?

## 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 SP5 – Employment Requirements  
POLICY SP10 – Built and Natural Environment  
POLICY SP11 – Tourism and Leisure

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

POLICY MG7 – Provision of Community Facilities

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

POLICY MD1 - Location of New Development  
POLICY MD2 - Design of New Development  
POLICY MD5 - Development within Settlement Boundaries  
POLICY MD7 - Environmental Protection  
POLICY MD8 - Historic Environment  
POLICY MD9 - Promoting Biodiversity  
POLICY MD13 - Tourism and Leisure  
POLICY MD14 - New Employment Proposals

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

#### **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.

#### Policy 1 – Where Wales will grow

- Supports sustainable growth in all parts of Wales.
- Development in towns and villages in rural areas should be of an appropriate scale and support local aspirations and need.

#### Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

- Based on strategic placemaking principles.

#### Policy 3 – Supporting Urban Growth and Regeneration – Public Sector Leadership

- The public sector must show leadership and apply placemaking principles to support growth and regeneration for the benefit of communities across Wales.

#### Policy 6 – Town Centre First

- Sequential approach for new commercial, retail, education, health, leisure and public service facilities.

### **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
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Accessibility



## Chapter 4 - Active and Social Places

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

## Chapter 5 - Productive and Enterprising Places

- Economic Infrastructure (electronic communications, transportation Infrastructure, economic development, tourism and the Rural Economy)

## Chapter 6 - Distinctive and Natural Places

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

### **Technical Advice Notes:**

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

- Technical Advice Note 4 – Retailing and commercial development (2016)
- Technical Advice Note 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)
- Technical Advice Note 23 – Economic Development (2014)
- 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). The following SPG are of relevance:

- Biodiversity and Development (2018)
- County Treasures
- Parking Standards (2019)
- Penarth Conservation Area
- Sustainable Development - A Developer's Guide
- Penarth Conservation Area Appraisal and Management Plan

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

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.

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

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

#### Issues

The main issues involved in the assessment of the application are the principle of development, the visual impact, the impact on the amenity of surrounding residents, parking and highway safety and ecology.

#### **Principle of development**

The part of the building which had not been converted to residential has previously been used as a church and community building for some time and is located within a residential area close to the town centre of Penarth. In terms of Planning Use Classes, the existing use of the remainder of the building that was not converted to residential use would likely be D1 use class (Non Residential Institutions). Members are advised that as the use is a historic established use, this part of the building is not restricted in terms of the type of uses (within the D1 class) that the building could be used for, in addition to the intensity of use, the hours of use or the number of days per week.

Therefore, it is likely that the D1 use that forms part of the current proposal, in essence, does not need planning permission. D1 use classes include: non-residential institutions such as medical and health services, a nursery, art gallery, library, provision of education, public hall and public religious worship. The planning statement details that a physiotherapist could be a type of use that would be operated from this part of the building.

The proposal is however for a mix of B1a (Office) and D1 (Non Residential Institution) uses. The Town and Country Planning (Use Classes) Order 1987 (as amended) details Class B1 are business uses with part (a) being specifically office uses.

It further states that these are uses,

*“...which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration smell, fumes, smoke, soot, ash, dust or grit”.*

As such, it can be argued that the introduction of office uses could have a lesser impact than the fall-back position of an unrestricted D1 use. Whilst this is noted, the related planning considerations will be further discussed in detail in the sections below.

In terms of the principle of the use, the site comprises part of a large building close to the town centre and the introduction of office uses would help support the economy of the area and maintain and active use within the building. It is considered that the proposed uses could help contribute to a vibrant centre that would complement the existing mixed uses within the centre and have a positive impact on the vitality and attractiveness of Penarth for both visitors and residents. As such it is considered that the proposal would be in compliance with Policies SP1 and MD2 of the LDP.

### **Impact on neighbour amenity**

It is noted that significant concerns have been raised by local residents with regard to the impact of noise, light, loss of privacy and pollution.

As detailed above, the fall-back position is that the existing use or different uses within a D1 use class (e.g. health centre, community hall, nursery, provision of education etc.) could be carried out in the remaining part of the building without the need for planning permission. The D1 uses could also be intensified without any restriction on the opening hours.

It is noted that some of the existing windows open out towards residential gardens of properties at numbers 3 and 4 Albert Crescent. The proposal has also included the opening up of some previously blocked up window openings, particularly on the south elevation fronting Jubilee Lane and facing the rear of properties on Clive Place.

In terms of noise generation, the proposed office use is a type of use that should be able to be carried out in close proximity to residential properties without having a harmful impact on the amenity of surrounding residents, given that offices are not typically noisy or likely to be prejudicial to residential amenity. Furthermore, it is considered the noise from an office use would most likely not be greater than the fall-back position of an unrestricted D1 use.

Whilst some noise may emanate from the windows, the type of general noise produced as part of the day to day use as an office would not be considered so harmful that it would warrant the refusal of the application.

No objection has been raised from the Council's Environmental Health Officers in respect of the uses and no noise report or noise mitigation measures have been requested by the EHO. Some comments from local residents suggest latches are required to ensure the windows cannot be opened. As the use and related noise is not considered to be generally one that would be harmful to surrounding residents, this would not be considered necessary or reasonable having regard to the guidance and the tests set out in Welsh Government Circular (WGC 016/2014) on The Use of Planning Conditions for Development Management October 2014, to make the development acceptable in respect on noise breakout

The proposal includes a reduction in hours of operation from that which were previously proposed (being unrestricted), which would be add a level of control over the currently unrestricted hours of use and the fall-back position. It is proposed to close at 22:00 for the D1 uses and 20:00 for the B1 office uses on every day.

It is noted the majority of the D1 use would be in the basement, where noise would not be such an issue as there are no windows. The proposed ground floor is a mix of office and D1 uses and the first floor would be office use only. As these floors have windows, it is recommended (with a condition) that these floors should all be restricted to be closed and by vacated by 20:00.

No opening hours have been proposed and in order to protect the amenity of residents at more unsociable hours, it is suggested that opening hours of 07:30 would be acceptable.

The restriction on opening hours can be controlled by a suitably worded condition (**Condition 3** refers)

Concerns have been raised due to overlooking from the building to surrounding dwellings. The main concerns raised have been from the proposed roof terrace, which overlooks Jubilee Lane and the rear garden of the properties in Clive Place.

Whilst the use of the terrace area has now been removed from the scheme, the outside space remains, which is part of existing building and could be historically accessed. Moreover, the balustrade that was shown on the original plans to facilitate the safe use of the terrace area has now been removed in the amended plans. Despite this, the terrace could still theoretically be accessed which could result in overlooking by occupiers of the building to the dwellings to the rear. Therefore, a condition is considered necessary to require prevent this space, or any other flat roof spaces in the being used as outdoor amenity space or in connection with any of the uses approved within the building (**Condition 4** refers).

It is noted that the windows on the majority of the elevations are detailed as having obscure glazing. A section has been submitted detailing this would be to a height of approximately 2.1m from floor level. This would be an acceptable level to control overlooking, on the basis that it is fixed pane. It is also noted that the first floor windows on the south elevation, following the updated plans removing the roof terrace having been received, do not show any obscured glazing, which would also be required to protect the

privacy of the neighbours to the rear. Details of this can be required by a suitably worded condition (**Condition 6** refers)

Concerns have also been raised with regard to lights from the building impacting on local residents. Originally external lighting was planned for the roof terrace area. Following amendments to the application, this has been removed. It is noted internal lighting would not need planning consent and generally would not be directed towards neighbouring properties and should not be a significant issue. Furthermore, the obscure glazing required would also help prevent any direct light spill. Whilst windows on the southern elevation would be opened up, the situation would be the same for these windows. A condition requiring that lights are switched off outside operating hours would also reduce the overall impact of the proposal (**Condition 3** refers). Concerns have also be raised with regard to emergency lights by existing doors. These would not require planning consent and would not be significantly harmful to the amenity of neighbours and would in any case only be used in an emergency.

The proposal includes an outside store area to the east of the building. As detailed above, this is an existing building where bins have been stored for the existing use and the fall-back position would not require further planning consent. No requirement for details of bin storage in relation to the proposal have been raised by the Council's Environmental Health officers. The proposal and type of use is not considered to be one that would generate significant waste.

In summing up, taking into account the above and the fall-back position of the existing use, the proposal, subject to the imposition of relevant conditions, would not result in any unacceptable level of impact on neighbour amenity in respect of impacts from noise, light, loss of privacy and pollution.

### **Impact on Character of the building and Conservation Area**

Albert Road Methodist Church, whilst not listed, is identified in the Penarth Conservation Area Appraisal as a Positive Building 'key frontage and marker building' and a County Treasure. It is therefore considered to make an important contribution to the character of the Belle Vue area and the Penarth Conservation Area. The primary consideration is the statutory requirement to have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area.

The Council's Conservation Officer notes works have already taken place and states, "*it is necessary to consider whether these works have harmed the significance of the building as a County Treasure and the Conservation Area. Where harm is found to have occurred it remains necessary to balance that against other public benefits that might arise from the development*".

The main issues are discussed below:

#### Alteration to the boundary wall in Jubilee Lane

This has partially been demolished, which has removed some of the historic fabric of the site. It is noted the proposal now includes re-building the majority of the former wall with stone and detailing to match the existing. A brick pier and wall, that adjoins the garden of 4 Albert Crescent, is proposed to be retained. Members are advised the red brick wall

behind 4 Albert Crescent is not within the application site area. The red brick pier adjacent to the stone wall is however within the site area.

In the Conservation Officer's comments, noting that few original stone boundary walls remain and existing modern boundary treatments, it is stated, "*the contribution to the character and appearance of the conservation area from Jubilee Lane is, at best, negligible*". The proposed re-building of the wall restores some of the original character of the site and therefore would be a benefit. As shown in the photograph below a stone panel (identified in the yellow lined area) has been constructed to detail the type of stone to be used.



The stone is considered to be acceptable, however the pointing would need to match the existing wall in terms of depth and materials. Furthermore, the capstone and stone band detailing would also need to match the existing. Details of this can be controlled by a suitably worded condition (**Condition 8** refers)

#### Re-opening and replacement windows

The proposal includes re-opening up blocked windows and replacing some windows and much of this work has been completed already. In principle and on visual grounds the Conservation Officers comments support the re-opening of the windows. It is noted that the removal of some stained glass windows and replacement with clear glazed units has also taken place. It is regrettable that the stained glass has been removed. Some of the stone mullions have also been damaged during the works. Subsequently, the damaged window openings have been repaired to an acceptable level.

A first floor window on the east elevation, closest to Jubilee Lane, has been replaced with a white upvc frame. The applicant's agent confirms this would be replaced with an Alitherm heritage unit (aluminium). It is noted this elevation backs on to residential gardens and does not significantly add to the character of the conservation area. Notwithstanding this the proposed aluminium would be a more complementary material to the building and can be required by a suitably worded condition (**Condition 5** refers).

Cladding on southern elevation

Originally the application proposed a roof terrace and outside seating space at first floor level. Some works have been carried out to facilitate this, including cladding the external facing wall with horizontal timber boards and providing hanging roof slates on another elevation. These replace an area of painted smooth render that was in poor condition. Concerns have been raised by local residents and St Augustine Ward Members with regard these works.

The Conservation Officer comments however that the slate covering, *“has a negligible effect on the character and appearance of the conservation area”*.

Turning to the timber cladding that has been provided, the Conservation Officer comments, *“As noted above, this element of the building is of low significance. However, the introduction of a timber cladding at a high level is not an appropriate intervention in my view.*

*Whilst I, generally, support the use of contemporary design in the historic environment it should be utilised in a manner which complements the historic building, or where it will contrast be carried out in a manner which does not detract from the significance of the building.*

*Timber cladding is not a material that is commonly found in the conservation area as a cladding material. As a result of its colour it contrasts strongly with the grey and black of the stone and slates drawing attention to it, rather than the principle building.*

*Whilst I accept the cladding is not visible from Jubilee Lane, it is especially visible from Albert Road, particularly from the junction of Plassey Street looking towards the Church. This is exacerbated by it being used at a high level.*

*It is my view that this element of the works does not preserve or enhance the character or appearance of the conservation area and is not supported”*.





In assessing the cladding, it is noted the changes are to an area of the building that has least historic significance, being an extension and dates from the 1950's. The main issue highlighted, by the Conservation Officer, is that the colour of the cladding contrasts with the original grey and black of the stone. It is noted from views from the main surrounding streets the wood cladding is similar to the stone window surrounds and would eventually weather. However, taking into account the Conservation Officer's comments, the cladding should be painted a suitable colour to better match the original building. In this case an anthracite grey colour (RAL 7016) would be acceptable and the impact on the conservation area, if painted in this colour would be of little difference to the white painted render that was in a poor condition. On this basis, the impact would be considered to be neutral. This can be secured by a suitably worded condition (**Condition 7** refers)

### Chimney

Works have been undertaken to the chimney to reduce its height, including removing plant growth. The Conservation Officer has commented the chimney should be reinstated to its former height.

The applicant has submitted a letter from Austin Partnership Civil & Structural Engineering Consultants where it is stated in relation the reduced height of the chimney that, "*In our opinion, this was the best structural decision as it reduces the lateral wind loading imposed upon the remaining chimney stack*".

Whilst it has been stated that leaving the chimney would reduce structural safety issues, it is considered it hasn't been demonstrated that the chimney cannot be built to its former height safely. Therefore, a condition to require the chimney is re-built to its former height, in line with the Conservation Officers comments, is considered necessary (**Condition 7** refers).

### Outside storage

A storage area is identified on the plans to the east of the building and adjacent to Jubilee Lane. It is noted bins could be stored outside the building without consent in relation to the fall-back position. Furthermore, it is noted that bins are stored outside the building at the former church site, which is immediately adjacent. The space to store bins at the front of the building is limited and should not result in a greater visual impact on the character of the building or conservation area as compared to the fall-back position. A condition restricting storage to the identified area is therefore not considered reasonable or necessary.



## Summing up

In summary, whilst the works and proposal would have some impact on the character of the building and this part of Penarth Conservation Area, on balance, the proposal would overall preserve the character of this County Treasure and Conservation Area and would provide an active beneficial economic use within it that would positively maintain the upkeep of the building. Therefore, it is considered that the proposal would be compliant with Policies MD2, MD5, MD8 and SP10 of the LDP, as well as the policies contained within Planning Policy Wales (Edition 11).

### **Parking and highway safety**

The proposal would create separate offices and D1 units within the building. Given the central location of the site, close to the town centre, the adjacent streets are used by shoppers and residents. There are a number of traffic regulation orders in place.

The historic use of the proposed site must be considered as the fall-back position when looking at any increased demand on parking. Moreover, the site lies close to the centre of the town in a sustainable location with good access to local amenities and public transport.

There is no opportunity for the provision of off-street parking given site constraints and as such any additional parking demand would have to be met on-street in the surrounding area.

Concerns have been raised with regard to the impact of the proposal on parking and traffic within the surrounding streets. As detailed above, the building benefits from an existing D1 use, and this can be continued and intensified, potentially to a similar level as this proposal, without the need for any planning permission.

The Highways Authority initially requested a survey of parking provision in the area. This has not been submitted, although a parking assessment of the proposed uses, has been submitted. It identifies that the trip generation from B1 office uses is generally lower than D1 uses. Furthermore, it identifies that the parking demand is also generally lower for office uses. Based on the further information submitted the Council's Highways Authority have commented that they would be unable to sustain an objection in this instance given that it is unlikely there will be a material increase in vehicle trips to/from the proposed site.

As detailed above, the existing D1 use could be intensified and it is likely that uses such as education provision and other group type uses within the D1 class could attract a greater number of trips and parking demand than a B1 office use. Therefore, the introduction of B1 office uses has the potential to reduce the overall demand for parking as compared to the fall-back position. In reality, whilst this may not be the case, it is considered the parking demand of the proposal would not likely be materially greater than that in the building being used solely for the fall-back position.

As noted above, the site is also in a highly sustainable location, in Penarth Town Centre, with nearby links to the train station and bus links. Workers/staff and visitors associated with the development would have significant scope to access the site by means other than the private car. In particular, the surrounding residential areas are within easy walking distance of the site. It is appropriate (and compliant with planning policy and sustainability principles) for mixed use developments such as this, to be located in highly accessible

urban locations and the type and quantity of floor space represents an efficient use of the land, and one that will seek to maximise the positive regeneration and economic benefits for the town and continued use of this landmark building. In addition, the Council's Highways Authority request Travel Plan and cycle parking conditions if permission is granted. These would beneficially encourage the use of alternatives to the car and details of these can be provided by condition (**Condition 10 and 11** refer).

Having regard to the above, it is considered that the proposed development would not be likely to create significantly different or greater parking demands than the existing use. Furthermore, the site is within a sustainable location close to public transport links which would make it more likely that users and visitors to the site would travel by alternative means to the car. As such the proposal would accord with Policies SP1, MD2 and MD5 of the LDP, as well as the policies contained within Planning Policy Wales (Edition 11).

## **Ecology**

The site does not contain any trees or soft landscaping areas and the proposal includes works that could be carried out as maintenance to the building for example like for like replacing/repairing windows and roof coverings. It is also noted that most of the external works have been carried out. There is no identified harm to ecology resulting from these works. The Council's Ecologist details biodiversity enhancement is required to comply with Policy MD9 and Planning Policy Wales (Edition 11) and suggests the provision of bat roosts. These can be provided by condition (**Condition 9** refers).

## **Other Issues**

Concerns with regard to the removal of any Asbestos has been raised. Whilst this is noted it would not be a matter that would be for the determination of this planning application and would be covered under separate legislation.

Comments have been raised that obligations should be sought as a betterment for the community. The application is however of a scale that would not require any Planning Obligations to be sought from the applicant.

## **RECOMMENDATION**

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

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

Proposed Roof Plan  
Elevation – East Rev 01 19/10/22  
Proposed N Elevation  
Elevation – South Rev 01 19/10/22  
Elevation – West Rev 01 19/10/22  
PP200 Proposed GF Plan  
Proposed Stairs rev 01  
PP100 Proposed Basement Plan  
PP300 First Floor Plan Rev 01 19/10/22  
Proposed Elevation 6 - Chimney  
Window Section

Albert Road Church (Penarth) Section Drawings  
Window Profile 1 Rev 01 04/05/22 – Sheet 1  
Window Profile 1 Rev 01 04/05/22 – Sheet 2  
Door Plan  
Alitherm Heritage Brochure

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.

2. The premises shall only be used for Class B1a and Class D1 uses as identified on the approved floorplans and for no other purpose of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason:

To control the precise nature of the use of the site, and to ensure compliance with the terms of Policies MD2 (Design of New Developments), MD5 (Development Within Settlement Boundaries) and MD7 (Environmental Protection) ] of the Local Development Plan.

3. The approved use in the lower basement shall not be carried out outside the hours of 22:00 to 07:30 Monday to Sunday.

The approved use in the ground and first floor shall not be carried out outside the hours of 20:00 to 07:30 Monday to Sundays.

Any internal lighting shall be switched off outside of the specified the opening hours.

Reason:

To ensure that noise and light at unsociable hours is not a nuisance to surrounding residents, and to ensure compliance with the terms of Policies MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

4. The roof areas of the building shall not be used for/as storage, balcony, roof garden or similar amenity area or for any use associated with the approved use, nor for any other use (including uses related to the B1 and D1 use of the internal areas of the building).

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policies MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

5. Within 3 months of the permission hereby approved all the replacement windows, identified on the approved plans, shall have been provided in accordance with the approved details.

Reason:

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

6. Notwithstanding the submitted plans and prior to the first beneficial re use of the relevant rooms, the windows which are detailed as having obscured glazing on the approved plans, in addition the first floor windows on the south elevation, that are below 1.7m above the level of the floor in the room that they serve shall be obscurely glazed to a minimum of level 3 of the "Pilkington" scale of obscuration and fixed pane at the time of installation, and so retained at all times thereafter.

Reason:

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

7. Notwithstanding the submitted details, within three months of the date of this permission, the following shall have been carried out:

- (i) painting of the wooden cladding at first floor level on the southern elevation an anthracite grey colour (RAL 7016).
- (ii) re-instatement of chimney to previous height using the same size, colour and type of brick as existing/the former structure.

Thereafter the development shall be maintained as such in perpetuity.

Reason:

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

8. Within 3 months of the date of permission the wall along Jubilee Lane shall be re-constructed in accordance with the approved plan and the stone sample panel constructed on site. The wall shall be re-instated with similar stone to that provided in the stone panel constructed on site and the new stone shall 'interlock'/'knit' into the existing stone wall of the building. All pointing and the re-statement of the capstone and stone detailing shall be carried out to match the existing wall.

Reason:

To ensure the quality of the stonework, coursing and pointing and in the interests of the visual quality of the work and to accord with the objectives of Policies SP1 (Delivering the Strategy), MD2 (Design of New Development), SP10 (Built and

Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

9. Notwithstanding the submitted details, within three months of the date of permission, 2 number 1FQ Schwegler bat roosts shall be provided on the east side of the building at a height of more than four metres from ground level and where they are not subject to artificial light illumination. The boxes must be mounted separately and not as a pair. Thereafter they shall be maintained as such in perpetuity.

Reason:

In the interests of ecology to ensure compliance with Policies MD2 & MD9 of the LDP and chapter 6 of Planning Policy Wales.

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

Reason:

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

11. The development shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and they shall be retained in perpetuity.

Reason:

To ensure that satisfactory parking for cycles is provided on site to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

## REASON FOR RECOMMENDATION

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

Having regard to Policies SP1 (Delivering the Strategy), SP10 (The Built and Natural Environment), MD2 (Design of New Development), MD5 (Development within Settlement

Boundaries), MD7-Environmental Protection, MD8 (Historic Environment), MD9 (Promoting Biodiversity) and MD14 (New Employment Proposals) of the Adopted Vale of Glamorgan Local Development Plan 2011-2026; Future Wales – the National Plan 2040 and Supplementary Planning Guidance on Parking Standards; and national guidance contained in Planning Policy Wales 11, and TAN 12 (Design) and TAN 24 (The Historic Environment); it is considered that the proposal represents an acceptable development in principle that would not overall cause any detrimental impact to the character and appearance and street scene of Penarth Conservation Area, neighbours amenity, parking and highway safety and ecology.

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

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. Please note the following with regard the required bat roosts (condition 9). Note that once erected they can only be inspected or handled by a licenced bat ecologist. Further information on the type of bat roosts can be found at the following address <https://www.nhbs.com/1fq-schwegler-bat-roost-for-external-walls>**

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

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

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

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



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0m 20m 40m 60m 80m 100m

Scale: 1:1250, paper size: A4



**2020/01588/FUL** Received on 15 September 2022

**APPLICANT:** N Wilson Police Station, Cowbridge Road, St. Nicholas, CF5 6SH

**AGENT:** Mr Sean Taylor ST Planning, 36, Clos Nant Mwan, Pontprennau, Cardiff, CF23 8NA

### **Police Station, Cowbridge Road, St. Nicholas**

Conversion of building into 3 Apartments

### **REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Councillor I Perry, due to concern regarding the impact of the proposal on the existing business use of the building.

### **EXECUTIVE SUMMARY**

The proposal is to convert the old police station in St Nicholas into three residential units (possibly with some internal works within those units). The building is currently used as a specialist physiotherapy centre (D1 use class) and was previously offices (B1 use class).

Three neighbour objections were received, with a further neighbour making comments and the Community Council also raised objections. These concerns were primarily raised regarding impact on the historic environment, the loss of a non-residential use, residential amenity, vehicle movements and insufficient parking.

The proposal results in minimal external changes to the exterior of the building, which is a County Treasure. It is considered to provide adequate levels of amenity space and light for future residents, and that appropriate measures can be put in place to mitigate noise from the adjacent A48.

The existing parking area, which provides 6 spaces will be utilised, and this is considered sufficient. It is not considered that traffic movements would be significantly greater than the existing D1 use nor the previous B1 use.

The key issue is considered to be the principle of a change of use to a residential building. Although the building is currently within a D1 use, it was previously used for a B1 office use and the change to a D1 use has been relatively recent. As such, it was considered appropriate to consider the proposal using MD16 (Protection of Existing Employment Sites and Premises), in so far as the assessing the potential for B uses only, as the current use would like allow conversion back to a B use more easily than a residential use.

It is however considered that the applicant has provided appropriate marketing information to demonstrate that such B uses are not currently viable under Policy MD16 and as such approval is recommended.

An off-site contribution towards affordable housing of £82,893.60 is also recommended.



## SITE AND CONTEXT

The site is the former police station in St Nicholas, which was built in 1858, and is located to the south of the A48 in the east of the village. It is not listed, but is a designated County Treasure, and is described on the list as one of the earliest police stations built in the Vale of Glamorgan. Following its use as a police station the site was then used as offices, and following a period of vacancy, planning permission was granted last year for a change of use to a physiotherapy business (ref. 2021/00961/FUL) which is operating.

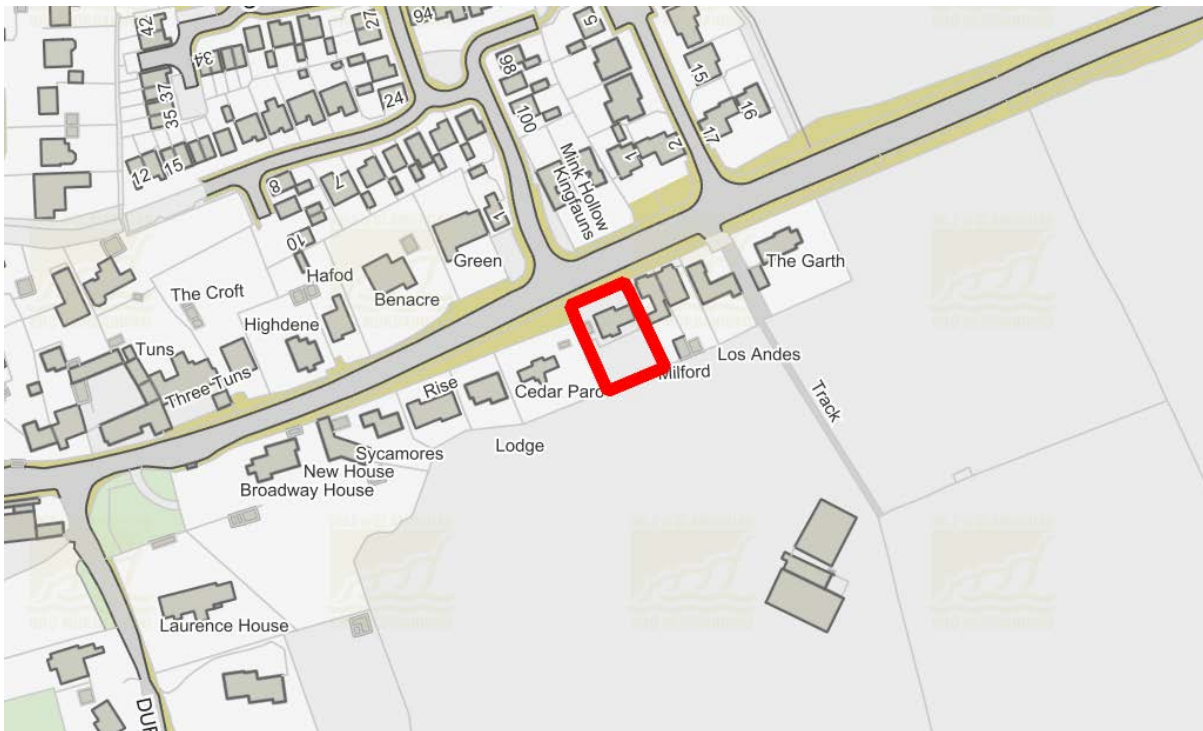
The site is within the settlement boundary of St Nicholas and is accessed directly from the A48. There is an existing car parking area within the site. The main part of the building has two floors and a basement area below, and there is also a single storey annexe on the western side. There is a retaining wall behind the building and a “garden” area behind this at a lower level than the building. Open countryside lies beyond this.

The site is also within the St Nicholas Conservation Area and is considered by the Conservation Area Appraisal and Management Plan as a positive building. The Appraisal also considers the view from the A48 towards the countryside to the south, through the gap between the Old Police Station and the property to the west (Cedar Parc), as a significant view. This adjacent area of countryside is within the Dyffryn Basin and Ridge Slopes Special Landscape Area.

A Public Right of Way enters St Nicholas from the south east close to the property.

There is a row of trees adjacent to the western boundary of the site that are covered by an area Tree Preservation Order comprising of Cypress and Cedar.

### *Location Plan:*



Site Photographs







## DESCRIPTION OF DEVELOPMENT

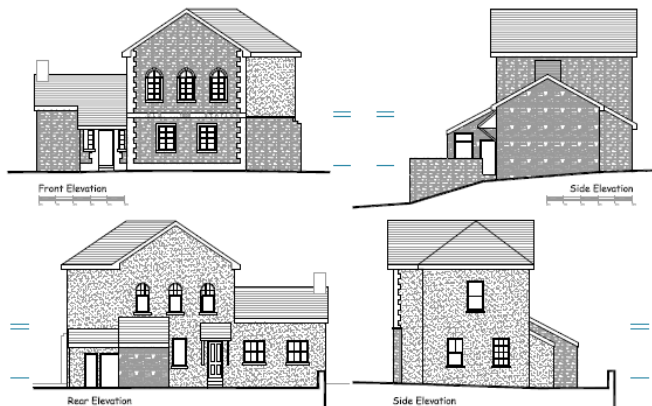
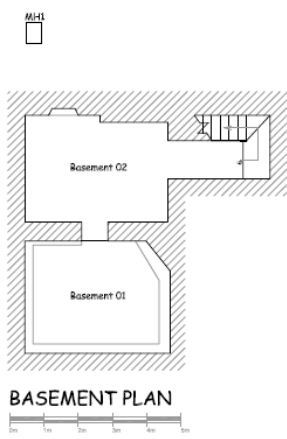
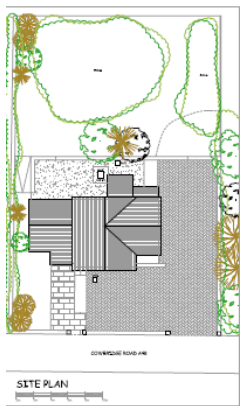
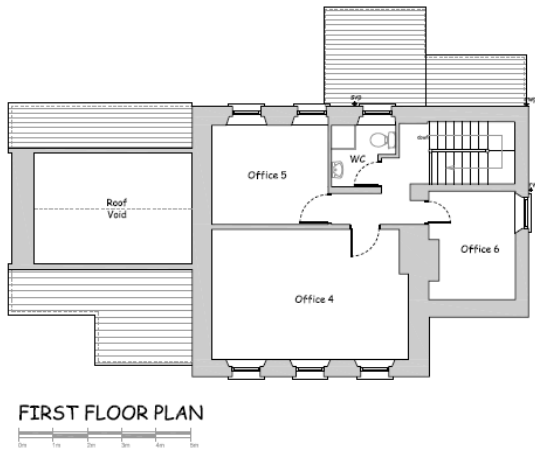
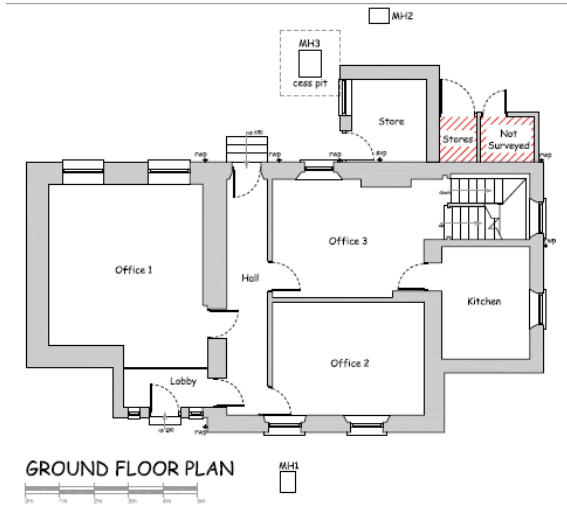
Planning permission was originally sought to convert the building to 3 no. 1 bedroom “work-live” apartments, although it is noted in the latest version of the plan that references to work areas have been removed.

No extensions are proposed to the building and the proposed external works are limited to the provision of two new roof lights. Internal works are proposed to rearrange the internal layout and provide a bedroom in the existing roof void on the east side of the building.

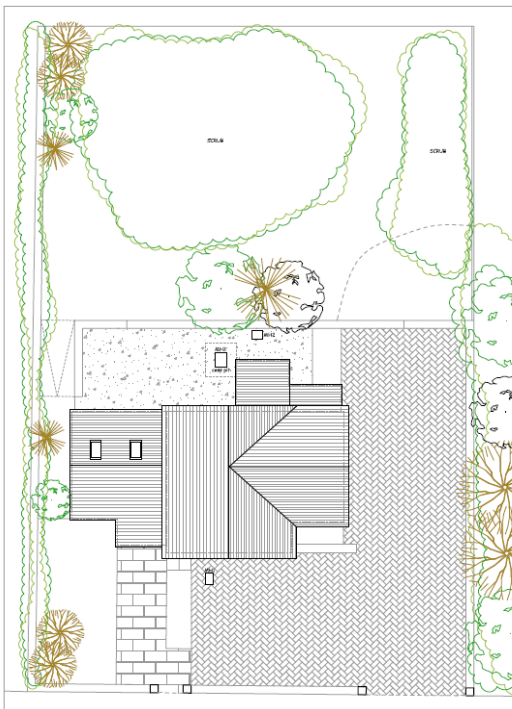
A planning, design and access statement, heritage impact statement and bat survey have been submitted with the application.

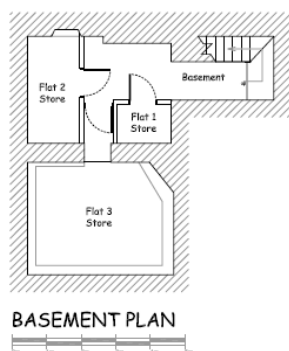
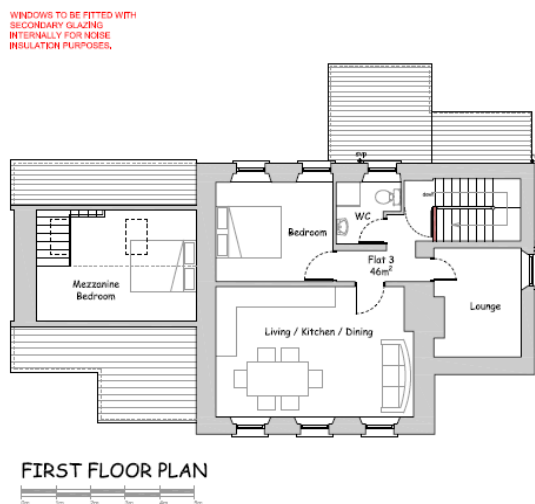
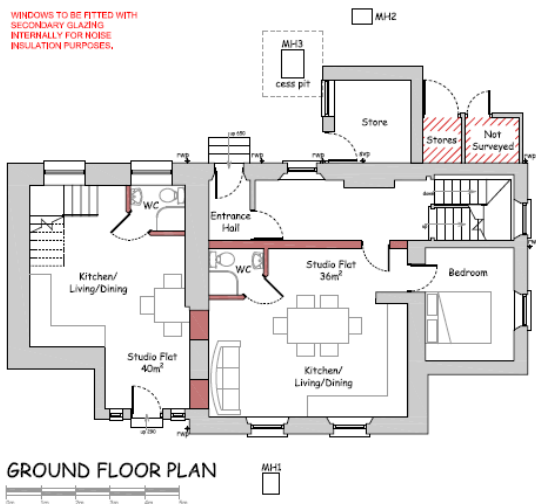
It should be noted that planning application 2021/00023/FUL has been submitted for building a single dwelling on the land behind the building, but, at the time of finalising this report this has not yet been determined.

*Existing Plans and Elevations:*



*Proposed Plans and Elevations:*





## PLANNING HISTORY

1986/00983/LBC, Address: Police Station, Cowbridge Road, St. Nicholas, Proposal: Demolition of the single storey portion of the police station that projects at right angles from the main building towards the A48, Decision: Approved 19<sup>th</sup> December 1986.

2008/00480/FUL, Address: The Police Station, Cowbridge Road, St. Nicholas, Proposal: Change of use to offices, Decision: Approved 25<sup>th</sup> June 2008.

2021/00023/FUL, Address: Police Station, Cowbridge Road, St. Nicholas, Proposal: Proposed new dwelling, Decision: None.

2021/00961/FUL, Address: Old Police Station, Cowbridge Road, St. Nicholas, Proposal: Change of use B1 Offices to D1 Non-Residential (Healthcare)- Proposed to be used as a physiotherapy business, Decision: Approved 15<sup>th</sup> September 2021.

## CONSULTATIONS

**The Member for St Nicholas and Llancarfan Ward**, Cllr Perry responded on 1<sup>st</sup> November 2022 advising that he had believed the proposal was defunct following the conversion of the building to its current use as a health and wellbeing business and that planning approval for three flats would put this business in the rural Vale at risk. He requested the application is called to Committee for a decision.

**St Nicholas and Bonvilston Community Council** were consulted on 26<sup>th</sup> January 2021. They responded on 18<sup>th</sup> February 2021 advising that the building is believed to be the first purpose-built Police Station in Glamorgan and is an important feature of the St Nicholas Conservation Area. Members are pleased that much of the exterior of the building is unaltered. However, there are concerns regarding the following, and they would like to see these issues addressed ahead of determination:

- The introduction of skylights to the front of the building, particularly as there appears to be an option to put them on the rear;
- A lack of a “change of use application”;
- The description of “Live/Work Area” could be applied to the living room of any flat. The small office space in one of the flats is likely to be used as an additional bedroom;
- The size of the proposed flats, the amount of light entering the ground floor flats, and possible exposure to high levels road noise, and the impact on the quality of life and the wellbeing of the inhabitants.

**St Nicholas and Bonvilston Community Council** provided a further response on 17<sup>th</sup> April 2021 advising that:

- The former Police Station is an important feature of the St Nicholas Conservation Area;
- It is located on the A48, a busy, primary route, with a public layby in front of it. This layby is used by GoSafe for the benefit of the community;
- The Community Council has resolved to object to this planning application and they believe it would go against LDP Policy MD2, criterion 6: *“Have no unacceptable impact on highway safety ... to an unacceptable degree”* and LDP Policy MD5, criterion 6: *“has no unacceptable impact on the amenity and character of the locality by way of ... parking”*;
- The loss of a significant area of parking due to access to a proposed new dwelling to the rear means that the three flats will have just three parking spaces, with the applicant relying on future occupants using the highway for parking. The layby is not provided for this purpose;
- The “Live/Work Area” in each dwelling would probably be predominantly be for residential use;
- The planning application should be decided by the Planning Committee.

**Dwr Cymru Welsh Water** were consulted on 26<sup>th</sup> January 2021. They responded on 27<sup>th</sup> January 2021 advising they have no objections.

**The Council’s Shared Regulatory Services (Neighbourhood Services)** were consulted on 26<sup>th</sup> January 2021. They responded on 18<sup>th</sup> February 2021 advising that the proposed development is situated close to a busy road therefore in order to protect the amenity of the occupants a condition is recommended requiring noise mitigation measures.

**The Council’s Housing Strategy Team** were consulted on 28<sup>th</sup> January 2021. They responded on 10<sup>th</sup> February 2021 advising that there is an evidenced need for additional affordable housing in the Vale of Glamorgan. The need is further evidenced by the figures from the Council’s Homes4U waiting list.

While the preference is always for on-site delivery, as recommended in Technical Advice Note 2 (Affordable Housing), given that the proposal is for the conversion of the main block into apartments with a shared communal access, it would not be appropriate to seek on-site delivery in this instance. This is primarily due to the potential management difficulties associated with such an arrangement. The Housing Authority would therefore recommend an off-site affordable housing unit of AHC x 1.2 of a one bed unit in zone 5 (£119,700), which equates to £83,311.20.

**The Council's Highways Development Team** were consulted on 26<sup>th</sup> January 2021. They responded on 8<sup>th</sup> April 2021 advising it is not clear from the information submitted as to the envisaged number of users to the site and/or vehicular movements. Clarification is required as to whether each unit will solely be used by 1 person or will visitors/clients be attending the site also. Notwithstanding this, the highway authority requests the access is widened to 4.5m as this site is proposed to provide a mixture of residential and work units and therefore has potential for more frequent vehicular movements, and a drawing of the proposed parking and access arrangements within the property to a scale of 1/200 with dimensions. Each car parking space is required to be provided at 2.6m x 4.8m and the number and dimensions on the drawing should be clearly shown. Once the parking is shown it can be determined if sufficient turning space is available for a vehicle to enter the site and leave in forward gear.

**The Council's Conservation Officer** commented on 29<sup>th</sup> April 2021 advising that he objects to the proposal due to the proposed rooflights on the front roof plane, as roof structures are a dominant visual feature within the conservation area and should be left uninterrupted wherever possible. However, swapping the location of the rooflights from the front to the rear roof plane will have a negligible impact on the character or appearance of the conservation area and, if this amendment was completed, would remove his objection to the proposal.

**CADW** whilst not consulted on the application, have stated that that they can't see that there is a case for listing it and the fact that it is on the County Treasures list, is a good recognition of its heritage values.

**Natural Resources Wales** were consulted on 29<sup>th</sup> September 2021. They responded on 30<sup>th</sup> September 2021 advising that they have no objection to the proposed development as submitted.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied. On the basis of the bat survey report carried out, they do not consider the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range but request an informative is attached to any planning permission advising the applicant of the requirement for a European protected species licence.

**The Council's Drainage Section** were consulted on 26<sup>th</sup> January 2021 and the Council's Ecology Officer was consulted on 29<sup>th</sup> January 2021, but no comments have been received at the time of writing this report.



## REPRESENTATIONS

The neighbouring properties were consulted on 3<sup>rd</sup> March 2021.

A site notice was also displayed on 15<sup>th</sup> March 2021.

Representations have been received from three properties (2 Ger y Llan, Los Andes and Milford) objecting to the proposal. These are summarised as follows:

- The building is in a conservation area and of significant historical value;
- The building is supposed to be a non-residential building;
- Concerns regarding how it will be ensured the flats are work live units;
- Insufficient space for working;
- Concern regarding the number of vehicles using the site;
- Minimal natural light to the flats;
- Shortage of outdoor amenity space;
- Noise levels on the site;
- The proposed skylights are not appropriate on the primary elevation of this historical building in the Conservation Area;
- Insufficient parking that would result in overspill on to the A48, footway and layby, at detriment to highway and pedestrian safety.

A Representation has been received from 1 property (1 Cae Newydd) commenting on the proposal. This is summarised as follows:

- Questionable whether level of parking is sufficient, particularly if the area to the rear is developed as a house under planning application ref. 2021/00023/FUL.

## 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 SP10 – Built and Natural Environment

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

POLICY MG1 – Housing Supply in the Vale of Glamorgan

POLICY MG4 – Affordable Housing

POLICY MG16 – Transport Proposals

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

**Managing Development Policies:**

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD3 - Provision for Open Space

POLICY MD4 - Community Infrastructure and Planning Obligations

POLICY MD5 - Development within Settlement Boundaries

POLICY MD6 - Housing Densities

POLICY MD7 - Environmental Protection

POLICY MD8 - Historic Environment

POLICY MD9 - Promoting Biodiversity

POLICY MD16 - Protection of Existing Employment Sites and Premises

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

**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 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.

Policy 4 – Supporting Rural Communities

- Supports sustainable and vibrant rural communities

Policy 7 – Delivering Affordable Homes

- Focus on increasing the supply of affordable homes

Policy 9 – Resilient Ecological Networks and Green Infrastructure

- Action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.

## Policy 12- Regional Connectivity

- Priority in urban areas is improving and integrating active travel and public transport.
- Priority in rural areas is supporting the uptake of ULEV vehicles and diversifying and sustaining local bus services.
- Active travel must be an essential and integral component of all new developments.
- New development and infrastructure should be integrated with active travel networks and where appropriate ensure new development contributes towards their expansion and improvement.
- Supports reduced levels of car parking in urban areas, car free developments in accessible locations and developments with car parking spaces that can be converted to other uses over time.
- Where car parking is provided for new non-residential development a minimum of 10% of car parking spaces should have electric vehicle charging points.

## 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
- Placemaking in Rural Areas
- Accessibility
- Previously Developed Land

### Chapter 4 - Active and Social Places

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

### Chapter 5 - Productive and Enterprising Places

- Economic Infrastructure (electronic communications, transportation Infrastructure, economic development, tourism and the Rural Economy)

## Chapter 6 - Distinctive and Natural Places

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

### **Technical Advice Notes:**

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

- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 10 – Tree Preservation Orders (1997)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 23 – Economic Development (2014)
- Technical Advice Note 24 – The Historic Environment (2017)

### **Welsh National Marine Plan:**

National marine planning policy is 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. WMNP is of relevance in the assessment of this planning application.

### **Supplementary Planning Guidance:**

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

- Affordable Housing (2022)
- Biodiversity and Development (2018)
- Conservation Areas in the Rural Vale (2006)
- Conversion and Renovation of Rural Buildings (2018)
- County Treasures (2009)
- Model Design Guide for Wales (2005)
- Parking Standards (2019)
- Planning Obligations (2018)
- Residential and Householder Development (2018)
- Sustainable Development - A Developer's Guide (2006)
- Trees, Woodlands, Hedgerows and Development (2018)
- St Nicholas Conservation Area Appraisal and Management Plan (2009)

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

- Employment Land and Premises Study (2013)

## Other relevant evidence or policy guidance:

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

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

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

### Issues

The key issues are considered to be whether the location of the development is acceptable for the residential redevelopment of the site, in accordance with Policy MD1 (Location of New Development), whether the proposed change of use is acceptable in accordance with Policy MD16 (Protection of Existing Employment Sites and Premises), the impact on the historic environment, in accordance with Policy MD8 (Historic Environment), the provision of amenity space in accordance with Policy MD2 (Design of New Development), the impact on the adjacent Special Landscape Area, in accordance with Policy MG17 (Special Landscape Areas), the provision of parking and impact on highway safety in accordance with Policy MD2 (Design of New Development), the impact of noise on the new development, in accordance with Policy MD7 (Environmental Protection), the impact on neighbour amenity, in accordance with Policies MD2 (Design of New Development) and MD5 (Development within Settlement Boundaries), the impact on ecology in accordance with Policy MG19 (Sites and Species of European Importance) and the provision of affordable housing in accordance with Policy MG4 (Affordable Housing) of the Local Development Plan.

### Principle of Development

LDP Policy MD1 (Location of New Development) sets out the Council's policy framework for the development of unallocated sites and seeks to ensure the efficient use and reuse of land and buildings and effectively manage important resources. In directing development to the most sustainable locations the Council recognises the importance of ensuring that development is carefully managed and that it does not have an unacceptable impact on existing infrastructure, local amenity or result in the redevelopment of important open space or community facilities.

The building is located along the A48 Cowbridge Road and is within the settlement boundary for St Nicholas. The Vale of Glamorgan LDP identifies St Nicholas as a minor rural settlement, which is capable of accommodating additional development during the

plan period and that it contributes towards the special character of the rural Vale and plays an important role in underpinning sustainable rural communities. The site is within 200m of bus stops in the centre of the village which provide access to local bus services. As such, the site is considered to be in a sustainable location for a residential development.

#### Acceptability of the change of use – loss of commercial use

When the planning application was submitted, the building was vacant (for approx. 1 year) and was approved as B1 (office) use (under planning permission ref. 2008/00480/FUL). The building was most recently used as commercial offices over two floors.

In order to change the use of the site away from a “B1” employment use, it was considered that the site needed to satisfy the requirements of Policy MD16 (Protection of Existing Employment Site and Premises) of the Local Development Plan.

It is material to the determination of this application that planning permission has recently been granted for a physiotherapy business (D1 use) approved under planning permission ref. 2021/00961/FUL. It is understood that use has now commenced. Whilst that application fully considered the loss of the B1 use in respect of compliance with Policy MD16, the assessment in respect of the loss of the commercial B1 office space, is set out below.

Given the circumstances that have occurred in relation to the coronavirus pandemic, office spaces such as the one that previously occupied the building may be far more important going forward. While to a degree, any work/live units proposed could help meet a need and are supported by Planning Policy Wales (5.4.14 refers) where they are appropriate (also see below), the small office environment presented by the previous use (prior to its use a D1 use) of the building could also become a far more attractive proposition following the pandemic. The importance of such small units to the rural economy would seem to be reflected in Planning Policy Wales.

It should be noted that Policy MD16 is specifically for the protection of B1, B2 and B8 employment uses. While it is acknowledged that the current use as a physiotherapy business is a D1 use, it would not benefit from the protection this policy affords to protect B uses.

It was acknowledged in the officer’s report on planning application 2021/00961/FUL for the conversion of the building to a D1 use that the proposed use did still provide employment and that it would likely to be easier to revert the D1 use back to a “B1” use, than it would be to change back a residential conversion.

Policy MD16 (Protection of Existing Employment Sites and Premises) seeks to protect the loss of existing employment sites and premises to non-employment use.

Policy MD16 only permits proposals for non B1, B2 and B8 employment uses where:

- The proposal is for ancillary or sui generis uses that would not singularly or cumulatively lead to a material change in the nature of the employment site; or
- The existing employment use has unacceptable adverse impacts on amenity or the environment; or
- Land of equal or better quality is made available for employment use elsewhere; or

- It is demonstrated that the site or premises is no longer suitable or viable for employment purposes.

The proposal is for a C3 residential use (see below for discussion of “work-live” accommodation). The previous B1 use was considered acceptable in respect of its impact on amenity and the environment, and this proposal would not make any other land available for employment uses within the Vale of Glamorgan. As such it needs to be considered whether the site or premises is no longer suitable or viable for employment purposes.

The site has been marketed. Marketing information was submitted for consideration by email on 9<sup>th</sup> April 2021, by letter on 3<sup>rd</sup> June 2021 and by email on 23<sup>rd</sup> June 2021. This advised that the site had been marketed since May 2020, including on line and through a signboard on the site. Additional information regarding how the marketing was carried out, including how this continued through the Covid pandemic and a marketing brochure was also provided.

The above also reports that while there had been some interest in the building, much of this had been for non B uses, including a nursery, day care facilities (also D1 uses) and an aesthetics business, no offers had been made within this time. Reasons for not progressing the interest have been given as the size of the building, impractical layout and the level of works required to the property for a daycare facility, the location on a busy road for the nursery and the level of works required to the property for the aesthetics business. It had also been advised that the building owner approached a number of childcare facilities prior to instructing the estate agent, but that they were not interested in the building.

No information was included in the marketing information on whether all interested parties (including the aesthetics business) would need to seek planning consent to occupy the building, however it is accepted that no offers had been made to do so until the operators of the current D1 use.

The marketing information submitted is considered acceptable and proportionate given it relates to the loss of one employment property outside of an identified employment site and town centre location.

It is therefore considered that the site is not viable for B type uses. While it is acknowledged that the physiotherapy business demonstrates that a rental price is able to be agreed and the premises is able to be let for a business use which provides employment, it is reiterated that this is not for a B use that Policy MD16 seeks to protect. It was on the basis of B uses not being viable for B uses at this time that planning permission for the physiotherapy business was granted and the marketing information submitted is considered appropriate for the current proposal. The property no longer appears to be marketed, presumably due to the new use.

In respect of a proposal for live/work units, only one of the flats is shown as having a separate living room that could be used as a dedicated ‘work’ space, and references to work spaces have been removed from the revised plans. It is therefore questioned whether these flats would be used as live/work units going forward.

It would be considered difficult to control the use of the flats through the planning process to ensure that an element of work was retained within them going forward. Moreover, there

is no policy requirement to secure live/work units on this site, particularly as the change away from a B use is considered acceptable and the fact that the site is located in a sustainable location within the settlement of St Nicholas. The proposal as a C3 residential use (regardless of any work element) is therefore considered to be acceptable and comply with Policy MD16 (Protection of Existing Employment Sites and Premises).

It also has to be considered that it is not known if the D1 use will result in the building being in a long term use. As a County Treasure and a positive building within the conservation area which is also important to the history of St Nicholas, it is not considered desirable for the building not to be in use. Granting permission for residential conversion would provide another option and would no doubt provide greater certainty in securing the long term re-use of the building.

### Historic Environment

Policy SP10 (Built and Natural Environment) requires that development proposals preserve and where appropriate enhance the rich and diverse built and natural environment and heritage of the Vale of Glamorgan. This policy specifically includes under criterion (1) locally listed buildings. Policy MD8 (Historic Environment) seeks to ensure that the unique built and historic environment of the Vale of Glamorgan is protected and enhanced, this includes conservation areas and locally listed buildings.

Due to the lack of external alterations proposed, to the building, the proposed development is not considered to have a significant visual impact, including on the historic environment. The rooflights have been moved to the rear roof plane, as requested by the Council's Conservation Officer. As such the proposal is considered to preserve the St Nicholas Conservation Area and have a limited impact on the building as a County Treasure.

The proposal would not harmfully impact on the significant views from the A48 into the countryside that have been identified in the Conservation Area Appraisal and Management Plan.

During the course of the application, Cadw received a request to consider listing the building. However, they have advised that they cannot see that there is a case for listing and its inclusion on the County Treasures list is good recognition of its heritage values and local interest.

The proposal is therefore considered to be in accordance with Policy MD8 (Historic Environment) of the Local Development Plan.

### Amenity Space

Policy MD2 (Design of New Development) sets out the key principles that developers should consider in respect of design, amenity and access which together contribute to attractive, safe, and accessible environments. Criterion 9 of Policy MD2 - Design of New Development states development proposals should "provide public open space, private amenity space and car parking in accordance with the Council's standards". The Council's standards relating to private amenity space provision are set out in the Residential and Householder Development SPG 2018 and the SPG notes that both proposals for new houses and conversions to create new dwellings must provide and maintain adequate amenity space.



As the current proposal would result in 3 new flats, the SPG requirement would require 120 sqm of useable amenity space, based on a typical one or two bedroom flat having 2 occupants and based on 20 sqm per person.

The use of all the land to the rear of the building as amenity space would result in approximately 460 square metres of amenity space. The part of the site to be used as amenity space is within the curtilage of the building, within the settlement boundary and delineated from the countryside to the rear by a planted boundary.

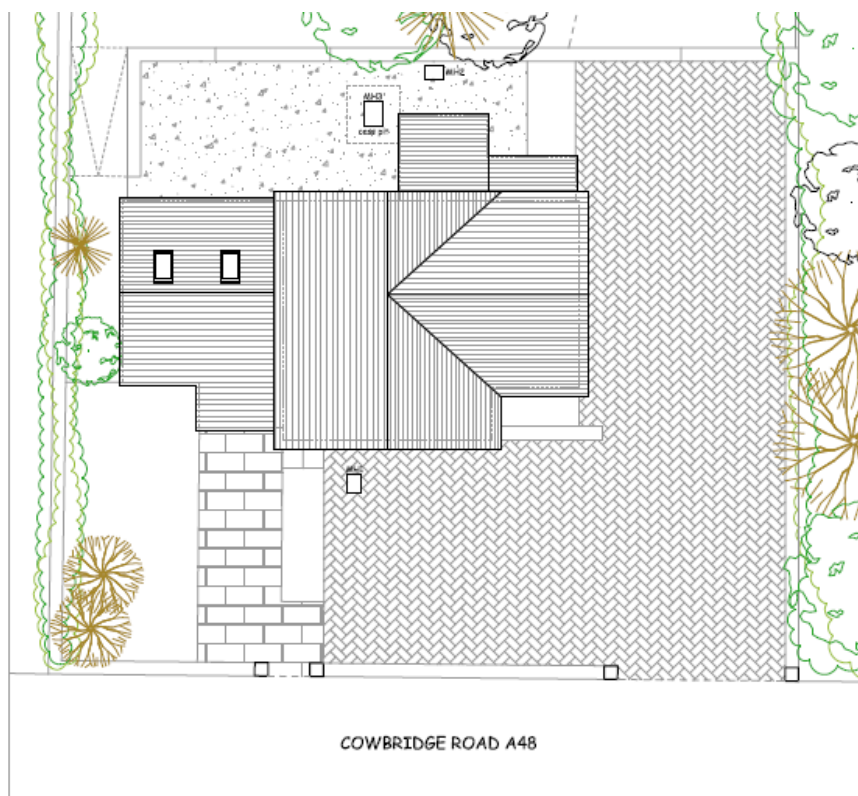
The land would be accessible and usable to all occupiers of the flats via a ramp as amenity space and a landscaping condition (**Condition 4** refers) is recommended to ensure that this space is appropriately laid out as amenity space. As detailed below, there is a requirement for acoustic fencing to ensure that external amenity space noise level does not exceed 50 dBA Leq 16 hour [free field] from the road. On this basis, a scheme detailing the location of the acoustic fencing is required by condition (**Condition 6** refers). However, given the sensitivity and open character of the site, no further means of enclosure shall be erected on the land and permitted development rights which could permit such enclosures (without the need for planning permission) should be removed. (**Condition 7** refers)

It is acknowledged that the construction of the house proposed under planning application 2021/00023/FUL would reduce the amount of amenity space available. However, this is a matter to be addressed in considering the application for that new house.

#### Special Landscape Area

Policy MG17 (Special Landscape Areas) identifies those areas of the Vale of Glamorgan that are considered to be important for their geological, natural, visual, historic or cultural significance. While the Dyffryn Basin and Ridge Slopes Special Landscape Area lies immediately to the south of the old police station site, as the main impacts of the proposal will be to the internal layouts of the building, the proposals are not considered to have an adverse impact on the special landscape area designation. While ancillary and incidental elements to a residential use may ultimately appear within the surrounding amenity space, such as enclosures (where they provide the necessary noise attenuation) these will be no greater than the features and activities which already occur within adjacent properties, which are within the settlement and that lie adjacent to the Special Landscape Area.

## Parking and Highway safety



The plan above shows an enlarged parking and turning area to serve the three 1 bed flats with the potential for one of the flats to be used as a two bed unit. Based on the Parking Standards SPG (maximum standards), four spaces would be required. The proposed layout is sufficient to provide four off street parking spaces and an associated turning area.

The highway authority requests the access is widened to 4.5m as this site is proposed to provide a mixture of residential and work units. However, the application has been considered on the basis of residential use only and the existing access has been retained and approved for its use as a physiotherapy business (under planning permission ref. 2021/00961/FUL). On this basis and the limited intensity of the use, given the fall back position, it is not considered necessary to require that the access is widened on highway safety grounds .

In respect of the ongoing planning application to develop the rear of the site (planning application 2021/00023/FUL) for a new dwelling, if the proposal for the house behind the building was to be constructed, it would be expected that additional parking should be provided at the lower site level as part of that proposal to compensate. This matter would be fully addressed as part of the consideration of planning application 2021/00023/FUL.

It is suggested that cycle parking should also be provided and a condition is recommended for this (**Condition 8** refers)

## Noise

Policy MD7 (Environmental Protection) seeks to ensure that development proposals do not result in unacceptable impacts on people, residential amenity, property and/or the natural environment including by way of noise.

Due to the building fronting the A48, appropriate noise attenuation measures are required. The Council's SRS Team have requested that all habitable rooms exposed to external road traffic noise shall be subject to sound insulation measures. This is to ensure that all such rooms achieve a specified internal noise level and that the submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units and a central ventilation/extract system or whole house heat recovery system designed to the latest Building Regulations Part F may be installed or any other alternative to achieve the same.

The revised plans show that the windows will be fitted with secondary (internal) glazing for noise insulation purposes. Whilst this noted, for the avoidance of doubt full details of noise mitigation will be required by condition (**Condition 10** refers)

For the external areas, the SRS requirement is 50% of the area for sitting has a maximum day time noise level does not exceed 50 dBA Leq 16 hour [free field]. Given the layout of the site and the amenity space to the rear, it is likely that the area to the rear which is more than 50% of the available space would be some 20m from the road frontage and partly set behind the property which itself would assist in mitigating noise levels from the road (A48). On this basis if mitigation is still required to attenuate the noise levels to the required level, this can be achieved through the use of an acoustic fence without the detriment to visual amenity. Conversely any enclosure along part of the site frontage to mitigate noise or within the upper level of amenity space may well result in an unacceptable visual impact. A condition is recommended for this and other boundary treatments (**Condition 6 and 7** refer).

In respect of the concerns raised regarding appropriate levels of light to the building for a residential development, all habitable rooms will have either windows or roof lights lighting them, which is concerned acceptable to provide appropriate levels of light and outlook for the proposed flats.

#### Neighbour Amenity

In respect of neighbour amenity, the proposal will result in existing windows that face Cedar Parc (the dwelling to the west), serving a bedroom and a lounge, which are considered to be habitable rooms, with a further window serving a stair well.

The windows are 6.9 metres away from the boundary, but it is acknowledged they are existing windows and that the trees on the boundary do provide screening. Whilst trees cannot be relied upon to provide permanent screening, the windows face the front garden/driveway area of Cedar Parc and do not directly face the house at the neighbouring property, which is approximately 20 metres away from the windows.

The proposal is not considered to have any other significant impacts on the amenities of neighbours.

#### Impact on Trees

A tree survey, arboricultural impact assessment and tree protection plan have been submitted in respect of the impact of the proposal on the trees covered by a tree preservation order on the western boundary of the site (within the boundary of Cedar Parc). While some concerns have been raised regarding this information, the assessment is of more relevance to the works needed to achieve access to the proposed house

applied for under planning application 2021/00023/FUL. This proposal for the change of use would not impact on any protected trees within or adjacent to the site.

## Ecology

Policy MG19 (Sites and Species of European Importance) sets out criteria for when proposals are likely to have a significant effect on European Protected Species.

A bat survey has been submitted in this case which concluded that the building is in use as a common pipistrelle day roost. Common pipistrelle, noctule and soprano pipistrelle bats have been found to commute and forage around the site.

NRW were consulted and have stated that on the basis of the bat survey report carried out, they do not consider the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range, but request an informative is attached to any planning permission advising the applicant of the requirement for a European protected species licence.

It is also considered that bat compensatory features (including bat access tiles) and bird boxes should be installed.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under a licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation.

The proposal is required to be considered in accordance with these tests and is so as follows:

*The development works to be authorised are for the purpose of preserving public health or 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;*

The building is a County Treasure and is of significant importance to the St Nicholas Conservation Area and history of the village. As such it is important that the building is in use so that it does not deteriorate in condition. Although a new use has been found for the building, there is risk that this may not be a long term solution for keeping the building occupied. The current proposal would provide another and a potentially more permanent solution for keeping the building in use to protect the County Treasure in the public interest.

*There is no satisfactory alternative;*

As the building is a County Treasure and is of significant importance to the conservation area and history of the village, allowing the building to remain empty for a long period of time and be at a greater risk of deterioration is not a satisfactory alternative.

*The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range;*

Natural Resources Wales have advised that they do not consider the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

The informative note requested by Natural Resources Wales regarding the requirement for a licence is recommended.

A condition is recommended for the provision of bird boxes. It is considered that it would be most appropriate for the bat compensatory measures to be addressed through the European protected species licence.

As such, it is considered that subject to the above condition, the proposal is acceptable in terms of its impact on protected species.

In line with Policy MD9 (Promoting Biodiversity) and the Biodiversity and Development SPG, there is a requirement for the development to deliver biodiversity enhancements. In the case of this application and proportionate to the scale of the development, it is considered appropriate to secure a scheme for the installation of bird boxes by way of condition (**Condition 3** refers)

#### Affordable Housing

Policy MG4 (Affordable Housing) identifies the levels of affordable housing that new development proposals will be expected to contribute to meeting the affordable housing need in the Vale of Glamorgan. Policy MG4 of the Local Development Plan requires an affordable housing contribution of 40% in the rural Vale of Glamorgan (including St Nicholas) for the conversion of buildings, where the net gain will be two dwellings or more. Housing Strategy have requested an offsite contribution of £83,311.20 in compliance with this. The applicant has agreed to pay the affordable housing contribution.

However, amended Acceptable Cost Guidance figures for affordable housing have been published since that request was made, and the Affordable Housing Supplementary Planning Guidance has also been revised to reflect these. In accordance with these revised figures, the required affordable housing contribution for this development would now be £82,893.60. As such, it is recommended below that £82,893.60 is paid as the affordable housing contribution for this development.

The applicant has agreed in writing to this contribution.

#### RECOMMENDATION

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

- Provide an off-site contribution of £82,893.60 towards affordable housing; and
- A clause for the payment of an administration fee of £1657.87 (2% of the contribution sought), to cover the Council's costs to negotiate, monitor and implement the terms of the necessary Section 106 agreement

## 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:

R568-00 A4 Location Plan (Received 31st December 2020)

R568-04 A1 Proposed Plans and Elevations (Received 25th October 2021)

R568-10 A3 Proposed Site Plan (Received 7th October 2022)

Reason:

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

3. Prior to first beneficial use, details of the type, number and location bird boxes to be installed shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the beneficial occupation of the building.

Reason:

To enhance biodiversity on the site, in accordance with Policy MD9 (Promoting Biodiversity) of the Local Development Plan.

4. No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development, and shall detail how the area of the site to the rear of the building (including that at the lower ground level) will be laid out as amenity space for residents.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies MD2 (Design of New Developments) and MD8 (Historic Environment) of the Local Development Plan.

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

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies MD2 (Design of New Developments) and MD8 (Historic Environment) of the Local Development Plan.

6. All means of enclosure associated with the development hereby approved shall be completed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. This scheme shall include the submission of an acoustic report which shall detail the acoustic requirements for the means of enclosure to demonstrate that 50% of the amenity area has a maximum day time noise level that does not exceed 50 dBA Leq 16 hour [free field]. The means of enclosure shall be completed in accordance with the approved details prior to the first beneficial use of the development and shall thereafter be retained at all times thereafter.

Reason:

To safeguard local visual amenities and provide noise mitigation and to ensure compliance with Policies MD2 (Design of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), other than those which have been approved under Condition 6, no further fences, gates or walls shall be erected on the land.

Reason:

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

8. The development shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and they shall be retained in perpetuity.

Reason:

To ensure that satisfactory parking for cycles is provided on site to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

9. The existing vehicular access and hardstanding area for car parking, as shown on plan R568-10 A3 (Proposed Site Plan) shall be kept available in its entirety for the parking of motor vehicles at all times in association with the development hereby approved.

Reason:

To ensure that adequate off-street parking provision is retained and in accordance with Policy MD2 (Design of New Developments) of the Local Development Plan.

10. Notwithstanding the submitted plans, prior to commencement of development, a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq16 hour [free field] during the day [07.00 to 23.00 hours] or 57 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units and a central ventilation/extract system or whole house heat recovery system designed to the latest Building Regulations Part F may be installed or any other alternative to achieve the same. The scheme of sound insulation thereafter approved shall be completed as approved, prior to the use of any of the affected apartments here approved.

Reason:

To safeguard the amenities of future occupiers, 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.

## 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), SP10 (Built and Natural Environment), MG1 (Housing Supply in the Vale of Glamorgan), MG4 (Affordable Housing), MG16 (Transport Proposals), 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), MD1 (Location of New Development), MD2 (Design of New Development), MD3 (Provision for Open Space) MD4 (Community Infrastructure and Planning Obligations), MD5 (Development within Settlement Boundaries), MD6 (Housing Densities), MD7 (Environmental Protection), MD8 (Historic Environment), MD9 (Promoting Biodiversity), MD16 (Protection of Existing Employment Sites and Premises) of the Local Development Plan, Future Wales – the National Plan 2040, Planning Policy Wales and the relevant Technical Advice Notes and Supplementary Planning Guidance, the proposed development is acceptable in terms of the change of use proposed, the impact on the historic environment, highway safety, neighbour amenity and in other respects.



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. Warning: An European protected species (EPS) Licence is required for this development.**  
**This planning permission does not provide consent to undertake works that require an EPS licence.**  
**It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.**  
**To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>**
- 2. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**

**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.**

Number	R568-00 A4
NOTES:	THIS DRAWING IS COPYRIGHT. DO NOT SCALE FROM THIS DRAWING. WORK TO FIGURED DIMENSIONS ONLY. CHECK ALL DIMENSIONS ON SITE. ANY DISCREPANCIES TO BE NOTIFIED TO THE ARCHITECT.
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REVISIONS	



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Job  
 OLD POLICE STATION  
 COWBRIDGE ROAD  
 ST. NICHOLAS  
 CARDIFF  
 CF5 6SH

Drawing  
 LOCATION PLAN

Number	R568-00 A4
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Date	11/20
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**2022/00232/FUL** Received on 27 October 2022

**APPLICANT:** Mr Ali Alzahid 36, Pill Street, Cogan, Penarth, CF64 2JS

**AGENT:** Mr Somas Kandiah 58B, Clearwater Way, Lakeside, Cardiff, CF23 6DJ

### **36, Pill Street, Cogan, Penarth**

Single storey rear extension, first floor rear extension, loft conversion including rear dormer with alteration to rear garage to convert property into two self-contained two bed flats with external alterations (Amended roof design to that approved in 2020/00374/FUL)

### **REASON FOR COMMITTEE DETERMINATION**

This application is reported to Planning Committee under the Council's approved scheme of delegation at the request of Councillor Birch who has been approached by immediate neighbours on the grounds that it is overdevelopment, overbearing and will lead to a loss of light and privacy".

### **EXECUTIVE SUMMARY**

This retrospective planning application relates to amendments to planning permission (Ref: 2020/00374/FUL) previously granted for the conversion of the property to two flats. The main changes relate to the height and position of the rear extensions. The principal issues to consider are the impact of the changes from the approved scheme on the amenity of neighbours and the character and appearance of the application site.

### **SITE AND CONTEXT**

The application site is 36, Pill Street, a terrace property located within the Cogan area of Penarth. The property is located within the Penarth settlement boundary with the grounds of Penarth Leisure Centre to the rear.

The property benefits from one off road parking space via the garage to the rear of the property that is serviced by a private lane.

A number of properties within the street-scene have been altered, extended and converted over the past number of years however the properties have generally retained their residential appearance.

An extract from the site location plan is provided below:



### DESCRIPTION OF DEVELOPMENT

The application, as amended, seeks consent for a, *“Single storey rear extension, first floor rear extension, loft conversion including rear dormer with alteration to rear garage to convert property into two self-contained two bed flats with external alterations (Amended roof design to that approved in 2020/00374/FUL)”*.

Planning permission has previously been granted for the conversion of the property to two flats, however during construction it was identified that the rear extension was not being constructed in accordance with the approved plans. The main change is that the ground floor extension has been built with a pitched roof rather than a flat roof, is higher and it has been constructed over the common boundary with 37 Pill Street. The two storey rear extension is also over the common boundary.

Floor levels of the extension are now at the same level as the ground floor of the main part of the house. The internal layout has been changed to the rear ground floor flat by swapping the bedroom and living room. A window is proposed in the rear elevation (serving the bedroom) rather than patio style doors (that would have served the living room).

The proposed first floor extension measures approximately 1.5m in depth, 3.7m in width and to a height of 5m to the eaves and 6m to the ridge. The plans have been amended from a concealed gutter to an external gutter. The position of the downpipe has been further amended and is now provided on the rear of extension.

The proposed single storey extension to the rear measures approximately 5.4m in depth, 3.7m in width and 3.7m in height to the ridge (3.1m to the eaves). A concealed gutter (as detailed above) is now provided on the boundary with number 37 Pill Street.

The dormer measures approximately 3.1m in depth, 4.4m in width and 2m in height.

The materials proposed state the use of render and slate tiles to match the existing property.

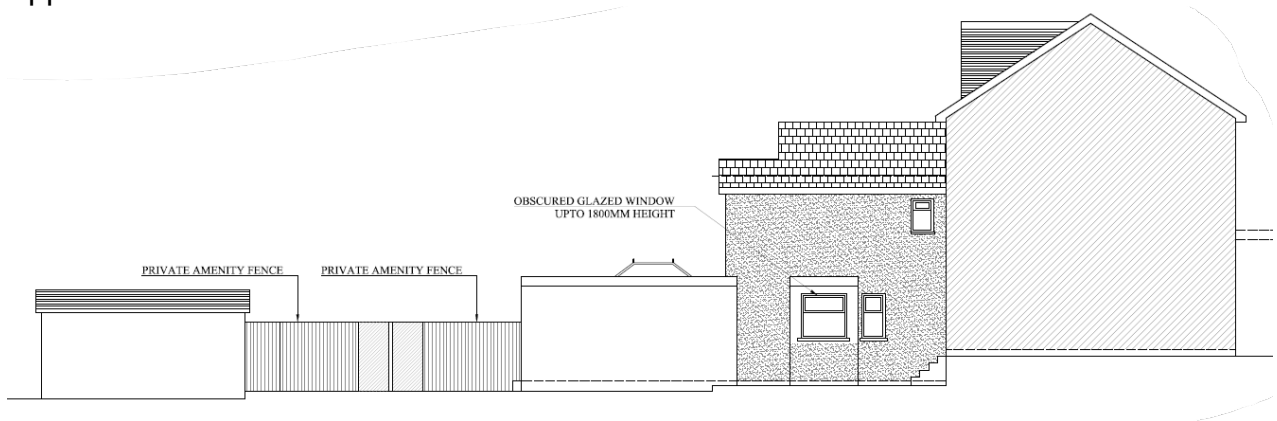
Next to number 35 Pill Street steps are provided from the rear entrance. A 1.85m wooden boarded fence is proposed along the side boundary.

The works to the extensions have been substantially completed on site.

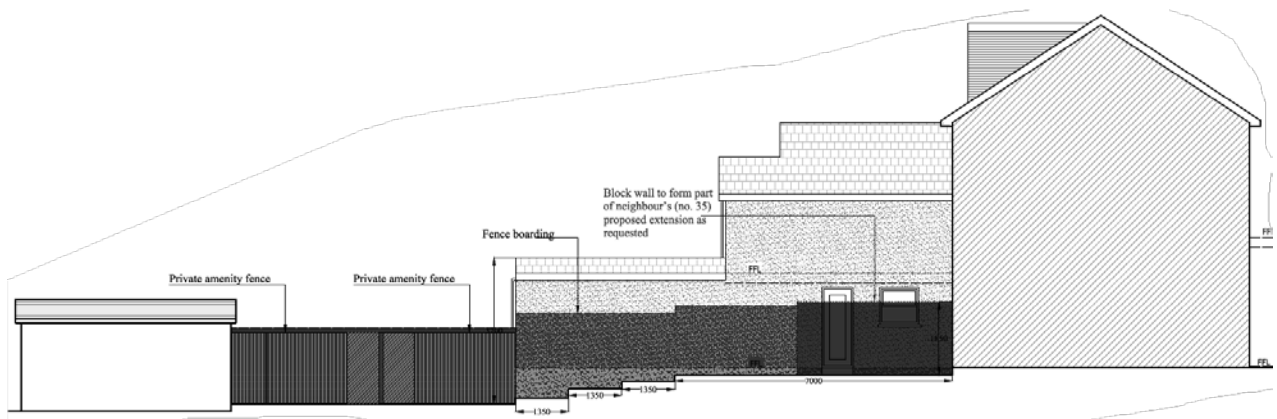
Extracts from the approved and proposed plans are provide below:

## Elevations

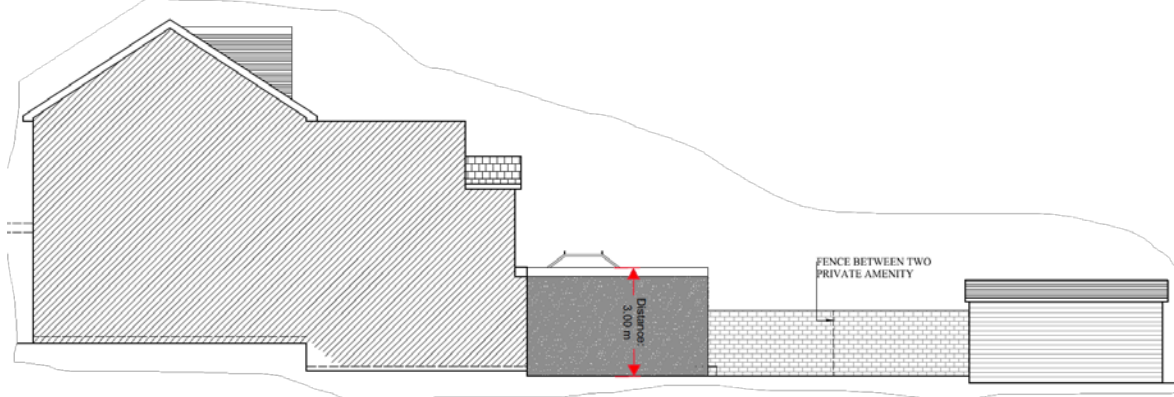
### Approved



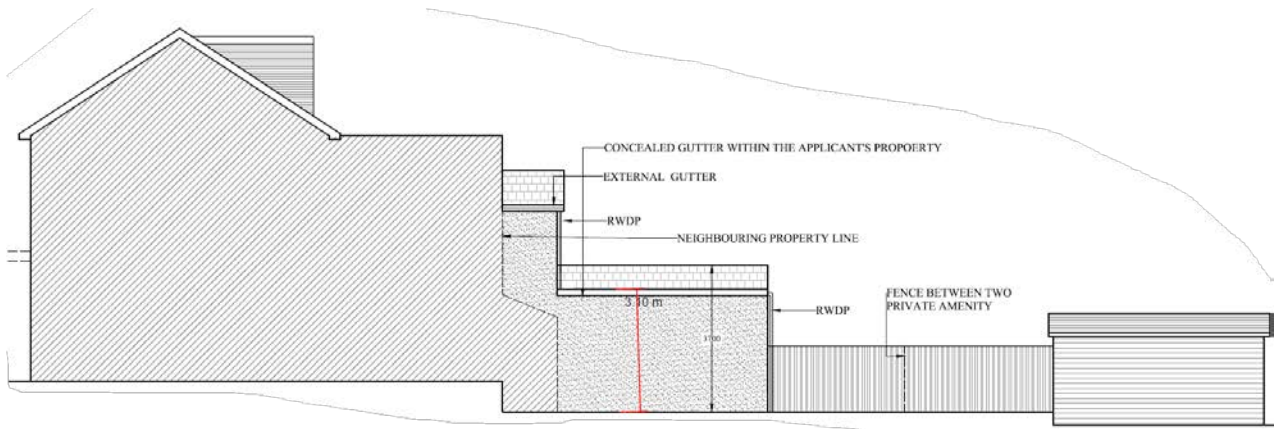
### Proposed



### Approved



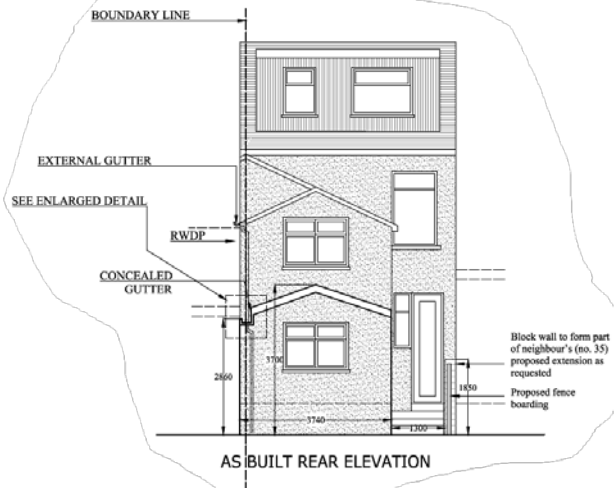
# Proposed



# Approved

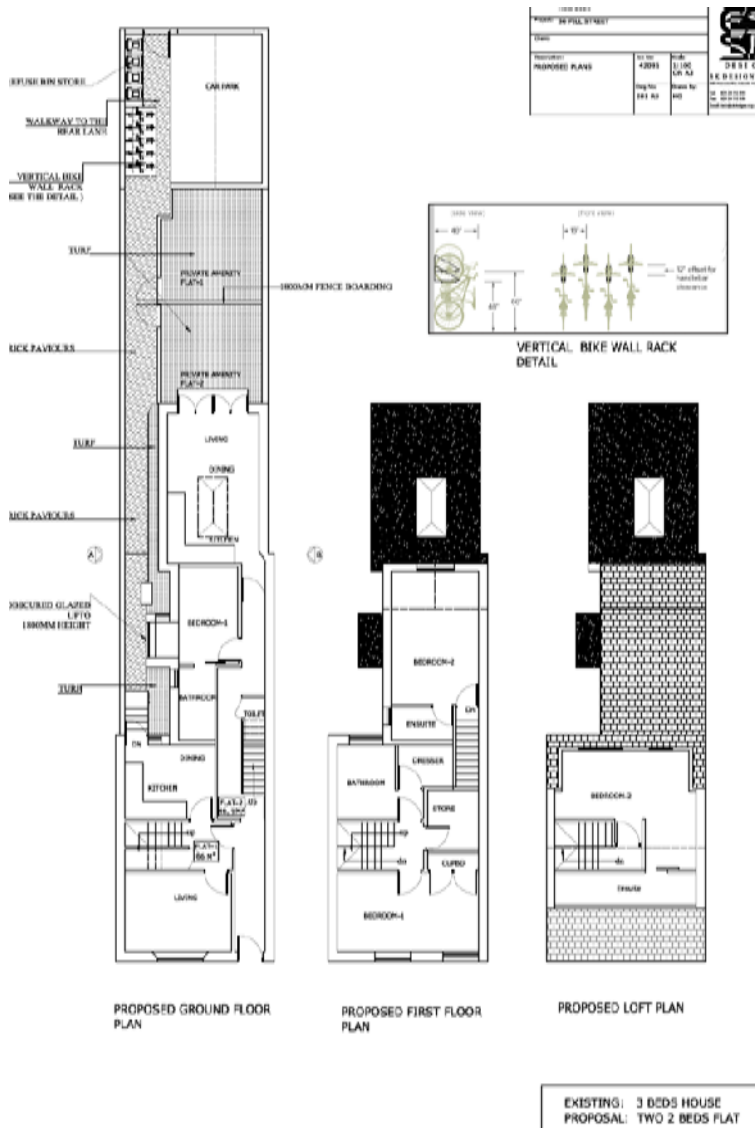


# Proposed

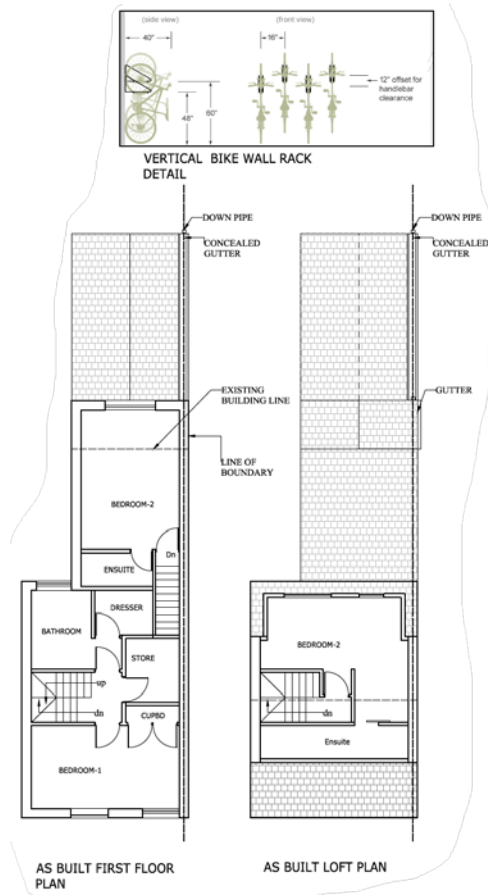
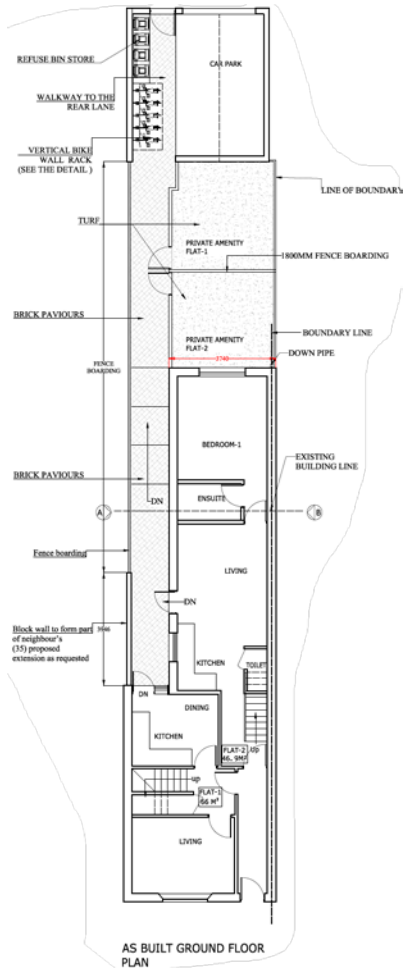


# Floorplans

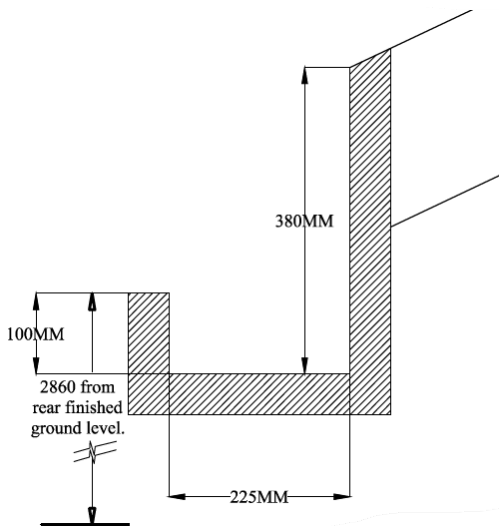
Approved



# Proposed



# Concealed gutter detail





## PLANNING HISTORY

2020/00374/FUL, Address: 36, Pill Street, Cogan, Penarth, Proposal: Single storey extension and loft conversion including rear dormer with alteration to rear garage to convert property into two self contained flats with external alterations, Decision: Approved.

## CONSULTATIONS

**Penarth Town Council** were consulted on 24 March 2022. They have responded and raise an objection. A further consultation was made on 31 August 2022. They have responded further and raise no objection.

**Cornerswell Ward Members** were consulted on 24 March 2022 and 31 August 2022. Councillor Birch has responded calling the application to Committee as detailed above.

## REPRESENTATIONS

The neighbouring properties were consulted on 24 March 2022 and 31 August 2022. A site notice was also displayed on 16 March 2022. The following comments have been received:

Objection from number 35

- It is far more overbearing that if the original floor levels had been maintained.
- We are concerned at the precedent this may set.

Objections from number 37

- It is wider and higher than originally approved.
- It is built on and over the boundary.
- It is out of character with other properties in the street.
- It is overbearing and overshadows a significant proportion of the garden.
- It will reduce the potential saleability and value of the property.

Objections from number 38

- They have removed the neighbouring boundary wall and built the extension on the boundary and larger than approved contrary to the previous permission.
- The guttering is over the neighbour's property.
- The internal levels of the rear extension have been raised to the same as the main part of the house
- It is out of character with other properties on the street.
- It is overbearing and overshadows a significant proportion of the neighbouring garden and would have a negative impact on their quality of life.

Following amended plans being received detailing changes to the gutter the neighbouring properties were re-consulted on 8 November 2022. No further responses 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

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

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

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

#### **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.

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

## Chapter 6 - Distinctive and Natural Places

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

### **Technical Advice Notes:**

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

- Technical Advice Note 12 – Design (2016)

### **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:

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

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

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.

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

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

### Issues

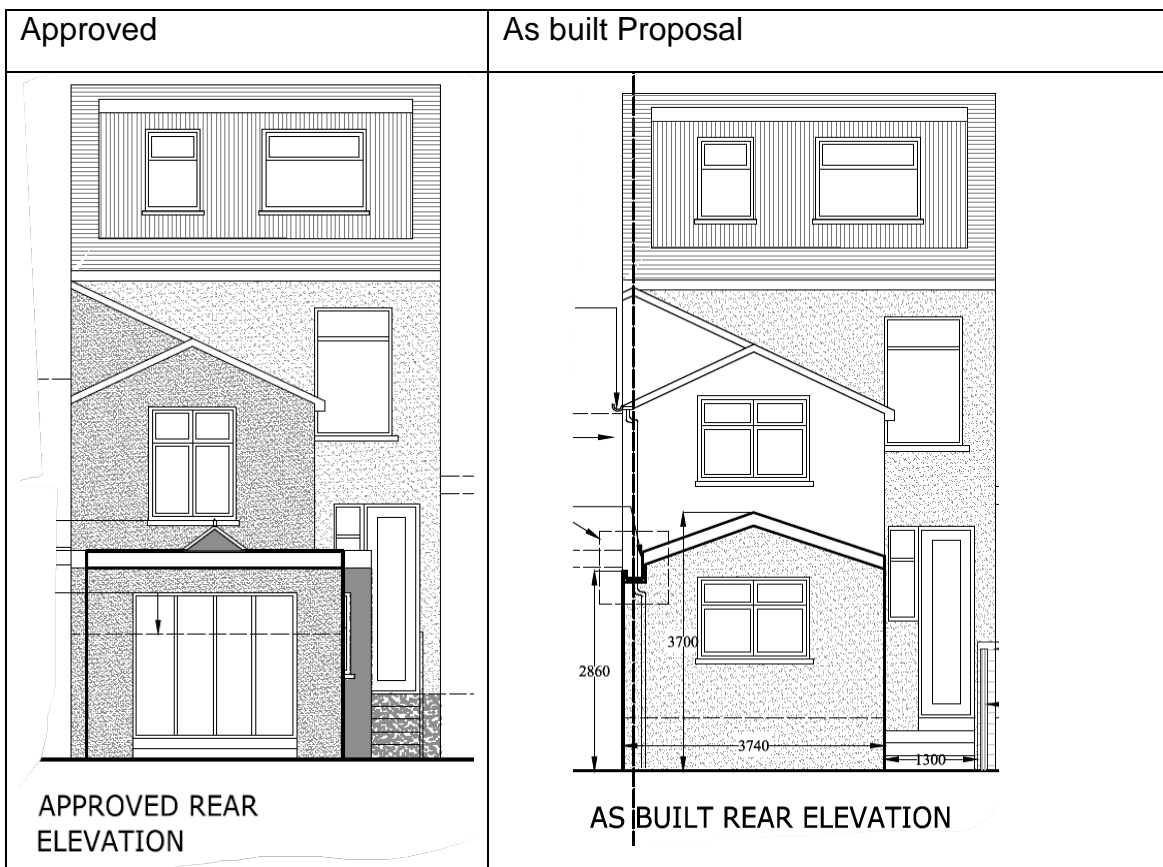
The applicant has previously stated the changes to the single storey extension from a flat roof to a pitched roof was due to head room issues. It is noted that the floor levels of the rear extension have been amended. Originally they were shown as being as the existing

i.e. lower than the main part of the house and would require an internal 'step down' to the extension. They are now level with the ground floor of the main part of the house. Also the internal layout has been changed to the rear ground floor flat by swapping the bedroom and living room. A window is proposed in the rear elevation (serving the bedroom) rather than patio style doors (that would have served the living room).

**Principle of the development**

The conversion of the existing three bedroom property to two two-bed flats would result in the subdivision of the property, amenity space and parking. Previously planning permission has been granted for this (Ref: 2020/00374/FUL). Therefore, the principle of this remains acceptable and this permission can still be carried out at the property.

It has also been noted that the extension, as constructed, is built over the common boundary (see enlarged plan extracts below). Members are advised that this in itself is not an issue that would automatically result in a refusal on planning grounds. The planning application should be determined on the material planning considerations identified i.e. the impact on the amenity of the neighbours and the visual impact. The applicant has carried out the relevant application procedures in terms of notifying the occupiers of number 37 and signing the relevant Ownership Certificate. This situation (of building on someone else's land) or the potential granting of planning application would not prevent the neighbours taking civil action against the developer if they so wished. Moreover, if planning permission were to be refused simply as a consequence of part of a development being constructed on neighbouring land, enforcement procedures could not likely require someone to carry out remedial works on land they do not own.



In terms of determining the planning application, Policy MD5 of the LDP supports additional residential development, subject to the proposal satisfying the criteria set out within MD2 and MD5 of the LDP. The main issues are the impact on residential amenity and the visual impact and are discussed below:

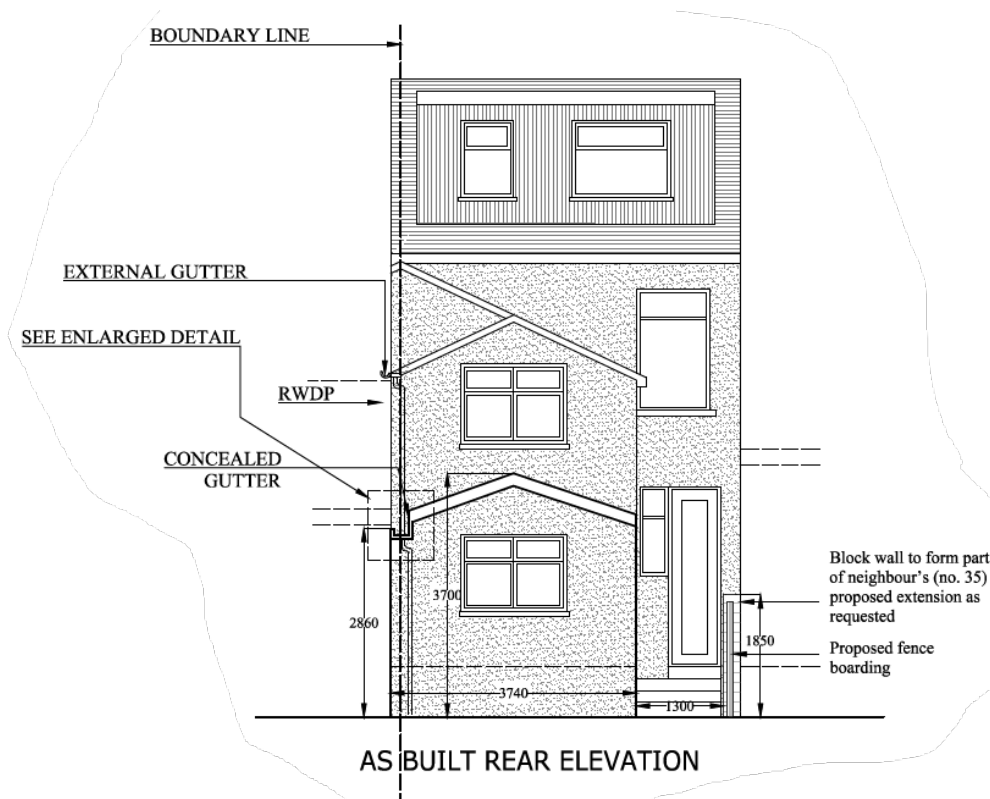
### Impact upon neighbouring properties

As previously considered and approved, the conversion of the property into 2 no. two-bedroom flats is not considered to harm the residential amenity of neighbouring properties and is not considered to unacceptably intensify the use and noise/nuisance from the property.

Objections have been received that the proposal would have a detrimental impact on neighbours from being overbearing, result in the loss of light and a loss of privacy.

Having regard for the neighbouring property to the north at 37 Pill Street, it is noted that the single storey and first floor extensions would extend beyond the rear elevation of the neighbouring property. The first floor extension is of a depth and general roof form as per that previously approved, but it has now been built approximately 20cm closer to number 37 and over the boundary. It is not considered that this, relative to the approved extension, would result in an appreciably greater impact on the amenity of the occupiers of the dwelling (from overbearing impacts or loss of light).

The approved flat roof single storey extension, as measured from the approved plans, would have had a height of approximately 3m on the boundary. The extension, as built, is approximately 20cm closer to 37 Pill Street and slightly over the boundary. The depth of the extension, as measured from the plans has stayed the same, at approximately 5.4m.



As detailed above, the applicant has attempted to reduce the impact of the roof by dropping the eaves to approximately 2.86m and providing a concealed gutter, where the bottom of the roof plane starts at approximately 3.1m above the ground level. Whilst the pitched roof will result in some additional impact, that additional impact is considered to be nominal, whereby the ridge is away from the boundary (by some 1.7m).

It is considered the changes and the impact on the neighbours, as compared to the approved extension, would not be sufficiently greater in terms of overbearing or loss of light to warrant the refusal of the application

On the rear elevation of the single storey extension a window replaces the previously approved patio doors, however the floor level would be higher. Concerns have been raised with regard this and overlooking as the level would be above the boundary fence.



*Current Application*

*Approved Scheme*

Any direct views would be angled and towards the rear of number 37's garden area. In addition the garden is already overlooked from properties either side due to terraced nature of the site. Therefore, despite being built over the boundary with a higher roof form than approved, the additional massing is not considered to unacceptably enclose the outlook of the adjoining occupiers of 37 Pill Street.

With regard to the neighbour at no.35, it is noted that the proposed ground and first floor extensions would be set off the boundary by approximately 1.1m, like the existing property. The extensions would be visible from the neighbouring property, however the works are not considered to result in an overbearing impact or unacceptable loss of light. The proposal now includes the building up of the land on the side boundary with a number of steps to the rear elevation door. As a result, the land at the application site is slightly higher than the rear garden level at 35 Pill Street. This may result in some greater impact on the privacy of the occupiers of number 35. A 1.85m high fence has been proposed on the boundary which would overcome any privacy issues. It may however have some impact on the outlook of the occupiers. However, the existing rear projection and

approved extensions would have had a very similar impact. The impact is therefore not considered significant enough to warrant the refusal of the application. A condition requiring the fence is recommended to protect the privacy of the occupiers of number 35. In addition, as in the previous permission, a condition requiring the side facing window facing the affected property to be obscurely glazed is also required.

The proposed dormer would be very similar to that already approved and located within the roof plane of the property. It would however be visible from the gardens of both neighbouring properties. The dormer would have views towards the gardens of the neighbouring properties, however these views are currently existing from the rear of the property and are considered common on terrace properties. The views are not considered to result in a loss of privacy for the neighbours and is considered acceptable.

Overall, in terms of the impact on neighbouring residential amenity, the proposal could be considered acceptable and compliant with Policy MD2 and MD8.

### **Design and visual impact**

Concerns have been raised by neighbours in respect of visual impact. The changes in the scale of the extension and design are considered relatively minor from that previously approved. As such the impacts on the character of the dwelling and the adjoining terrace are nevertheless considered acceptable. The extensions and dormer would be viewed as similar additions to the dwelling as that previously approved, with negligible further impact on the dwelling and surrounding street scene and is therefore compliant with Policies MD2 and MD5.

### **Other objections**

An objection has been received that it will reduce the potential saleability and value of the property. These however are not material planning considerations that can be taken into account.

### **Amenity space**

The Residential and Householder Development SPG (Design Standard 5) states that for flats, between 12.5 sq.m and 20 sq.m of amenity space per person should be provided, depending on the size of development. It adds that communal areas of amenity space may be acceptable, but must be directly accessible for all occupiers.

The bedrooms shown to serve each flat are of a limited size and it is considered that the two flats would accommodate between 3-4 people. Based on the size of the development the SPG would require 20 sq. m of amenity space per person, which would equate to 60-80square metres.

The proposal would result in approximately 50sqm of amenity space between the two flats with a mix of private and shared space. Each flat would have approximately 12sqm of personal amenity space with the remaining space being shared. Whilst the amenity space would be below the aims of the SPG, it would nevertheless provide a usable area of amenity space to serve the two bedroom flats and would be comparable with the levels of amenity space serving the terraced dwellings in the locality. Both flats would have rear and front access with external bicycle parking and bin storage and as previously considered the amenity space provision would, on balance be acceptable.

## Parking

The Parking Standards SPG states maximum standards which would result in a requirement of a *maximum* of four spaces for the two flats. The parking arrangement on site is shown to remain the same. The existing garage (served off the rear lane ) is 1m in depth below the SPG standards and therefore the space shown for parking would be substandard. However, increasing its size would result in the loss of amenity space. The parking area may be able to accommodate a small car, on the basis that it is the length of a parking space. There is also some availability for on-street parking. In particular, the property is also in very close proximity to Cogan Train Station and bus stops, where any future occupiers would have a sustainable alternative to the use of a car. It should be noted that the shortfall (relative to the maximum standards) is considered minimal and the demand is unlikely to be materially different to the demand for the previous dwelling. It should also be noted that lower parking levels are promoted by local and national policy in sustainable areas such as this, and this application does not differ from the previously approved scheme in this regard.

## RECOMMENDATION

APPROVE subject to the following condition(s):

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

Site Location Plan

201 R13 As Built Plans – Ground Floor, First Floor and Loft Plans

202 R14 As Built Elevations – Rear and Side Elevation A

203 R14 As Built Elevations – Front and Side Elevation B

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.

2. Any part of ground floor kitchen window facing number 35 Pill Street that is below 1.7m in height above the level of the floor in the room that it serves shall be obscurely glazed to a minimum of level 3 of the "Pilkington" scale of obscuration and fixed pane at the time of installation, and so retained at all times thereafter.

Reason:

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

3. The fencing detailed on the approved plans on the boundaries with number 35 and 37 Pill Street shall be provided prior to first beneficial occupation of any of the flats hereby approved and maintained in perpetuity.



Reason:

In the interest of neighbouring amenity and to ensure compliance with Policy MD2 (Design of New Developments) of the Local Development Plan.

4. The amenity space, including all associated means of enclosure, cycle parking and bin store as detailed on the approved plans shall be provided prior to first beneficial occupation of any of the flats hereby approved and maintained as such in perpetuity.

Reason:

In the interest of amenity of future occupiers and to ensure compliance with Policy MD2 (Design of New Developments) of the Local Development Plan.

### REASON FOR RECOMMENDATION

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

Having regard to Policy SP1 – Delivering the strategy, Policy MD2 - Design of New Development, and Policy MD5 - Development Within Settlement Boundaries, of the Vale of Glamorgan Adopted Local Development Plan 2011- 2026, and the advice contained within the Council's Supplementary Planning Guidance on Residential and Householder Development, Planning Policy Wales, Technical Advice Note 12- Design, the development is considered acceptable in terms of its scale, design, impact on neighbours, impact on amenity space provision and parking.

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 applicant/owner shall be aware of the duties imposed under the Party Wall Act 1996. This requires a building owner to notify and obtain formal agreement from adjoining occupier(s) where the building owner intends to carry out work which involves: 1. Work involving an existing shared wall with another property; 2. Building on the boundary with a neighbouring property; 3. Excavating near a neighbouring building, and that work falls within the scope of the Act. Procedures under this Act are separate from the need for planning permission and building regulations approval. 'The Party Wall etc. Act 1996: explanatory booklet' is available at [www.communities.gov.uk](http://www.communities.gov.uk). (I71).**

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

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

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

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



SCALE: 1:1250

LOCATION PLAN.

26 MAR 2020

**2022/00918/FUL** Received on 11 August 2022

**APPLICANT:** Glen Thomas Architecture 112 Kimberley Road, Penylan, Cardiff, CF23 5DN

**AGENT:** Mr Richard Wood 112 Kimberley Road, Penylan, Cardiff, CF23 5DN

### **96, Lavernock Road, Penarth**

Loft conversion with rear dormer. Rear single storey, flat roof extension with first floor extension. General internal remodel. Modernisation of front porch. Alteration to front fenestration

### **REASON FOR COMMITTEE DETERMINATION**

This application is reported to Planning Committee under the Council's approved scheme of delegation at the request of Councillor Ernest to assess the development and for a Committee Site Visit. It is stated, "*The proposed development, in my view, is of an overbearingly large extension to the dwelling, and the creation of a balcony which would impact on the privacy of the neighbour to an unacceptable degree, as well as a major impact on the ridge line and also its proximity to No.94.*"

*The extensions would create a dwelling which would be substantially larger than existing, create a discordant feature in the street scene, and generally be out of character with a number of neighbouring properties, which would impact on the character of the area."*

### **EXECUTIVE SUMMARY**

The principal issues to consider are the impact of the proposal on the amenity of neighbours and the character and appearance of the application dwelling and wider street scene. The application is recommended for approval.

### **SITE AND CONTEXT**

The application site is 96 Lavernock Road in Penarth, which is a detached property. The property is located within the Penarth settlement boundary. Below is an extract of the site location plan:



## DESCRIPTION OF DEVELOPMENT

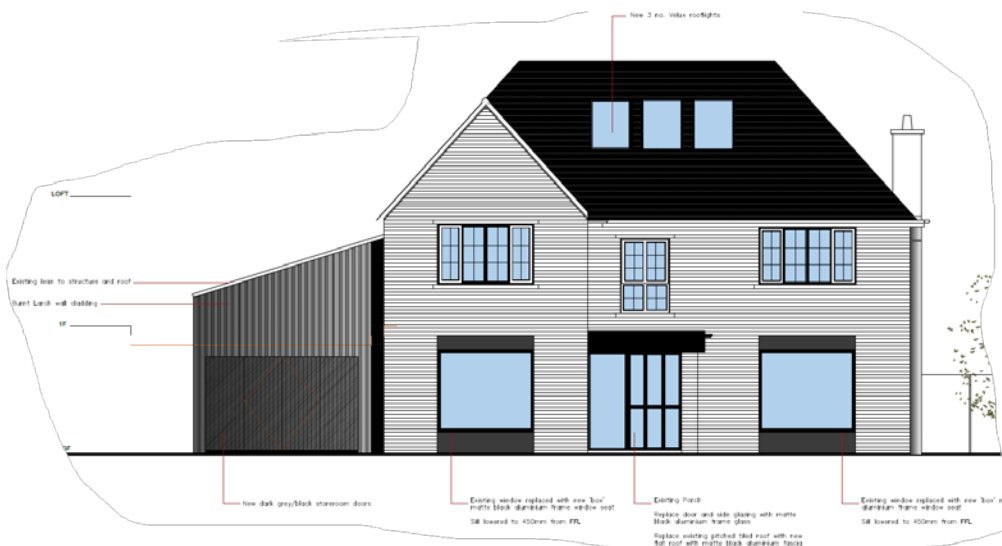
Full planning permission, as amended, is sought for a loft conversion with rear dormer. Rear single storey and first floor flat roof extensions. General internal remodel. Modernisation of front porch. Alteration to front fenestration.

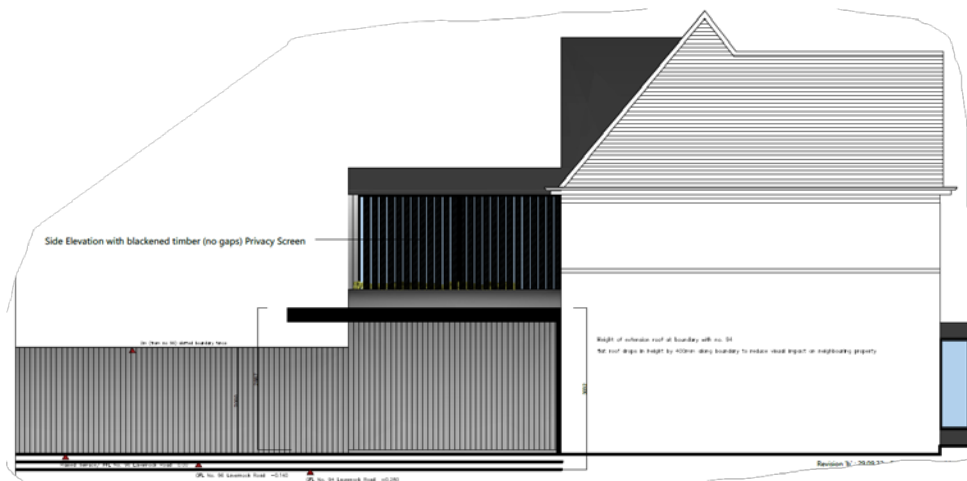
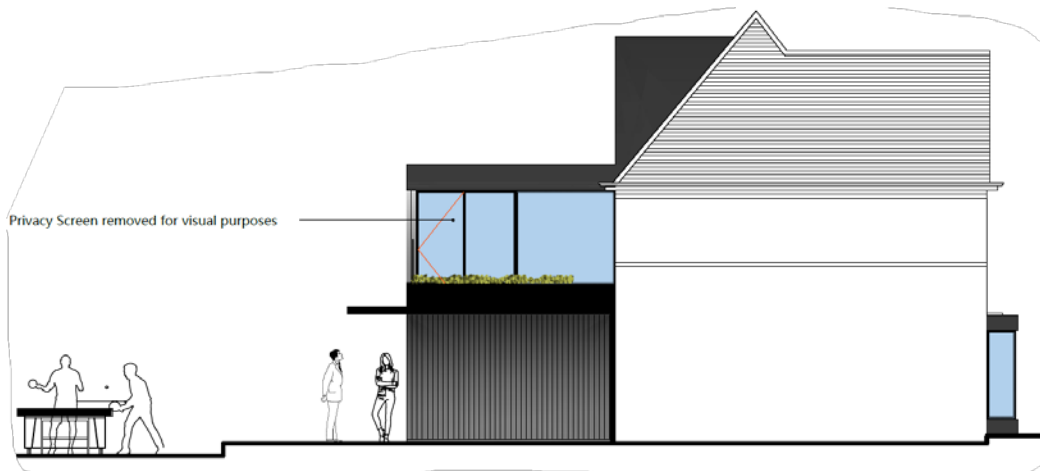
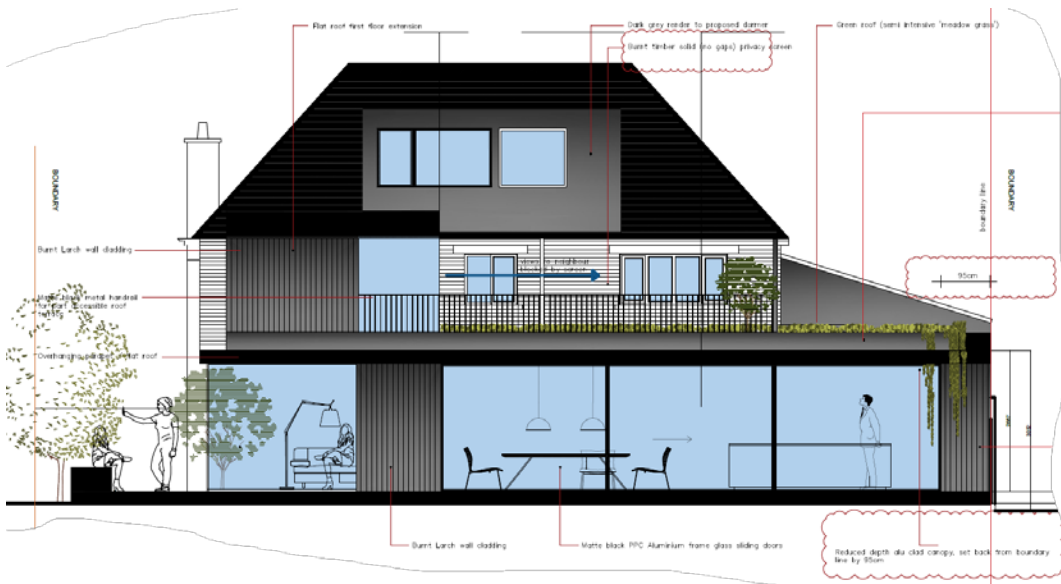
The single storey rear extension would measure approximately 4m in depth, 15m in width and with a flat roof 3.1m in height. It would be provided with a flat 'green' roof with part of it being used as a roof terrace. The plans detail a handrail to the rear and a 'with no gaps' burnt timber privacy screen on the flat roof. An overhanging canopy would be provided at the rear.

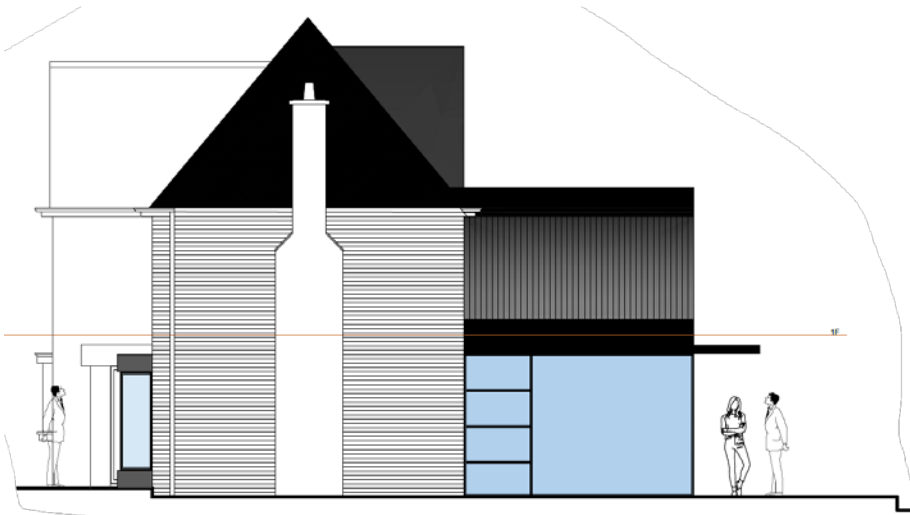
A two storey flat roof projection would be provided on top of the single storey extension and would measure approximately 4m in depth, 4m in width and with a height of 5.5m. The elevations would be finished with burnt larch cladding.

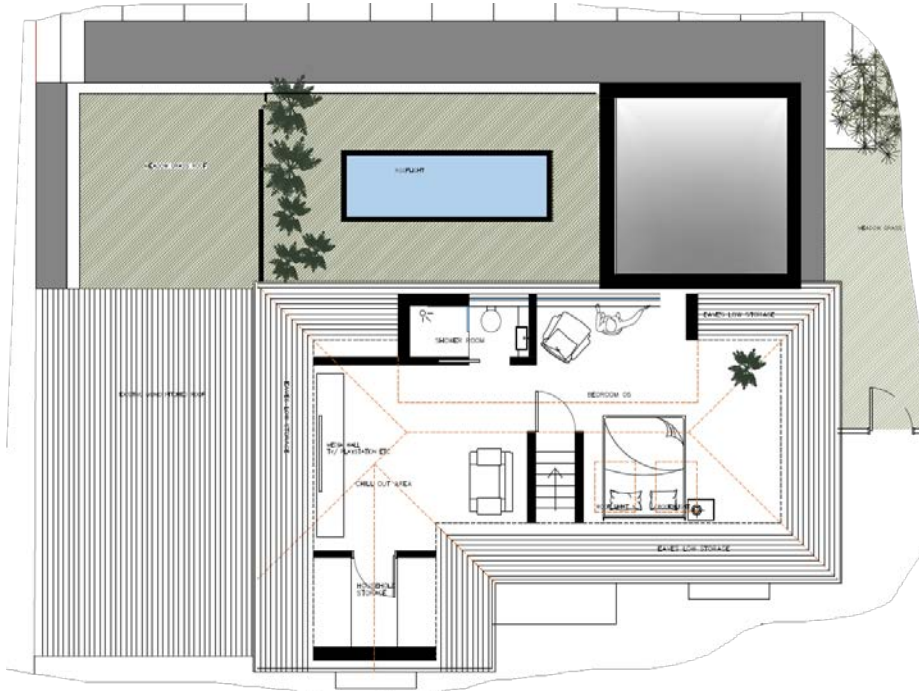
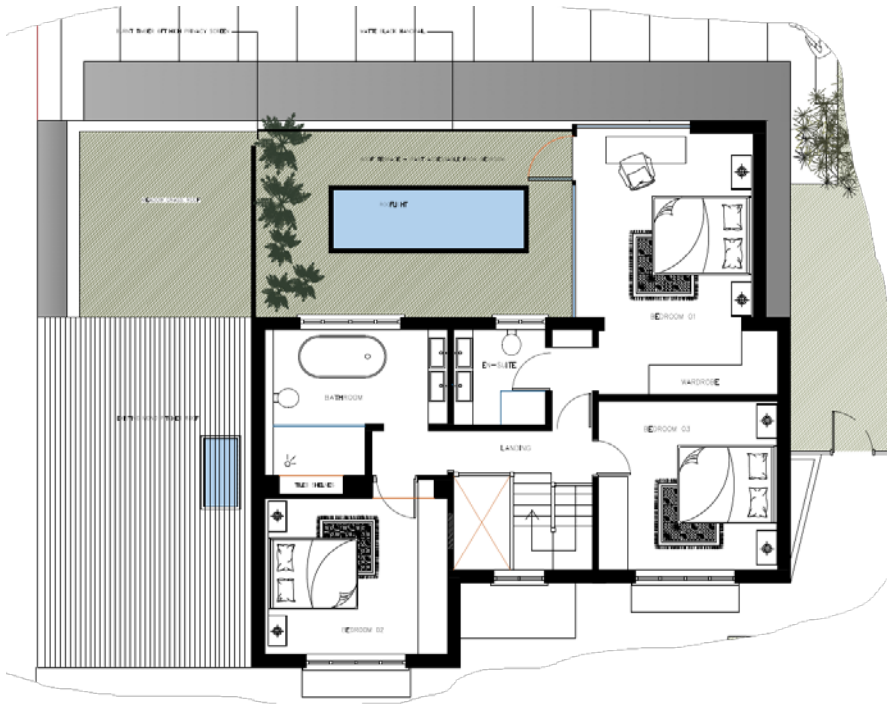
A box style dormer would be provided on the rear elevation. It would measure approximately 4.9m in width, 2.2m in depth and with a height of 2.8m. The elevations would be finished in dark grey render.

Extracts from the proposed plans are provided below:

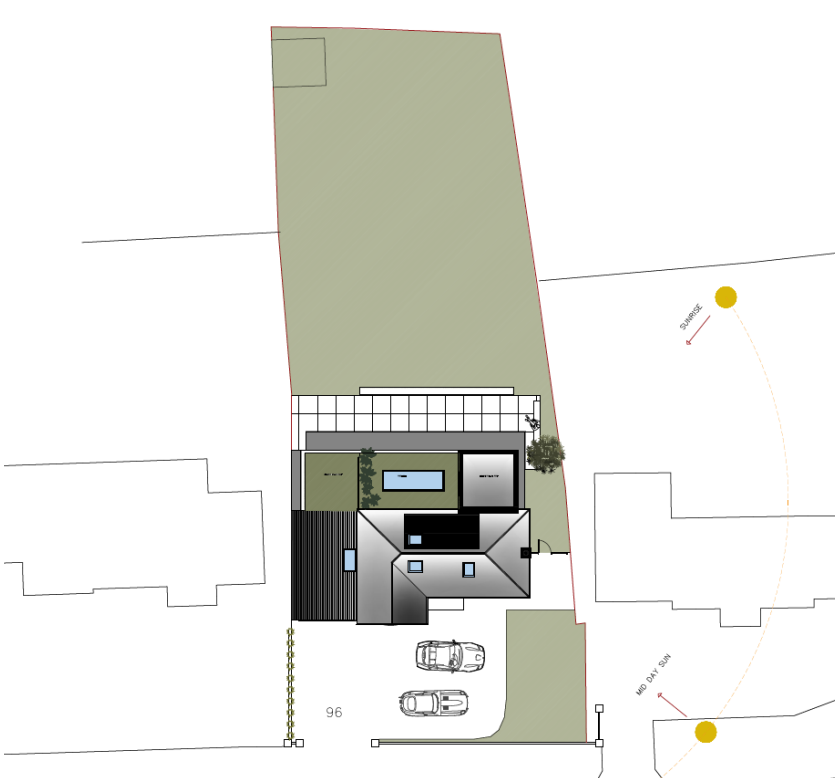
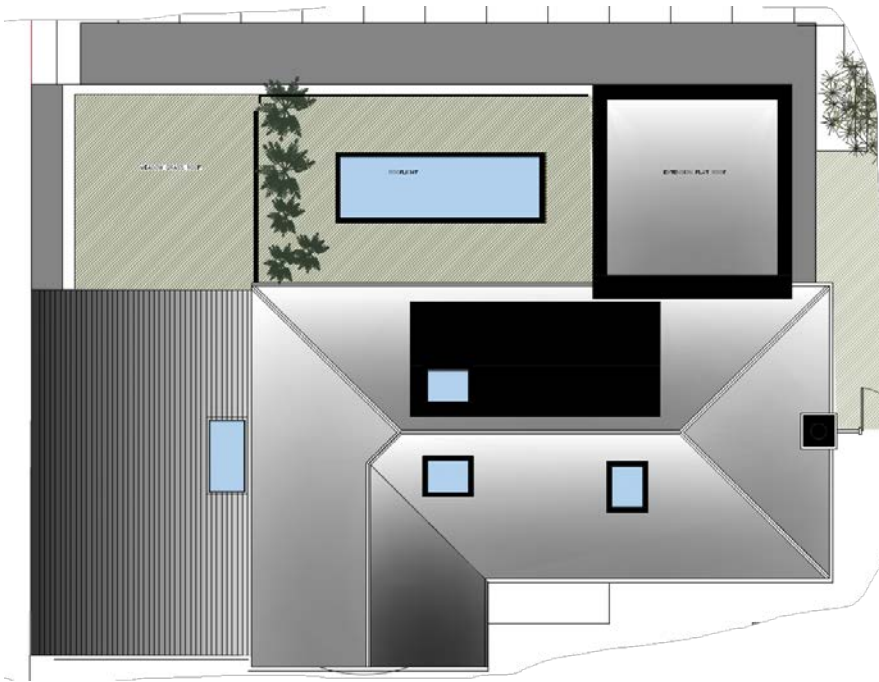












Some external alterations would be provided on the front elevation including new ground floor 'square bay' windows, roof lights, burnt larch wall cladding and new doors to the 'lean to' side extension and alterations to the porch roof, glazing and door.

### PLANNING HISTORY

None

## CONSULTATIONS

**Penarth Town Council** were consulted on 23 August 2022. They have responded as follows, *“Concerns are raised to the proposed rear dormer, it is recommended that the dormer is set further up from the eaves. Concerns are also raised to the proposed first floor flat roof extension, which exceeds the eaves of the dwelling”*.

Following amended plans being received Penarth Town Council were re-consulted on 8 November. The above comments were re-stated.

**Plymouth Ward Members** were consulted on 23 August 2022. Councillor Ernest has responded calling the application for a Committee site visit and determination. The following comments are provided, *“ The proposed development, in my view, is of an overbearingly large extension to the dwelling, and the creation of a balcony which would impact on the privacy of the neighbour to an unacceptable degree, as well as a major impact on the ridge line and also its proximity to No.94.*

*The extensions would create a dwelling which would be substantially larger than existing, create a discordant feature in the street scene, and generally be out of character with a number of neighbouring properties, which would impact on the character of the area.”*

Following amended plans being received Plymouth Ward Members were re-consulted on 8 November. Councillor Ernest has commented further as follows:

*Despite the applicant's modification. I remain opposed to this application on the grounds of its being overbearing to its neighbour, and an infringement of the latter's privacy.*

## REPRESENTATIONS

The neighbouring properties were consulted on 23 August 2022. The following responses have been received.

One objection has been received from the occupiers 94 Lavernock Road and their comments are summarised below:

- The proposal is out of context and character to the surrounding built environment. The rear extensions and dormer are over dominant and design is not in keeping with the surroundings.
- The gaps between dwellings are important. The extension abutting our garden would not respect the existing character would be disproportionate to the original dwelling and would be over development.
- The position on the boundary will have an overbearing impact on our amenity of internal and external living environment. There is also a level change which would exacerbate this.
- There would be overlooking from the side of the first floor extension of internal and external living areas.
- Concerned trees could be removed along boundary.
- Concerned with regard construction on party wall.

One letter of support has also been received and their comments are summarised below:

- Well thought out design. More avant-garde and contemporary houses are need in Penarth.

Following amended plans having been received the neighbours were re-consulted on the 11 October 2022. One letter of objection has been received at the time of writing this report from 94 Lavernock Road and their comments are summarised below:

- The original objections are reiterated
- The main objection relates to the position on the boundary. It will have an overbearing impact on our amenity of internal and external living environment. There is also a level change which would exacerbate this.
- The difference in levels between the properties isn't shown accurately. The accuracy of the drawings on the boundary is questioned.
- Concerned trees could be removed along boundary.
- Our property had a condition restricting the use for amenity and we would expect the same restriction as it would overlook our garden.
- It would result in a loss of light to our garden/patio.

Following amended plans having been received setting the parapet wall of the rear extension back the neighbours were re-consulted on 8 November 2021. One further response has been received from the occupiers of 94 Lavernock Road and their comments are summarised below:

- The amendments do not address our concerns.
- It remains overbearing on the boundary.

## 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

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

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

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

## **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.

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

## **Technical Advice Notes:**

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

- Technical Advice Note 12 – Design (2016)

## **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:

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

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

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.

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

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

### Issues

The principal issues when determining this application against the above policies and guidance will be the design and scale of the proposal and its visual impact on the character of the existing dwelling and street scene and the impact on neighbouring amenity. The impact on amenity space and parking and highway safety is also to be considered.

### **Design and visual impact**

Concerns have been raised with regard the size and scale of the extensions and the impact of their design on the character of the dwelling and area as a whole. One issue that has been raised is their modern appearance, with the flat roof above the eaves level of the existing dwelling. It is noted the dwelling is situated within a street where there is a mixed of sizes and designs of dwellings and many have been altered from their original form. The proposed extensions would be mainly to the rear of the dwelling. Whilst they would be relatively large in size and scale and of a contemporary design they are not considered to be of such a size and scale and/or of a design that would be harmful to the character of the dwelling. Furthermore, as they are at the rear, they would not be easily visible from the street scene. The property also benefits from a large curtilage and relative to this, the extensions would not however be seen as an overdevelopment of the site. Their proposed finishing materials would also be considered acceptable.

The rear dormer would not be widely visible from public vantage points. Notwithstanding this, it is considered that the proportions are appropriate, being set off from either side of the roof and well down from the ridge. Its elevations would be rendered, however they would be a similar grey colour to the roof coverings. As such its size, scale and design would be seen as a subservient and an acceptable addition to the roof.

The alterations to the front elevation would modern in character and would change the character of the dwelling somewhat, however in a street scene where there is a mixture of designs and finishes these would be acceptable.

Overall the extensions and dormer would be acceptable additions to the dwelling, with little impact on the surrounding street scene, They are therefore considered to be compliant with Policies MD2 and MD5.

### Impact on neighbours

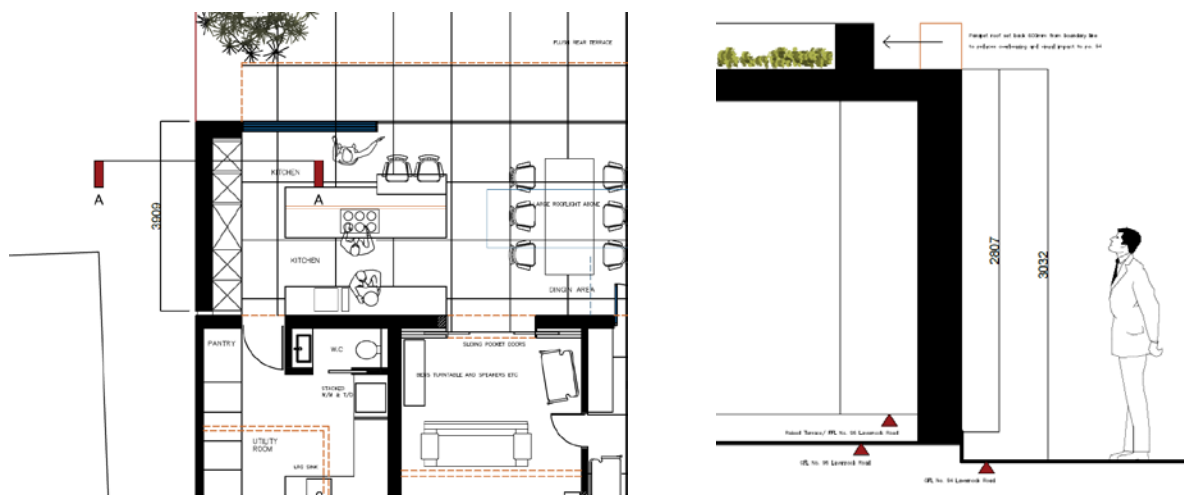
With regard to the neighbouring property at 94 Lavernock Road, the single storey extension would be constructed along the side boundary. Concerns have been raised by the occupiers of number 94, mainly with regard the close proximity of the extension, its height and potentially overbearing impact. They have provided the photo below which they detail the top of the extension by the lower horizontal on the marker and the top of the 'set-back' parapet by the upper horizontal marker. They contend that the extension would therefore be higher than shown on the plans and that they are not accurate. This issue is addressed below.



The extension has been amended from its original submission, mainly by reducing the depth of the fascia and setting back the overhanging canopy from the boundary. The extension would extend approximately 4m from the rear elevation of the dwelling. However, it is noted approximately 1.2m would be behind the rear elevation of the affected dwelling.

The single storey extension would be relatively tall at approximately 3.3m and it is noted that there is a level difference between the two properties detailed on the plans as being 14cm.

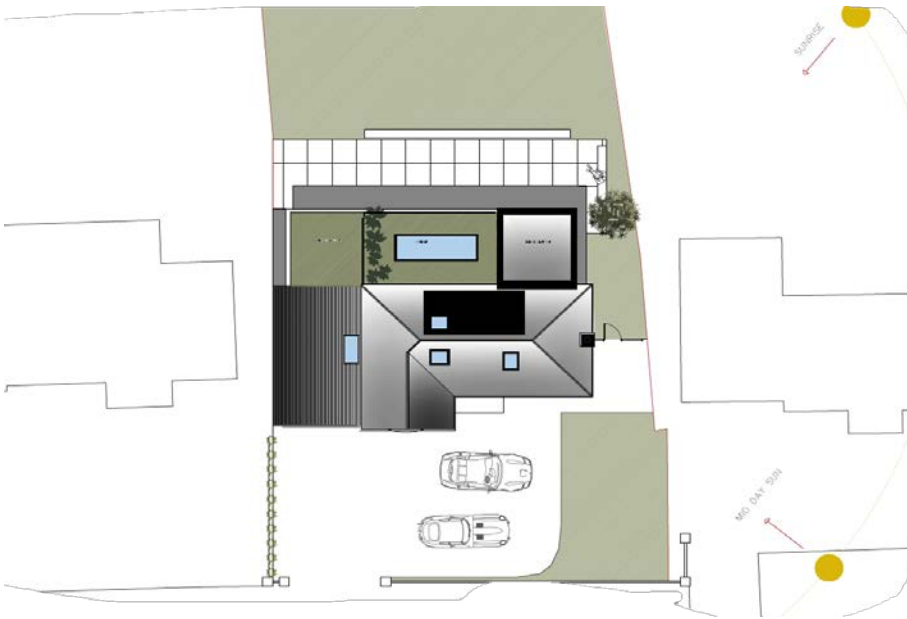
A further amendment has been made to the elevation on the boundary with number 94. The parapet would be set back 60cms from the boundary. As a result, taking into account the level differences between the two properties, the elevation on the boundary would be only just over 3m in height. The plan below identifies the changes and the difference in levels and therefore the assessment is based on an approx. 3m height of the proposed extension from number 94's ground level on the boundary.



In assessing the impact of this, the extension would result in some impact on the outlook from the occupier's amenity space and ground floor windows nearest the side boundary. The window facing the extension is however not the primary window and the rear facing window is set away from the side boundary and at a slight angle away from the side boundary (Photos below provided by occupier of number 94).



It is also noted an extension of 3m in height could be provided on the boundary under permitted development rights. Furthermore, the affected dwelling's garden is relatively large and the impact would only be on a relatively small part of the garden (as detailed in the site plan below). Taking this into account it is considered, on balance, that the impact on the occupier's outlook would not be harmful enough to warrant the refusal of the application.



In terms of the impact on light, the affected windows are to the north west of the extension. There would be some impact in the morning however the dwelling is approximately 2m from the side of the extension. The applicant has provided the picture below, detailed as being taken at 14:30, when the existing building at 96 and boundary treatment would result in some overshadowing of the garden area. It is likely the proposal would increase the overshadowing down the garden, however when this impact happens, the sun would be nearly at its highest point in the sky. As such, any impact, would be on a relatively small area of garden. Furthermore, the nearest facing window would not be significantly impacted due to the distance away from the boundary and it is not the only window of the room it serves. After midday the application dwelling and proposed extension would not be likely to impact on sunlight due to its easterly position. As noted above, the development would be clearly visible to this neighbour and it would enclose the existing outlook available from the adjacent part of the garden. However, having regard to the size, the allowances of permitted development regulations, the relatively modest depth of projection along the boundary and the relatively small proportion of the garden affected, on balance the impact, is considered to be acceptable.





A concern has been raised with regard overlooking from the side window of the two storey projection to a side window of the affected dwelling that faces the boundary. This window is approximately 16.5m from the side window of the extension. The Council's SPG Residential and Householder requires a gap of 21m between habitable windows. A wooden privacy screen 'with no gaps' has been proposed on top of the single storey projection and between the two. Its design is considered acceptable and it would restrict direct views between the two windows.

Concerns have also been raised with regard overlooking as a result of the use of the roof terrace on neighbouring properties. The proposed privacy screen would be approximately 4.3m from the boundary with number 94. It would restrict views directly towards the boundary and it would also restrict access closer to their boundary. A condition requiring the privacy screen is provided and the flat roof adjacent would be necessary to protect the neighbour's amenity. There would be some angled views towards the gardens of number 94 (and 98), however these views would be mostly towards the middle and rear portions of the gardens. Views from the balcony would be similar to that could already be had from rear facing windows. It is considered the level of overlooking would not be so significant or invasive that it would be demonstrably harmful to the living conditions of the neighbouring occupiers.

With regard the impact on number 98 the two storey projection would be approximately 2.8m from the boundary. It would also only extend beyond the rear elevation of the affected dwelling by approximately 1.2m. As such it would not result in a significant impact on the amenity of the occupier's outlook or on light.

No windows are proposed on the side elevation towards the affected dwelling. The window on the rear would only provide angled views to the garden area. However, the existing windows already overlook to some extent and there would not be a significant increase in the impact on privacy.

Whilst the dormer and rear windows will provide some views towards neighbouring gardens, given the fact that there are existing windows at first floor that would be closer to neighbour's gardens, it is considered that additional views from the dormer would not result in any materially more harmful overlooking of neighbouring gardens.

The garden of Byways on Augusta Road is situated relatively closely, approximately, 11m away from the proposed extension. However, the garden is relatively large and the dwelling is over 35m away. Consequently, there would be no significant impact on the amenity of the occupiers.

Similarly, the garden of April Cottage, is situated relatively closely, approximately, 15 m away from the proposed extension. However, the dwelling is approximately 21m from the single storey extension. The dormer and two storey element is further away and there would be no significant impact on the amenity of the occupiers.

Furthermore, the distance to the rear boundary is approximately 26m with the side boundary of Fairlawn on Meadow Lane.

Overall, in terms of the impact on neighbouring residential amenity, the proposal is considered acceptable and compliant with Policy MD2.

## **Parking and highway safety**

The application site benefits from off-road parking to the front of the property. The proposal would provide an additional bedroom. However, the level of parking that could be provided off road would be in line with the Councils SPG on Parking Standards.

## **Amenity space**

The proposed extension would result in the loss of some amenity space to the rear of the property. However, the property benefits from a large garden and this would be in accordance with the Councils SPG on Residential and Householder Development.

## **Other issues**

Concerns have been raised with regard construction on the boundary. Whilst these are noted they are not issues that would warrant a refusal of the planning application. An informative note with regard to the requirement of a Party Wall Agreement can be added to any permission granted.

Concerns have been raised with regard to the impact on existing trees. A garden tree may require removing to make way for the extension. This is not however a significant specimen and there would be no adverse impact on the character of the area as a consequence.

## **RECOMMENDATION**

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

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

Reason:

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

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

P01d Proposed Site Plan  
P02d Proposed Site Plan  
P03b Proposed Ground Floor  
P04d Proposed First Floor Plan  
P05d Proposed Loft Floor Plan  
P06d Proposed Roof Plan  
P07d Proposed Rear Elevation  
P08b Proposed Front Elevation  
P09c Proposed Side (South) Elevation  
P10d Proposed Side (North) Elevation

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 balcony hereby approved shall not be brought into beneficial use until a 1.8m high privacy screen is erected in accordance with the details on the approved plans. Once erected, the privacy screen erected in compliance with the approved details, shall thereafter be retained in perpetuity.

Reason:

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

4. The roof area of the extension to the north of the privacy screen shall not be used as a storage area, balcony, roof garden or similar amenity area.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policy MD2 Design of New Developments of the Local Development Plan.

### REASON FOR RECOMMENDATION

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

Having regard to Policies SP1 (Delivering the Strategy), MD2 (Design of New Development), and MD5 (Development Within Settlement Boundaries) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040 and Supplementary Planning Guidance on Residential and Householder Development; and national guidance contained in Planning Policy Wales (11th Edition), and TAN12 (Design); the proposals are considered acceptable in terms of the design and visual impact, impact up on neighbouring properties, parking and amenity space.

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

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 applicant/owner shall be aware of the duties imposed under the Party Wall Act 1996. This requires a building owner to notify and obtain formal agreement from adjoining occupier(s) where the building owner intends to carry out work which involves: 1. Work involving an existing shared wall with another property; 2. Building on the boundary with a neighbouring property; 3. Excavating near a neighbouring building, and that work falls within the scope of the Act. Procedures under this Act are separate from the need for planning permission and building regulations approval. 'The Party Wall etc. Act 1996: explanatory booklet' is available at [www.communities.gov.uk](http://www.communities.gov.uk). (I71).**

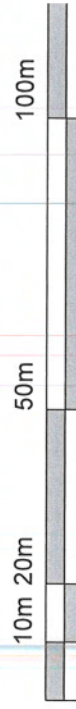
**Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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

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

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

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

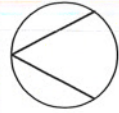
2022/00918/FUL



1:1250



Client : Vicky & Ben Beach  
Project : 96 Lavernock Road, Penarth, Vale of Glamorgan  
Drawing Title : Existing Site Location Plan  
Drawing No. : 2021/LAVERNOCK/E02  
Date : 17.01.22  
Scale : 1:1250 @ A4



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