

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **25 January 2024**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

1. BUILDING REGULATION APPLICATIONS AND OTHER BUILDING CONTROL MATTERS DETERMINED BY THE HEAD OF SUSTAINABLE DEVELOPMENT 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:

2023/0024/PO	AC	Llangynwyd Rangers BGCW Football Club, Maesteg Road, Llangynwyd, Maesteg. CF34 9SN (Phase 1 only)	Refurbishment of the existing changing rooms
2023/0025/PO	AC	15, Cefn Carnau, Heath, Cardiff. CF14 4LZ	Proposed loft conversion, hip to gable and rear dormer extension(s), with insertion of roof lights to front roof pitch with associated internal works
2023/0570/BN	A	Walstan House, Sully Road, Penarth. CF64 2TP	Thermal upgrade and reclad of existing dormer conversion - Internal Reconfiguration to form additional bedroom
2023/0578/BR	AC	1, Westward Rise, Barry. CF62 6PL	Proposed first floor side extension. Part 2 storey front extension. 2 storey rear extension. New porch extension. Second floor mezzanine. Associated internal alterations and remodelling or property. Removal of existing porch,

			1st floor bay window and part bathroom extension
2023/0585/BN	A	10, Melrose Walk, Sully, Penarth. CF64 5WD	Single storey ground floor extension to kitchen, with bifold doors to garden, side access to drive and a lantern roof.
2023/0586/BN	A	102, Broad Street, Barry. CF62 7AH	Loft conversion
2023/0589/BR	AC	Unit H, Valegate Retail Park, Cardiff. CF5 6EH	Cosmetic refit of retail unit
2023/0590/BN	A	40, Borough Avenue, Barry. CF62 9UU	Knock through
2023/0591/BN	A W	12, Beverley Street, Barry. CF63 2HR	Single storey and part first floor bathroom extension
2023/0592/BN	A	7, Brynhill Close, Barry. CF62 8PL	Knock through
2023/0593/BN	A	18, Rhodfa'r Morwydd, Penarth. CF64 2UD	Single storey extension off lounge to contain new kitchen and shower / utility room
2023/0595/BN	A W	14, Meliden Road, Penarth. CF64 3UH	Single storey conversion and extension of connected garage to side of house to create utility room. Single storey extension to the rear of the property to extend kitchen and dining room to make a large kitchen / diner / family room opening onto a patio
2023/0596/BN	A	Highfields, Tyn Yr Tranch Road, Ystradowen. CF71 7SX	Ground floor extension to the front right corner of the building (facing south east). Extension of existing dormers, internal remodelling, new windows and re location of front entrance

2023/0597/BR	AC	6, Tan Y Fron, Barry. CF62 6QQ	New bifold doors to the rear and new windows throughout. Various internal works for remodelling.
2023/0599/BN	A	Ishton Barn, Lon Cwrt Ynyston, Leckwith Village, Leckwith. CF11 8DR	Single storey front hall extension
2023/0600/BN	A	5, Purcell Road, Penarth, CF64 3QL	Re roof
2023/0602/BN	A W	17 Castle Close, Llantwit Major. CF61 1UU	Rear single storey extension
2023/0603/BN	A	101, South Road, Sully. CF64 5SN	Single storey rear extension, single storey front extension with roof terrace lean to porch to east side of house
2023/0604/BR	A	Old Police Station, St John's Hill, St Athan, CF62 4PA	Demolish existing toilet and rebuild with new roof layout. Adding external insulation to entrance porch and new access gate to drive
2023/0606/BN	A	2, Glyn Y Gog, Rhoose. CF62 3LJ	Installation of 3 rsj's. Install new external brick work. Install partition in garage to create new utility. Repair floor in garage conversion (3/4 conversion - front to remain as garage with store). Installation of new insulation pir boards. New bi folds.
2023/0608/BN	A	Homeleigh, Port Road West, Barry. CF62 3AZ	New external walls and flat roof built over existing conservatory sub-structure. New rear dormer
2023/0609/BN	A	14, Catkin Drive, Penarth. CF64 2RD	Internal remodelling (knock through & beam)
2023/0610/BR	AC	12, Drylla, Southra Park, Dinas Powys. CF64 4UL	Single storey rear extension. Internal alterations to form utility room. Remove existing French doors to front elevation, part infill with

			cavity construction and installation of new window.
2023/0611/BR	A	105, Plassey Street, Penarth. CF64 1EL	Shower room adaption, boiler relocation & external drainage work
2023/0612/BN	A	Felin Dawel, Michaelston Le Pit. CF64 4HE	Extension & drainage re route
2023/0614/BN	A	7, Hickman Road, Penarth. CF64 2AJ	Re roof
2023/0615/BN	A	21, Robinswood Close, Penarth. CF64 3JG	Re roof
2023/0616/BN	A	37, Caer Worgan, Llantwit Major. CF61 2SP	Single storey extension for utility and storage
2023/0617/BN	A	13, Barrians Way, Barry. CF62 8JG	Take down kitchen wall to dining room put in a steal beam to two steel posts
2023/0618/BN	A	83, Dobbins Road, Barry. CF63 2NP	Replace 8 upvc windows
2023/0620/BN	A	3, Carne Close, Cowbridge. CF71 7FY	Garage conversion into study / utility room with rear access door
2023/0622/BN	A	25, Willow Crescent, Barry, CF63 1AX	Knock through
2023/0623/BR	AC	8, Clos Holm View, Barry. CF62 9AX	Conversion of residential bungalow to a registered care facility
2023/0624/BN	A	Sully Primary School, Burnham Avenue, Sully. CF64 5SU	Installation of 1 double data outlet to provide data for a printer
2023/0627/BN	A	Jenner Primary School, Hannah Street, Barry. CF63 1DG	Installation of a double data outlet to provide data to phone and a wireless access point, this will run from the store room to the nursery building via existing catenary
2023/0629/BN	A	4, Old Port Road, Wenvoe. CF5 6AN	Single storey outbuilding for gym, sauna & storage

2023/0026/PO	AC	304, Whitchurch Road, Cardiff, CF14 3NF	Conversion of property comprising 3no self-contained flats, to form an additional 4no self-contained flats; with associated single storey rear extension(s), rear dormer extensions, insertion of roof lights to front pitch roof with associated internal and external works
2023/0531/BR	AC	81-85, Holton Road, Barry. CF63 4HG	Ground floor commercial shops to remain in place & 1st, 2nd & 3rd floor change of use to create 25 flats
2023/0598/BR	AC	18, High Street, Barry. CF62 7EA	Single storey rear ground floor storage extension, enclosure of fire escape from upper floor
2023/0601/BR	AC	Dyffryn Business Park, Llandow. CF71 7PY	1 building to provide 3 commercial units (shell only)
2023/0605/BN	A	148, Redlands Road, Penarth. CF64 2QR	Single storey extension to enlarge downstairs living area and reposition kitchen
2023/0613/BR	AC	Rhws Primary School, Fontygary Road, Rhoose. CF62 3DS	Installation of free standing solid oak pergola on concrete slab to house 38 no. solar P.V.system
2023/0621/BN	A	31, Laburnum Way, Penarth. CF64 3NE	Knock through between the kitchen and dining area & replacement of 4 windows and back door.
2023/0625/BN	A	1, Radcliffe Walk, Ystradowen. CF71 7TU	Part conversion of garage to office plus internal wall removal between kitchen / diner to make open plan with additional bi-fold door being added to exterior wall
2023/0626/BN	A	4, Meadow Court, St Brides Major. CF32 0SW	Single storey rear extension and internal alterations

2023/0628/BN	A	19, Dunraven Street, Barry. CF62 6PF	Underpinning and part front wall retention
2023/0631/BN	A	Byeways Cottage, Marcross	Installation of bio-rock
2023/0632/BR	AC	73, Boverton Road, Llantwit Major. CF61 1YA	Proposed single storey extension & detached granny annex
2023/0633/BN	A	3, Shelley Crescent, Penarth. CF64 3RR	Knock through between utility room and kitchen and install steel & enlarging existing French doors and adding new steel
2023/0634/BR	AC	St. Brides Major Church In Wales Primary School, Heol Yr Ysgol, St Brides Major. CF32 0TB	Proposed hall extension and associated external works.
2023/0635/BR	AC	15, Fryatt Street, Barry. CF63 4JU	Refurbishment of building and planning change of use from C3 dwelling to C4 6 bedroom HMO No building regulation change of use.
2023/0636/BN	A W	5, Bassett Road, Sully, Penarth. CF64 5HS	Single story extension to front of bungalow (7x4m) and renovation of interior. Renovation will include the removal of non-load bearing walls and installation of new stud walls. Ceiling to Kitchen/diner and master bedroom will be vaulted to install skylights. No requirement for steels as roof supported off outside walls on trusses.
2023/0637/BR	AC	1, Clare Drive, Cowbridge. CF71 7HS	To demolish sub-standard lean to and construct a single storey extension with pitched roof
2023/0638/BN	A	The Cottage, Corntown. CF35 5BB	Two storey extension
2023/0639/BR	AC	9, Whitewell Drive, Llantwit Major. CF61 1TA	Construction of a side garage

2023/0641/BN	A	10, Vale Street, Barry. CF62 6JQ	Make an opening in the wall between two downstairs living areas, opening will be supported by a steel joist
2023/0642/BN	A	The Lodge, Castle Avenue, Penarth, CF64 3QS	Re roof
2023/0643/BN	A	172, Westward Rise, Barry. CF62 6NQ	Structural alteration to existing front porch (no extension)
2023/0644/BN	A	5, Brookfield Avenue, Barry. CF63 1EP	Conversion of attached garage to habitable room
2023/0645/BN	A	Ysgol Y Ddraig, Ham Lane East, Llantwit Major. CF61 1TQ	To provide a foul drain connection to the existing foul drainage system from the outdoor classroom, kitchen unit and provision for a future connection to an accessible toilet
2023/0646/BR	AC	124, Cornerswell Road, Penarth. CF64 2WB	Demolish rear conservatory & build single storey extension
2023/0647/BN	A	18, Sycamore Close, Dinas Powys. CF64 4TG	Small 2m x 2m single storey extension to enlarge utility
2023/0648/BN	A	10, Clos Y Lightning, Parc Fferm Wen, St. Athan. CF62 4HQ	Proposed conversion of an integral garage into 2 rooms
2023/0649/BN	A	9, Longmeadow Drive, Dinas Powys. CF64 4TA	Replace roof tiles
2023/0650/BN	A W	82, Cog Road, Sully. CF64 5TE	Single storey rear extension complete with new support beams internally
2023/0651/BR	AC	Apartment 303, Headlands, Hayes Point, Sully. CF64 5QH	Minor internal re-configuration including relocation of kitchen
2023/0652/BN	A	32, Main Road, Ogmere By Sea. CF32 0PD	Alterations to 2 existing knock throughs, making them bigger

2023/0653/BR	AC	46, Victoria Road, Penarth. CF64 3HY	Insulation to roof and ground floor, fire prevention, new kitchen and bathroom complete with drainage and waste
2023/0654/BN	A W	5, The Paddocks, Penarth. CF64 5BW	Single storey extension to replace conservatory
2023/0655/BN	A W	4, Conybeare Road, Sully, Penarth. CF64 5US	Single storey extension to add a utility room and replace UPVC conservatory with solid dining room extension
2023/0656/BR	AC	Ty Gwiscoed, West Street, Broughton. CF71 7QR	First floor extension and creation of a WC on the first floor
2023/0658/BR	AC	10, Meliden Road, Penarth. CF64 3UH	Remodelling of rear of house within existing envelope, improvement and reroofing of garage fitting WC within and converting to storage. Removal of internal chimney breasts. Installation of heat pump and PV renewables.
2023/0659/BR	AC	38, Grove Place, Penarth. CF64 2ND	Internal structural alteration
2024/0002/BR	AC	9, Pembroke Close, Dinas Powys. CF64 4PA	Construct a hipped roof at rear of existing extension on top of existing wall plan so as to increase height of bedroom beneath. Existing pitched roof on extension to be partially removed (approx 3m length), existing extension walls below proposed hipped roof to be raised to same height as existing house walls. Larger window to be installed to rear elevation of existing extension. Two existing roof lights (to rear of existing extension) will be removed and tiled over.



2024/0003/BR	AC	Former Red Cross Building, The Broad Shoard, Cowbridge. CF71 7DA	Refurbishment & minor remodel
2024/0004/BR	AC	12, Bassett Street, Barry. CF63 4PU	Shower room adaption with external drainage works
2024/0005/BN	A W	1, Bedlington Terrace, Barry. CF62 7JA	Underpinning of semi detached property
2024/0006/BN	A	1A Constitution Hill, Cowbridge. CF71 7BH	Two Storey front extension, Single Storey rear, Single Storey side , garage conversion and internal alterations
2024/0007/BN	A W	16, Cae Rex, Llanblethian, Cowbridge. CF71 7JS	Single storey extension to rear to enlarge lounge

(b) Building Regulation Applications - Reject

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

2023/0579/BN	R	100, Winston Road, Barry, CF62 9SY	Proposed single storey rear / side extension and double storey side extension
2023/0594/BN	R	7, Church Avenue, Penarth. CF64 1AZ	Single storey deatched garage and first floor storage only

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

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

2023/0165/AI	A	Coach House, 20, Plymouth Road, Barry. CF62 5TY	Conversion of commercial unit to single dwelling
2023/0166/AI	A	21, Elfed Avenue, Penarth. CF64 3LX	Proposed conservatory re roof with associated works
2023/0167/AI	A	12, Harbour View Road, Penarth. CF64 1HE	Proposed loft conversion with associated works
2023/0168/AI	A	The Hatches, Whitefield Farm Road, Aberthin, CF71 7HE	Barn conversion to create a dwelling

2023/0169/AI	A	16, Cwrt Y Vil Road, Penarth. CF64 3HN	Single storey rear extension and internal structural alterations (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2023/0170/AI	A	23, Crompton Way, Ogmore By Sea. CF32 0QF	Single storey side extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2023/0171/AI	A	62, Illtyd Avenue, Llantwit Major. CF61 1TH	Single storey rear extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2023/0172/AI	A	13, Sullivan Close, Penarth. CF64 3QR	Proposed loft conversion with associated works
2023/0173/AI	A	89, Queens Road, Penarth. CF64 1DH	Single storey rear extension with balcony above (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2023/0174/AI	A	29, Augusta Road, Penarth. CF64 5RJ	Single storey wraparound ground floor extension and loft conversion (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2023/0175/AI	A	The Beachcomber, Lakeside, Barry. CF63 2ST	Development of 7 no. apartments with parking
2024/0001/AI	A	Forge Cottage, Colwinston, Cowbridge. CF71 7ND	Internal structural alterations and replacement of 3 no. windows (works to incorporate material alterations to structure, controlled services, fittings

and thermal elements)

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **25 January 2024**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

2. PLANNING APPLICATIONS DETERMINED BY THE HEAD OF SUSTAINABLE DEVELOPMENT UNDER DELEGATED POWERS

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

**Decision Codes**

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| 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   |

2018/00902/FUL	R	The Cottage, Cogan Pill Road, Llandough	Proposed 2 No. detached houses on the site at Uplands Crescent, Llandough
2020/00175/FUL	R	Dickens, 26, Forrest Road, Penarth	Variation of Condition 1 of 2015/00078/FUL to extend the time for implementation
2021/00622/1/N MA	A	81-85, Holton Road, Barry	Non Material Amendment - Remove Condition 9 which relates to affordable housing. Planning permission ref: 2021/00622/FUL - Part demolition, extension and conversion of the upper

			floors of no. 81 – 85 Holton Road to provide 25 no. residential flats, internal and external alterations and associated works
2022/00072/FUL	A	122-124, The Waverley Care Centre, Plymouth Road, Penarth	Two storey side extension to house high dependency dementia intensive care unit
2022/00151/FUL	A	Pwll Y Darren Farm, Whitefields Farm Lane, Welsh St. Donats	Retrospective planning application for a vehicular track created between Pwll y Darren Farm and Whitefields Farm Road
2022/00316/1/N MA	A	12, White House, Barry	Non Material Amendment - Change to 2 high level windows with slight alteration to sizes. Planning permission ref: 2022/00316/FUL - Proposed single storey extension to side elevation with glazed roof and proposed single storey extension to rear, with balcony, to replace existing conservatory. Also changes to rear windows
2022/00478/1/N MA	R	Land at Northcliffe Drive, Penarth	Non Material Amendment - Retention of metal gates. Planning permission ref: 2022/00478/FUL - Vary Condition 2 (Approved plans) and Condition 15 (Drainage) of 2017/00541/FUL: Demolition of existing dwelling and outbuilding, erection of 30 apartments, new access and alterations to adjacent parking area, replacement tree planting and landscaping and associated works (resubmission application)

2022/00495/FUL	A	Forge Cottage, Fonmon Road, Fonmon	Full planning for the change of use from sui generis use to holiday accommodation (Use Class C3) and associated external and internal alterations
2022/00689/1/N MA	A	Olive Lodge, 2, Port Road East, Barry	Non-Material Amendment - to relocate the bin store and reposition the cycle store 1.2m away from the site boundary. Planning permission re: 2022/00689/RG3: 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
2022/01109/FUL	R	30, Barons Close, Llantwit Major	Continuation of my Childminding business in existence for 9 years with up to 8 children and 2 parttime staff members
2022/01187/FUL	A	9, 9A and 9B, Hunter Street, Barry	Detached dwelling
2022/01205/FUL	A	Land adjacent to Garlands, Walterston, Llancarfan	2 X Wooden stables and 1 X feed/hay store, constructed in an L shape
2022/01307/2/C D	A	Mary Immaculate School, Caerau Lane, Wenvoe	Discharge of Condition 3 (CEMP) of planning permission ref. 2022/01307/FUL : Pastoral Care Centre for the existing school
2022/01379/FUL	A	Welsh Hawking Centre, Waycock Road, Barry	Proposed change of use and extension of building to a Rural Enterprise Dwelling and associated development

2023/00026/FUL	R	93, Main Street, Barry	Ground floor rear extension and conversion to 5 flats
2023/00068/1/N MA	A	9, Merthyr Dyfan Road, Barry	Non Material Amendment - To vary the approved plans. Planning permission ref: 2023/00068/FUL - Full planning application for change of use from C3 (Dwellinghouse) to C3(b) Residential Supported Living plus residential extension
2023/00193/FUL	A	Land to rear of Seaton Hoe, 2, Park Road, Dinas Powys	Alteration to previously approved dwelling, to include loft conversion, minor window / door revisions, use of part of garage as habitable room with glazed corridor link, wall along site frontage
2023/00222/FUL	A	Opposite Old Post Inn, A48, Bonvilston	Part-retrospective application to retain amendments to the external appearance, including new roof with slate tiles, replacement of timber doors for partially glazed doors and replacement of gutters, building confirmed to remain in an A3 use
2023/00383/FUL	R	Ludlow House, 41, Ludlow Street, Penarth	Building conversion into part office space and four new residential units, including material alterations to the roof
2023/00385/FUL	A	131, Cardiff Road, Dinas Powys	Construct a drive way to the front of property
2023/00443/LAW	A	Dwelling at Old Station Yard, Station Terrace, Peterston Super Ely	Change of use of former office/store to a dwellinghouse (Class C3)

2023/00470/FUL	R	Brackendene, Burdonshill Lane, Wenvoe	Proposed alterations and improvements
2023/00493/FUL	A	Dinas Powys Primary School, Fair Oaks, Dinas Powys	Demolition of existing prefabricated building. Erection of single storey building with two classrooms, nursery and covered nursery playground
2023/00497/FUL	A	Porthkerry House, Porthkerry	Proposed basement and ground floor extensions and raised terrace
2023/00531/FUL	A	Ty Hensol, Hensol Castle Park, Hensol	Single storey extension
2023/00536/FUL	R	27, Robinswood Close, Penarth	Demolition of single storey garage side to side elevation. Proposed ground floor extension to front elevation. Extension of the existing roof above ground floor extension. Insertion of two dormer windows to front elevation. Construction of new two storey side extension
2023/00568/FUL	A	Foxy Deli, 7, Royal Buildings, Stanwell Road, Penarth	Variation of opening hours from the approved 8-30 am to 8pm, to a proposed time of 8-30 am to 11pm
2023/00586/FUL	R	8, Guys Road, Barry	Two storey grannie annexe
2023/00588/FUL	A	Llyswen, 14, Windmill Lane, Llanblethian, Cowbridge	Demolition of existing double garage and construction of new annexe with garage and gym



2023/00610/FUL	R	Police Station, Wesley Street, Llantwit Major	Partial demolition, extension and change of use of a former police station to provide four dwellings (use class C3) associated landscaping, drainage, parking, access and works
2023/00620/FUL	A	Spring Meadows, Llandow	Proposed dual purpose building for the breeding of horses and lambing
2023/00647/FUL	R	Island House, Friars Road, Barry	Conversion of disused office and workshop building into a modest dwelling with alterations and extensions
2023/00652/FUL	A	South Rise, Graig Penllyn	Demolish part of the roof and construct a first floor pitched roof extension. Reroof the house. New fascias, soffits and gutters
2023/00659/FUL	A	Windmill Farm, Llansannor	As per Planning Approval 1998/00339/FUL, 8 of 10 units have been completed. This application is to complete the remaining 2 (units 3 and 4 on plans). Convert Unit 3 to a one bed cottage and Unit 4 to a laundry/storage space for the business.
2023/00668/FUL	A	College Lodge, Town Mill Road, Cowbridge	Demolition of poor quality, existing dwelling and garage and replacement with highly sustainable four bedroom property and associated parking
2023/00672/FUL	A	Flat Property, 1, Vere Street, Barry	Conversion of first floor flat to HMO

2023/00682/FUL	R	Ty Felin Fawr, Llanmaes	Removal of 2 dummy chimneys on house roof; this would leave 1 existing functional chimney in situ.
2023/00685/FUL	R	11, Coed Mawr, Barry	Garden summer house
2023/00689/FUL	A	Abril Gallery, 85, Main Road, Ogmere By Sea	New entrance extensions to the upper ground floor flats including new steps, new cladding and roofing to the main building at upper levels, new landscaping to the rear and formalisation of the parking area accessed from Church Close
2023/00715/FUL	A	19, Boverton Brook, Boverton, Llantwit Major	Change of use of a current outbuilding into a single bedroom unit for holiday let
2023/00732/TPO	R	Stablau Hir, Tredogan Road, Penmark	Work to Tree(s) in Penmark Conservation Area: T1 - Silver Birch 30-40% reduction
2023/00741/FUL	A	The Croft, Ffordd Yr Eglwys, Peterston Super Ely	Re-roofing with hip to gable loft conversion and rear dormer. Renovation of bungalow including demolition of lobby and alterations to fenestration
2023/00758/FUL	A	Land at Brynwell Farm, Leckwith	Proposed installation of underground grid connection and associated works to be used in association with consented solar farm (ref. DNS/3261558)

2023/00777/FUL	R	Land to rear of 1-9, Hilda Street, Barry	Proposed demolition of existing buildings. Construction of two storey block of 6 one bed self contained flats, with cycle storage / refuse storage and amenity space. Changes in levels and construction of retaining walls
2023/00793/FUL	A	88A, Plymouth Road, Penarth	Replace some of the rotten wooden windows with matching UPVC double glazed windows. Windows being replaced are bedroom, bathroom, lounge, kitchen and back door
2023/00798/FUL	A	Windrush, Llangan	First floor extension above existing footprint, 2 storey rear extension to align with existing wall, with balcony to bedrooms at rear. Demolition of garage and new single storey side extension to form new garage
2023/00803/FUL	A	28, Wynd Street, Barry	Change of use from C3 to C4 with 5 separate lettable rooms with shared kitchen and bathroom within the same single dwelling
2023/00809/FUL	R	19, Vale Street, Barry	Rear ground floor side extension and rear first floor extension
2023/00811/FUL	A	90, Kingsland Crescent, Barry	Change of use from residential dwelling to HMO Sui Generis - 10 persons

2023/00821/FUL	A	Kitchener And Thomas, 33-35, Windsor Road, Penarth	Return retail space back to two independent shops. Refurbishment of front elevation including new shop front. Construction of rear extension to provide additional retail space. Reconfiguration of flats including new dormers and roof terrace
2023/00827/FUL	R	The Wrenn's Nest, Lavernock Road, Penarth	Retrospective planning application for Log cabin
2023/00842/FUL	A	65, Jenner Road, Barry	Replace existing garage to the rear of the property. Constructed from blockwork, slight fall on roof draining into applicant's property.
2023/00856/LBC	A	Paget Rooms, Victoria Road, Penarth	Proposed new signage to the front elevation of the property
2023/00873/FUL	A	Pwll Y Wrach, Colwinston	Replacement of an existing squash court building with a tennis court
2023/00875/FUL	A	2, Westcliffe Gardens, Croffta, Dinas Powys	Single storey front and side extensions
2023/00887/CAC	A	The Croft, Ffordd Yr Eglwys, Peterston Super Ely	Re-roofing with hip to gable loft conversion and rear dormer. Renovation of bungalow including demolition of lobby and alterations to fenestration
2023/00892/FUL	A	The Old Manse, St Nicholas	Revised garden elevation to previously approved application number 2022/01096/FUL to replace gable with flat roof construction, to increase internal headroom and reduce external scale

2023/00893/FUL	A	25, Robinswood Crescent, Penarth	Part single storey and part double storey side and rear extensions, with changes to interior layout. Two storey front extension and alterations to external materials. Alterations and additional fenestration. Raised rear terrace with associated privacy screens
2023/00894/FUL	A	College Fields Nursing Home, College Fields Close, Barry	Installation of new lift shaft and relocation of fire escape stairs
2023/00899/FUL	A	Flat 2, Park Tower, 15 Bridgeman Road, Penarth	Form new porch
2023/00901/FUL	R	45, Conybeare Road, Sully	Take down garage to side of property. Construct new two storey extension to side and rear of property
2023/00918/ADV	A	Paget Rooms, Victoria Road, Penarth	Proposed new signage to the front elevation
2023/00925/CAC	A	1, Church Road, Penarth	To demolish the existing boundary wall, which is beyond repair
2023/00928/FUL	A	Switch n Socket, 2, Evelyn Street, Barry	Retention of shop front alterations to front elevation including roller shutter and signage
2023/00931/ADV	R	Switch n Socket, 2, Evelyn Street, Barry	Retention of signage
2023/00935/FUL	R	Kai Lily Farm, Cnepyn Lane, Peterston Super Ely	Existing stable block to be demolished - Proposed construction of 2 no. tourist holiday accommodation units built on site of existing stable block and to include a reception, office and laundry facility

2023/00939/RG3	A	4, Dyffryn Close, St Nicholas, Cardiff, CF5 6SS	Removal of existing defective render and re-rendering (Tyrollean finish)
2023/00940/RG3	A	12, Dyffryn Close, St. Nicholas	Removal of existing defective render and re-rendering (Tyrolean finish)
2023/00941/RG3	A	2, Dyffryn Close, St. Nicholas	Removal of existing defective render and re-rendering (Tyrolean finish)
2023/00942/RG3	A	13, Dyffryn Close, St. Nicholas	Removal of existing defective render and re-rendering (Tyrollean finish)
2023/00946/FUL	A	23, Nailsea Court, Sully	Two storey side extension with dormer and single storey rear extension
2023/00954/FUL	A	38, Windsor Road, Penarth	Removal of two storey extension approved under Permission 2022/01268/FUL. Incorporation of part of former A3 use RAFA ( Pier and Piano ) Club, and Construction of two storey extension to the former Club. Incorporation of former beer garden area to the RAFA Club to create larger rear yard area
2023/00955/FUL	R	121, Stanwell Road, Penarth	Demolition of conservatory, single storey extension, alterations and improvements, including re-roofing, to bungalow with existing loft conversion and dormer
2023/00957/LAW	A	4, Sunnybank, Cardiff Road, Dinas Powys, CF64 4LG	Proposed single storey rear extension and internal remodelling
2023/00959/LBC	A	Docks Office, Subway Road, Barry	Replacement of eroded stone balusters and repair of associated stonework

2023/00963/FUL	A	Treetops, Flanders Road, Llantwit Major	Variation of Condition 2 (Approved Drawings) of Planning Permission 2022/01370/FUL: Proposed single and two storey rear extension with roof terrace, single storey side extension and associated internal and external alterations
2023/00968/FUL	R	David Evans Agricultural Ltd, Old Middle Hill, Walterston	Extension to existing workshop and store
2023/00978/FUL	A	Cwrt Yr Ala House, Michealston Le Pit Road, Michaelston Le Pit	Retention of existing maintenance access track to woodland area
2023/00981/FUL	A	Garnllwyd Barns, Llancarfan	Replace an external door with a window. The existing door is a façade and has been bricked up behind by previous owners. Open this up and provide light into the adjoining bedroom. The window will match the existing replacement windows of the barn, replicating them entirely in scale and materials. External brickwork will be infilled to match existing
2023/00982/FUL	A	15, Fryatt Street, Barry	A change of use from C3(a) (use by a single person or a family) to C4 HMO. The proposal is a six bed who share basic amenities such as kitchen/living and bathrooms
2023/00988/FUL	A	Pughs Garden Centre, Port Road, Wenvoe	Amendments to access, resurfacing of parking areas, provision of additional staff parking, landscaping and associated works

2023/00991/ADV	A	Barry Satellite Telecraft, 23, Thompson Street, Barry	Replace shop sign - Just modernising/updating
2023/00992/FUL	R	1, Breaksea Close, Sully	New build bungalow
2023/00994/FUL	A	29, Mountjoy Avenue, Penarth	Proposed single storey rear and side extension with associated external works
2023/00996/FUL	A	15, Chestnut Avenue, Eglwys Brewis	New garage to rear garden
2023/01000/FUL	A	19, Sully Terrace, Penarth	Rear single storey extension
2023/01001/FUL	A	8, Myrtle Close, Penarth	Revision to application ref 2023/00244/FUL. Existing conservatory demolished. new two storey rear extension and part single storey side extensions
2023/01002/FUL	A	19, Minehead Avenue, Sully	Demolition of existing single storey flat roof extension. Construction of new flat roof extension. Refurbishment of ground floor areas, creation of new study and family rooms, new front entrance doorway. Replacement double glazed windows
2023/01009/FUL	R	Land to the North East of Milverton, Peterston Super Ely	Variation of and removal of a condition: Conditions 3, 4 and 7 amendment, 6 and 9 removed from 2022/01319/FUL - Erection of stables for personal use of occupiers of Milverton and as an ancillary equine dentist use with associated works



2023/01010/FUL	A	16, Middlegate Court, Cowbridge	Conversion of garage into living accommodation and associated external alterations including off road car parking.
2023/01011/FUL	A	5, Eastfield Close, Cowbridge	Installation of new low level railings & gate to front curtilage of property to provide safety to disabled occupant
2023/01012/FUL	A	179, Pontypridd Road, Barry	Ground floor extension to reconfigure living space together with first floor extension to create an additional fourth bedroom
2023/01013/FUL	A	10, Hickman Road, Penarth	Replacement of first floor windows (x3) to the front elevation, plus replacement of first floor window to side elevation (x1). The existing timber frame single glazed windows will be replaced with double glazed (acoustic) UPVC sliding sash windows, with a wood grain finish, to match the existing style/ colour.
2023/01016/FUL	A	7, Monkstone Close, Penarth	Single storey rear extension
2023/01017/FUL	A	16, Drylla, Dinas Powys	Proposed fence to side of existing domestic dwellinghouse
2023/01021/FUL	A	4, Clos Y Fulfran, Barry	Enlargement of existing dormer window to the front elevation and construction of a two storey bay window to the front elevation
2023/01022/FUL	A	2, Baruc Way, Barry	Change of use of garage to small barbers

2023/01027/FUL	A	16, Dingle Road, Penarth	Proposed rear extension and re-modelling of first floor accommodation
2023/01028/FUL	R	Bambrah Stores, 25-27, Ivor Street, Barry	Conversion of two first floor flats to three flats
2023/01029/CAC	R	Field access to the West of Village Farm House, Colwinston	Retention of the existing stone wall, reusing existing stone, and widening of field access with new gate
2023/01030/FUL	R	4, St. Augustines Place, Penarth	proposed loft conversion complete with rooflights to front and dormer to rear
2023/01031/RG3	A	Rhws Junior And Infants School, Fontygary Road, Rhoose	Installation of new solid oak free standing lean to pergola to house 38 no. solar P.V. panel system
2023/01032/FUL	A	Pinklinds, 2, Church Road, Llanblethian, Cowbridge	Proposed double storey rear extension
2023/01037/FUL	A	29, John Street, Penarth	Loft conversion with dormer and rear basement extension
2023/01038/FUL	A	Grantham House, Pencoedtre Lane, Barry	Remodelling of existing house, to create new modern glass window bays, entrance porch and single storey rear extension.
2023/01039/FUL	A	Holiday Inn Express Cardiff Airport, Port Road, Rhoose	Installation of rooftop solar panels
2023/01043/RG3	A	3, Wagtail Road, St. Athan	Constructing timber fencing at 2m high around the entire rear of the property marked in green on the attached plan

2023/01044/FUL	A	Woodlands Cottage, Llandough, Cowbridge	Vary condition 9 - Parking area of 2019/01392/FUL - Change of use of outbuilding from a home office and gymnasium to a tourism use cottage and first floor extension to increase the floor space
2023/01053/FUL	A	Hurleston, 45, Marine Drive, Barry	Substitute existing Juliet balcony to first floor bedroom with walk-on balcony, 5.4 wide X 1.5 m deep with toughened glass balustrade and stainless-steel railing, composite wood flooring. Support by means of 3 cantilevers, and one end of balcony extending over existing porch roof
2023/01058/RG3	A	Holton Road Primary School, Holton Road, Barry	Conversion of the existing Caretaker's house into classrooms and offices
2023/01060/FUL	A	Tyn Y Porth Cottage, Meadow Court, St. Brides Major	Erect a conservatory to existing stone walls at the front elevation
2023/01063/RG3	A	Jenner Park Junior And Infant School, Hannah Street, Barry	To remove the existing UPVC window, remove a section of wall below the window. Replace with an aluminium door and window unit allowing for disabled access direct from the classroom into the soft play area
2023/01064/FUL	A	26, Robinswood Crescent, Penarth	Proposed replace existing single storey garage, with extended garage with pitched roof and solar panels. Proposed new carport over existing driveway with a proposed new aluminium access gate

2023/01065/LAW	A	Rock House, Fonmon	The structure in curtilage of Rock house was built with permission as a stable in approx. 1997 with no ancillary use to the house. It has been used for more than 10 years as a garage and ancillary use to house
2023/01071/FUL	A	66, John Batchelor Way, Penarth	Replacement of masonry balustrading to front of property with glass balustrading. To rear of property - new full width glazed doors to replace door and window.
2023/01072/LAW	A	26, Maillards Haven, Penarth	Proposed rear single storey kitchen extension
2023/01080/FUL	A	Endstop, 1A, Constitution Hill, Llanblethian, Cowbridge	Rear and side single storey extensions and front two storey extension
2023/01081/FUL	A	97, Cornerswell Road, Penarth	Single storey rear extension
2023/01082/FUL	A	Homeleigh, Port Road West, Barry	Proposed small rear dormer to match that of existing, and proposed replacement of existing single storey extension to rear with cavity construction, with new doors and windows
2023/01083/FUL	A	6, Dyfrig Street, Barry	Proposed rear single storey and second storey infill extensions
2023/01084/FUL	A	Glanffawydd, Welsh St. Donats	Proposed wall to front and associated works
2023/01087/FUL	A	5, Bingle Lane, St. Athan	The erection of a two storey side extension to the existing dwelling. With the inclusion of a single storey porch/ lobby entrance.

2023/01088/FUL	R	Sandys Store, 253, Holton Road, Barry	Conversion of existing coach house to flat with new doors, windows and balcony to the street elevation
2023/01091/FUL	A	48, Fonmon Road, Rhoose	Single storey rear extension to existing bungalow with internal adaptations including conversion of storage area to garage. Existing garden room/store to be removed and replaced with new timber clad garden room, existing landscape to be reconfigured to include biodiversity enhancement measures
2023/01094/FUL	R	1, Drylla, Dinas Powys	Erection of vertical timber fence to boundary
2023/01095/ADV	A	Nationwide Building Society, 136, Holton Road, Barry	Replace 1 no. projecting signage with new 500mm, Replace 1 no. fascia and lozenge logo with new blue fascia and new 290mm logo height. Replace 1 no. ATM surround and decals with new. Replace statutory signage with new. Replace safety manifestation with new
2023/01097/FUL	A	Southerndown Golf Club, Ogmore By Sea	Extend existing admin office to form first floor office for the Director of Golf and meeting room. Create an indoor space for members to access office staff

2023/01101/FUL	A	314, Barry Road, Barry	Proposed 2 storey extension to side elevation, single storey extension to the rear and porch extension to the front of existing domestic dwellinghouse
2023/01110/FUL	A	17, Maillards Haven, Penarth	Two storey extension to side of property
2023/01121/FUL	A	19, Plas Glen Rosa, Penarth Portway, Penarth	Remodelled front entrance with glazed doors, steps and handrails
2023/01138/OBS	S	Aberthaw Power Station, West Aberthaw	Replacement of 2 towers
2023/01173/LAW	A	33 Albert Road, Penarth	Building a new Conservatory attached to the rear of the existing dwelling
2023/01186/LAW	A	19, Millbrook Close, Dinas Powys	Single storey rear extension
2023/01207/OBS	S	Lidl Distribution Warehouse, Waterton Industrial Estate, Bridgend	Internally illuminated elevation mounted flexface logo sign on the eastern elevation of the distribution centre
2023/01222/OBS	P	Ortho Clinical Diagnostics, Felindre Meadows, Llanharan, Pencoed, Bridgend	Proposed expansion comprising part three (offices) and part two (medical equipment processing, assembling and manufacturing) building, new staff car park and landscaping works

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **25 JANUARY 2024**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

4. APPEALS

(a) Planning Appeals Received

LPA Reference No: 2023/00566/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-03053-G4K9X0  
Appellant: Mr and Mrs Scott  
**Location: Ty Isaf, Drope Road, Drope**  
Proposal: New single storey extension on the site of former agricultural building. It is intended to plant a native stock hedge along the west facing boundary fence adjacent to the Village Hall car park to provide privacy and help with biodiversity  
Start Date: 21 November 2023

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LPA Reference No: 2023/00779/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-03090-R1Z0D6  
Appellant: Mr. Derek Ohare  
**Location: 5, Ringwood Crescent, St. Athan**  
Proposal: Dormer loft conversion - Finishes as existing, dark tiles finish to dormer cheeks, grey/black upvc window unit, black fascia  
Start Date: 7 December 2023

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LPA Reference No: 2023/00927/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-03150-T6Y1X3  
Appellant: Mr A Partridge  
**Location: 95, Colcot Road, Barry**  
Proposal: Proposed first floor extension over existing ground floor with external fire escape stairs  
Start Date: 2 January 2024

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LPA Reference No: 2022/01252/FUL

Appeal Method: Written Representations  
Appeal Reference No: CAS-02899-P4Z2S5  
Appellant: Mr Gareth Davies  
**Location: Plot 1, Eglwys Brewis Road, Eglwys Brewis, CF62 4DN**  
Proposal: Construction of five bedroom two and half storey detached house with attached double garage  
Start Date: 3 January 2024

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LPA Reference No: 2022/01251/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-02901-Y3P7S3  
Appellant: Mr Gareth Davies  
**Location: Plot 2, Eglwys Brewis Road, Eglwys Brewis, CF62 4DN**  
Proposal: Construction of a detached two and half storey five bedroom house with a detached double garage  
Start Date: 3 January 2024

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(b) Enforcement Appeals Received

None.

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(c) Planning Appeal Decisions

None.

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(d) Enforcement Appeal Decisions

LPA. Reference No: ENF/2021/0216/PC  
Appeal Method: Written Representations  
Appeal Reference No: CAS-02525-Y8X0Z4  
Appellant: Michael Murphy  
**Location: Land at Sefton Quarry, Penmark, Rhoose**  
Proposal: Without planning permission, the material change of use of the Land from a nil use to the storage and siting of shipping containers, a portacabin, other structures and miscellaneous items.  
Decision: Appeal Dismissed  
Date: 11 December 2023  
Inspector: R Jenkins  
Council Determination: Committee



## **Summary**

The Enforcement Notice was varied by extending the period of compliance from four months to six months, but was otherwise upheld and planning permission for the use was refused.

## **Reasons**

The appeal site formed part of the historic Sefton Quarry and the Council's investigation found an alleged breach of planning control which led to the owners submitting a retrospective planning application for the 'Change of Use of the land for the siting of Storage Containers' (2021/01405/FUL). Planning permission was subsequently refused and an Enforcement Notice was issued on 4 January 2023.

### ***The Appeal under Ground (b) - that the breach of planning control alleged within the Enforcement Notice has not occurred as a matter of fact.***

The Council's view was that the lawful use of the land was a 'nil use'. Whilst the appellant alleged that the lawful use of the site was one of open storage, there was no planning permission or LDC that certified that the land was in any other use. The Inspector noted the appellant's contention that an open storage use was immune from enforcement action, however considered that such matters should be considered under ground (d).

The second element of the ground (b) appeal related to the appellant's contention that the allegation of a material change of use was flawed and the siting of shipping containers comprised an act of operational development. The Inspector identified the three primary factors which determined whether something is a building and therefore operational development: size, permanence and physical attachment and considered that no single factor was decisive. Whilst it was considered that some of the structures on the land appeared to constitute operational development, evidence from the site visit indicated that such structures were used to facilitate a wider storage use. It was therefore concluded that the change of use of the land, from a 'nil use' to the storage and siting of shipping containers, a portacabin, other structures and miscellaneous items, had occurred as a matter of fact and the ground (b) appeal must therefore fail.

### ***The Appeal under Ground (d) - at the time the Notice was issued, it was too late to take enforcement action against the matters alleged within the Notice.***

The Inspector considered that the evidence submitted suggested that the site had previously been used for some storage purposes, however there was not sufficient evidence to demonstrate that a material storage use had continued over the relevant immunity period and aerial photography between 2006 and 2020, illustrated very little activity on the land for most of the relevant years.

The Inspector therefore concurred with the Council's assessment that a storage use had not occurred for a continuous period sufficient to generate immunity from enforcement action and the activity on the site had been

intermittent. It was therefore not too late for the Council to take enforcement action and the appeal under ground (d) therefore failed.

***The Appeal under Ground (a) - The Deemed Planning Application - that planning permission should be granted for the matters that constitute the breach of planning control.***

*Principle of Development*

The Inspector identified that the land was located outside of the settlement boundaries defined by the adopted LDP within the countryside and therefore within an unsustainable location, without the benefit of good access to local transport infrastructure. He considered that the need for the siting of such a use in such an unsustainable countryside location remained unjustified and contrary to the overall strategy of the adopted LDP and the sustainability principles in national policy. The development was therefore found to be unacceptable in principle.

*Character and Appearance*

The use of the land was considered to significantly conflict with the rural character of the surrounding area and the harm arising from views into the site were not insignificant. The layout and wider use of the land caused substantial harm when viewed from within the site itself and vegetation around the perimeter of the site was not sufficient to mitigate the landscape and visual amenity impacts.

Without the necessary justification for such a countryside location, it was not considered that a further scheme of landscaping would be appropriate and would do little to address the wider impacts on the character of the area arising from the comings and goings associated with the use of the land. The Inspector found that the development caused material harm to the character and appearance of the immediate area and, without necessary justification, conflicted with Policy MD1 and Policy MD2 of the adopted LDP and the placemaking principles in national planning policy.

*Ecology*

The appeal site was designated as the 'Nant Llancarfan' Site of Importance for Nature Conservation (SINC). The Council's ecologist had identified a reduced potential for the site to support reptile and/ or invertebrate populations, however the development was not supported by an appropriate ecological survey which demonstrated that the site no longer accommodated priority species. In the absence of any evidence to assess any options in respect of mitigation and/ or compensation, it followed that the development was potentially causing material harm to local ecological interests and therefore conflicted with Policy MG21 and Policy MD9 of the adopted LDP, as well as advice contained within PPW and Technical Advice Note 5: Planning and Nature Conservation (2009) (TAN5).

*Planning Balance and Conclusions on Ground (a)*

Whilst the appellant contended that the use of the land was justified on the basis that the site constituted previously developed land, PPW was clear that species rich and biodiverse land which was identified as having nature conservation value, should be excluded from such a definition. The Inspector

therefore agreed with the Council's assessment that the appellant's reliance on the definition of previously developed land was misplaced.

Whilst facilitating employment and contributing to the local economy, the Inspector was not persuaded that such matters outweighed the identified harm and associated policy conflict or that such activities could not take place on more suitable land. It was therefore concluded that the appeal under ground (a) should fail and planning permission should be refused.

***The Appeal under Ground (f) - The appeal under ground (f) is that the requirements of the Notice are excessive and that lesser steps would overcome the objections.***

Whilst the appellant contended that a large part of the site was already surfaced with recycled stone/ hardcore prior to the change of use taking place, the Inspector identified that the conditions represented in historic photographs did not represent the ground conditions at the time the Enforcement Notice was issued. The requirement to remove the rubble deposited on the ground to form the new hardstanding was therefore both reasonable and necessary.

Although the appellant had contended that the requirement to require the land to be reinstated to its former condition lacked precision, it was well-established that a requirement to restore the land to a condition before the development took place was sufficient for validity purposes and was appropriate in this instance. The appellant's arguments that the requirement to remove the various openly stored miscellaneous items was excessive, were also found to be flawed. It was therefore concluded that the appeal under ground (f) should fail.

***The Appeal under Ground (g) - the time given to comply with the requirements of the Notice is too short.***

The Inspector identified that alternative land would be needed to comply with the Enforcement Notice and a number of employed staff could also be impacted should an insufficient time period be imposed. Although the appellant had contended that a period of twelve months would be necessary, the Inspector considered that extending the period for compliance would also prolong the identified harm. Therefore, in balancing the competing public and private interests, he considered that a period of six months would be both reasonable and appropriate. The compliance period set out in the Notice was therefore extended and the appeal under ground (g) therefore succeeded to this limited extent.

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LPA. Reference No:	ENF/2023/0275/PC
Appeal Method:	Written Representations
Appeal Reference No:	CAS-03043-L2Y0W4
Appellant:	Eclipse Hotels (Cardiff) Ltd
<b>Location:</b>	<b>Holiday Inn Express, Port Road, Rhoose, CF62 3BT</b>

Proposal: Without planning permission, the carrying out of operational development comprising the installation of an array of solar panels on a building that is located within three kilometres of the perimeter of an airport (Cardiff International Airport).

Decision: Appeal Withdrawn  
Date: 15 December 2023  
Council Determination: Delegated

### **Summary**

Following the issuing of a Temporary Stop Notice to require the installation of any further solar panels on the building to cease and also an Enforcement Notice (EN) on 20<sup>th</sup> September 2023 requiring the removal of the solar panels that had been installed, an appeal against the EN was lodged on 16<sup>th</sup> October 2023.

On 13<sup>th</sup> October 2023, a planning application was received by the Council for the installation of solar panels and following its assessment, it was concluded that there would be no unacceptable impact on the interest of aviation safeguarding or residential amenity. The planning application was therefore approved on 14<sup>th</sup> December 2023 and as a result of this decision, the appeal has been withdrawn and no further action will therefore be taken in relation to the EN.

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(e) April 2023 – March 2024 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
<b>Planning Appeals</b> (to measure performance)	<b>W</b>	12	2	14	-
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Planning Total</b>		12 (86%)	2 (14%)	14	-
<b>Committee Determination</b>		1	1	2	-
<b>Other Planning appeals (inc. appeal against a condition)</b>		-	-	-	-
<b>Enforcement Appeals</b>	<b>W</b>	3	-	3	2
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Enforcement Total</b>		3	-	3	2
<b>All Appeals (excludes non validation appeals)</b>	<b>W</b>	15	2	17	2
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Combined Total</b>		15 (88%)	2 (12%)	17	2

Background Papers

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

Contact Officer:

Sarah Feist - Tel: 01446 704690

Officers Consulted:

HEAD OF SUSTAINABLE DEVELOPMENT

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **25 January 2024**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

4. TREES

(a) Delegated Powers

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

**Decision Codes**

A - Approved

R - Refused

E Split Decision

2023/00154/TCA	A	Brockway, Coldbrook Road West, Barry	Work to Tree(s) in a Conservation Area: Cutting down oak tree on right side of bungalow as too close to bungalow
2023/00985/TPO	A	12, Blodyn Y Gog, Barry	Work to Tree Perservation Order 2002, No.8 : Tree pruning on T002 and T001, Oak trees need some general pruning as growth approaching house and canopy of the two trees merging together. Some dead branches also requiring cut back
2023/01024/TPO	A	1, Goldsland Walk, Wenvoe	A slight prune on one stem of an oak tree, approximately 800mm back to a shoot.
2023/01048/TPO	A	30, Old Port Road, Wenvoe	Work to Tree(s) covered by Tree Preservation Order 1973, No. 4 - As per form

2023/01061/TPO	A	Can Yr Onen, Llandough, Cowbridge	Work to Tree Persrevation Order 1991, No. 5: T1- Ash - Reduce to 3m monolith
2023/01090/TPO	A	Greystones, Colhugh Street, Llantwit Major	Work to Tree(s) covered by Tree Preservation Order 1977, No. 3: Beech trees X 2 - Remove overhanging branches which are over the shed. Willow tree - 30% reduction
2023/01098/TPO	A	16, Laburnum Way, Dinas Powys	To reduce the crown of the tree and to reduce the overhang of the branches to the South in response to concerns from neighbour about the overhang of this drive
2023/01104/TPO	A	The Court, Cowbridge Road, St. Nicholas	Work to Trees covered by Tree Preservation Order: Dismantling of 5 Larch trees. Crown lift Birch tree away from Forge Cottage/Blacksmiths House
2023/01106/TCA	A	Rowan, Llancarfan	Work to Tree(s) in a Conservation Area: Removal of two multi stemmed Ash trees from front garden.
2023/01108/TPO	A	56, Plymouth Road, Penarth	Work to Tree Preservation Order 1999. No.1: Silver Birch (TPO) Carry out a ground based Tree Condition Survey, including micro-drill if required, producing a written report with findings and any work recommendations that can be used for a TPO application

2023/01109/TCA	A	11, Castle Court, Llantwit Major	Work to Tree(s) in a Conservation Area: Remove Leylandii trees and replace them with Red Robin hedge. Trees affected - Leylandii on part of the boundary of back garden and close to the house itself
2023/01112/TPO	A	The Old Malthouse, Penyheol Terrace, Sigingstone	Work to Tree Preservation Order 2007, No. 19: To fell (T1) - Laylandii
2023/01117/TCA	A	Y Hen Fferm Dy, Flemingston	Work to Tree(s) in a Conservation Area: Lime tree - Branches overhanging the road to be brought back in line with the wall and tree shaped accordingly
2023/01122/TCA	A	The Buffers, Cardiff Road, Cowbridge	Work to Tree(s) in a Conservation Area: T1 - Sycamore - dead standing tree - Removal
2023/01125/TCA	A	Westbourne School, 4, Hickman Road, Penarth	Work to Tree(s) in a Conservation Area: Horse Chesnut, located in the car park of the Westbourne School
2023/01126/TCA	A	Lower House Farm, Rhoose Road, Rhoose	Work to Tree(s) in a Conservation Area: T1 - Prunus avium - 2m lateral reduction; T2 - Betula pendula - 3m height and 1m lateral reduction; T3 - Larix decidua - remove and grind stump (dead so exempt); T4 - Larix decidua - remove and grind stump (dead so exempt); T6 - Cornus Sanguinea - 2m lateral reduction



2023/01128/TPO	A	12 and 13, Laburnum Way, Dinas Powys	Work to Tree Preservation Order 1994, No. 2: Fell Oak tree
2023/01135/TCA	A	St. Annes, 20, Victoria Road, Penarth	Work to Tree(s) in a Conservation Area: Taking down a long dead Silver Birch (10 metres) which was in our front garden but with main branches extending over public pavement and road. Work undertaken as an emergency on 6 November, 2023 after wind brought dead branches crashing down
2023/01136/TPO	A	Orchard House, 3, Colcot Road, Barry	Work to Tree(s) under Tree Preservation Order 2004, No.1: Crown lifting to approximately 20 feet of a row of 6 mature Lime trees
2023/01144/TCA	A	9, Elm Grove Lane, Dinas Powys	Work to Tree(s) in a Conservation Area : Crown reduction on 2 over grown trees which are both in the front garden, the tree (large shrub) near the house is a Smoke Bush (cotinus coggygria) and the small tree on the lawn by the front hedge is a Whitebeam (Sorbus aria). The trees are in a conservation area but do not have a tree preservation order
2023/01146/TCA	R	St. Quentins House, Castle Hill, Llanblethian, Cowbridge	Coppice to ground level of lapsed yew shrub

2023/01150/TCA	A	Riversdale Cottage, Llanquian Road, Aberthin	Work to Tree in Aberthin Conservation Area: Removal of self seeded cherry tree within close proximity to boundary wall and utility cables
2023/01156/TCA	A	23, Clive Place, Penarth	ASH - reduce crown and overall size of the tree by removing the LHS fork 2. HORSE CHESTNUT tree located in no. 25 Clive Place but overhanging the boundary wall - crown reduction
2023/01197/TCA	A	The Old Parsonage, Llancarfan, Barry	Work to Tree in Llancarfan Conservation Area: Removal of 1x multi stemmed Ash Tree
2023/01209/TCA	A	Blue Anchor Inn, East Aberthaw	Work to Trees in East Aberthaw Conservation Area: 50% reduction of five Sycamore trees (T12-T5) bordering car park
2023/01179/TCA	A	Palmers Cottage, Penmark	Work to Tree in Penmark Conservation Area: Removal of Silver Birch suffering from Birch die back

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 25<sup>th</sup> January 2024

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

ENFORCEMENT ACTION AUTHORISED BY THE HEAD OF SUSTAINABLE DEVELOPMENT AND OPERATIONAL MANAGER (PLANNING AND BUILDING CONTROL)

Introduction

Under Section 26 of the Council's Constitution relating to Officer Delegations, provision is made for the Head of Sustainable Development and Operational Manager (Planning and Building Control) to authorise Enforcement and Stop Notices as follows:

*6.2 In consultation with the Head of Legal and Democratic Services, to authorise the preparation of Enforcement and Stop Notices under the Town and Country Planning Act 1990 (as amended), after consultation with the Chair of Planning Committee, where reference to the Planning Committee would occasion detrimental delay and to instruct the Head of Legal and Democratic Services to issue such notices, if appropriate, and to pursue a prosecution in respect of any failure to comply with the terms of the Notice issued.*

It has been necessary for the Head of Sustainable Development and Operational Manager to authorise enforcement action recently in relation to a case, where the reporting to Planning Committee would have resulted in detrimental delay and details of this case is reported below for Members' information.

(i) LAND AT HAYES ROAD, SULLY

Authorisation was sought to issue a Temporary Stop Notice (TSN) under section 171E of the Town and Country Planning Act 1990 (as amended) and an Enforcement Notice (EN) under section 172 of the Town and Country Planning Act 1990 (as amended) in respect of unauthorised ground engineering operations being undertaken on land off Hayes Road. As a result of previous unauthorised ground engineering operations being undertaken on the land, a Temporary Stop Notice was issued on 31<sup>st</sup> March 2023 (and expired on 28<sup>th</sup> April 2023) however following this, all works on the site appeared to cease.

Following the receipt of further complaints on 18<sup>th</sup> December 2023 and an investigation undertaken by officers, it was identified that the land was again being cleared and the surface of the ground was being re-profiled and in some places levelled. Whilst the removal of vegetation in isolation may not require consent, the operations being undertaken on the land involved the disturbance and relocation of site won soil, the change in ground levels and a

physical change in the appearance of the site. These operations were therefore considered to constitute an engineering operation that was being undertaken without the benefit of planning permission.

In the absence of a planning application which demonstrated that the ground engineering operations would not have an adverse impact on biodiversity and archaeology which may exist at the site and potential contamination of the area, these works were considered unacceptable. It was therefore considered that enforcement action needed to be taken as a matter of urgency in the form of a Temporary Stop Notice and that an Enforcement Notice should also be issued which would take effect when the TSN ceased to have effect (18<sup>th</sup> January 2024).

Confirmation was provided by the Chair of Planning Committee that delegated powers could be used for this purpose and the TSN and EN were issued on 21<sup>st</sup> December 2023 (ENF/2023/0087/PRO (B) and ENF/2023/0087/PRO (C)). The TSN requires the ground engineering operations to cease immediately and the EN, which is due to take effect on 19<sup>th</sup> January 2024, requires the works to cease permanently. These notices do not however prevent the implementation of the planning permission granted under application reference 2023/00775/FUL, for the erection of a fence at the front of the site.

A meeting was held with the owner of the land on 3<sup>rd</sup> January 2024, when it was confirmed that no further works had been undertaken and further advice has been provided by officers in relation to the need for planning permission.

Relevant enforcement files (as detailed above).

Contact Officer:

Sarah Feist - Tel: 01446 704690

Officers Consulted:

HEAD OF SUSTAINABLE DEVELOPMENT

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 25<sup>th</sup> January 2024

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

7. ENFORCEMENT ACTION

II) LAND AND BUILDINGS AT LAND OFF REDWAY ROAD, PENDOYLAN

Executive Summary

This report seeks authorisation to issue an Enforcement Notice under section 172 of the Town and Country Planning Act 1990 (as amended) in respect of a new building erected in a field located off Redway Road, Pendoylan. The building in question is a rectangular wooden clad with a flat roof, UPVC windows installed to the front and side elevations and a UPVC door on the front elevation.

The report recommends that as the building is not considered to be justified for agricultural purposes, an Enforcement Notice is issued requiring the removal of the building from the land. Authorisation is also sought to pursue legal proceedings in the event that the Enforcement Notice is not complied with.

Background and Site Description

1. An enquiry was received by the Local Planning Authority (LPA) on 9 November 2022, regarding the erection of a building on an agricultural field located off Redway Road, Pendoylan.
2. The site relates to land currently measuring approximately 17 hectares / 44 acres (8 hectares / 20 acres at the start of the investigation) and is located outside of any designated settlement boundary and therefore in the countryside. The site is identified as a potential habitat for Great Crested Newts and the surrounding area is rural in character. The site is also located within the Ely Valley and Ridge Slopes Special Landscape Area. A site location plan is included below.



3. A Prior Notification application was submitted in October 2022 for the erection of separate agricultural barn on the land (2022/01114/PNA). The building was proposed to be used for storing animal feed, hay and farm machinery. This application was subsequently refused on the basis that the proposed barn was not considered to be justified as reasonably necessary for the purposes of agriculture and was not considered to be permitted development as it failed to comply with the criteria set out under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995. Therefore, the development proposed could not be lawfully constructed under the prior approval procedure.
4. No planning application has been submitted at the time of writing this report, nor has the building in question been removed.

#### Details of the Breach

5. Following an initial site inspection, it was noted that an unauthorised large rectangular wooden clad building had been erected on the land. The building in question is residential in character with UPVC doors and multiple windows installed to the front and side elevations. The building is approximately 16 metres long, 3.2 metres in height and 4.8 metres wide. Whilst on site, it was evident that a kitchenette was in the process of being installed and the building was being insulated with alpaca wool. The log cabin also had some residential furniture placed inside of it. Photographs of the building in question are included below:













6. Satellite imagery has confirmed that the building in question was built within the last 4 years, after March 2022.
7. No planning application has been submitted for this building and in order for the land to benefit from permitted development rights, the building would have needed to be 'reasonably necessary for the purposes of agriculture as defined by Part 6, of the Town and Country Planning (General Permitted Development) Order 1995 and meet the relevant criteria. Such an assessment was made at the time the PNA application was determined in October 2022 (2022/01114/PNA). Subsequent site visits have confirmed that whilst the level of activity on the land has intensified in the past few months, there is still limited livestock on site, and the use of the site does not appear to be linked to any wider farming operation.
8. The owner of the site has supplied information regarding their organisation which is titled Celtic Roots Farm and Gardens and is registered to an address in Groesfaen. From a search of the Companies House records, it would appear that this was set up in June 2022, however no financial records are currently available to indicate it operated as a business at the time of the construction of the building. Although there is some evidence of an agricultural use on site, there does not appear to be an established agricultural holding. Whilst there is provision under Part 6 of the Town and Country Planning (General Permitted Development) Order 1995 for the erection of a building on agricultural land under permitted development rights provided that the building is reasonably necessary for the purposes of agriculture, the landowner has constructed the building without seeking the prior approval of the LPA and planning permission is therefore required.

Action Pursued to Date

9. A letter was initially sent to the owner of the land on 12<sup>th</sup> December 2022 to arrange a site visit to examine the building. Following correspondence with the owner, a site meeting was held on 11<sup>th</sup> January 2023 where access was gained to the field and the inside of the building in question. Discussions regarding the use of the building and the history of the site took place.
10. A follow up email was sent to the owner on 13<sup>th</sup> January 2023 informing him that the building would require planning consent from the Local Planning Authority and that such an application was unlikely to be supported by virtue of the building being considered unjustified for agricultural purposes. As a result, the owner of the land was requested to remove the building from the land.
11. The owner subsequently confirmed that they were unwilling to remove the building from the land as they were of the view that the building is reasonably necessary for the purposes of agriculture and therefore benefited from permitted development rights. The owner also provided a business plan which included information for the expected growth of the business alongside photographs of some farm animals. It was confirmed that 6 sheep and 2 alpacas are accommodated on the land alongside 9 hives of bees. Evidence of an invoice dated 18<sup>th</sup> October 2022 of £129 for purchasing glass jars and labels for chutneys was also provided. Following this correspondence, the owner was informed that although some agricultural activity may be taking place on the land, the building would still require planning permission from the Local Planning Authority as there was no justification for a building of its size for agriculture. The owner was subsequently informed that if the building was not removed, the Local Planning Authority would need to assess the expediency of taking enforcement action.
12. The owner informed the Council on 7<sup>th</sup> February 2023 that the amount of agricultural activity on the land had intensified since the initial site visit. As a result, a follow up site meeting was conducted on 15<sup>th</sup> February 2023 to assess this and the development of the building in question. It was evident that more structures had been erected on the land with some additional animals being accommodated on the land (several ducks and 5 pigs). The owner confirmed that chickens would be brought on the land in the coming months. It was also apparent that the land had started to be prepared for growing vegetables and herbs, however there was no evidence of produce being grown at that time.
13. A follow up email was sent to the owner on 21<sup>st</sup> February 2023 which confirmed the Council's position had not changed and that the building in question was not deemed reasonably necessary for the purposes of agriculture. Furthermore, notwithstanding any additional agricultural use undertaken on the land, the new building erected would still have required planning permission to enable it to be retained as it cannot benefit from permitted development as the prior notification process has not been correctly followed.
14. The owner was advised to remove the building from the land and was informed that the formal enforcement action was likely to be pursued if the building was not removed.
15. The owner confirmed on 23<sup>rd</sup> February 2023 that they were not willing to remove the building from the land and stated that their intentions were to submit a

planning application to retain the building as a temporary agricultural dwelling, despite the fact that nobody is currently living on site. The owner was advised on 24<sup>th</sup> February 2023 that such an application was not likely to be considered favourably and that the pursual of formal enforcement action would continue.

16. As no application had been submitted, a final site visit was conducted on 4<sup>th</sup> September 2023 to assess whether the agricultural use of the land had intensified. It was confirmed during this site meeting that the amount of land being used for Celtic Roots Farm and Gardens had expanded from 8 hectares (20 acres) to 17 hectares (44 acres) with an existing barn being used for the storage of hay on the additional land. In terms of livestock, at the time of the visit there were 11 sheep, 5 lambs, 10 beehives, 2 alpacas, 1 peacock, 5 chicks, 9 chickens and 6 chicks. It was also evident that there was the growth of some produce on site which included sunflowers, peas, beans, broccoli, and potatoes. Photographs from this site visit are included below. Discussions with the owner also confirmed that 13 sheep, 2 alpacas and 2 horses are accommodated on site for 6 months of the year.

*Photographs of existing barn used for hay*





*Photograph of additional field:*



*Photograph of land next to cabin:*





*Photograph of livestock:*



*Photograph of land facing cabin:*







17. Further information was submitted by the owner of the site in September 2023 following the site meeting which confirmed the machinery which is used on site. This includes a tractor, a rotovator, a roller, trailers, a topper, a small square baler, a cultivator, a drum mower, a sheep turnover, a hay bob, a truck, and a quad bike. The information also confirmed that it is the owner's intention to expand the livestock on site during the period of September 2023 to February 2024 to include more sheep, ducks, pigs, chickens, highland cattle and alpacas. Further to this, updated photographs of the inside of the cabin were provided and are included below.

*Photographs of inside of cabin:*







18. There has been no further indication that the owner is willing to remove the building, and no application has been submitted at the time of writing this report to retain the building.

Planning History

19. The site benefits from the following planning history:
- 2022/01114/PNA, Location: Land off Redway Road, Pendoylan, Proposal: Erection of a new agricultural barn, Decision: Refused



20. Section 173 of the Town and Country Planning Act 1990 states that in relation to the contents and effect of an enforcement notice:
- (3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.
- (4) Those purposes are –
- (a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or
  - (b) remedying any injury to amenity which has been caused by the breach.
- (5) An enforcement notice may, for example, require –
- (a) the alteration or removal of any buildings or works;
  - (b) the carrying out of any building or other operations;

#### Policy and Guidance

21. Welsh Government advice on the enforcement of the planning control is found in the Development Management Manual (Revision 2, May 2017). It states that, 'When considering enforcement action, the decisive issue for the LPA should be whether the unauthorised development would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest.'

#### **Local Development Plan:**

22. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

##### *Strategic Policies:*

POLICY SP1 – DELIVERING THE STRATEGY  
POLICY SP9 – MINERALS  
POLICY SP10 – BUILT AND NATURAL ENVIRONMENT

##### *Managing Growth Policies:*

POLICY MG17 – SPECIAL LANDSCAPE AREAS  
POLICY MG22 – DEVELOPMENT IN MINERALS SAFEGUARDING AREAS

##### *Managing Development Policies:*

POLICY MD1 - LOCATION OF NEW DEVELOPMENT  
POLICY MD2 - DESIGN OF NEW DEVELOPMENT  
POLICY MD7 - ENVIRONMENTAL PROTECTION  
POLICY MD8 - HISTORIC ENVIRONMENT

## POLICY MD9 - PROMOTING BIODIVERSITY

### Future Wales: The National Plan 2040:

23. 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:

24. National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the matters considered in this report.
25. 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.
26. The following chapters and sections are of particular relevance in the assessment of this planning application:

#### Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places

##### Para 3.9

*'The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.'*

##### Para 3.38

*'In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources.'*

##### Para 3.60

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

## Technical Advice Notes:

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

- **Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)**

*3.3.1 'Planning authorities should examine particularly carefully applications for re-use of buildings erected under agricultural permitted development rights. This should alert them to the possibility that the building was in breach of planning control when it was substantially completed, because there was no genuine agricultural justification.'*

*A14. The siting of a new agricultural or forestry building, road, excavation or waste deposit, or fish tank can have a considerable impact on the surrounding landscape. Developments should be assimilated into the landscape without compromising the functions they are intended to serve. New buildings should normally form part of a group rather than stand in isolation, and relate to existing buildings in size and colour. However, new buildings of modern design may sometimes best be separated from a group of traditional buildings to avoid visual conflict. Sites on skylines should be avoided. To reduce visual impact, buildings should be blended into the landscape or, on sloping sites, set into the slope if that can be achieved without disproportionate cost.*

*A18. The choice of design and materials, and the relationships of texture and colour to existing development, local traditions, and the landscape, can be important considerations for both agricultural/forestry buildings and roads.*

*A21. The colours chosen should be compatible with the rural setting, not to camouflage the building but to allow it to relate to existing buildings. Careful choice of colour reduces the apparent scale of a large agricultural building (for example, if the roof of a building is coloured darker than the walls, its visual impact on its surroundings is reduced). The use of reflective materials should be avoided. It will normally be appropriate to use traditional or sympathetic materials for developments taking place in the setting of a listed building or in a conservation area.*

*A23. 'The scale, form and siting of new agricultural buildings are usually influenced by the operational needs of the enterprise, the standardisation of modern agricultural buildings and economic considerations. However it should be possible to reconcile proposals for development with the need to conserve and wherever possible enhance the landscape.'*

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

*5.8.1 ‘The special qualities of the rural landscape and coastline of Wales should be recognised. The qualities should be enhanced through conservation of the character of the countryside and by achieving quality in new development.’*

*5.8.5 ‘The scale, form and siting of new agricultural buildings or buildings for on- farm diversification, is usually influenced by the operational needs of the enterprise. Where possible, new buildings should be integrated within the farmstead. Elsewhere, particular care should be taken with siting, massing and detailed design to enable them to fit well into the landscape. The use of materials appropriate to the setting, attention to colours of materials and detailing can all facilitate integration into the landscape. The standard pattern book approach needs to evolve to accommodate vernacular elements and relate to the local context.’*

### **Supplementary Planning Guidance:**

28. 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
  - Design in the Landscape
  - Minerals Safeguarding

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

29. National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this authorisation. 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.

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

- Welsh Office Circular 24/97 - Enforcing Planning Control
- Welsh Government Development Management Manual – Section 14 Annex “Enforcement Tools”

### **Well Being of Future Generations (Wales) Act 2015:**

30. 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.

#### Reasons for Serving an Enforcement Notice

31. National planning guidance advises that when deciding whether to take enforcement action, the principal issue for the Council should be whether the unauthorised development would have an unacceptable effect on public amenity or the existing use of land and buildings meriting protection in the public interest and in all cases, the Council is required to consider the expediency of taking action. Enforcement action should not be pursued simply to regularise development which is otherwise acceptable in planning terms and is likely to be granted planning permission.
32. The main issues which are relevant to the consideration of this case are whether the development would be acceptable in principle, having regard to the planning policy framework, whether there is any agricultural need/ justification for the building and whether the design of the building is appropriate in this location or has any unacceptable impact on the character and appearance of the countryside and Special Landscape Area.

#### Principle of Development

33. As identified above, the land on which the building is located is outside of any settlement boundary identified in the LDP and is therefore located within the countryside for the purposes of planning policy. It is also located away from defined settlements and is therefore located within an unsustainable location, without the benefit of good access to local transport infrastructure. It is considered that there is no agricultural justification for this building and therefore, the need for the siting of such a building in such an unsustainable countryside location remains unjustified and contrary to the overall strategy of the adopted LDP, as well as the specific aims of Policy MD1.
34. It also conflicts with the sustainability principles found in national policy which advocate that the countryside should be protected for its own sake. In particular, sections 3.38 and 3.60 of PPW, set out earlier, seek to restrict new development in the countryside, other than where it is appropriate for rural development. Therefore, the principle of a building in this location is considered to be contrary to both local and national planning policy and is unacceptable.

#### Agricultural Justification

35. LDP Policy MD1 states that: *'Within rural locations development will be managed carefully to ensure that it contributes positively to the rural economy and the viability and sustainability of rural communities, whilst ensuring the distinctive character of the Vale of Glamorgan is protected. In this regard, Policy MD1 still seeks to emphasise the importance of protecting the countryside from unacceptable and unjustified new development.'*
36. As identified above, the site falls outside of any settlement boundary identified in the LDP. In order for the development to be deemed acceptable it should be essential for agriculture or other rural activities. The building consists of a substantial rectangular wooden building with UPVC doors and windows and a kitchenette installed. The construction of the building and the fact that it has some residential furniture placed inside would appear to suggest that the building is intended to be used for residential / leisure purposes or to provide facilities as a day shelter or mess room for agricultural workers. The owner of the land has also indicated his intention to submit a planning application to use the building as a temporary agricultural dwelling instead of an agricultural outbuilding.
37. Whilst it is understood that the building is proposed to be used for storing farming equipment and seeds for plants, animal purposes and for the use of workers on the land, it is located on a site which is currently being used for a very small-scale agricultural activities. It is noted that the activity on the land has intensified in the past months with an additional 9 hectares (24 acres) being used for the business, however it is considered that there is limited evidence that the majority of this additional land has been extensively used for agricultural purposes. Photographs of the additional land are included below.



*Photographs of additional land:*



38. Although there is evidence of some farm animals and machinery on the land, it is considered that the farming activity is low level, and therefore it has been established that the intensity of the agricultural activity fails to demonstrate a need for a building of this scale within the site itself. The building is not considered to be designed for agriculture so even if sufficient evidence were to be provided of agricultural activities taking place on the land, the building is unlikely to be used for the majority of the uses suggested in the previous prior notification application for example, the storage of agricultural feed, hay and farm machinery. Furthermore, there is an existing purpose built agricultural building on the additional land which could be utilised and adapted if necessary in order to support the use of the land. It is therefore considered that the building constitutes unsustainable and unjustified development in the countryside, contrary to Policy MD1 and paragraph 3.60 of PPW.
39. There are also concerns, given the landowner's stated intention to apply for a temporary agricultural dwelling, that if the building were allowed to be retained on the land, it is possible that it would be used for overnight accommodation and that an unauthorised residential dwelling could become established at the site, which would also be unacceptable in this location.

#### Design of the Building and Impact on the Character of the Area

40. The unauthorised building comprises a large rectangular wooden clad structure which has UPVC doors and multiple windows and appears to have been designed with residential occupation or use as a day room / mess facilities. The building measures approximately 16 metres long, 3.2 metres in height and 4.8 metres wide and is located at the therefore provides a substantial structure which appears very prominent in the rural landscape.



41. The use of material, which is generally used for urban, residential development such as UPVC for the windows and doors of the building is not in alignment with the character of the rural Vale. In addition, the installation of sliding patio doors and the size of the building is not considered justifiable for an agricultural building located in the countryside as it has a detrimental impact on the local setting. The building is therefore contrary to policy MD2 (Design of New Development) which seeks to protect the Vale's countryside from development which does not enhance or preserve the character of the site.
42. Paragraph 5.8.5 of TAN 12, also highlights that where possible, new buildings should be integrated within the farmstead and where this is not attainable, *'particular care should be taken with siting, massing and detailed design to enable them to fit well into the landscape'*. The development has resulted in the building being at odds with the wider landscape and the following photograph highlights the stark contrast between the existing rural landscape and residential design of the building:







43. TAN 12 also highlights that attention to colours and material is paramount to accommodate to the local context. With regard to the policy guidance above, the agricultural building is deemed unacceptable by virtue of its detrimental impact upon the countryside and rural landscape.
44. Although the building is not visible from the highway or any public right of way, the site is outside of any recognised settlement boundary and within a Special Landscape Area (SLA). Policy MG17, relating to Special Landscape Areas, requires all new development proposals to demonstrate that they would cause no unacceptable harm to the important landscape character of the area. It is advised that where development is acceptable, *'careful consideration is given to the design elements of the proposal such as the siting, orientation, layout and landscaping, to ensure that the special qualities and characteristics for which the SLAs have been designated are protected'*.
45. The site is located near to the south-west boundary of the Ely Valley and Ridge Slopes SLA and within the LDP Background Paper (September 2013) relating to the Designation of Special Landscape Areas, the Primary Landscape Qualities and Features identifies that: *'The area is predominantly a lowland rolling landscape with the Ely River valley running through it from north to south-east. The majority of the lowland valley floor is flood plain, with a sense of openness that contrasts with the rising valley sides. A rectilinear pattern of drainage ditches, creating much improved pasture, runs into the River Ely..... The southern boundary includes a ridge crest, prominent in the landscape and providing views across the Vale. The A48 bisects this ridge and linear settlements dominate. The landscape includes semi-natural broadleaf woodland, improved grassland, arable and amenity grassland. The southwest corner is more intensively farmed, with inappropriate grazing, chemical improvement, drainage, and infrastructure development all creating pressure on habitats.'*

46. Amongst the Key Policy and Management Issues identified in the Paper for this SLA are to: 'Improve land management' and to: 'Control housing development and farm conversions'. The current building is a significant size and its design is more akin to an urban residential building, rather than its surrounding rural location. In the absence of sufficient justification for its retention, it is therefore considered that the building would harm the Special Landscape Area in the long-term and is therefore considered to conflict with Policy MG17.
47. In view of the above, the design, scale, form and materials of the resulting building will be out of keeping with the context of the site, and its overtly domestic appearance would serve to urbanise the area to the detriment of the rural surroundings. As such, it is considered that the proposal will have an unacceptable impact on the appearance and rural character of the area and the Special Landscape Area which is contrary to policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of Development) and MG17 (Special Landscape areas) all of which seek to protect the special qualities of the rural Vale.

### Conclusions

48. Whilst it is acknowledged that some activity is undertaken on the land, the extent of agricultural activity is not considered intense enough to be considered an established agricultural holding or enterprise.
49. The building is located outside of any settlement boundary identified in the LDP and within an unsustainable location. As there is no agricultural justification for this building, the siting of such a building in an unsustainable countryside location is considered unacceptable in principle. The size, design and appearance of the unauthorised wooden cladded building is considered detrimental to the surrounding rural character of the area and wider landscape, which is designated as a Special Landscape Area. The construction materials used including the installation of patio doors and UPVC, presents a stark overtly domestic appearance that does not fit well into the landscape and are therefore considered unacceptable. The development is therefore considered to conflict with policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MD1 (Location of New Development), and MD2 (Design of New Development), of the LDP as well as PPW (Edition 11, 2021) and TAN 6, in that it is not justified as part of a rural enterprise, and TAN 12 in that the building does not relate to the local rural context.
50. It is considered unlikely that any planning application submitted in an attempt to regularise the development would have been supported by virtue of the building being an unjustified encroachment on agricultural land whilst having an unacceptable visual impact on the rural landscape. Despite on-site meetings and correspondence with the owner of the land, no further attempts have been made to remove the unauthorised development and it is therefore considered expedient that enforcement action be taken to secure its removal.
51. It is considered that the decision would comply 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.

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

Legal Implications (to include Human Rights Implications)

53. If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).
54. The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.

Equal Opportunities Implications (to include Welsh Language Issues)

55. None

RECOMMENDATION

(1) That the Head of Legal Services be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to :

- (i) Remove all domestic fixtures, fittings and items from the wooden building.
- (ii) Demolish the wooden building.
- (iii) Remove from the land all items and materials resulting from the taking of steps (i) and (ii) above and restore the land to its former condition prior to the breach taking place.

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

Reason for Recommendation

- (1) It appears to the Council that the above breach of planning control constituting operational development consisting of the construction of a rectangular wooden clad building, has occurred within the last 4 years.
- (2) The building is located outside of any settlement boundary identified in the LDP and within an unsustainable location. As there is no agricultural justification for this building, the siting of such a building in an unsustainable countryside location is considered unacceptable in principle. The size, design and appearance of the unauthorised wooden clad building is considered detrimental to the surrounding rural character of the area and wider landscape, which is designated as a Special Landscape Area. The construction materials used including the installation of patio doors and UPVC, presents a stark overtly domestic appearance that does not fit well into the landscape and are therefore considered unacceptable. The development is

therefore considered to conflict with policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MD1 (Location of New Development), and MD2 (Design of New Development), of the LDP as well as PPW (Edition 11, 2021) and TAN 6, in that it is not justified as part of a rural enterprise, and TAN 12 in that the building does not relate to the local rural context.

- (3) Despite on-site meetings and correspondence with the owner of the land, there has been no further indication that the owner is willing to resolve the breach, and the building remains located on the land in breach of planning control.
- (4) 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.

#### Background Papers

Enforcement File Ref: ENF/2022/0368/PRO

Contact Officer – Madlen Evans, Tel: 01446 704886

Officers Consulted:

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

**IAN ROBINSON**  
**HEAD OF SUSTAINABLE DEVELOPMENT**

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **25 January 2024**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

6. PLANNING APPLICATIONS

Background Papers

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

**APPLICANT:** Business Loan Services (UK) Ltd Pension Scheme C/o Agent,  
**AGENT:** Mr Andrew Ayles Office 14, 35 Stow Park Circle, Newport, NP20 4HF

**Former Eastbrook Methodist Chapel, Chapel Row, Eastbrook, Dinas Powys**

Demolition of chapel building and the erection of a dormer bungalow, on-site car parking and amenity provision and associated development thereto

**REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Cllr Marianne Cowpe given the concerns expressed locally.

**EXECUTIVE SUMMARY**

Members will recall that at the meeting of Planning Committee held on 23 November 2022, the Committee resolved to grant planning permission for the demolition of chapel building and the erection of a dormer bungalow, subject to the relevant person(s) first entering into a Section 106 Legal Agreement or undertaking to include the following necessary planning obligations:

- to pay a financial contribution to the sum of £27,631.20 for an off-site affordable housing contribution.

Despite some initial progress of the S106 Legal Agreement, on 2 May 2023, the agent advised by email that his client has reviewed their cost budget and engaged a surveyor/property consultant to review the costings. As a result of this assessment, the applicant requests, on the basis of the submitted information that he wishes to challenge the requirement for the specified sum.

In light of the viability information submitted re-consultation has taken place to allow the public and any interested parties to comment on the additional viability information.

Members should note that in all other respects, the proposal remains the same as that previously presented to Planning Committee.

The application site consists of a vacant chapel (Eastbrook Methodist Church) and associated land, at Chapel Row, accessed via Cardiff Road. The site lies within the settlement boundary of Dinas Powys.

This is a full planning application for the demolition of the existing chapel building and the erection of a four bedroom dormer bungalow with a footprint of approximately 8.7m wide by a depth of 9.5 metres, with a 6m ridge height and eaves to a height of 2.8m. Three pitched roof dormers are proposed on the front facing roof plane. The dwelling will have off white render to the front with the other elevations finished with heritage red bricks. Brick is also shown to be used to the window heads and as detailing either side of the front door and to the front boundary wall. The roof will be finished in dark grey roof tiles and the dormers with western red cedar cladding.

Letters of objection have been received from the occupiers of two nearby dwellings and a further two letters have been received in light of most recent consultation on viability.

The proposal remains acceptable in terms of the loss of the existing building/use and the replacement dormer bungalow is considered acceptable in respect of its design and impact on the character of the wider street scene. Furthermore, the proposal would be acceptable in terms of impacts on highways and parking, the impact on the amenities' of neighbouring occupiers and ecology.

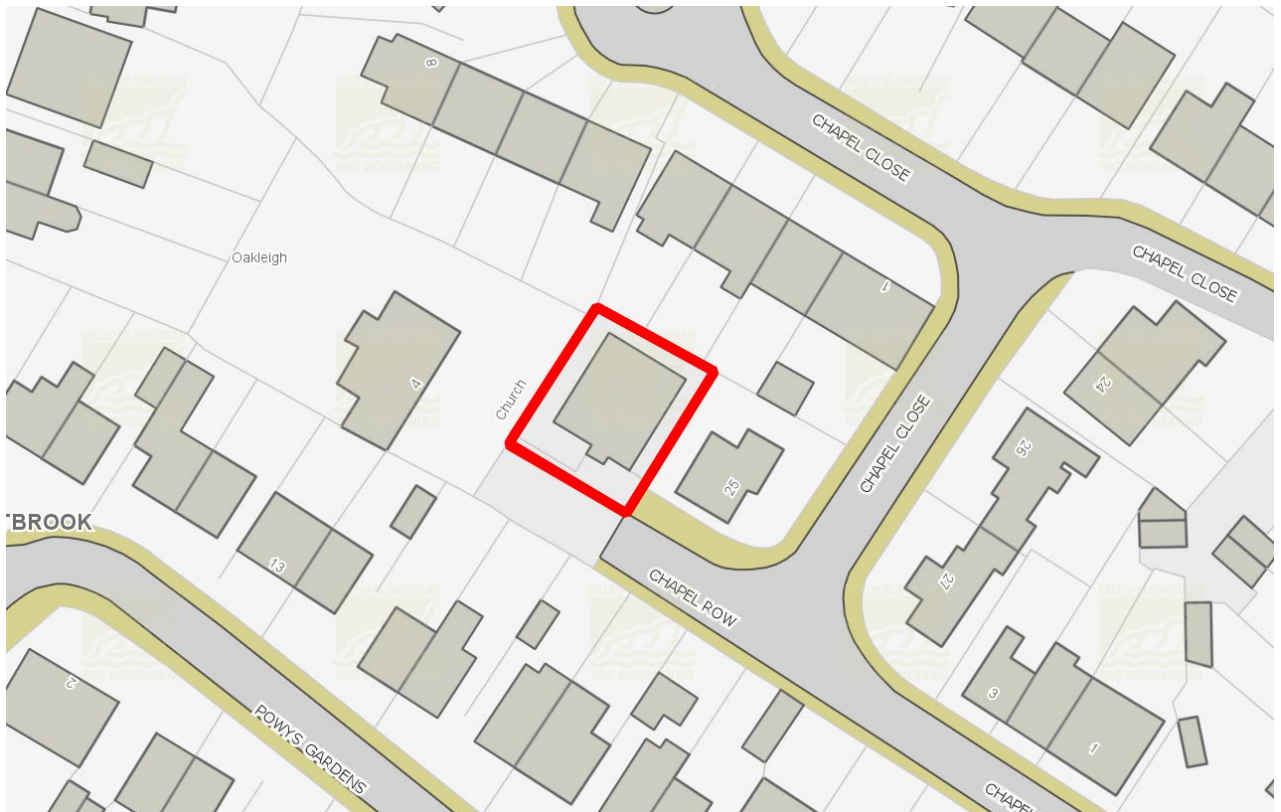
In summary your officers have considered the viability information submitted, which comprises of a Viability Appraisal Assessment, Cost Plan and Valuation Report and agree with the conclusion made that a financial contribution to the sum of £27,631.20 toward affordable housing, would render the development unviable

The following report is the same as that presented to Planning Committee held on 23 November 2022, other than where it has been updated to reflect any additional representations, and the relevant additional local and national policies and guidance in respect of viability and the assessment on viability. Your officers do not consider that the merits of the application should be revisited, other than in respect of viability considerations and affordable housing contributions.

### SITE AND CONTEXT

The application site consists of a vacant chapel (Eastbrook Methodist Church) and associated land at Chapel Row, accessed via Cardiff Road. The site lies within a predominantly residential area within the settlement boundary of Dinas Powys as defined by the Vale of Glamorgan Local Development Plan 2011-2026 (LDP). The supporting information states that the Chapel finished holding services in early to mid-2017.

The site abuts the rear gardens of the post war properties on Chapel Close to the north-east and south-east and the garden of Oakleigh, Chapel Row, to the north-west.



## DESCRIPTION OF DEVELOPMENT

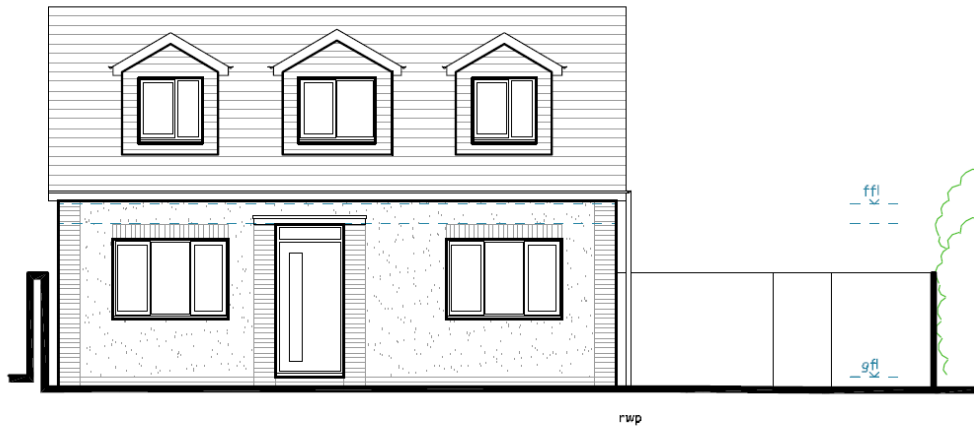
This full planning application proposes the demolition of the existing chapel building at the site and the erection of a four bedroom dormer bungalow with a footprint of approximately 8.7m wide by a depth of 9.5 metres, with a 6m ridge height and eaves to a height of 2.8m. Three pitched roof dormers are proposed on the front facing roof plane.

The dwelling will have off white render to the front with the other elevations finished with heritage red bricks. Brick is also shown to be used to the window heads and as detailing either side of the front door and to the front boundary wall. The roof will be finished in dark grey roof tiles and the dormers with western red cedar cladding.

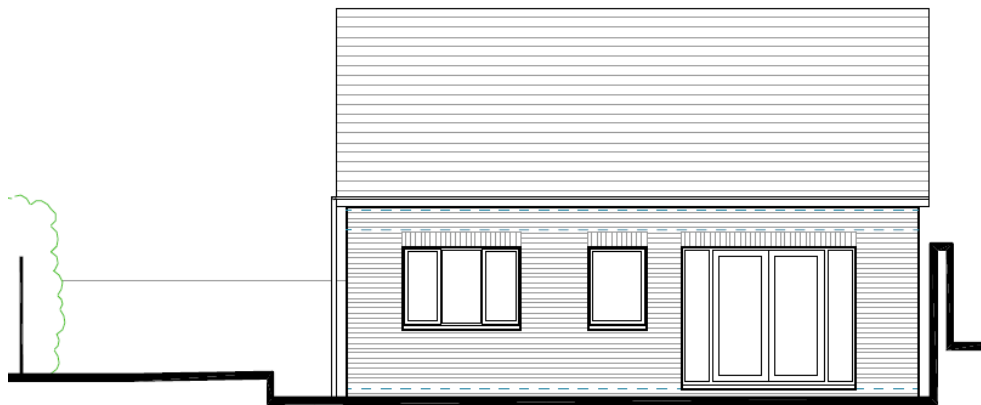
Parking is shown to the side of the dwelling and comprises two parking spaces. There is an additional area to the side for bin storage.

The dwelling is shown to be served by a patio area to the rear, enclosed by a low level retaining wall to the remainder of the garden.

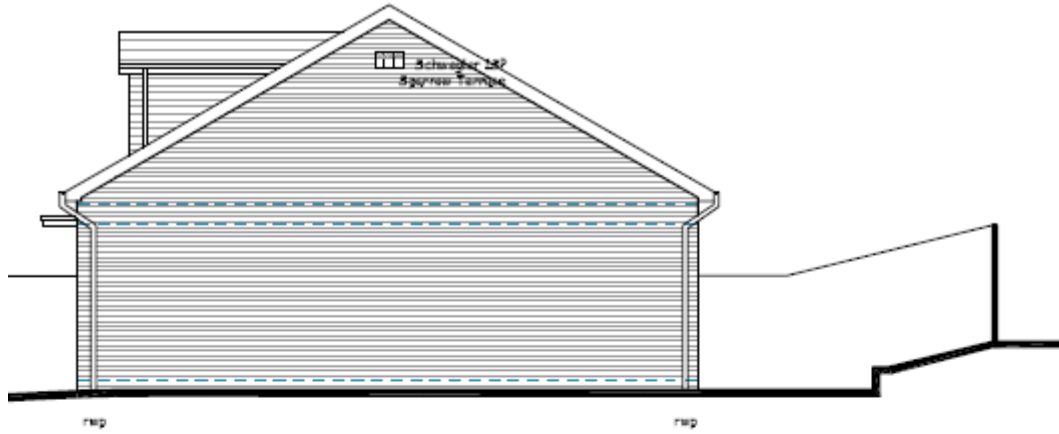




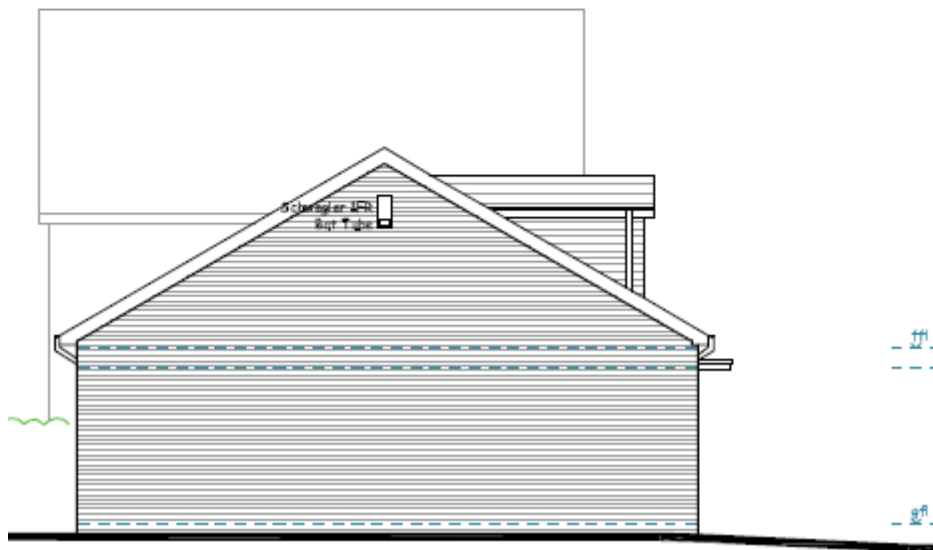
*Proposed Front Elevation*



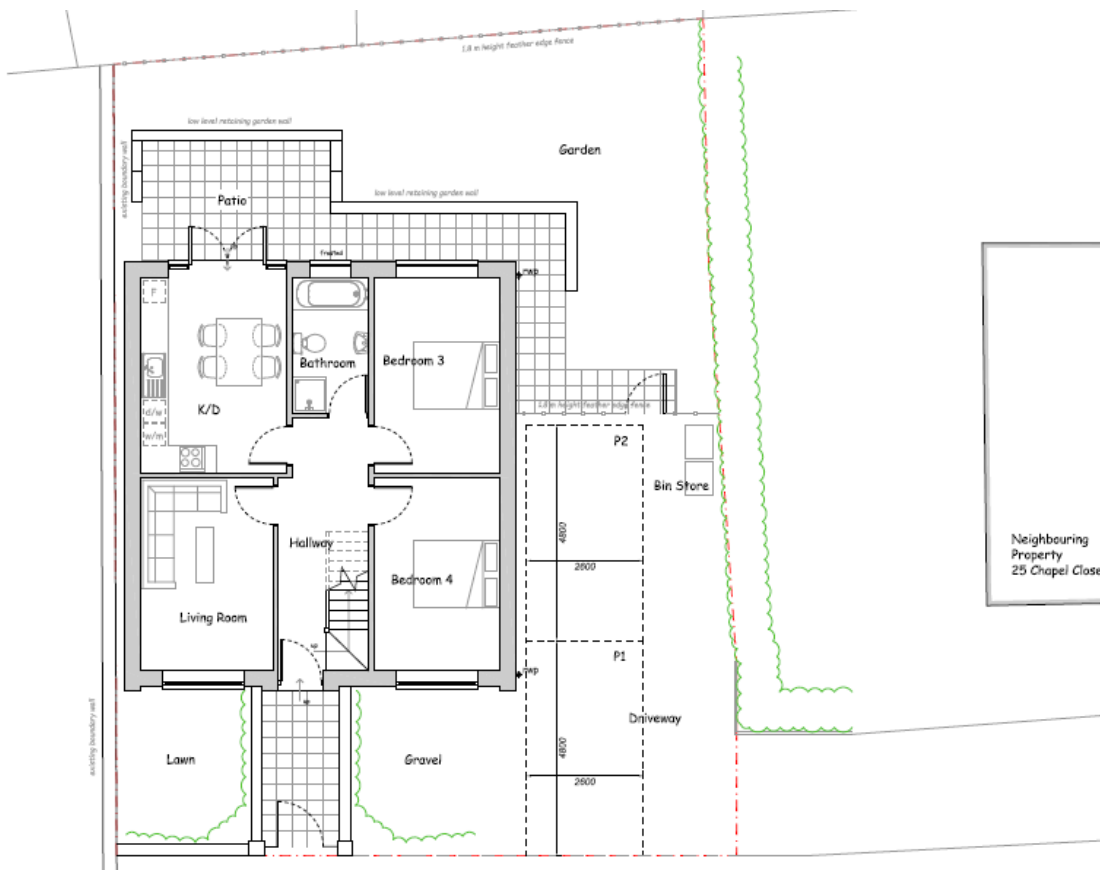
*Proposed Rear Elevation*



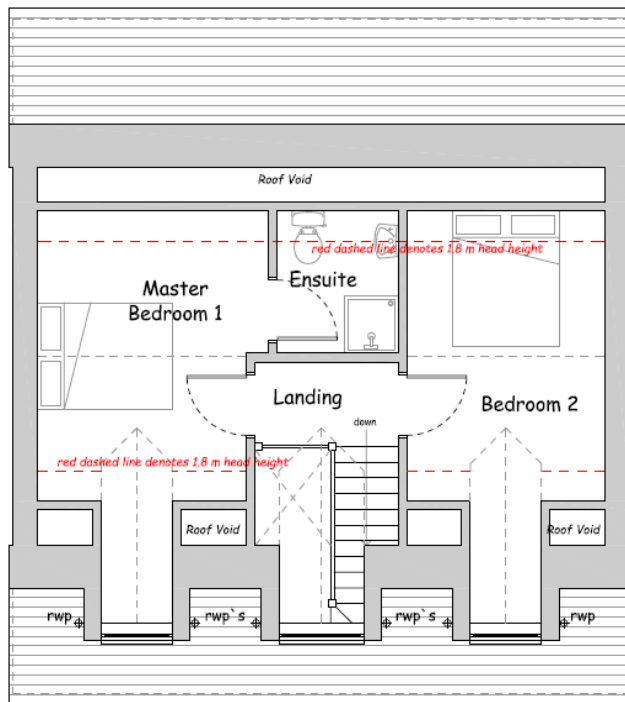
## Side Elevation



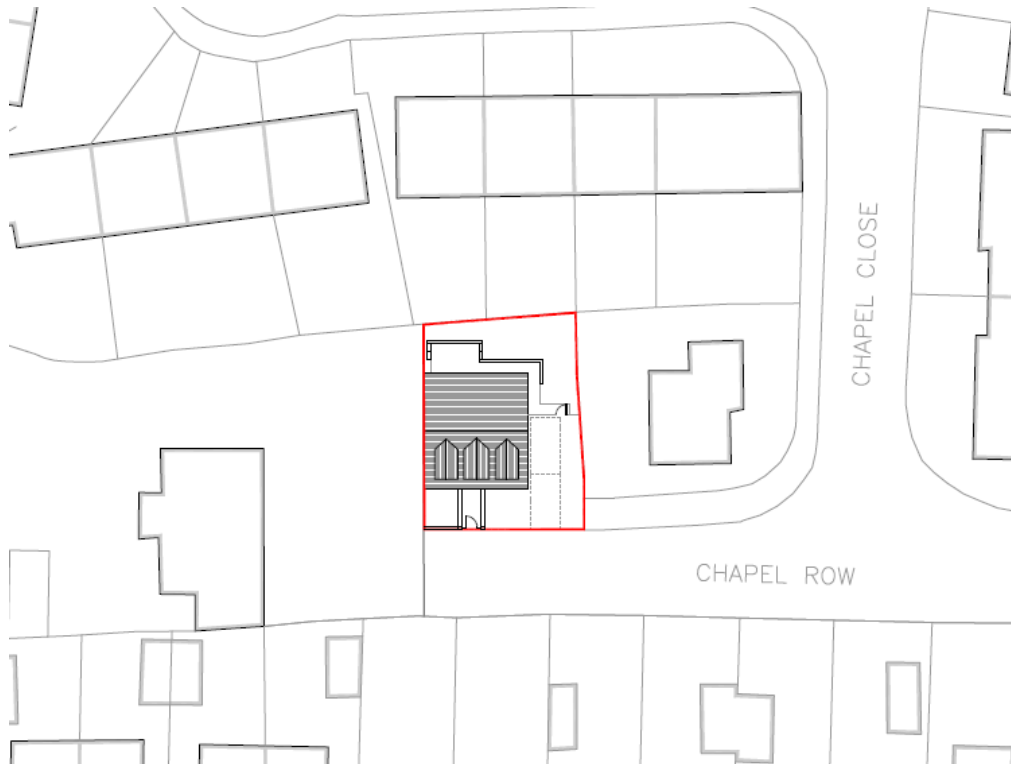
*Proposed Side Elevations*



*Proposed Ground Floor / Site Layout Plan*



*Proposed First Floor Plan*



*Proposed Site Plan*

## PLANNING HISTORY

1993/00411/FUL, Address: 2, Chapel Close, Dinas Powys, Proposal: Conversion of garage to kitchen/dining, porch and internal re-arrangement, Decision: Approved

2019/00347/FUL, Address: Church Hall, Chapel Row, Dinas Powys, Proposal: Change of use from a chapel (D1 Non-residential institution) to an office (B1 Business), Decision: Refused

- 1. The application has not been supported by any statement in respect of a marketing exercise, demonstrating that the community facility is no longer required or that such a loss would not have a detrimental impact upon local service provision. The proposal is therefore considered to be contrary to policies MG7 (Provision of Community Facilities); MD2 (Design of New Development) and MD5 (Development within Settlement Boundaries of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, as well as Planning Policy Wales Edition 10 (2018) & the Well-being of Future Generations (Wales) Act 2015.*

A subsequent appeal was dismissed on 28 January 2020.

## CONSULTATIONS

**Dinas Powys Community Council** was consulted and raise no objections to this application.

**Councils Drainage Section** was consulted although no comments had been received at the time of writing this report.

**The Council's Ecology Officer** note that 'there are no ecological grounds to prevent the demolition and replacement of this building' subject to a soft strip of the building; demolition being undertaken ideally outside of the bird nesting season; and subject to the provision of mitigation for nesting birds/bats as noted within the submitted ecology survey.

**The Council's Highway Engineer** has advised that the requirement in accordance with the Council's Parking Standards is for 1 vehicle parking space per bedroom (up to a maximum of 3) to be able to park within the curtilage of the property. However due to the sustainable location of the development which is walking distance of local facilities and public transport, the Planning Guidance allows for a reduction in the parking requirements. The proposed development is accessed off Chapel Row Road, which, due to the width of the carriageway provides enough space for vehicles to pass in both directions and provides adequate access in and out. No objection has been raised.

**Dinas Powys Ward members** were consulted and Cllr Marianne Cowpe has responded with a request to call the application in with the following concerns that have been expressed locally (summarised):

- The size and scale of building impacting on sunlight and views of vegetation.
- The boundaries shown on the plan do not seem consistent with the actual physical boundary.
- I believe previous planning for a house next to this plot (1990) was refused on the grounds that the application was unneighbourly. How is this building now deemed 'neighbourly'?
- An office building on this site was refused as proof was needed that this community building was not needed as a community space, has this been considered? There is no community space in the lower Eastbrook Ward. The existing building would be better used as a shared community space/building
- Over development in that road
- Extremely poor access into Chapel Row from Cardiff Rd. Exit onto Cardiff Rd on a blind bend and Chapel Row and Chapel Close already have major problems with traffic trying to pass each other.
- Very limited parking spaces and a new house would aggravate the already problematic parking situation for existing dwellings. Emergency services access may be affected.

**Cadw** provided comments with regard to the application following the receipt of a request to consider listing of the building. Following consideration of this request they commented stating that they 'have now completed our assessment of this former chapel against the published listing criteria, and have concluded that it does not meet the high standard necessary to be included on the statutory list'. They do however 'acknowledge that these "tin tabernacles" do have a rarity value, particularly as the majority were intended as temporary structures, but this is not a good example of its type.' However, noting its interest locally they request that the LPA ensure there is an opportunity to properly record the building prior to its demolition.

## REPRESENTATIONS

Letters of objection have been received from the occupiers of two nearby dwellings, with the grounds summarised below :

- Loss of a community building/facility and lack of attempt but current owners to explore its continued use as such
- Out of character in terms of its size and design
- Over development of the site
- Proximity to neighbours' boundaries
- Loss of historic building
- Accuracy of plans in relation to the boundaries shown and internal dimensions

Following re-consultation in the light of viability evidence submitted, three further letters of representation have been received to date, as summarised below :

- Why the same plot of land has now been valued at £1,000 less than the purchase price (£81,000) despite still existing in a prime Vale of Glamorgan location, with planning permission for a significant sized property.
- The Chapel value should now be £103,649 based on increased value.
- If viability is a concern the plan should be reviewed to build a more suitably sized, manageable property rather than by over developing the site.
- The land should be sold with full planning permission and the applicant will make a profit
- If the applicant cant afford to build, there will always be somebody else who can.
- The planning permission stays as until he can afford to build, whereupon the section 106 contribution gets paid.
- no builder would build a property if it was not viable
- Put a charge against the chapel as a condition and when they sell their original property the section 106 can be paid.

## 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 SP4 – Affordable Housing Provision  
POLICY SP10 – Built and Natural Environment

**Managing Growth Policies:**

POLICY MG4 – Affordable Housing  
POLICY MG7 – Provision of Community Facilities

**Managing Development Policies:**

POLICY MD1 - Location of New Development  
POLICY MD2 - Design of New Development  
POLICY MD4 - Community Infrastructure and Planning Obligations  
POLICY MD5 - Development within Settlement Boundaries  
POLICY MD6 - Housing Densities  
POLICY MD7 - Environmental Protection  
POLICY MD9 - Promoting Biodiversity

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

**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
- Previously Developed Land

### Chapter 4 - Active and Social Places

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

Para 4.2.20 states :

Where new housing is to be proposed, development plans must include policies to make clear that developers will be expected to provide community benefits which are reasonably related in scale and location to the development.

In doing so, such policies should also take account of the economic viability of sites and ensure that the provision of community benefits would not be unrealistic or unreasonably impact on a site's delivery.

Para 4.2.21 states :

Where up-to-date development plan policies have set out the community benefits expected from development, planning applications which comply with them should be assumed to be viable and it should not be necessary for viability issues to be considered further. It is for either the applicant or the planning authority to demonstrate that particular exceptional circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision-maker, having regard to all the circumstances in the case, including whether the development plan and the viability evidence underpinning it are up-to-date, and any change in circumstances since the plan was adopted .....

Para 4.2.33 states :

Planning applications for residential sites that comply with up-to-date development plan policies for the inclusion of an element of affordable housing should be assumed to be viable (see paragraph 4.2.21 above). Where a change in circumstances requires negotiation to take place, the planning authority and developer should operate in an open and transparent manner with all information provided on an "open book" basis.

### Chapter 6 - Distinctive and Natural Places



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

### **Technical Advice Notes:**

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

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

### **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:

- Affordable Housing (2022)
  - Section 8 - Reviewing Development Viability
    - 8.1.1. Planning Obligations and affordable housing will have an impact on land values and landowner expectations, therefore the Council will expect that applicants have considered in full the overall cost of development, including the required planning obligations and any abnormal costs, when negotiating the purchase of land. The Council has developed this document alongside the Planning Obligations SPG to enable Developers to undertake this assessment.....
    - 8.1.4. The Welsh Government guidance on Delivering Affordable Housing Using Section 106 Agreements, A Guidance Update (2009) states that Local Planning Authorities should be clear about those situations where the Council will be willing to accept reduced planning obligations or affordable housing contributions and notes that in some cases it may be appropriate for an authority to refuse to agree these. The Council considers that reduced planning obligations or affordable housing contributions will only be justified on the grounds of development viability where there is sufficient planning merit weighing in favour of the development....
    - 8.2.1. The Council can only make sound judgments about site specific development viability on the basis of full and robust development appraisals...

8.2.2. The evidence will be assessed on whether the figures prove that the scheme would be unviable if it were to meet all affordable housing and other planning obligation requirements. In accordance with paragraph 4.2.33 in PPW Ed 11, the Council and developer will operate in an open and transparent manner with all information provided on an “open book” basis.

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

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

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations
- Delivering Affordable Housing Using Section 106 Agreements, A Guidance Update (2009), Welsh Government

#### **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

#### **Analysis of Proposal**

In assessing the proposal against the above policies and guidance it is considered that the main issues relate to the principle of a residential use, and the loss of the community use as recently considered under application ref. 2019/00347/FUL. Other considerations relate to visual impact; impact on living conditions of neighbouring properties; amenity space provision and highway safety.

#### Principle of development

The site is located within the settlement boundary of Dinas Powys, and policy MD5 of the LDP states that new development will be acceptable within settlement boundaries subject to a series of criteria. Although the proposal may generally accord with many of the provisions of this policy, regard must be had to the status of the building as a community facility as referred to within criterion 5.

Indeed, the supporting text of Policy MD5 at paragraph 7.35 states: *'Where proposals involve the loss of open space, community or tourist facilities the Council will require robust evidence that demonstrates the facilities are no longer required or such a loss would not have a detrimental impact upon local service provision.'*

Policy MD2 of the LDP seeks that development proposals, amongst other requirements, should *'where appropriate, conserve and enhance the quality of, and access to, existing open spaces and community facilities'*.

Furthermore, Policy MD4 seeks to ensure that all new developments are supported by appropriate services and facilities to meet the need of the existing community. Whilst the policy is primarily aimed at securing community facilities through planning obligations, the aims of the policy are consistent with the broader aims of the LDP.

This view is supported by Planning Policy Wales (11<sup>th</sup> edition) including the text at paragraph 4.4.1 which states:

*4.4.1 Community facilities perform various functions which cover a broad range of activities and services that can be delivered by the public, private and third sectors. Community facilities contribute to a sense of place which is important to the health, well-being and amenity of local communities and their existence is often a key element in creating viable and sustainable places. They can include schools, cultural facilities, health services, libraries, allotments and places of worship.*

Policy MG7 of the LDP relates explicitly to the provision of community facilities. The supporting text of this policy states: *'Community facilities such as community halls, libraries, schools and leisure centres are essential to the social and physical well-being of residents and are key components in maintaining the vitality and viability of community life in both urban and rural settlements'*.

The supporting text of policy MG7 of the LDP (paragraph 6.44) identifies Dinas Powys as one of the settlements within the Vale with a likely requirement for additional community facilities. The Community Facilities Background Paper to the LDP is of relevance as it assessed the need for community facilities at Ward level. This includes the settlement and Ward of Dinas Powys which has an existing community facility floorspace of approximately 1200sq.m. It should be noted that the Eastbrook Methodist Church was omitted from the assessment, although this is likely to be an error.

The report concluded that within the Dinas Powys Ward, there was a deficiency of community facilities of 330sq.m. Therefore, even if the Church Hall was included within the assessment, the Ward would still have a deficiency of some 215 sq. m (330 – 115) according to the assessment carried out as part of the LDP process. Indeed the recent application at the site (2019/00347/FUL), whilst for the reuse of the building rather than its demolition and replacement, is of relevance in this regard, having been refused for the following reason:

*The application has not been supported by any statement in respect of a marketing exercise, demonstrating that the community facility is no longer required or that such a loss would not have a detrimental impact upon local service provision. The proposal is therefore considered to be contrary to policies MG7 (Provision of Community Facilities); MD2 (Design of New Development) and MD5 (Development within Settlement Boundaries of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, as well as Planning Policy Wales Edition 10 (2018) & the Well-being of Future Generations (Wales) Act 2015.*

The subsequent appeal against this refusal was dismissed with the Inspector noting within paragraph 7 of their decision:

*Due to the lack of robust evidence provided to address the potential need or demand for broader community uses or that the loss of the facility would not have a detrimental impact upon local service provision, the proposal would represent the unjustified loss of a community facility, which would be harmful to the maintenance of a sustainable community.*

The current application has been accompanied by an assessment of community facilities prepared by the applicant with regard to provision within the Dinas Powys settlement. The applicant's assessment identifies several community facilities within the settlement, and whilst some are discounted as not meeting the definition of a community facilities (or double counted), Dinas Powys Athletic Club, Dinas Powys Tennis Club, Murchfield Community Centre, Lee Hall and Parish Hall are accepted as forming community facilities.

In addition to these buildings, the Community Facilities Background Paper also identifies St. Mary's Church Hall and St. Peters Church Hall, which are included in the Council's assessment. The applicant's assessment identifies Glyndwr Community Centre, Penarth Leisure Centre and Dinas Powys Rugby Club, however these are not considered in the Council's assessment due to their location or the nature of the uses. Glyndwr Leisure Centre and Penarth Leisure Centre are located in Penarth and are thus discounted as they are not within the Dinas Powys Settlement. The Dinas Powys Rugby Club is the same building as Dinas Powys Athletic Club and duplicates the data for that building.

The Community Facilities Background Paper (2013) was a high-level study to assess provision across wards within the Vale of Glamorgan. However, given that the age of this Paper, it is necessary to consider up-to-date information regarding relevant provision in the area. In particular, that Paper would have predated the housing allocations in Dinas Powys which have since been fully built out. It is considered appropriate in this instance to assess the provision of community facilities with the settlement of Dinas Powys, which will provide a more relevant and bespoke assessment, as to whether these can meet the needs of the increased population of Dinas Powys since the 2013 Paper.

On this basis, officers have reassessed the community facilities provision within Dinas Powys itself, to establish whether the proposal would comply with the relevant LDP policies relating to community facilities. The methodology used for the Community Facilities Background Paper still remains relevant and was utilised for the assessment.

As there is no 2011 census data for the Dinas Powys settlement area, the most up to date population has been calculated using residential address points multiplied by average household size, minus average vacancy rates across the vale. The population also includes all allocated housing sites within Dinas Powys which have been fully built out, and windfall developments.

<b>Table 1: Dinas Powys Settlement Community Facilities Assessment</b>							
<b>Scenario 1: Dinas Powys Community Facility Provision (including existing facility)</b>							
Dinas Powys Population (using methodology)	Existing Community Space	Community space required @ 0.17sq.m per person	Existing Excess or Deficit (existing space minus current requirement)	Allocated Housing (2011 - 2026)	Windfall Housing Development (2022 - 2026)	Future need @ 0.4sq.m per dwelling	Provision requirement for 2026 (Existing excess or deficit minus future provision)
7801	1550	1326	224	0	13.6	1331	219
<b>Scenario 2: Dinas Powys Community Facility Provision (accounting for loss of existing community facility)</b>							
Dinas Powys Population (using methodology)	Existing Community Space	Community space required @ 0.17sq.m per person	Existing Excess or Deficit (existing space minus current requirement)	Allocated Housing (2011 - 2026)	Windfall Housing Development (2022 - 2026)	Future need @ 0.4sq.m per dwelling	Provision requirement for 2026 (Existing excess or deficit minus future provision)
7801	1435	1326	109	0	13.6	1331	104

As shown in the table above, including the application site (scenario 1), the Council's assessment identifies that there is an existing community facility space provision of 1550 sq m in the Dinas Powys settlement. Excluding the application site (scenario 2), there is a provision of 1435 sq m. Within the Dinas Powys settlement, there is currently an identified community facility space requirement of 1326 sqm and, taking into account projected residential windfall development between 2022-2026, this increases to 1331 sq m.

Therefore, accounting for the loss of the application site as a provision of community space, there is an excess of 104 sq m within the Dinas Powys settlement. Given the excess of community space provision, it is evident that there would be suitable alternative provision within the settlement, which could satisfy local needs.

On this basis, it is considered that that the need for retention of such a facility has been adequately considered, and the authority are now satisfied that the proposal would not result in an unacceptable loss of a community facility or shortfall in the settlement of Dinas Powys. The proposal would therefore meet the requirements of Policies MG7, MD2 and MD5 as noted above.

### Loss of Chapel

In respect of the acceptability of the demolition of the Chapel, during the course of the application, the LPA were notified of a request received by Cadw for the listing of the building, with concern also raised by the Planning Department's Conservation Officer with regard to the loss of the building.

However, following the conclusion of the assessment by Cadw, whilst they acknowledge that these "tin tabernacles" do have a rarity value, particularly as the majority were intended as temporary structures, they advise that this is not a good example of its type. However, Cadw add that it obviously has some interest locally and have requested that the Authority ensure that there is an opportunity to properly record the building before it is demolished.

The building therefore does not meet the criteria for listing and does not benefit from local designation as a County Treasure or similar. Noting this, whilst the building evidently has a degree of historical value, it is considered, on balance, that its loss would not represent a reason to refuse planning permission in this instance. However, if planning permission is granted a condition relating to recording of the historic fabric of the building is recommended (**Condition 4** refers).

### Visual impact

Chapel Row comprises of a group of terraced cottages and the modern post war dwellings located either side of Chapel Close, the application site, and at the head of this no through part of Chapel Row, a detached dwelling known as Oakleigh. There is no particular established pattern of development along Chapel Row. The proposal would result in the loss of the host building and its replacement with a dormer bungalow, with a ridge height some 1.4m higher.

Whilst this varied street scene mainly comprises two storey dwellings, the introduction of a dormer bungalow within the site would not be harmful to the established mixed character of this part of the street scene or the wider area.

Although the proposals would introduce a one and half storey dwelling that would not strictly replicate the general form and design of neighbouring two storey dwellings, it would nevertheless be viewed in a varied context and would replace an existing single storey building of limited architectural merit. Furthermore, owing to the pattern of surrounding development, the proposal would be relatively discrete within the wider street scene.



*CGI view looking northwards from Chapel Row*

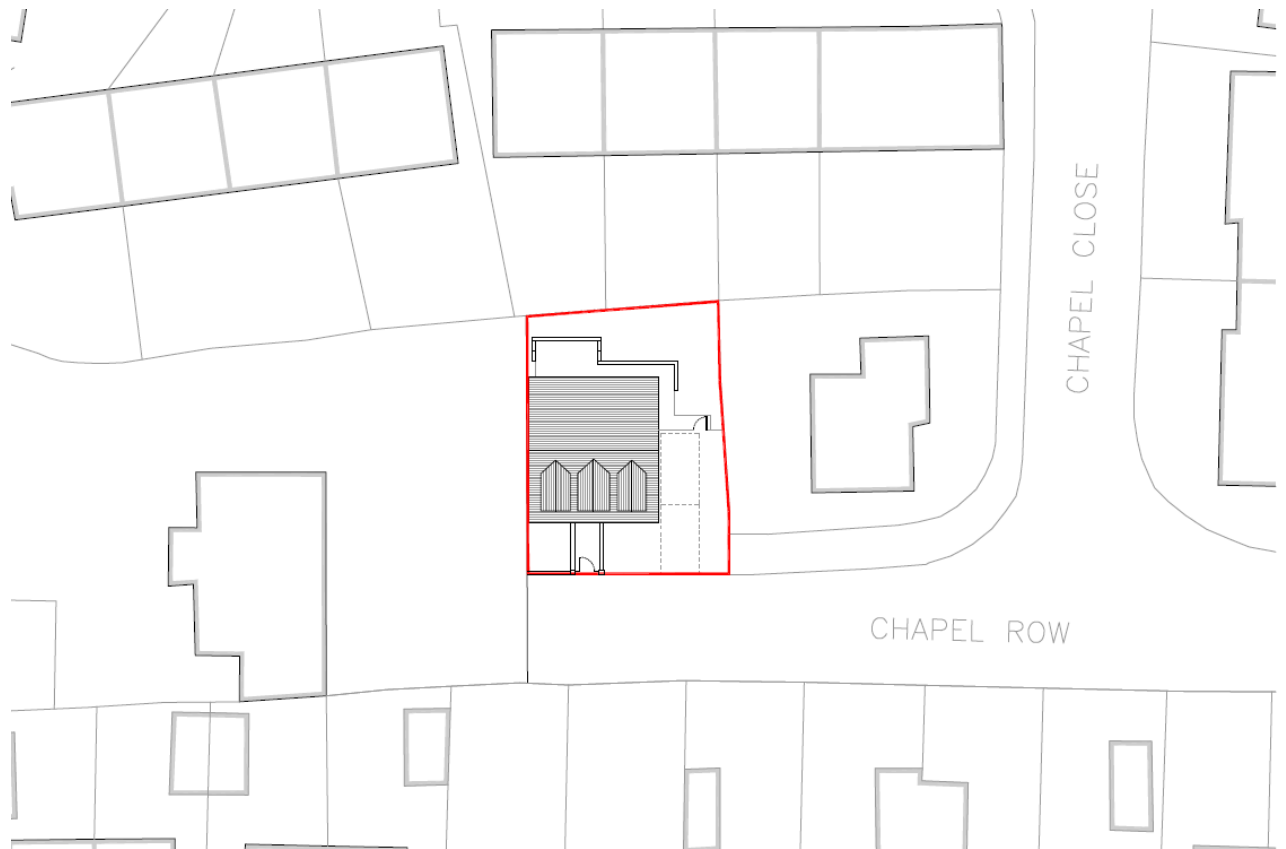
The siting and general layout of the proposed dwelling is considered acceptable, where the dwelling fronts onto Chapel Row and its relationship to the dwelling to the north and south is considered acceptable in terms of its impact on the street scene.

In respect of materials and finishes, Chapel Row comprise of a mix of brick and rendered dwellings and the proposed use of the render to the front and brick to remaining elevations would reflect the materials used with the street scene. Similarly, the use of dark grey roof tiles is considered acceptable given that there is a mix of slate roofs and brown concrete roof tiles on nearby dwellings. Whilst the use of western red cedar cladding to the dormers will introduce a new material, this is a minor element and is not considered harmful to the street scene, particularly noting the materials and finish of the existing Chapel building. It is however considered necessary to approve materials and finishes by way of condition (**Condition 3** refers).

#### Impact on neighbouring occupiers

It is noted that the proposals would introduce a larger building than the existing structure, and that this would be located adjacent to neighbouring residential properties.

There are a number of windows within 25 Chapel Close (to the east) that face the existing Chapel. The side elevation of the proposed dwelling would be within approximately 10 metres of these openings and owing to its altered and enlarged form, when viewed from this property, the proposal would alter the outlook of the occupiers of this neighbouring dwelling. It is however considered that the proposal, due to the massing of the facing side elevation, separation distance, together with its location to the north-west of the neighbouring dwelling, would not be overbearing or unacceptably enclose the outlook of these occupiers.



Although the proposal would introduce first floor windows within the front elevation (through the use of dormers), there would be a distance of some 11m to the nearest part of the rear garden serving the properties in Powys Gardens (to the south) and in excess of 21m to the nearest dwellings. On this basis the proposed dwelling would not result in any unacceptable overlooking of these occupiers' rear gardens or habitable windows and would also be a sufficient distance away as to not result in any overbearing impacts.

In respect of the impacts on Oakleigh to the west, the proposed dwelling is shown to be sited adjacent to the boundary with this property. The proposed dwelling would be a distance of some 13m away and due to the massing of the facing side elevation and separation distance, and off set nature, would not be overbearing or unacceptably enclose the outlook of these occupiers, noting the orientation of that dwelling and the nature of the space most closely affected.

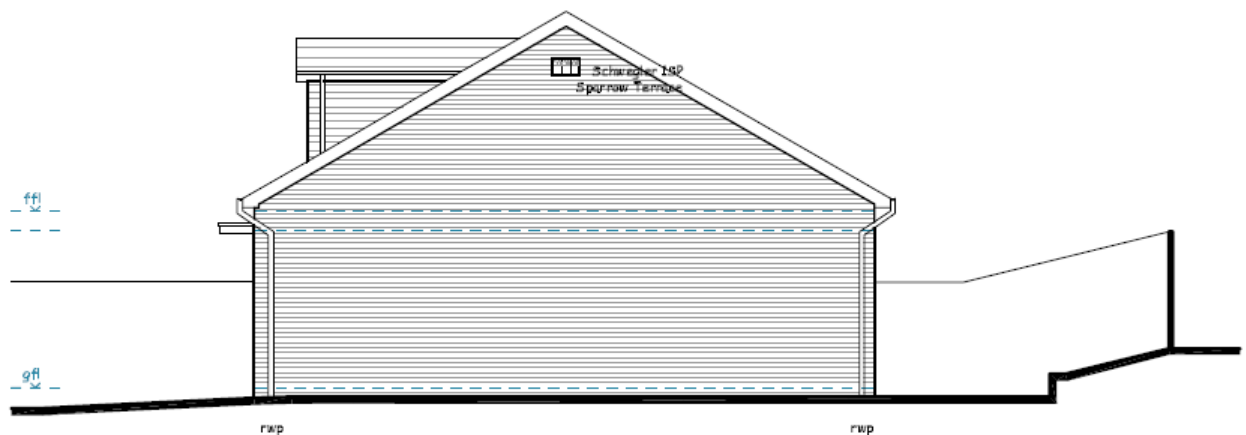


Finally, in respect of the impacts of the properties located to the rear of the application site in Chapel Close, the rear garden of the proposed dwelling will have a depth of between 4 – 5 m. It is also noted that the dwellings to the rear are located at a slightly higher level (as illustrated below). There would be separation distance of some 15m, between the application dwelling and the nearest house in Chapel Close. The proposal has however been designed to minimise the impacts on these dwellings, where the majority of the ground floor wall will be screened by existing fencing and the most visible element will be the pitched roof. In addition, no windows are proposed in the rear elevation. On basis, the degree of separation with these neighbouring properties, together with the design of the dwelling, is such that whilst the proposal would be visible from the rear garden and rear elevation of their properties, it would not be overbearing or unacceptably enclose the outlook of these occupiers.

Given the acceptability of the scheme is based on the scheme as submitted, it is considered necessary to remove permitted development rights for any further extensions and alterations. This is due to the fact that such works may well impact on the amenities of nearby occupiers and would have to be subject to detailed consideration as part of any planning application. (**Condition 5** refers).

Furthermore, whilst the neighbouring dwellings to the rear have fencing, it does vary in its form and it would be appropriate for the rear of the application site to be supplemented by 1.8m high fencing which can be secured by condition (**Condition 6** refers).

It is also considered necessary to secure a detailed scheme of hard and soft landscaping in the interests of visual amenity of the area (**Condition 7** refers)



*Section through Side Elevation*

### Amenity Space

Policy MD2 of the LDP states that *in order to create high quality, healthy, sustainable and locally distinct places development proposals should meet the requirements of the listed criteria. These include criteria 8 and 9 as below:*

**8. Safeguard existing public and residential amenity, particularly with regard to**

*privacy, overlooking, security, noise and disturbance;*

*9. Provide public open space, private amenity space and car parking in accordance with the council's standards.*

Section 10 (Amenity Space) of the adopted Residential and Householder Development SPG states that:

*[Amenity] space associated with residential properties includes front gardens and private rear gardens. It does not include footpaths, driveways and parking areas. Amenity space is essential and provides a number of important functions that contribute towards a resident's enjoyment of a property. Those essential functions include space for relaxation, entertainment and play; gardening and cultivation; clothes washing and drying; DIY; and waste, cycle and other domestic storage.*

Design Standards 4 and 5 of the SPG states that:

*4. For houses, a minimum of 20 sq.m amenity space per person\* should be provided, and the majority should be private garden space.*

*\*typically a 2 bed house would have 3 persons, 3+ bedrooms would typically have 4 persons.*

*5. 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\*. Communal areas of amenity space may be acceptable, but these must be directly accessible for all occupiers.*

*\*typically a 1 or 2 bedroom flat would have 2 persons.*

The guidance states that proposals for new houses, conversions to create new dwellings and new householder development must provide and maintain sufficient outdoor amenity space. In particular, it states that private (usually rear) gardens should be of a useable shape, form and topography.

The proposed dwelling would benefit from approximately 80 sq m of enclosed rear garden, in addition to lawned and gravel areas to the front garden totalling some 72 sq m.

Based on the proposed four bedroom house typically having four occupiers, the overall provision would be satisfied and the rear garden would be both usable and largely private to meet the general objectives of the guidance within the SPG.

It is considered necessary that the amenity space is laid out in accordance with the approved details prior to the first occupation of the dwelling (**Condition 9** refers)

Highways

The submitted plans, as amended show off site parking provision for 2 spaces to serve the dwelling. The requirement, in accordance with the Council's Parking Standards SPG is for a maximum of 1 vehicle parking space per bedroom (up to 3) to be able to park within the curtilage of the property. However due to the sustainable location of the development with good pedestrian, cycling and public transport facilities, the Planning Guidance allows for a reduction in the parking requirements below the maximum. The proposed development is accessed off Chapel Row Road, which, due to the width of the carriageway, provides enough space for vehicles to pass in both directions and provides adequate access in and out. On this basis, the highway engineer has not objected to the proposal. The parking shall be laid out prior to the first beneficial occupation of the dwelling (**Condition 9** refers)

### Ecology

The application is supported by a Preliminary Ecological Appraisal undertaken by Levan Ecology LTD and a Bat Survey undertaken by Acer Ecology dated September 2021. The reports indicate that the Chapel is unlikely to be used by bats. However, it recommends the use of a soft strip style demolition and also that work is ideally undertaken outside of the bird nesting season, or if between April to August, that checks be undertaken for nesting birds prior to the commencement of works. Mitigation/enhancement in the form of bird and bat boxes is proposed.

Policy MD9 'Promoting Biodiversity' of the Council's LDP requires new development to conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that:

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

Furthermore policy MG21 'Sites of importance for nature conservation, regionally important geological and geomorphological sites and priority habitats and species' of the LDP requires that Development proposals likely to have an adverse impact on priority habitats and species will only be permitted where it can be demonstrated that:

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

This is supported by the Council's SPG on Biodiversity and Development, and is in line with national guidance including the most recent Conservation of Habitats and Species Regulations 2010 ('habitat regulations').

Having regard to the above policy framework, the findings of the survey work undertaken and the comments of the Council's Ecologist, it is considered that there is not an ecological constraint preventing the grant of planning permission, although a condition is recommended requiring that works be undertaken in accordance with the submitted ecological details (**Condition 10** refers) which also includes the requirement to secure ecological enhances bay way of a bat and bird box. **Condition 11** also requires that any vegetation clearance must be undertaken outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be first demonstrated that nesting birds are absent.

### Affordable housing

LDP Policy MD4 'Community Infrastructure and Planning Obligations' and the Council's SPG on Planning Obligations, sets out the policy framework for seeking new and improved infrastructure, facilities and services appropriate to the scale, type and location of proposed new development. In particular, the SPG on Planning Obligations sets out thresholds and formulas for each type of obligation, based upon different development types.

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

LDP Policy MG4 (Affordable Housing) states that residential developments (including mixed use schemes) will be required to contribute to meeting affordable housing need. In the area of Dinas Powys, based upon a net gain of 1 dwelling, the requirement is for 40% affordable housing to be provided. Based upon sites of 1-9 dwellings, the Council's Adopted SPG on Affordable Housing (2022) sets out how to calculate the level of off-site contribution using the following equation:

$$\text{Financial contribution (£)} = \text{Acceptable Cost Guidance (£)} \times \text{Social Housing Grant (58\%)} \times \text{Number of affordable housing units}$$

The Acceptable Cost Guidance contained within Welsh Government Document 'Acceptable cost/On costs for use with social housing grant funded housing in Wales' dated August 2021 supersedes that within the Councils adopted Affordable Housing SPG.

The latest need for Dinas Powys is:

1 BED	145
2 BED	80
3 BED	38
4 BED	12
5 BED	1

Total 276

The Acceptable Cost Guidance (ACG) Works 2021 figure for a 2 person 1 bed flat contained within Table B 'Schemes 10 homes and under' is £119,100. Using the above formula, the guidance in the SPG and the current social housing grant %, the affordable housing contribution for this site would be calculated as follows:

$£119,100 \times 0.58 \times 0.4 = £27,631.20.$

### Viability

A resolution was made to grant planning permission at Planning Committee held on 23 November 2022, subject to a financial contribution to the sum of £27,631.20, for an off-site affordable housing contribution, secured by way of a S016 Legal Agreement.

Despite some initial progress on the S106 Legal Agreement, on 2 May 2023 the agent advised by email that his client has reviewed their cost budget and engaged a surveyor/property consultant to review the costings. As a result of this assessment, the applicant requests, on the basis of the submitted information that he wishes to challenge the requirement for the specified sum.

In summary, the evidence submitted states a viable residential development project should return an 18 – 20% profit. It adds that this residential project will never be capable of that return, so in turn it cannot ever be expected to support the local authority's affordable housing commuted sum of £27,631.20.

LDP Policy MD4 'Community Infrastructure and Planning Obligations' states:

*'Where appropriate and having regard to development viability, the Council will seek to secure new and improved community infrastructure, facilities and services appropriate to the scale, type and location of proposed developments through the use of planning obligations. Community infrastructure may include the provision or improvement of'* amongst other things, affordable housing.

The supporting paragraphs 7.29-7.30 advise as follows:

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

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

*circumstances, affordable housing should be the priority once sufficient infrastructure to enable the scheme to proceed has been made available”*

The Affordable Housing SPG states that :

*...Typically, the level of developer profit on the open market housing will be between 15% and 20% depending on the prevailing market conditions, the site-specific circumstances and the degree of risk involved....*

#### Viability Assessment

A Development Viability Report has been prepared by CTD Consult and submitted, in addition to :

- Cost Plan 1 prepared by Curtin Chartered Surveyors
- Valuation Report prepared by Linnells
- Viability Appraisal Checklist

As set out above, Policy MD4 (paragraph 7.30) recognises and accepts that it may not always be possible for developers to satisfy all the planning obligation requirements.

In due consideration of the Council's policy in reviewing development viability, the CTD Consult report states :

- The development is a single 4 bedroom house on a relatively flat site
- GFA 105m<sup>2</sup> over to storeys
- The construction materials will be compliant with building regulations; but only to a standard to reach the required location property value
- The aspect of the house is tucked away and not in a prominent position that may attract a higher asking price
- NB Neither skilful value engineering nor over optimistic sale valuations would enable a minimum return of 15% to be achieved on this development
- The Bank of England base rate has recently increased from 1% to 5%, interests costs will unsympathetically damage return on currents Developments
- Inflation on Building materials has been running at over 10% PA for the past 3 years; which is compounded by increases in fuel, power, plant and labour cost
- In the current turbulent climate a small development such at this will struggle to make ends meet without the unnecessary burden of a commuted sum

#### Open Market Sales Income

Para 8.3.1. of the Affordable Housing SPG states that projected sales values should be evidenced by either a bespoke valuation provided by an independent chartered surveyor (RICS), or three local estate agent market appraisals specific to the unit type and location. Recent sales evidence of comparable development sites should be submitted in support of these assumptions.

The Linnells Property Consultants report looks at the sales value of other 4 bedroom properties in Dinas Powys, which realised a value of between £435k and £540k. However, these properties vary in their age, size of accommodation, garden size and location. The CTD Consult report also details sold prices within ¼ of a mile of the site, within the last 2 years and have utilised the 5 most recent sales. These all relate to 3 bedroom properties sold for between £230k and £350k. Despite this evidence, the report is allowing for some price increase and the fact that this a new build and have used an elevated £3800 per sq m, to calculate the Gross Development Value (GDV).

In arriving at the value of the property, Linnells have had regard to the above comparable evidence of completed houses in and around the area, which are modern and 1960's houses. The report notes that the application property will be smaller than others which have sold and that the application property is on a fairly small plot, with a layout with two bedrooms at ground floor level which it states would not be ideal for a number of purchasers in the market looking for a four bedroom detached house.

On this basis taking into account the above, the property has been valued in the region of £400,000.

Based on the evidence submitted and the sales values and whilst accepting the new build premium, it is agreed that the sales values would appear to be realistic based on the current market and economic climate.

#### Gross Development Costs

CTD Consults have used a Median Quartile build cost for a new build house. Based on the first quarter of 2024 and have calculated the build cost at 105m<sup>2</sup> at £2,358 per m<sup>2</sup>, which represents £247,590 net build cost.

The anticipated net build cost is £247,590 does not including demolition, preliminaries, contractor profit (12.5%) and contingency (3%) which is a further £78,870.

#### Fees

The report states that the fees used are less than the 8% used by the DVS, and as such have used the actual fees. Legal fees are set at £925 and sales fees and marketing costs have been included at 1.25% of the GDV. The other fees set out include, design, QS, consultant viability appraisals, engineer, architects, planning and building control fees.

In respect of financing, £16,560 has been included for financing the project during the build, with a build lead in period stated to be circa 52 weeks. These costs have been calculated at 9% interest rate (4% over base rate) with a loan period of 9.6 months borrowing 70% of the funds. The funder will also require a 2% arrangement fee.

#### Conclusion

In summary, the construction costs and fees together with the land purchase cost at £80k total some £445,860. The development costs have been fully reviewed and whilst there are some elements that appear higher than would be expected, other costs given appear to be less than would be expected and overall the costs are considered acceptable to deliver the development proposed.

The £445,860 total development cost is already some £45K over the estimated sales value of the development and notably excludes any developer profit. Therefore, when factoring in the expected developers profit, even at the lowest accepted figure of 15%, the development would be even more unviable.

On this basis, the further addition of £27,631.20 for an off-site affordable housing contribution in this instance would make the development unviable and despite the development being shown to be unviable even without any developers profit, for the purpose of the above referenced policies and guidance it has to accepted and agreed that the applicant has adequately demonstrated that the required contribution could not be met in full or part.

On this basis, the recommendation is now being made to approve planning permission without a S106 agreement to secure £27,631.20 for an off-site affordable housing contribution.

### RECOMMENDATION

Subject to the relevant person(s) first entering into a Section 106 Legal Agreement or undertaking to include the following necessary planning obligations:

- to pay a financial contribution to the sum of £27,631.20 for an off site affordable housing contribution.
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:

R523 00 A4 Location Plan received 06/12/2021  
R523 03 A1 Proposed Elevations and 3d views received 06/12/2021  
R523 Bat Survey received 06/12/2021  
R523 Preliminary Ecological Appraisal received 06/12/2021  
R523-02 A1 Proposed Plans received 23/09/2022

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. Notwithstanding the submitted details, and prior to their use on site, a schedule of all materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to its first beneficial occupation.

Reason:

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

4. No development approved by this permission shall commence until an appropriate programme of historic building recording and analysis has been secured and completed in accordance with a written scheme of investigation which shall first have been submitted to and approved in writing by the Local Planning Authority. The final report on such recording shall be deposited with the Local Planning Authority prior to first beneficial use of the development hereby approved, in order that it may be forwarded to the Historic Environment Record, operated by the Glamorgan Gwent Archaeological Trust (Heathfield House, Heathfield, Swansea SA1 6EL Tel: 01792 655208).

Reason:

As the building is of significance the specified records are necessary in order that records are kept of any features of archaeological interest and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

5. Notwithstanding the provisions of schedule 2, Part 1, Classes A, B, C, D and E 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), [the development hereby approved shall not be altered in any way / no extensions shall be erected to the building other than those expressly authorised by this permission / and no buildings shall be erected other than those expressly authorised by this permission].

Reason:

To enable the Local Planning Authority to control the scale of development and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) 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, which shall include details of the 1.8m high feather edge fence located to the rear (north-east boundary) of the application site. The means of enclosure shall be completed in accordance with the approved details prior to the first beneficial use of the development.

Reason:

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

7. No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- i) A statement setting out the design objectives and how these will be delivered;
  - ii) earthworks showing existing and proposed finished levels or contours;
  - iii) means of enclosure and retaining structures;
  - iv) other vehicle and pedestrian access and circulation areas;
  - v) hard surfacing materials;

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

Reason:

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

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

Reason:

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

9. The amenity space and parking area shall be laid out in accordance with the details shown on drawing ref. R523-02 A1 Proposed Plans, prior to the first beneficial occupation of the dwelling hereby approved.

Reason:

To ensure timely provision of amenity space and parking as required by Policy MD2 (Design of New Development) of the Local Development Plan.

10. The works of demolition and construction shall be completed in full accordance with the document "R523 Preliminary Ecological Appraisal". Prior to the occupation of the development, the biodiversity enhancement shall be completed on site in accordance with the details set out within the PEA and as detailed on the approved drawings.

Reason:

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

11. Any vegetation clearance must be undertaken outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be first demonstrated that nesting birds are absent.

Reason:

In order to ensure that no protected species are adversely affected by the development and to ensure compliance with In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD9 (Promoting Biodiversity) of the Local Development Plan.

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

Reason:

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

## 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, SP4 – Affordable Housing Provision, SP10 – Built and Natural Environment, MG4 – Affordable Housing, MG7 – Provision of Community Facilities, MD1 - Location of New Development, MD2 - Design of New Development, MD4 - Community Infrastructure and Planning Obligations, MD5 - Development within Settlement Boundaries, MD6 - Housing Densities and MD9 - Promoting Biodiversity and the advice contained within Supplementary Planning Guidance and Planning Policy Wales, the proposal is considered acceptable in terms of the visual impact on the character of the site and the wider street scene. Furthermore, the proposal would be acceptable in terms of impacts on highway and parking and impact on the amenities of neighbouring occupiers 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. New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.**

**Further information of the SAB process can be found at our website or by contacting our SAB team: [sab@valeofglamorgan.gov.uk](mailto:sab@valeofglamorgan.gov.uk)**

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

3. **You should note that the building / site may constitute a breeding or resting place (roost) for bats, both of which are protected by law through UK legislation under the Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994) (as amended). This legislation makes it an absolute offence to either damage or destroy a breeding or resting place (roost), to obstruct access to a roost site used by bats for protection and shelter, (whether bats are present at the time or not) or to intentionally or recklessly disturb a bat/bats within a roost. It is recommended that a full bat survey of the building/ site (including trees) be conducted by a licensed bat surveyor to ascertain presence or absence of bats/bat roosts. In the event that the survey reveals the presence of bats/roosts, further advice must be sought from Natural Resources Wales on 0845 1306229 or the Council's Ecology Section on 01446 704627.**

**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.**

**APPLICANT:** Loft-Co Urban Regeneration Company Limited C/O Agent,  
**AGENT:** Gwen Thomas Unit 9, Oak Tree Court, Cardiff Gate Business Park,  
Cardiff, CF23 8RS

**Crossway Methodist Church, Court Road, Barry**

Proposed development of 15 no. affordable flats and associated works

**REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because:

- The application is of a scale that is not covered by the scheme of delegation.

**EXECUTIVE SUMMARY**

This application proposes the erection of a first floor extension and conversion of the existing church building to 15no. one bedroom flats. Due to the constrained nature of the site with the existing building footprint occupying almost the entirety of the plot, no off street parking or external amenity space is proposed. The scheme would comprise of 100% affordable units delivered by Newydd, a partner RSL.

The main issues for consideration are the design and visual impact of the proposal, impact on residential amenity and amenity space provision, provision of affordable housing, impacts on parking provision and highway safety. Ecology, loss of a community facility and Section 106 issues will also be considered.

Twenty responses were received raising comments on the proposal at the time of writing this report. These raised concerns in relation to parking, loss of a community building, noise and disturbance, impact on local services, over development of the site and overlooking of the school premises.

The application is recommended for approval, subject to conditions.

**SITE AND CONTEXT**

The application site consists of the Crossway Methodist Church, situated on the junction with Court Road and Crossways Street within the Barry Settlement Boundary as defined by the Vale of Glamorgan Local Development Plan. The existing building fills the application site which lies adjacent to Holton Primary School to the south with terraced residential properties to the north, east and west.



## DESCRIPTION OF DEVELOPMENT

This application seeks planning permission for the conversion and first floor extension of the existing building to 15 one bedroom flats. These would comprise a 100% affordable scheme.

The existing building would be refurbished with new grey vertical cladding with some yellow cladding to the north and west elevations, dark upvc windows and doors and new photovoltaic panels to the roof.

### Existing



01 EXISTING SOUTH ELEVATION  
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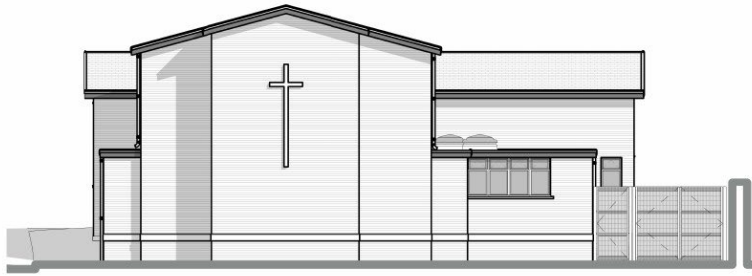


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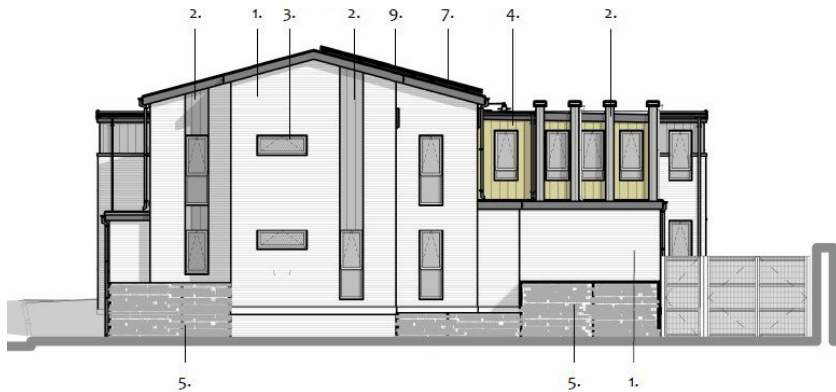


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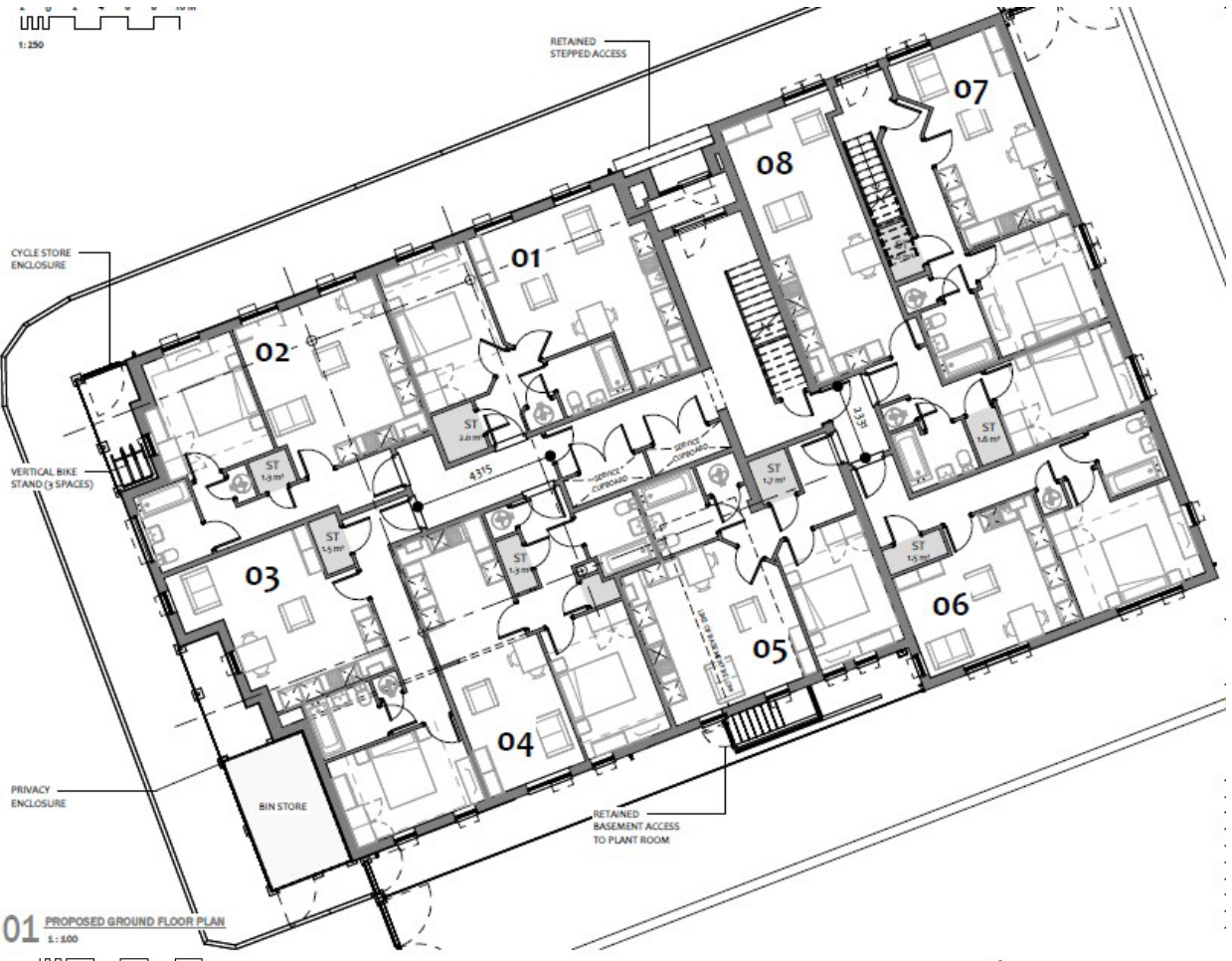
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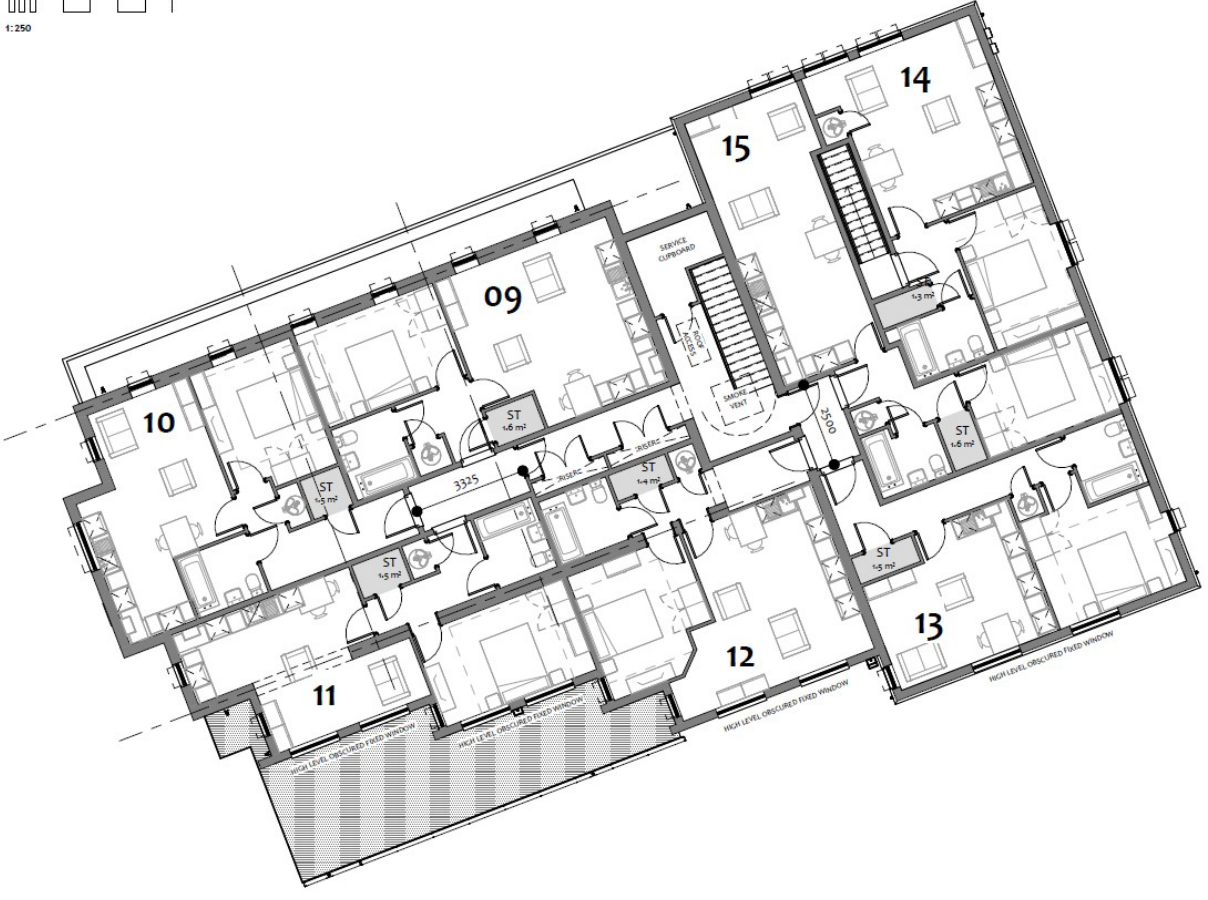
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**01** PROPOSED GROUND FLOOR PLAN  
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**01** PROPOSED FIRST FLOOR PLAN  
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## PLANNING HISTORY

None.

## CONSULTATIONS

1. Barry Town Council - No objection however raised concerns relating to potential overlooking and obscure glazing should be used where possible. Also commented on the intensity of the development and lack of amenity provision.
2. Highway Development – Initially requested that a parking survey be undertaken. On submission of the parking survey advised no objection.
3. Chief Fire Officer – No representations received.
4. Councils Drainage Section - No objection.
5. Shared Regulatory Services (Pollution) - No objection subject to a condition controlling construction hours.
6. Dwr Cymru Welsh Water – No objection subject to a condition controlling surface water run-off.
7. Ecology Officer – No representations received.
8. Estates (Strategic Property Estates) – No representations received.
9. Buttrills Ward Councillors – Councillor Charles and Johnson requested that the application be determined by planning committee.
10. Natural Resources Wales – No objection.
11. Contaminated Land, Air & Water Quality – No objection however recommended an informative relating to contamination and unstable land.
12. Housing Strategy (Affordable Housing) – Supports the proposal for a fully affordable development by a registered social landlord. In an area where demand for one bed units is high.

## REPRESENTATIONS

The neighbouring properties were consulted on 21 February 2023.

A site notice was also displayed on 28 February 2023.

Twenty addresses responded and comments were received raising the following:

- Concerns regarding on street parking demand created by the development.
- Crossways Street, Pyke Street and Court Road are residents parking permit only and the roads are already highly congested.
- Indiscriminate and illegal parking already taking place.

- The building should be used as a church.
- The building should be used as a children's indoor activity centre.
- The building should have a community use.
- Too many flats are proposed.
- Safeguarding concerns regarding overlooking of the school from the proposed flats.
- Overdevelopment of the area.
- Increased noise and disturbance from extra coming and goings.
- No construction management plans submitted with the application.
- No details of washing, toilets or changing facilities for workers or where this will be accommodated.
- The assertion that residents will use public transport and not have cars is ridiculous.
- There are already a lot of 1 bed flats.
- Lack of parking causing issues at school drop off/pick up.
- Concerns relating to construction parking.
- Increased demand for school spaces.
- Noise pollution impacting the school.
- Increase in demand for health services.
- There should be a greater mix of accommodation rather than just 1 bedroom flats.
- No amenity space.
- Better cycle provision should be provided if relying on other means of transport than the car is to be encouraged.
- Concerns that the proposed apartments do not all meet WDQR standards.
- High level windows should not be considered an acceptable solution to overlooking.
- The housing association has not been divulged.
- Disagrees with the traffic technical note - The actual use of the building was primarily a place of worship and in latter years a children's daycare centre was in operation in the rear annex and there were occasional periods where the annex was used by a musical dance group to rehearse and a choir to practice. Because of the inclusion of other uses defined in class D1 the figures presented give a grossly biased comparison. The Parking Standards Supplementary Planning Guide (SPG) March 2019 Paragraph 5.8 (see appendix A) states that existing use data if a site has been vacant or abandoned will have little weight in assessing parking demand for the new development.
- The building was constructed in the early 1960's as a church with the first service being held on 2<sup>nd</sup> September 1962. There is no evidence of the parking standards that were in place at that time, if any, or that they were imposed by the Planning consent. As the proposal is for a change of use, therefore a new development, then parking requirement as determined in the Parking Standards (SPG) paragraph 10.1 would apply which would be 18 spaces or less if that could be robustly justified. The proposals put forward for a zero parking proposal with no robust evidence to achieve this for the development

## 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 SP3 – Residential Requirement  
POLICY SP4 – Affordable Housing Provision

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

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

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

POLICY MD1 - Location of New Development  
POLICY MD2 - Design of New Development  
POLICY MD4 - Community Infrastructure and Planning Obligations  
POLICY MD5 - Development within Settlement Boundaries  
POLICY MD7 - Environmental Protection  
POLICY MD9 - Promoting Biodiversity

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.

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

- Based on strategic placemaking principles.

Policy 7 – Delivering Affordable Homes

- Focus on increasing the supply of affordable homes

## 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

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

- Promoting Healthier Places
- Accessibility

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

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

- Previously Developed Land

*3.51 Previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be*

*considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome.*

## Chapter 4 - Active and Social Places

- Transport

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

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

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

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

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

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

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

### **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:

- Affordable Housing (2022)
- Parking Standards (2019)
- Residential and Householder Development (2018)
- Sustainable Development - A Developer's Guide

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

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

### **Equality Act 2010**

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the preparation of this report.

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

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

### Issues

#### Principle of Development

The property falls within the settlement boundary of Barry, where Policy MD5 of the LDP supports additional residential development (including conversions), subject to the proposal satisfying the criteria set out within Policy MD5 (Development within Settlement Boundaries) and the advice within the Residential and Householder Development SPG.

Criterion 5 of MD5 states that proposals should not result in the unacceptable loss of public open space, community or tourism buildings or facilities.

In relation to the existing use of the building, the church is considered a community facility for the purpose of LDP Policy MD5 (criteria 5). Indeed, the supporting text of Policy MD5 at paragraph 7.35 states: *'Where proposals involve the loss of open space, community or tourist facilities the Council will require robust evidence that demonstrates the facilities are no longer required or such a loss would not have a detrimental impact upon local service provision... Development proposals will therefore need to be supported by evidence which demonstrates that community buildings or facilities are either no longer required for their original purpose or, in the case of commercial enterprises, no longer economically viable.'*

Comments were received objecting to the loss of the church or use of the building as a community facility. The applicant has submitted marketing information which states that the site was marketed for a term of 3 weeks which resulted in ten offers, including sheltered accommodation or assisted living units. Two offers considered the continuation of the church use however made reduced offers due to the costs involved in running the building as a church. The marketing information also states that the existing church no longer considers the use as viable. Further viability information has been submitted by the applicant along with commentary to support that a market-led scheme is unlikely to be viable and the availability of grant funding is necessary to repurpose the premises. This demonstrates tension with policy MD5 given that the marketing period was brief and interest was shown in retaining the building as a church.

Notwithstanding the above, the LDP Background Paper for Community facilities identifies that the Buttrills ward had an excess of 1999sqm of community space at the time of writing and was considered to have ample community space to accommodate the projected housing growth over the plan period. An excess provision of 1956sqm was anticipated inclusive of projected future housing growth



over the plan period. The Crossway Methodist Church was not included in the background paper assessment and as such whilst its conversion may result in a degree of loss of community space, sufficient supply would remain available in the ward to accommodate the loss of the building for its historic purpose. It is therefore considered that whilst there is some tension with policy MD5, the proposal would not have a detrimental impact on local service provision.

Policy MD6 of the LDP sets out what represents an acceptable housing density, in order to ensure the efficient and best use of land. Within Barry the policy requires a minimum of 30 dwellings per hectare and based on this site area of 0.054 hectares, the density would be 277 dwellings per hectare, which complies with the policy. The development would represent particularly efficient use of land in a highly sustainable location and it would make a meaningful and positive contribution towards addressing affordable housing need.

The proposal is for 100% affordable housing, to be delivered by Newydd Housing Association, one of the Council's partner RSLs. The need for affordable housing within the Vale is well evidenced by the Council's Local Housing Market Assessment which determined that 576 additional affordable housing units were required each year to meet housing need in the area, with Barry being one of the areas in highest need. There is a target for 3,252 affordable residential units to be provided over the plan period as identified by policy SP4 of the Local Development Plan.

It is considered that subject to all other material planning considerations being addressed, when assessed against policy MD5 and MD6 the principle of development is considered to be acceptable.

### Affordable Housing

Policy SP4 (Affordable Housing) of the LDP considered that 3,252 homes would be required over the plan period. Policy MG4 (Affordable Housing) goes on to support this by outlining a requirement of 30% affordable housing on developments resulting in a net gain of 5 or more units in Barry. As the proposal would allow for a 100% affordable scheme delivered by Newydd, it is considered that the proposal complies with the above.

The Affordable Housing SPG sets out the Council's approach to delivering affordable housing and its design. It considers that new affordable homes will be required to meet Welsh Development Quality Requirements to ensure a quality development. WDQR sets out that there should be a gross internal floor area of 50 metres for a 1 bedroom flat with common access to include a 1.5m storage area. 7 of the flats meet the 50m<sup>2</sup> requirement or exceed it with a further 5 exceeding 49m<sup>2</sup> and the remaining 3 flats measuring at approximately 48.1 m<sup>2</sup>, 48.1 m<sup>2</sup> and 47.4m<sup>2</sup>. Whilst there is a slight deficit for a small number of the apartments, the flats are of a usable shape and layout. Noting the above it is therefore considered that there would not be an unacceptable detriment to the amenity of prospective future occupiers in this regard. Furthermore, the Council's Housing Strategy team supports the proposals and confirms that there is an evidenced need for 170 one bedroom units in the Buttrills ward, with one bedroom units being in the highest demand. Whilst comments have been received suggesting that there are too many one bedroom units or a mix should be

provided, there is clear demand for this accommodation which the proposal would contribute to addressing.

The applicant has advised that any reduction below the 15 units proposed would result in the scheme being unviable for a 100% affordable housing scheme. The introduction of the first floor extension, which would facilitate the provision of a total of 15 units, also allows access to additional funding due to the use of modern methods of construction (MMC). Whilst this does intensify the use of the building, with greater pressure including in terms of amenity space deficit, it is considered that on balance, the overall benefits of the scheme should be afforded significant weight in the planning balance. This is discussed in further detail later within the report within the amenity space provision section.

The SPG also notes (para 11.1) that “*schemes for 100% affordable housing developments of twenty-five residential units or less delivered either by the Council or its four Housing Association Partners (Hafod Housing, Newydd Housing, United Welsh Housing and Wales & West Housing) will be exempt from paying financial planning obligations*”. On this basis, and in line with the SPG, there is no requirement for additional planning obligations in this instance.

It is considered that the proposal would have a significant benefit in terms of affordable housing provision and complies with the policies and guidance outlined above.

### Design and Visual Impact

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.

The development includes the erection of the first floor extension and façade works. The extension would be visible from most angles and add some bulk to the overall massing of the building although each elevation is relieved with a mixed palette of materials. The existing building is not considered to be of significant architectural merit and does not accord with the character of surrounding buildings. The proposed extension would be a clear modern alteration but it would not unacceptably detract from the appearance of the street scene when taking the existing building into account which provides a contrast to its surroundings.

The development would otherwise involve the conversion of the building and the residential units would largely be served by the existing openings albeit with some alteration and with the introduction of additional windows. In the north elevation, the ground floor windows in the church building would be enlarged with the rear annex windows reduced in size to provide windows to the ground and first floor. In the west elevation, the existing ground floor windows would be removed and new ground and first floor windows installed in the gable end of the church building and first floor extension. In the south elevation, the ground floor windows would be altered to reflect the new internal layout. The first floor windows would be removed as a result of the first floor extension and high level windows installed. Finally, in the east elevation, the existing high level windows would be removed and replaced with three new windows at both ground and first floor. Photovoltaic

panels would be installed to the roof however these would not significantly impact on the appearance of the building.

Bin and Bike stores would be located on the Court Road Frontage, however whilst a relatively prominent position, due to their modest scale and design would not appear incongruous within the street scene.

It is considered that the proposals comply with policy MD2 of the Adopted LDP.

### Residential Amenity

Policy MD2 of the LDP and the Council's SPG on Residential and Householder Development seek to ensure adequate amenity for the occupiers of not only new housing but also the existing properties. Criterion 8 of policy MD2 requires that new development safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance.

Concerns have been raised in relation to overlooking from the proposed flats into the school grounds in particular. Windows which face the south towards the school and rear are to be either high level, or obscurely glazed and non-opening below 1.7 metres above the internal floor level. It is therefore considered that there would be no unacceptable overlooking of the school grounds or private amenity space to the east from the proposed development. Where windows are to be obscurely glazed or high level, these either serve bedrooms or are a secondary window. Windows serving habitable rooms within units 11 and 12 would be served by high level obscure glazed openings but would also be served by clear glazed opening within their western fronting elevations. This would provide a suitable outlook from these rooms.

With regard to those windows serving bedrooms for units 13, 14 and 15 fronting the rear of properties on Pyke Street, although obscure glazing may give a degree of restricted outlook, this is considered to be balanced by the generous scale of the opening and clear glazed toplight which would provide a degree of outlook and light that, on balance, is considered to have an acceptable impact on living conditions of the prospective occupier. All living spaces have a minimum of one clear glazed window which does not overlook any potentially sensitive areas. Furthermore, it is considered that noting the above and viability issues raised and the identified need for affordable housing, it is considered, on balance, that this does not represent a reason to refuse permission in this instance. It is considered that the proposal would not result in any unacceptable loss of privacy or overlooking, nor would this give rise to any safeguarding concerns resulting from the proximity of the development to the adjacent school premises.

Whilst the residential and Householder Development SPG sets out a distance between habitable room window, there is a distance of approximately 19.5 metres between the west elevation and properties opposite. It is considered that this replicates the relationship between properties facing each other across Court Road where a slightly reduced level of privacy is established. Whilst noting a slight fall below the separation detailed within the SPG, it is not considered that this would be unduly harmful or to any extent to warrant refusal of planning permission. Similarly, the north side elevations would front the side elevation of no. 2 Court Road, replicating the arrangement found at the opposite end of

Crossway Street. It is considered there would be no unacceptable loss of privacy. As aforementioned, the east elevation windows would be fixed and obscurely glazed below 1.7 metre above internal floor level and as such there is considered to be no unacceptable loss of privacy relating to properties to the rear.

In terms of the properties to the east, the proposed extension would increase the eaves height of this part of the building by 0.9 metres but overall reduce the height of this annex by 0.5 metres at the ridge, effectively flattening the roof. It is considered that the overall impact of the proposal would not be significantly different to the existing arrangement or cause an unacceptable impact in terms of residential amenity.

The application proposes a residential use within a predominantly residential area. It is therefore considered that there would not be any unacceptable impact on surrounding properties, including the neighbouring school, in terms of noise or disturbance. Occupiers of the flats may experience increased noise due to the proximity of the school building, during pick-up drop off and playtimes, however this is restricted to short periods during daytime hours and on weekdays only. It is therefore considered that this would not give rise to an acceptable impact on the amenity of future occupiers.

Accordingly, it is considered that the residential development would not adversely impact upon the amenities of neighbouring occupiers and it is considered that the proposal complies with policies MD2 and MD5 of the Adopted LDP 2011-2026.

#### Amenity Space Provision

In terms of amenity space the Council's approved Supplementary Planning Guidance: Residential and Householder Development (2018) indicates a need for 12.5 sqm to 20 sqm per person within flatted developments. The SPG also requires that garden areas should be of a useable shape, form and topography.

Bin and bike store provision is made to the Court Road elevation which officers are satisfied would meet the needs of prospective future occupiers. However, there is no other available amenity space due to the building footprint taking up the entirety of the plot. It is often the case that flatted developments, particularly those relating to conversion of buildings within existing constrained plots, cannot practically be served by private amenity space. In densely developed, urban locations such as this it will often be necessary for the Council to adopt a pragmatic stance to provision of such space, given that failure to do so would be likely to jeopardise the efficient use of such sustainable land. In such locations occupiers will usually be partially reliant at least on larger more strategic areas of public open space outside of the site itself.

It is noted that the proposed extension to the building, intensifies the use of the site, allowing for a greater number of occupiers than if the existing building was converted only. This results in the amplification of shortage of amenity space compared with a conversion of the existing building. This concern has been raised with the applicant, who has advised that the extension of the building allows for additional grant funding to be made available through the use of MMC. The delivery of 15 units, rather than 13 or 14 which could be accommodated within the existing building, is also intrinsic to the viability of the scheme given the

management of the development by Newydd Housing, a not-for-profit, registered social landlord. Analysis has been submitted in support of this application detailing the necessity of the MMC grant and unit numbers to the overall viability of the scheme.

In order for a scheme to be considered viable by the Newydd Board, a positive Net Present Value must be reached within 60 years. Valuations undertaken by the applicant demonstrate that the costs and income generated by 15 units allows this to be achieved, where the provision of 13 or 14 units, combined with the lack of MMC grant, would result in this being achieved post year 60 and the scheme would in turn be unviable to pursue. This 60 year target has been recently revised from a more stringent 50 year target to take account of rising costs and as such it has been advised there is no flexibility in this figure. The failure of the scheme to achieve a positive NPV by year 60 would result in no affordable units being delivered.

Further to the above, it is noted that the site is very well located for access to public open space, in particular Central Park (160 metres approx.) and the play areas/open space off Aneurin Road and Bassett Street (350m approx.). It is also within walking distance of open space on the Waterfront and Victoria Park (both 1 mile approx). The relatively limited on site space, which provides bike and bin storage would provide for basic functional purposes of future occupiers albeit would not provide usable onsite space for recreation. No external drying clothes drying space can be accommodated, however it has been advised that a tumble drier and over-bath clothes drying rack will be provided in each unit. The lack of on-site amenity space, must be weighed against the positive impacts of the development; in this case principally the provision of much needed affordable units within a highly sustainable location through the conversion of an existing building. It is considered that, on balance, the lack of on-site amenity space provision can be out-weighed by the provision of much needed affordable housing accommodation and beneficial re-use of the building subject to suitable access to strategic areas of open space for recreation and provision of on-site facilities for bin storage and laundry facilities which would normally be accommodated externally.

Therefore, noting all of the above it is considered, on balance, that the lack of on-site amenity space does not represent a reason to refuse permission in this instance.

The Council would typically seek on site public open space where practicable (in line with Policy MD3 of the LDP) or a financial contribution where this cannot be provided. However, given the Council's stance in respect of not seeking financial contributions on wholly affordable developments under 25 units, a contribution is not sought in this case.

There is a refuse store on the ground floor which can be readily accessed from the pavement. It is considered that this represents an appropriate means of waste storage.

## Parking Provision

Policy MD1 (Location of New Development) requires new development to have access to or promote the use of sustainable modes of transport and benefit from existing infrastructure provision. New development will be directed to those locations that are accessible by sustainable transport and reduce dependence on the private car. In directing development to the most sustainable locations the Council recognises the importance of ensuring that development is carefully managed ensuring that development does not have an unacceptable impact on existing infrastructure.

Policy MD2 (Design of New Development) builds on this to say development shall provide a safe and accessible environment for all users, giving priority to pedestrians, cyclists and public transport users. Furthermore, proposals must have no unacceptable impact on highways safety not cause or exacerbate existing traffic congestion to an unacceptable degree.

No off street parking is provided with the proposal and there is no space within the site to provide off street parking. The proposal therefore relies entirely on on-street provision. The adopted parking standards set out that a maximum of 15 spaces would be required along with 3 visitors spaces. The fall-back use of the building as a church would attract a requirement of 1 commercial vehicle space and 1 space per 10 seats or per 8 sqm. It is considered that the parking requirement of the existing use would be circa 38 spaces (25 spaces as stated in the submitted transport statement). It is noted however that the pattern of use and demand would be different to the church use, albeit peak demand of the historic use of the building would appear to be significantly higher than that under the current proposals. Similarly, it is considered that whilst there would be increased demand for spaces during school pick up and drop off times, this is not significantly different to the building being occupied as church, where both uses generate an on street parking demand

Further to the above it is noted that 2011 census data suggests that 54% of social rented households in the Vale of Glamorgan have no access to a car and there are typically 0.3-0.4 cars per social rented unit. Unfortunately 2021 census data is not yet available, however this data has been accepted on recent applications for affordable housing developments within Barry.

Whilst each application must be taken on its merits, other applications for affordable housing schemes in Barry have recently been accompanied by survey data of parking space use in social rented development. These found that an average of 0.43 parking spaces were being used, and this generally tallies with the census data. This would equate to a requirement of approximately 6 spaces for the 15 units, in addition to visitor spaces, (an additional 3 spaces).

Notwithstanding the above, this is a site where occupants could realistically live without a car, given very close proximity to bus and train links, and a very wide range of day to day services on Holton Road. Furthermore, PPW seeks to prevent over-reliance on the use of the private car and encourages more sustainable modes of travel. In line with that advice, the Council's parking standards are 'maximums' and this is designed to encourage lower car use and less reliance on the car. The SPG recognises that there will be some circumstances where higher

levels of parking will be more appropriate, however, sustainable town centre locations such as this are examples of where lower parking levels can and should be accepted, particularly for this tenure type where car ownership levels are recognised as being lower.

The Council's Highways section requested that a parking survey be submitted to demonstrate the level of on street parking available in the vicinity. The survey was undertaken at 5.30am on Wednesday 10th May 2023 when residents are likely to be at home. A total of 157 on-street parking spaces were counted within the survey area which included streets immediately surrounding the site. 107 of these were occupied and 50 were unoccupied, including 7 available spaces on Court Road to the south of the site, 7 on Crossway Street and 17 spaces on Evelyn Street to the west. Although it is acknowledged that this is just a snapshot in time, it is considered to demonstrate that there is sufficient capacity available on the streets around the site to accommodate any parking demand generated by the residential development of the site. It must also be noted that the surrounding streets identified within the parking survey are restricted to resident permit holders parking/2 hours non-permit parking and as such on street parking is also controlled in these areas. Following consultation with the Council's Highways section it is noted that they do not wish to sustain an objection to the proposal.

In summary, it is likely that the development will result in some pressure for parking on street, however, while the immediate highway is largely restricted by permit holder and two hour bays, these bays would be able to service occupiers of the development during much of the week (mornings, evenings, overnight and Sundays) and the snapshot survey suggests that there is scope for parking in the immediate highway network. It is recognised that on-street parking is often a cause for concern for existing residents close to such developments, however, it is considered in this case that the development has extremely high sustainability credentials which warrant a relaxation in parking levels. It should further be noted that the site cannot realistically provide more parking, whilst the historic use of the building has an inherent and potentially higher maximum parking demand than the use currently proposed.

Therefore, balancing the need to secure re-use of the building, the positive benefits of affordable housing provision, the sustainable location, the availability of parking in the vicinity and in the absence of an objection from the Council's Highway Development section, it is considered the lack of parking does not represent a reason to refuse permission in this instance.

### Ecology

Policy MD9 (Promoting Biodiversity) requires new development proposals to conserve and enhance biodiversity interests. Developers must demonstrate what measures have been taken to avoid an adverse impact on biodiversity and what mitigation measures will be undertaken to minimise the impact on biodiversity. Where reasonable avoidance measures and mitigation are not sufficient in minimising an adverse impact, any residual impact should be addressed by appropriate and proportionate compensation measures.

A bat survey prepared by Ecological Services Ltd was submitted in support of the application which concluded that the building has low to moderate potential for bats. No evidence was found of bats using the building throughout emergence surveys or foraging/commuting through the vicinity.

Mitigation measures were proposed as part of this report to include bat and bird boxes which can be secured by condition (condition 6 refers) which will address the requirement for biodiversity enhancement.

As of 11<sup>th</sup> October 2023, the updated Chapter 6 of Planning Policy Wales refers to addressing the Nature Emergency through the Planning System and encourages taking a proactive approach to Green Infrastructure. Green infrastructure plays a fundamental role in shaping places and our sense of well-being, and is intrinsic to the quality of the spaces we live, work and play in. The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, informed by an appropriate level of assessment, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, help to overcome the potential for conflicting objectives, and contribute to health and well-being outcomes.

There are multiple ways of incorporating green infrastructure, depending on the needs and opportunities a site presents, and the green infrastructure assessment should be referred to, as appropriate, in order to ascertain local priorities. Landscaping, green roofs, grass verges, sustainable drainage and gardens are examples of individual design measures that can have wider cumulative benefits, particularly in relation to biodiversity and the resilience of ecosystems as well as in securing the other desired environmental qualities of places. Wider landscape measures, such as the creation of species rich meadows, woodlands and the improvement of linkages between areas of biodiversity value should be considered for larger scale development.

PPW goes on to state that a green infrastructure statement should be submitted with all applications, however due to the consideration of application already being advanced, it has not been submitted or sought. It is also noted that the opportunity for on-site provision is limited due to the constrained nature of the site.

Given this, and subject to conditions, it is considered that there are no ecological concerns with respect to the development and the proposal complies with the requirements of Policies MD1, MD2, MD7 and MD9 of the Adopted LDP 2011-2026.

### Section 106 issues

At the Council's Cabinet meeting of the 5<sup>th</sup> September 2016, there was a resolution approved to waive the requirement to seek financial obligations on 100% affordable housing sites of twenty-five units or less, where the development is made by the Council or the four housing associations zoned by Welsh Government to develop in the Vale. Accordingly, there are no section 106 contributions sought for this development.

### Other issues



During the course of consultation, comments have been received in relation to construction impacts, including but not limited to, construction parking, noise and workers facilities. It is acknowledged that there is likely to be some construction noise impacts on adjacent properties including the school, however due to the modest scale of the construction works, it is considered that this would not have a prolonged impact. Such impacts are usually an unavoidable consequence of a development such as this and it would not be reasonable to withhold planning permission on that basis. A condition requiring details of a Construction Environment Management Plan to be submitted to control these elements can be attached to any consent to mitigate these factors (condition 7 refers).

Concerns have also been raised in relation to demands on local services including schools and health services. In this instance, as the proposal is for one bedroom flats only, it is not anticipated that there would be any resident children of school age and as such there would be no increased demand on school places arising from the proposal.

## RECOMMENDATION

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:

N401 A111 Proposed Ground Floor Plan D

N401 A112 Proposed First Floor Plan C

N401 A113 Proposed Roof Plan B

N401 A114 Proposed North And West Elevations C

N401 A115 Proposed South And East Elevations C

N401 A116 Proposed Block Plan B

N401 A117 Proposed Sections B

N401 A122 Bin And Cycle Storage Details A

22.5266 001 P1 Drainage Plan

1589 Acs Zz Xx Rp T 001 A Traffic Tech Note

1589-ACS-ZZ-XX-RP-T-002-A Parking Tech Note

Bat Survey Crossway Church Barry Ds Holdings (penarth) Ltd V2.0

Reason:

For the avoidance of doubt as to the approved development and to accord

with Circular 016:2014 on The Use of Planning Conditions for Development Management.

3. Notwithstanding the submitted details, a schedule of materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to occupation.

Reason:

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

4. Prior to commencement of development, a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of the Welsh Government Technical Advice Note 2 on Affordable Housing or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 100% of housing units/bed spaces;
- ii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iv) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason:

In order to ensure that the site delivers appropriate provision of affordable housing to meet the identified need and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP4 (Affordable Housing Provisions), MG4 (Affordable Housing) and MD4 (Community Infrastructure and Planning Obligations) of the Local Development Plan.

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

Reason:

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

6. Prior to the first beneficial occupation of the development, a Biodiversity Enhancement Strategy addressing enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved strategy and timings set out within and thereafter retained in accordance with the approved details whilst the development remains in existence. The Strategy shall include the following:

- a) Details of any bird/bat box provision
- b) Details of any landscaping features
- c) Details of any additional ecological enhancements

Reason:

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

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

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

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

Reason:

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

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

Monday to Friday	0800 – 1800
Saturday	0800 – 1300

Unless such work is:

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

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

Reason:

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

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

Reason:

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

10. The development shall not be occupied until facilities for the secure storage of cycles and bins have been provided in accordance with details shown on plans N401 A111 Proposed Ground Floor Plan D and N401 A122 Bin

And Cycle Storage Details A. Once installed the facilities as approved shall thereafter be retained for the lifetime of the development.

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), SP3 (Residential Requirement), SP4 (Affordable Housing Provision), MG1 (Housing Supply in the Vale of Glamorgan), MG4 (Affordable Housing), MD1 (Location of New Development), MD2 (Design of New Development), MD4 (Community Infrastructure and Planning Obligations), MD5 (Development within Settlement Boundaries), MD7 (Environmental Protection) and MD9 (Promoting Biodiversity) it is considered that the proposals are acceptable.

Having regard to the Council's duties under the Equality Act 2010 the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

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

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

- Unprocessed / unsorted demolition wastes.
  - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
  - Japanese Knotweed stems, leaves and rhizome infested soils.
- In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and (iii) the safe development and secure occupancy of the site rests with the developer.

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

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

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

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

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

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

**APPLICANT:** Mr Huw Llewellyn Great House Farm, Penllyn, Cowbridge, CF71 7RQ

**AGENT:** Ms Bethan Evans Unit 9, Oak Tree Court, Cardiff Gate Business Park, Cardiff, CF23 8RS

### **Great House Farm, Penllyn**

Proposed change of use from agricultural use to glamping visitor accommodation comprising 3 yurts, separate kitchen units and conversion of the existing barn to a shower block and farm storage.

### **REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because:

- the application has been called in for determination by Cllr Champion due to the number of objections received.

### **EXECUTIVE SUMMARY**

The application site is situated within and adjacent to the Penllyn Settlement boundary and forms part of an existing farm complex.

Planning permission is sought for a change of use from agricultural use to glamping visitor accommodation comprising 3 yurts, separate kitchen units and conversion of the existing barn to a shower block and farm storage.

The proposal includes provision of biodiversity enhancements and a landscaping scheme. An ecological survey accompanies the application which raises no concerns with regards to detrimental impacts on protected species.

An objection has been received by six neighbours, raising concerns such as harmful impact on the countryside, noise, reliance on the car due to no public transport etc. A full summary of neighbour concerns is included below.

The application is recommended for approval, subject to conditions.

### **SITE AND CONTEXT**

The application site comprises part of an agricultural field, a barn and an existing farm access on the south eastern edge of Penllyn.

Part of the site access and the barn in the site are within the settlement boundary for Penllyn, but the rest falls outside of it, within the countryside. The site is within a Special Landscape Area, and the area outside the settlement boundary is within an area safeguarded for its limestone resources.

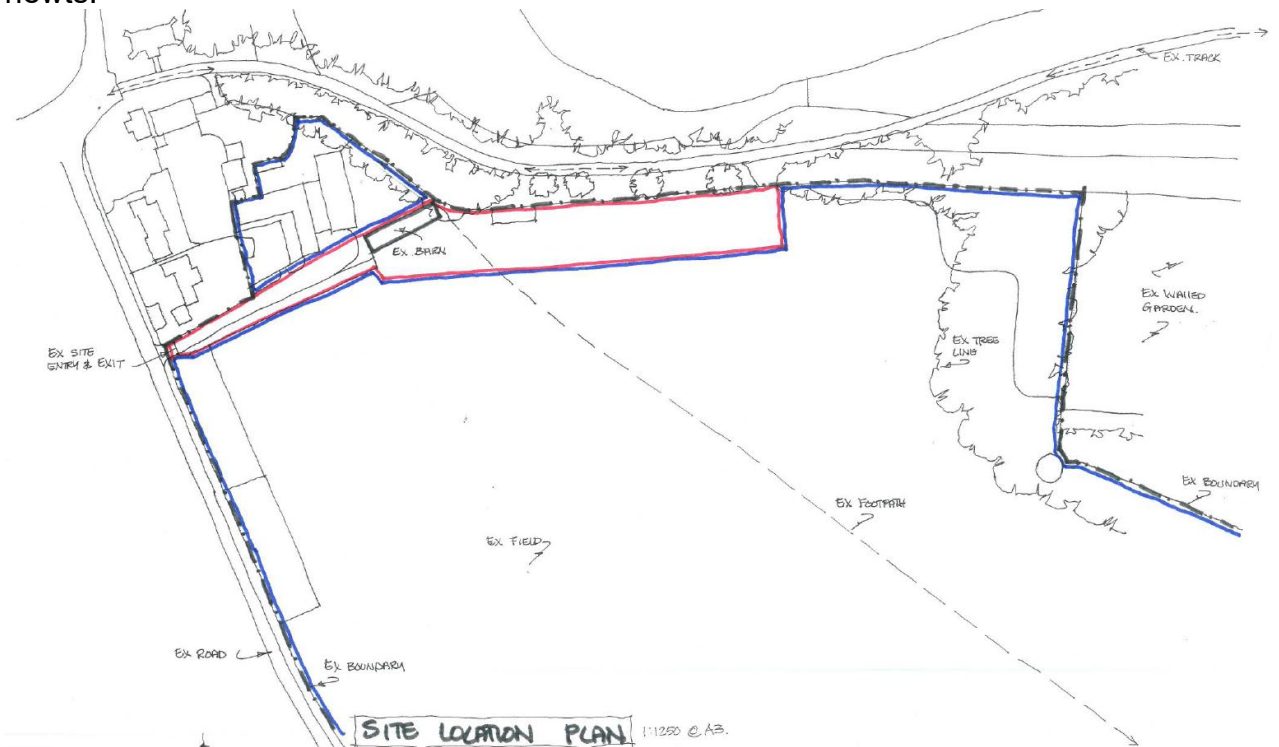


Part of the site has a predicted agricultural land classification of Grade 3a (good to moderate quality agricultural land), with the rest predicted as Grade 3b (moderate quality agricultural land).

There is a public right of way running across the site from north-west to southeast (shown in red below).

The trees to the immediate north of the site are covered by a Tree Preservation Order (Ref: 021 – 1962 – 01 – A17) and are also designated ancient woodland.

The area is considered to be within an area of potential habitat for great crested newts.



## DESCRIPTION OF DEVELOPMENT

Planning Permission is sought for a proposed change of use from agricultural use to glamping visitor accommodation comprising 3 yurts, with separate kitchen /dining yurts and conversion of the existing barn to a shower block and farm storage.

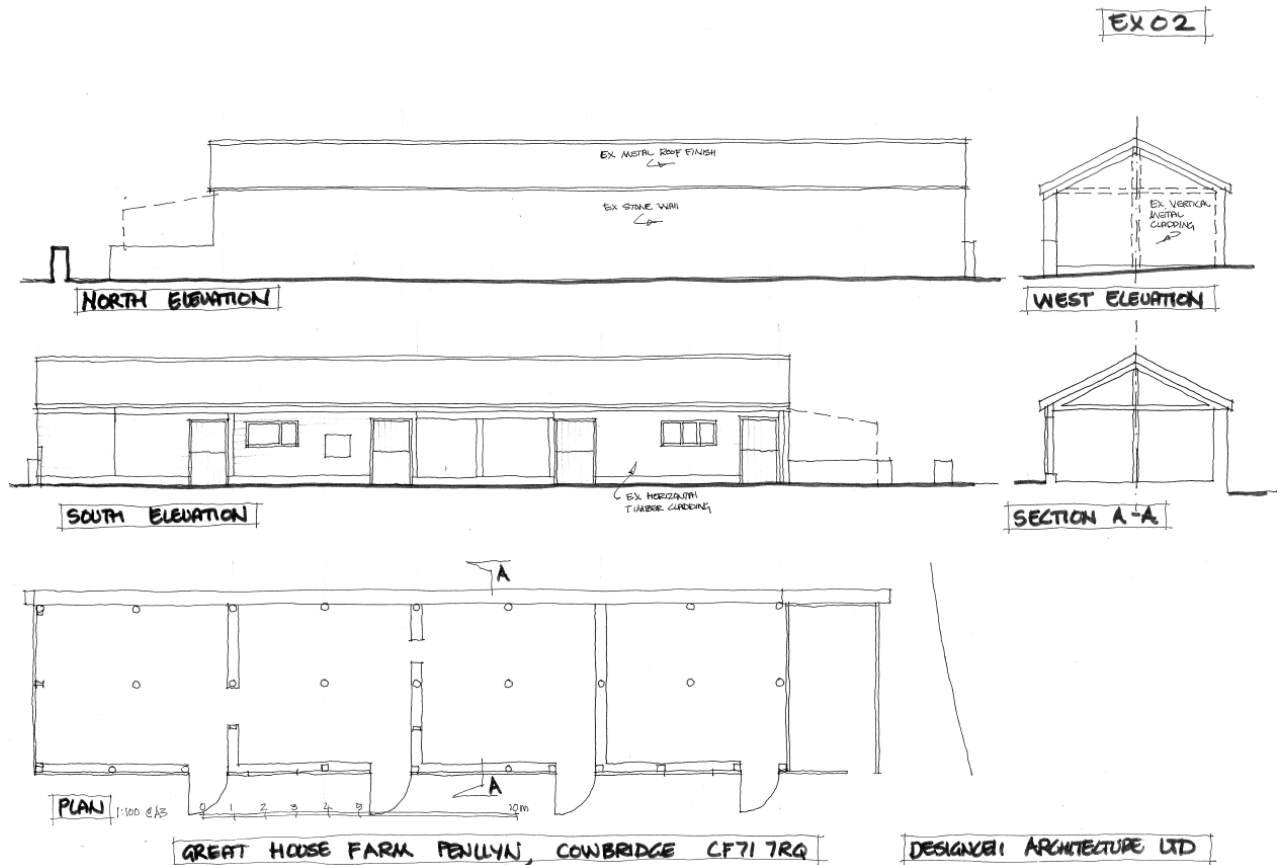
The supporting documentation states that the yurts would be for use between March/April through to October and the yurts would be removed outside of this period. The main sleeping yurts would be approximately 5m in width and approximately 2.85m in height, whilst the kitchen yurts would be approximately 3.6m wide and approximately 2.55m in height. The yurts would be finished using materials such as felt, skins and natural materials.

Parking for four spaces is proposed, constructed using gravel and the existing access is to be utilised.

The existing barn would be reconstructed / converted for storage and a shower block. The footprint remains the same, but the building would be reclad using timber cladding and metal roofing. Four flush rooflights are also proposed for light above the shower / toilets.

Extracts of the plans are provided below:

Existing



Proposed



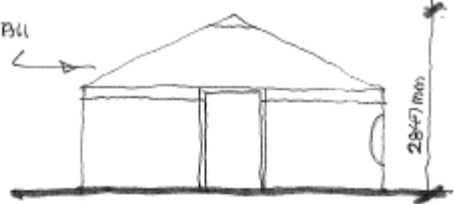
DESIGNER: ARC LTD.

PR 04



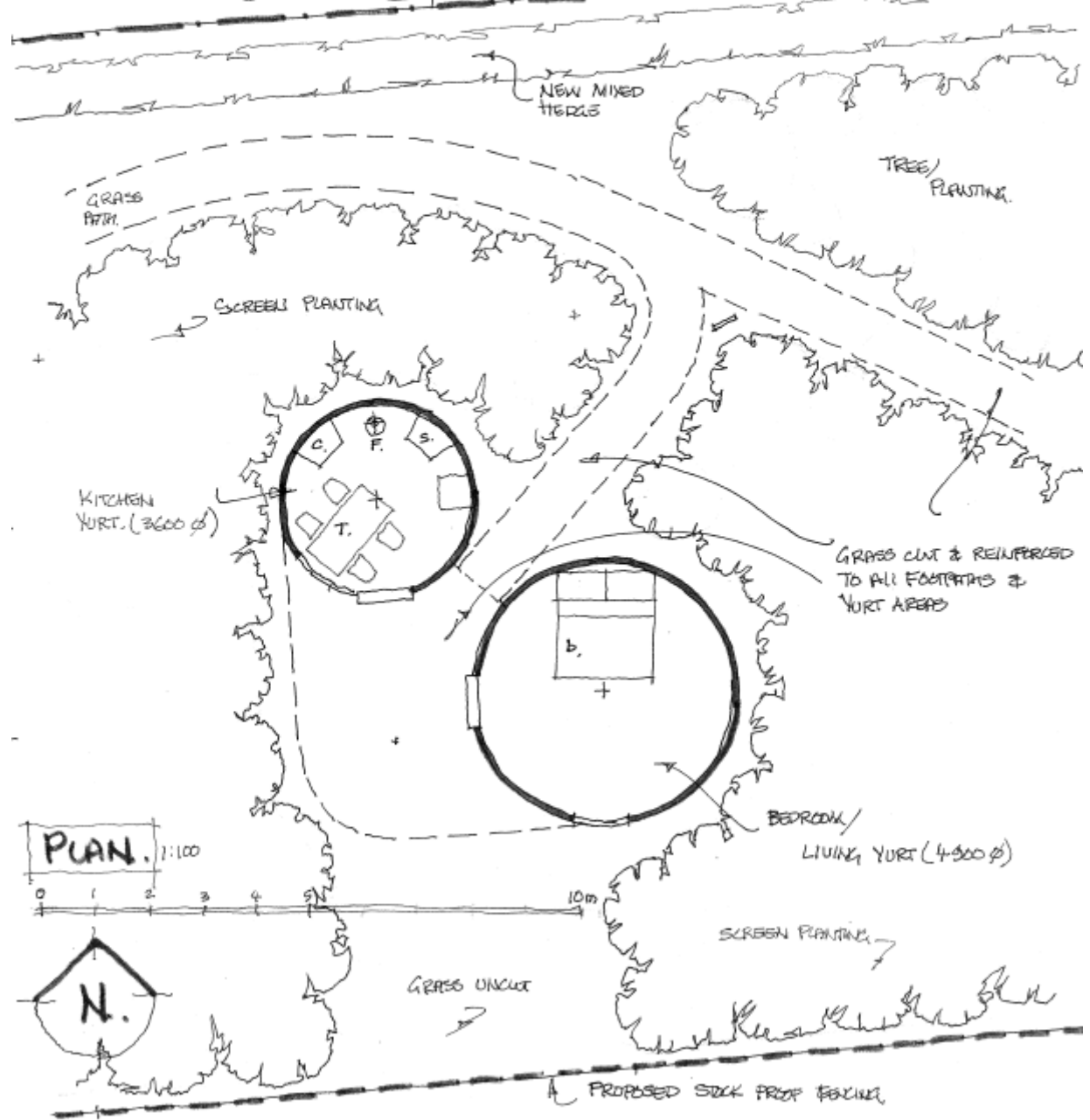
FRONT ELEVATION  
KITCHEN. 3600 mm  $\phi$  (12 ft)

CIRCULAR STRUCTURE ALL ELEVATIONS SIMILAR.



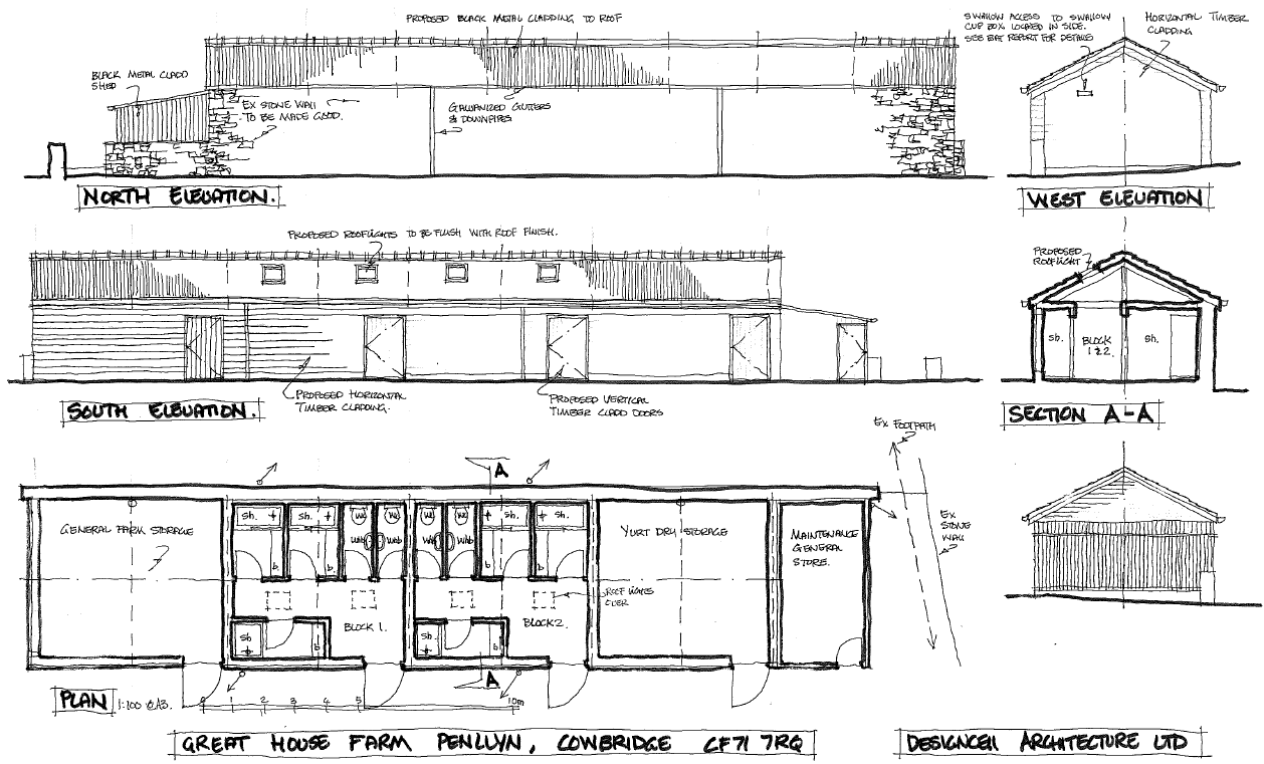
FRONT ELEVATION  
BED/LIVING. 4900 mm  $\phi$  (16 ft)

EX METAL FENCING



GREAT HOUSE FARM PENLLYN, COWBRIDGE CF71 7RQ.

PROB A/C.



GREAT HOUSE FARM PENLLYN, COWBRIDGE CF71 7RQ

DESIGNCEL ARCHITECTURE LTD

### PLANNING HISTORY

1982/02194/OUT, Address: Part OS 3800, (Stone Croft), south of The Lodge, Penllyn, Proposal: Proposed to construct 2 dwellings, Decision: Approved

1983/00992/RES, Address: Part OS 3800, Penllyn, Proposal: Proposed erection of bungalow, Decision: Approved

1984/00433/FUL, Address: Part of OS 5400 - Penllyn, Proposal: Proposed erection of bungalow, Decision: Approved

1988/00914/FUL, Address: Stone Croft, Penllyn., Proposal: Proposed conversion of existing barn - outbuilding into garage store and playroom., Decision: Refused

2018/00489/FUL, Address: Stonecroft Cottage, Penllyn, Cowbridge, Proposal: Demolition of existing detached garage with erection of new pitched roof garage in same position, Decision: Approved

### CONSULTATIONS

**Penllyn Community Council** commented to request that the views of neighbours are taken into account when determining the application.

**Council's Highway Development Team** were consulted and raised no objection to the proposals. The visibility splays are considered acceptable, in addition to the proposal to set the gate back 6m and to surface this area in a bound material. The Highways Authority have also requested that the turning area shown be retained in perpetuity.

**Council's Public Rights of Way Officer** commented, in summary, to state the following:

- A public right of way crosses through the property and that it should be available for use at all times. Should it require temporary closure, an Order is required from the Road Traffic Regulations Act 1984
- A gate is proposed for installation which will require a Highways Act 1980 s.147 application to the Council's Countryside Access Manager
- No materials should be stored on the footpath

**Council's Drainage Section** have commented to state that a SAB will be required and as such, an informative is required on any decision.

**Council's Tourism & Marketing** department were consulted and commented to support the application in principle. The plans submitted are welcomed and appropriate for this location within the Vale and the development of 3 yurts in this location is appropriate and will provide the space and surroundings that visitors would appreciate.

They have also asked for details such as a marketing plan and a management plan.

#### **Council's Shared Regulatory Services :**

**Council's Pollution department** were consulted, who commented to state that they had no objection or comment to make given its limited size and its relative distance from residential dwellings.

**Council's Contaminated Land, Air & Water Quality department** were consulted and commented to request a standard set of conditions and informatives, relating to contaminated land / importation of aggregates etc.

**Dwr Cymru / Welsh Water** initially commented to state that no connection to the sewer was sought.

However, amendments were made to the application which sought to connect to the mains sewer. Following re-consultation, they commented to state that they had no objection. A summary of their comments are as follows:

- No objections to foul connection
- Welcome the sustainable disposal of surface water
- Requested a condition that no surface water is to be disposed via the sewerage system

**Council's Ecology Officer** was consulted, who raised no objection. However, a summary of the comments are as follows:

- No protected species recorded in the vicinity though some are bound to occur such as hedgehogs
- Barn has the potential to be of interest to bats
- Ecological Services Bat Report recommends 3 Schwegler Bat Boxes affixed to mature trees away from the yurts
- Proposal drawing shows raised ridge tiles for bats which are not referenced in the report. Effectiveness of these will be dependent on the lighting. Best to stick to the Schwegler bat boxes.
- Support the provision for swallows in the proposal drawing
- Provision of a hibernacula as recommended in the Bat Report is also welcomed
- Consideration should be given to designating some of the grassland to revert to wildflower meadow
- Planning condition for lighting plan is required

**Natural Resources Wales** were consulted and initially commented to object to the proposal as it sought to provide a private sewage system (which is not supported by NRW in cases where there is access to mains).

They also commented to state that they had no adverse comments with regards to European Protected Species – Bats given the findings of the supporting document.

Following an amendment to the scheme, no comments have been received by NRW.

**Open Spaces Society** were consulted and to date, no comments have been received.

**Cowbridge Ward Member, Cllr Champion**, commented to request that the application is called-in for consideration at planning committee due to the number of objections from neighbours.

**South Wales Fire and Rescue Services** were consulted and commented to state that they had no objection and stated that the developer should consider the need for the provision of clean water for firefighting purposes and access for emergency firefighting appliances.

**National Grid** commented to state that the applicant should be aware that if a new connection or service alterations is required, a separate application to National Grid is required. Any works in proximity to National Grid apparatus must follow relevant legislation and ensure no underground cable depth and overhead cable heights are altered.

## REPRESENTATIONS

The neighbouring properties were consulted on 18 September and 16 November 2023.

A site notice was also displayed on 20 September and 23 November 2023. The application was also advertised in the press on 21 September 2023.

To date, letters of objection have been received from 6 neighbours. Whilst some neighbours may have commented multiple times, they count as one neighbouring objection. A summary of the comments made are as follows:

- Caravan site rejected a few years ago
- 6 yurts and not 3
- No detail on drainage or water connection for the yurts
- Access is unsafe
- Road is narrow, poorly maintained and unlit
- No restriction shown on number of days each year it will be used
- Limited facilities in the village
- No public transport nearby
- Reliant on car
- Concerns regarding noise
- Concerns regarding impact on historical buildings and archaeology
- Privacy concerns due to walkers passing through the site
- Not an appropriate location
- Highly visible on the approach to Penllyn village
- Harmful impact on countryside
- Concerns regarding security of yurt users due to proximity of footpath
- Walking through campsite would not enhance walker experience
- Concerns that business is not viable and will form a foundation for a larger camp site
- Detrimental impact on health and wellbeing
- Applicant lives away from site
- No consultation carried out by applicant
- Examples given of other sites are not located in the village
- Sufficient accommodation nearby – unjustified development
- Concerns regarding impact on ecology
- Concerns regarding lack of detail on waste storage / collection etc.
- Concerns regarding odour / polluting from open fires, BBQ's etc.
- Concerns regarding maintenance and upkeep of yurts
- No management plan submitted
- Farm trailer currently stored on area for parking – this will be lost
- Not suitable for disabled users
- Parking will be visible from the road
- Certificate section inaccurate – applicant is not title owner
- Rubbish will attract vermin
- Concerns regarding fire risk
- Loss of privacy from walkers
- Poly tunnel is not old
- Hedgehogs, frogs and toads are a regular feature

## REPORT

### Planning Policies and Guidance

#### **Local Development Plan:**



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

**Strategic Policies:**

POLICY SP1 – Delivering the Strategy  
POLICY SP9 – Minerals  
POLICY SP10 – Built and Natural Environment  
POLICY SP11 – Tourism and Leisure

**Managing Growth Policies:**

POLICY MG7 – Provision of Community Facilities  
POLICY MG19 – Sites and Species of European Importance  
POLICY MG20 – Nationally Protected Sites and Species  
POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species  
POLICY MG22 – Development in Minerals Safeguarding Areas  
POLICY MG29 – Tourism and Leisure Facilities

**Managing Development Policies:**

POLICY MD1 - Location of New Development  
POLICY MD2 - Design of New Development  
POLICY MD5 – Development Within Settlement Boundaries  
POLICY MD7 - Environmental Protection  
POLICY MD8 - Historic Environment  
POLICY MD9 - Promoting Biodiversity  
POLICY MD11 - Conversion and Renovation of Rural Buildings  
POLICY MD13 - Tourism and Leisure

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

**Future Wales: The National Plan 2040:**

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

Chapter 3: Setting and achieving our ambitions

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

Chapter 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 4 – Supporting Rural Communities

- Supports sustainable and vibrant rural communities.

#### Policy 5 – Supporting the Rural Economy

- Supports sustainable, appropriate and proportionate economic growth in rural towns.
- Supports development of innovative and emerging technology businesses and sectors to help rural areas unlock their full potential, broadening the economic base and creating higher paid jobs.

#### 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.

### **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
- The Best and Most Versatile Agricultural Land
- Development in the Countryside (including new housing)

## 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 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 10 – Tree Preservation Orders (1997)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 13 – Tourism (1997)
- Technical Advice Note 23 – Economic Development (2014)

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

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

### **Supplementary Planning Guidance:**

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

- Biodiversity and Development (2018)
- Conversion and Renovation of Rural Buildings (2018)
- Design in the Landscape
- Minerals Safeguarding (2018)

- Tourism and Leisure Development (2019)
- Trees, Woodlands, Hedgerows and Development (2018)

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

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

### **Equality Act 2010**

The Equality Act 2010 identifies a number of ‘protected characteristics’, namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council’s duty under the above Act has been given due consideration in the preparation of this report.

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

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

### Issues

The main issues to consider in the determination of this application are the principle of development, impact upon the visual amenities of the countryside, impact on neighbours and highway safety, parking, biodiversity provision and impact upon protected species.

### Principle of Tourism Development

Policy SP11 (Tourism and Leisure) of the Local Development Plan states that proposals which promote the Vale of Glamorgan as a tourism and leisure destination will be favoured.

The policy goes on to say that favourable consideration will be given to proposals which enhance the range and choice of the Vale of Glamorgan’s tourism and leisure opportunities, particularly through the provision of all year round facilities and a range and choice of visitor accommodation in appropriate locations; favour rural diversification and the local economy; and protect existing tourism assets and promote the sustainable use of the countryside and the Glamorgan Heritage Coast.

Policy MD13 (Tourism and Leisure) allows new or enhanced tourism proposals where the proposal is located within the key settlement, the service centre settlements, primary settlements and minor rural settlements; or forms part of a rural enterprise or farm diversification scheme or involves the conversion of an

existing rural building in accordance with Policy MD11; or involves sustainable low impact tourism and leisure proposals in the countryside.

It is noted that the site of the proposed yurts is adjacent to the settlement boundary of Penllyn, whilst the barn proposed for conversion is within the settlement boundary.

The proposal would form part of a farm diversification scheme. Subject to details, the Council's Tourism and Leisure Development Supplementary Planning Guidance indicates that yurt accommodation can be considered as a form of sustainable low impact tourism. The proposal therefore complies with criterion 2 and 4 of LDP Policy MD13.

Many neighbouring comments refer to concerns regarding a lack of public transport or services nearby and the dominant use of cars etc. Whilst these comments have been considered, given the scale of the proposal, it is not considered that the use would result in an unacceptable impact in terms of car use, noting that by their very nature some tourism sites are in more remote locations. Nevertheless, the site is located partly within and adjacent to the settlement of Penllyn. Notwithstanding this, the tourism policies support low impact tourism in countryside locations and in this instance, the proposal is considered low impact.

As such, taking the above into consideration, given the low impact nature of the proposal and its nature as a farm diversification scheme, the proposal is considered acceptable in principle and in compliance with policies SP11 and MD13 of the LDP. However, the acceptability of other issues still needs to be considered, as set out below.

It should be noted that the application is made on the basis that the yurts would be in situ during March – October and will be removed following this period.

Given that the application has been made and publicised on this basis, the application is assessed on this basis. A condition would also be required, if planning permission is approved, to restrict the siting of the yurts on the land to these specified periods only (**Condition 3 refers**).

The Council's Tourism Team sought further detail such as a Business Plan and how the yurts would be marketed. However this is considered to be a matter where the Tourism Team can provide direct advice to the applicant on the appropriate way to market and develop the business. Given the more modest scale of the proposal, such information is not considered necessary in this instance to support the planning application.

Notwithstanding this, it is nonetheless considered necessary to impose a condition to ensure that should the business cease to operate, the yurts shall no longer be erected (**Condition 17 refers**).

#### Agricultural Land Classification

A section of the site has a predicted agricultural land classification of Grade 3a (good to moderate quality agricultural land). Policy MD1 requires that

development on unallocated sites should not have an unacceptable impact on the best and most versatile agricultural land, including Grade 3a land.

It is recognised that the area of predicted grade 3a land affected would be approximately 0.1- 0.2 hectares in size. Ground works and surfacing associated with the development are considered to be modest in this area and as such, it is considered that the proposals would not have an adverse irreversible impact on this land. The proposal therefore is considered to comply with policy MD1 (criterion 9) and the development at the site would not prejudice any farming operations on the wider field.

### Visual and Landscape Impact

In terms of localised visual impacts, the site is visible and is considered sensitive as it forms part of the undeveloped approach into Penllyn, which provides the setting to a number of listed buildings located in this part of the historic core of the village. In particular, the field enclosures fronting the road comprise of an estate stone wall which is relatively low and offers views into the fields from the road. The yurts would therefore be visible. However, they have been positioned in the eastern corner of the field, in proximity to the field boundary and as such, are considered to be sensitively located to ensure no harmful impact on the character or appearance of the wider area, particularly noting that they will only be visible during March – October.

The yurts would be finished using natural materials and whilst the principle of such materials is considered acceptable, whilst these finishes are considered acceptable in principle, a condition requiring further details is considered necessary (**Condition 16 refers**) in order to ensure that the overall appearance is satisfactory.

It is noted that substantial planting is proposed around the pitches for shelter. No detail of species etc. have been provided and as such, whilst a scheme of planting is considered appropriate, a condition seeking further detail on landscaping is required with particular preference to a native planting scheme (**Conditions 6, 7 and 8 refer**). With regards to the planting, in some instances, the introduction of such schemes can sometimes create an artificial appearance within the field. However, as aforementioned, the proposed scheme would be located in proximity to the boundary and in proximity to farm buildings. Therefore an appropriate scheme of native planting would not materially alter the appearance of the field when viewed from the road.

The proposal seeks to utilise the existing access and provide parking along the existing track. The site plan indicates that a gravelled area would be provided, which would be considered a suitable “informal” form of surfacing in this setting, that would not unacceptably harm the character of the area. Neighbour comments refer to the visibility of this element and consider it would have an unacceptable impact on the countryside. However, a track currently exists and as such, there is no objection to this to be utilised for parking, which would be more preferable than utilising another part of the field. Notwithstanding this, the level of parking proposed in this instance is considered of a modest scale and as such, would not detrimentally harm the appearance of the countryside and given its impacts would not be all year round.

The proposal also seeks to convert the existing barn, which is currently in poor condition and as such, substantial rebuilding and alterations are required to this element. However, the barn is located within the settlement boundary and as such, in principle this is considered acceptable. Concerns were initially raised with regards to the number of rooflights proposed on the barn and the use of slate for the roof which would result in a domesticated appearance to the building. The number of rooflights have been reduced and will be flush with the roof, and the overall roofing material has also been amended to a black metal cladding which is acceptable in principle and would relate well to the farmyard setting and have a more agrarian character. The remainder of the barn would be finished with timber cladding and all existing openings retained and finished with a timber frame. The footprint remains unaltered. It is therefore considered that provided a condition is added for further detail of materials (**Condition 4 refers**), the alterations to the barn are considered acceptable and would ensure a building that is in keeping with its agricultural setting.

The yurts would be separated from the neighbouring agricultural land by means of a stock proof fence, which is considered suitable in this setting and as such, would represent an acceptable low impact boundary treatment between the yurts and the remainder of the field. However, given the sensitive nature of the site and visibility, a condition ensuring the fencing is stockproof is required (**Condition 5 refers**). Some fencing, such as timber or chainlink would have a domesticated and urban appearance and as such, this condition would ensure control over any proposals to alter the fencing.

The supporting documents make reference to photovoltaic panels – however, these are not shown on any of the accompanying plans and as such, any consent does not relate to such an addition.

Neighbour comments refer to concerns on the detrimental impact the proposal would have on users of the right of way, stating that the proposal would harm the user's countryside experience. However, the scheme is considered modest in scale and has been designed to incorporate a landscaping scheme, which would alleviate the impact of the development and such low impact tourism sites are considered to complement the character of the countryside.

Taking the above into consideration, the proposals are considered acceptable in terms of their visual impact and would comply with policies MD1 (Location of New Development), MD2 (Design of New Development) and MD5 (Development Within Settlement Boundaries) of the Local Development Plan.

The site is within the Upper and Lower Thaw Valley Special Landscape Area. Policy MG17 (Special Landscape Areas) of the Local Development Plan states that within special landscape areas, development proposals will be permitted where it is demonstrated they would cause no unacceptable harm to the important landscape character of the area. Given the proximity of the proposals to the farm buildings and on the basis that the proposals are considered as low impact for the reasons set out above, the proposal is not considered to cause harm to the important landscape character of the area.

## Residential amenity

Policy MD2 (Design of New Development) of the Local Development Plan sets out that development proposals should safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance.

The proposed yurts are located a sufficient distance from neighbouring properties to ensure no harmful overbearing impact or loss of outlook.

Neighbour comments have been received and are considered below.

With regards to noise and odour (such as from fires etc.), it is recognised that the addition of three units for holiday use would result in a degree of noise being generated. However, the scale of the proposal, i.e. three units, is considered modest and as such, the noise and odour levels attributed to such a proposal would not be considered unreasonable or cause a sufficient level of harm. Notwithstanding this, the Council's SRS department have raised no objection to the proposal and would be able to address any anti-social concerns with regards to noise or smoke / odour etc. should they arise in the future through their own statutory powers.

Neighbour concerns also relate to a lack of detail on waste / recycling collection. The agent has confirmed that large bins for waste and recycling would be situated within the storage area of the converted barns and smaller bins within each yurt. Waste and recycling will be collected weekly and as such, the proposal would not result in any detrimental impact to neighbours in terms of rubbish, given that it would be appropriately managed .

Comments made regarding a loss of privacy to yurt users as a result of the footpath have been noted. However, a landscaping scheme is proposed which would provide some cover to users. Notwithstanding this, footpaths in the countryside are commonplace and as such, this is unlikely to raise concern, particularly given the nature of this type of tourism offering. Comments have also been received that raise concern regarding a loss of privacy from yurt users using the public right of way or walking past neighbouring properties. The public right of way is available to all and as such, the use of them by yurt users would be no different to other walkers and cannot be controlled. With regards to walking past properties, right of access or trespassing these matters are not material planning considerations and these are instead legal / policing matters. The grant of any planning permission would not in any way grant any occupier of the yurts any rights over and above those which any member of the public may have to access land.

Notwithstanding the above, it is considered necessary to impose a condition for a Management Plan, (**Condition 18 refers**) which would provide further clarification, on amongst other things, waste management and storage, contact details for the person responsible in the management of the site, details on how complaints will be dealt with and management of issues such as noise etc.



## Highway safety

The proposal seeks to utilise an existing access. Whilst the Highways Officer notes the proposal is to set the gate back from the highway, it should be noted that this is the existing situation. The proposal seeks to hard surface the area adjacent to the highway and as such, this will be conditioned (in line with the highway engineers requirements) to ensure no detrimental impact to the adjoining highway (**Condition 10 refers**). At present, this is an informal gravel surface which could result in loose material migrating onto the highway and the aforementioned condition would improve upon this scenario.

Four parking spaces are proposed to be provided for the yurts, which is considered acceptable, given the scale of the development. However, these will be conditioned and will be required to be made available prior to the beneficial use of the yurts and shall remain in for the lifetime of the use (**Condition 10 refers**). In addition, the area referenced for turning will also be conditioned to remain in perpetuity to ensure visitors can access and egress from the site in a forward gear.

Subject to the above compliance with conditions, the proposal is acceptable in terms of highway safety.

## Public Right of Way

A public footpath crosses through the site, which is to be retained and is shown adjacent to an area of landscaping. The right of way has therefore been incorporated into the scheme and conditions / informatives will be added to any decision to ensure that they are retained for public use and that no materials are stored on them etc. Should temporary closure be required, the applicant must contact the relevant department.

## Ecology

Policy MD9 is most relevant in respect of ecology matters, and it requires new development proposals to conserve and where appropriate enhance biodiversity interests. The Council's Biodiversity and Development SPG (2018) requires new development to provide ecological enhancements to promote biodiversity within the Vale of Glamorgan

An ecological survey accompanies this application with the findings of a phase 1 habitat survey. A summary of the findings are as follows:

- Species poor grassland is located at the entrance and running parallel either side with the entrance track.
- The strip where the Yurts will be located consists of species poor amenity grassland and a wooden post and rail fenced off disused poly tunnel which has a slightly longer semi-improved grassland growth.
- The majority of the development site consists of species poor amenity grassland
- To the north of the estate fencing is a well-spaced mature tree line. The trees sit outside of the proposed development boundary.

- A disused polytunnel is present in the field with many species such as bramble, hop etc.
- Inside the barn were two Swallows nests on a wooden plank suspended from the roof. The Swallow nests appeared to be old but an adjacent barn on the property was being regularly visited by an adult Swallow.

The proposals would result in the loss of amenity and semi-improved grassland and whilst some reptiles may be present within the stone walls / log piles etc. the report states that no further surveys are required, given the likely small population and the deterrent measures that can be carried out whilst clearing. No evidence of mammals using the site was found and whilst there is potential for bats and birds, no evidence was found (the aforementioned Swallow nests were not in use).

The survey has provided a number of recommendations to ensure no harm to species within the site, such as cutting grass in two stages, hand clearing the log pile outside of reptile hibernating seasons, work outside of bird nesting season etc. Such details should form part of an Ecology Protection and Management Plan which should be submitted by way of condition (**Condition 15 refers**). Subject to this the proposal is considered acceptable and would not detrimentally impact upon any protected species or habitat.

The Council's Ecologist has not objected to the proposals, subject to the addition of a condition for details of a lighting strategy in order to ensure no harmful impact to bats or other protected species (**Condition 11 refers**). It should also be noted that the Council's Ecologist raised concerns on the position of the raised ridge tiles (which would provide a self-contained ridge nesting area for bats) on the converted barn as the use of these by bats would be limited due to lighting from the rooms below (i.e. showers, toilets etc.). These have now been removed from the scheme and bat boxes proposed – as per the Ecologist's recommendations.

### Trees

The trees located to the north are protected by a Tree Preservation Order. The yurt structures would be positioned above decking that can all be removed in sections and as such, does not require any digging or disruption to the ground underneath to impact on any root protection area. It is therefore considered that this, in addition to the distance between the proposed yurts and the trees would ensure no harmful impact to the trees. However, this will be conditioned so as to ensure no harmful impact (**Condition 9 refers**).

### Green Infrastructure and Biodiversity Enhancement

On 18 October 2023, Welsh Government announced changes to Planning Policy Wales (PPW) by way of a Dear CPO letter entitled 'Addressing the nature emergency through the planning system: update to Chapter 6 of Planning Policy Wales'. Although it is to be included in the forthcoming revision to PPW, the letter confirms that the Chapter 6 policy is updated with immediate effect. The main policy changes which are of relevance relate to green infrastructure, net benefit for biodiversity and the protection afforded to trees.

Based on the nature of the proposal and its impacts, the proposal is not considered to give rise to an adverse impact upon existing green infrastructure provision on

site owing to the scale and nature of the proposal. However green infrastructure will be enhanced under the requirements of Condition 15 set out above.

Policy MD9 'Promoting Biodiversity' of the Adopted LDP requires new development to conserve and where appropriate, enhance biodiversity interests unless it can demonstrated that:

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

Para. 6.4.5 of Planning Policy Wales (Edition 11, 2021) states that :

*"Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity..... "*

The proposal includes the addition of a swallow cup on the converted barn, 3 no. schwegler bat boxes, a reptile hibernacular and areas of wildflower. A condition is to be imposed (**condition 15 refers**) which seeks to secure further details on the provision and location of the enhancements and as such, provided these details are secured, the proposed enhancements measures are considered proportionate.

Whilst an amended site layout plan was received 3 January 2024, this does not provide detail on the location of wildflower planting etc. and as such, the above condition is still considered necessary in order to ensure the proposed locations are suitable.

## Minerals

Policy SP9 seeks to ensure a continuous supply of minerals by safeguarding known resources from permanent development that would unnecessarily sterilise them or hinder their future extraction. In addition, policy MG22 states that new development will only be permitted in an area of known mineral resource where it has first been demonstrated that:

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

Taking the above into consideration, a 200m buffer is often required between residential properties and the extraction of minerals in order to ensure no harmful impact on properties. In this instance, given the proximity of the proposals to residential properties, the extraction of minerals would have an unacceptable

impact on amenity. As such, the proposals comply with policies SP9 and criterion 2 of MG22.

### Other issues

Neighbour comments relate to a lack of publicity from the applicant and it should be noted that such consultation (i.e. prior to submitting a planning application) is not a statutory requirement.

Comments relating to water connections etc. will be dealt with outside the planning remit and given the lack of objection from Welsh Water, no concerns are raised in this instance.

Comments relating to security concerns, such as concerns to security of yurt users and nearby residents are not material planning considerations. Issues relating to security for yurt users should be considered by the applicant and any other security concerns would be legal / police matters.

### RECOMMENDATION

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:

Access Appraisal  
Site Assessment Survey  
EX01 Site Location Plan  
PR01 Proposed Site Location Plan  
PR04 Front Elevation and Plan  
received 29 August 2023

PR02 Rev A Proposed Site Layout Plan  
PR03 Rev C Proposed Barn Layout  
Received 3 January 2024

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 use hereby granted shall only be operational between 1 March and 31 October in any one year. All yurts and associated structures to support the yurts shall be removed within the first 7 days of November and stored within the converted barn. No yurts shall be erected or sited/occupied on the land outside of these agreed times. Yurts shall only be erected or occupied as shown on the 1:500 site layout plan (received 3 January 2024).

Reason:

To enable the Local Planning Authority to maintain control over the nature of the use of this site and to comply with the terms of Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Development) of the Local Development Plan.

4. Notwithstanding the submitted details, a schedule of materials to be used in the construction of the barn hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason:

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

5. Prior to the first beneficial use of the development, all means of enclosure associated with the development hereby approved shall be completed in accordance with the details set out on the 'Site Layout Plan' (stock proof fencing) unless otherwise agreed in writing by the Local Planning Authority. 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), 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 Development) of the Local Development Plan.

6. 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 hard and soft landscaping, to include native species of planting / trees. 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 all forms of surfacing.

Reason:

To safeguard local visual amenities, 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.

7. 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 first beneficial use of the yurts or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 (Delivering the Strategy), MG17 (Special Landscape Areas), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

8. A landscape management plan, including management responsibilities and maintenance schedules for all landscaped areas, other than privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the first beneficial use of the yurts on the site. The landscape management plan shall be carried out as approved.

Reason:

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

9. The yurts shall be placed on dismountable decking, as outlined in the agent's email on 4th December 2023 and there shall be no disturbance to the ground underneath.

Reason:

To ensure no detrimental impact to any roots of protected trees and to ensure compliance with Policy SP1 (Delivering the Strategy) of the Local Development Plan.

10. Prior to the first beneficial occupation of the yurts, the parking and turning areas, along with a bound material surface of the initial 6m of access, as shown in the 'Access Appraisal' document shall be completed. The development shall be completed in accordance with the approved details and shall remain available for their designated use for the lifetime of the use.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

11. Prior to the erection of any lighting inside and outside of any building a light mitigation strategy, including measures to reduce light spillage onto foraging habitats for bats, shall be submitted to and approved in writing by the Local Planning Authority. Any lighting shall thereafter only be illuminated in line with the agreed details.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MG19 (Sites and Species of European Importance) and MG20 (Nationally Protected Sites and Species) of the Local Development Plan.

12. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

Reason:

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

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

Reason:

To ensure that any unacceptable risks from land contamination to the

future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy MD7 of the Vale of Glamorgan Local Development Plan.

14. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

To ensure that the safety of future occupiers is not prejudiced in accordance with policy MD7 of the Vale of Glamorgan Local Development Plan.

15. Notwithstanding the submitted details, no development shall take place, including site clearance, until a wildlife & habitat protection and management plan has been submitted to and approved in writing by the local planning authority. The wildlife & habitat protection plan shall include:
- Provision of 3 Schwegler bat boxes in trees away from yurts and the toilet/shower block.
  - Additional tree planting
  - Provision of a hibernacula
  - Provision for swallows to use the end of the barn.
  - Reversion of grassland to wildflower meadow

The protection and management plan shall then be completed in accordance with the timings approved by the local planning authority.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity) , MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species) of the Local Development Plan.



16. Notwithstanding the submitted details, prior to their erection, further details of the materials for the proposed yurts shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason:

To safeguard local visual amenities of the rural area, as required by SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

17. Should the holiday business cease to operate, the yurts shall no longer be erected.

Reason:

To enable the Local Planning Authority to maintain control over the nature of the use of this site and to comply with the terms of Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Development) of the Local Development Plan.

18. Prior to the commencement of development, a Management Plan shall be submitted to and agreed to by the Local Planning Authority. The Management Plan shall include:

- Details of waste management and waste storage
- Contact details for the person responsible in the management of the site
- Details on how complaints will be dealt with and management of issues such as noise, BBQ's etc.

The operation of the business shall thereafter be carried out in full accordance with the agreed Management Plan.

Reason:

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

### REASON FOR RECOMMENDATION

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

Having regard to Policy SP1 – Delivering the strategy, Policy SP9 – Minerals, Policy SP10 – Built and Natural Environment, Policy SP11 – Tourism and Leisure, Policy MG7 – Provision of Community Facilities, Policy MG19 – Sites and Species of European Importance, Policy MG20 – Nationally Protected Sites and Species, Policy MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species, Policy MG22 – Development in Minerals Safeguarding Areas, Policy MG29 – Tourism and Leisure Facilities, Policy MD1 – Location of New Development, Policy MD2 - Design of New Development, and Policy MD5 – Development Within Settlement Boundaries, Policy MD7 – Environmental Protection, Policy MD8 – Historic Environment, MD9 Promoting Biodiversity, Policy MD11 – Conversion and Renovation of Rural Buildings and Policy MD13 – Tourism and Leisure of the Vale of Glamorgan Adopted Local Development Plan 2011- 2026, and the advice contained within the Council's Supplementary Planning Guidance on Biodiversity and Development (2018), Conversion and Renovation of Rural Buildings (2018), Design in the Landscape, Minerals Safeguarding (2018), Tourism and Development (2019), Trees, Woodlands, Hedgerows and Development (2018), Future Wales: The National Plan 2040, Chapter 3 – Strategic and Spatial Choices Planning Policy Wales 11<sup>th</sup> Edition (2021), and Technical Advice Notes 5- Nature Conservation Planning (2009), 6-Planning for Sustainable Rural Communities (2010), 10-Tree Preservation Orders (1997), 11- Noise, 12- Design, 13- Tourism and 23- Economic Development (2014), the development is considered to be acceptable form of low impact tourism in terms of its scale, design and visual impact, as well as its impact on neighbours, highway safety, mineral safeguarding, ecology and biodiversity enhancement provision.

Having regard to the Council's duties under the Equality Act 2010 the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

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 attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.**

2. For the avoidance of doubt, this consent relates to the amended application form as received on the 13 November and does not provide consent for any private sewage treatment.
3. The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991.

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

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

4. New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.

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

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

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

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

- Unprocessed / unsorted demolition wastes.**
  - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.**
  - Japanese Knotweed stems, leaves and rhizome infested soils.**
- In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and (iii) the safe development and secure occupancy of the site rests with the developer.**

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

- 6. You should note that the building / site may constitute a breeding or resting place (roost) for bats, both of which are protected by law through UK legislation under the Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994) (as amended). This legislation makes it an absolute offence to either damage or destroy a breeding or resting place (roost), to obstruct access to a roost site used by bats for protection and shelter, (whether bats are present at the time or not) or to intentionally or recklessly disturb a bat/bats within a roost. It is recommended that a full bat survey of the building/ site (including trees) be conducted by a licensed bat surveyor to ascertain presence or absence of bats/bat roosts. In the event that the survey reveals the presence of bats/roosts, further advice must be sought from Natural Resources Wales on 0300 065 3000 or the Council's Ecology Section on 01446 704855.**
- 7. Should a new connection or service alteration be required to the grid, a separate application to National grid is required. Any works in proximity to National Grid apparatus must follow relevant legislation and must also ensure that no underground cable depth and overhead cable heights are altered.**

**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.**