

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **27 SEPTEMBER, 2018**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

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

(a) Building Regulation Applications - Pass

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

2018/0831/BN	A	22, Illtyd Avenue, Llantwit Major	Single storey rear extension and internal alterations. Proposed porch to front of the house
2018/0840/BR	AC	1, Bowmans Way, Cowbridge	Extension to existing dwelling
2018/0852/BR	AC	1, Ivor Street, Barry	Convert coach house to one bed dwelling
2018/0855/BR	AC	5, Cherwell Road, Penarth	Rear and garage extensions
2018/0867/BN	A	24, Cambrian Avenue, Llantwit Major	Single storey extension to enlarge dining area and form utility and downstairs cloakroom
2018/0880/BN	A	Oakdale, Sully Road, Penarth	Single storey rear extension with balcony over and internal alterations
2018/0883/BN	A	Ash Barton, Llanmaes	To remove a low bearing wall and insert steel beam
2018/0889/BN	A	2, Westcliffe Gardens (Crofta), Dinas Powys	Enlarge openings, install steel beams and new bi-fold doors
2018/0891/BN	A	58, Mallory Close, St. Athan	Removal of existing load bearing stud partition and installation of RSJ

2018/0893/BR	AC	12, Hawthorn Road, Barry	Take down existing rear lean to construct new single storey kitchen / breakfast room extension
2018/0896/BN	A	Quedgeley, Graig Penllyn	Take down internal wall and install new steel beam
2018/0899/BN	A	2, Henefail Cottages, Ruthin Road, St. Mary Hill	two storey extension and alteration to existing property
2018/0904/BN	A	16, Chandlers Way, Penarth	Removing patio door and replacing with bi-fold door and lowering floor
2018/0905/BN	A	60, Westward Rise, Barry	Two storey side extension and single storey rear extension
2018/0906/BN	A	49, Marine Drive, Barry	Take out a supporting block wall and installing a steel beam to take floor joists
2018/0907/BR	AC	Former Car Park, Rear of 2, Stanwell Road, Penarth	Proposed pair of semi detached dwellings
2018/0909/BN	A	29, Seaview Drive, Ogmore By Sea	Proposed loft conversion
2018/0910/BN	A	3, Crawshay Drive, Llantwit Major	Single storey porch
2018/0911/BN	A	87, Woodlands Road, Barry	Underpinning of front elevation. New root barrier. Replacement of front garden wall
2018/0912/BN	A	4, Lime Grove, Eglwys Brewis, St. Athan	Single storey extension comprising wet room and double bedroom
2018/0913/BN	A	Old Mill Barn, Penllyn	Two storey extension to provide additional lounge and dining room to ground floor plus additional bedroom and en-suite bathroom to first floor

2018/0916/BN	A	17, Barrians Way, Barry	Taking 2 walls down opening up the space - kitchen and utility walls
2018/0917/BR	AC	8, Fferm Goch, Llangan	Existing double extension to be demolished to first floor level, to allow for new double extension to be built up off of the existing ground floor walls. Internal alterations to first floor to provide large master bedroom and en-suite. Single storey extension with flat roof, to offer open plan living and dining space
2018/0918/BN	A	20, Rectory Drive, St. Athan	Replacement of two external doors
2018/0920/BN	A	113, St. David's Crescent, Penarth	Infill extension, porch to front of property, cavity blockwork, 2 windows, 1 door
2018/0921/BR	AC	White House. Augusta Road, Penarth	Construction of pitched roof extension built over existing single storey extension to form shower and dressing rooms
2018/0922/BR	AC	149, Plymouth Road, Penarth	New three storey, 5 bedroom detached house
2018/0923/BR	AC	2, Trehill Cottages, St. Nicholas	New Detached garage
2018/0924/BN	A	24, Mountjoy Avenue, Penarth	Loft conversion
2018/0926/BN	A	81, Westbourne Road, Penarth	Demolition of existing garage and construction of single storey extension
2018/0928/BR	AC	6, Charteris Close, Penarth	Replacement single storey kitchen extension and alterations
2018/0929/BR	AC	75, Plassey Street, Penarth	Single storey extension and alterations

2018/0931/BN	A	66, Pontypridd Road, Barry	Single storey extension to enlarge bedroom
2018/0936/BN	A	5, Aubrey Terrace, Cowbridge	Re roof
2018/0938/BN	A	1-5 and 7-10 Merganser Court, Barry	Renewal of roof covering with Redland regent roof tiles
2018/0939/BN	A	17, Porfa Ballas, Rhoose	Cut and prepare aperture for installation of Stannah through floor lift
2018/0941/BN	A	21, Tewdrig Close, Llantwit Major	Removal of an internal wall between hallway and lounge
2018/0944/BN	A	Tegfan, Gwern y Steeple, Peterston Super Ely	Making changes to internal structure of two rooms and a hallway; changing into three rooms. Moving position of rear door and window
2018/0947/BN	A	3, Anchor Road, Penarth	First floor balcony to rear of property
2018/0948/BN	A	25, Lon Fferm Felin, Barry	Single storey rear extension with flat roof and brickwork to match existing
2018/0951/BN	A	19, Lakeside, Barry	Installation of Bi-fold doors
2018/0952/BN	A	47, Coychurch Rise, Barry	Remove and rebuild porch. Construction of new footings and concrete slab
2018/0953/BN	A	11, Castle Road, Rhoose	Rewire
2018/0954/BN	A	32, Barons Close, Llantwit Major	Re-render to lounge and bedroom walls
2018/0955/BN	A	76, Dylan Crescent, Barry	Removing and rebuilding internal walls, after last tenants altered them
2018/0956/BN	A	27, Charlotte Street, Penarth	Renewal of ceilings to kitchen and bathroom
2018/0957/BN	A	37, Vincent Close, Barry	Renew ceiling to bathroom and kitchen

2018/0965/BN	A	Bryn House, Penylan Road, St. Brides Major	Conservatory
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(b) Building Regulation Applications - Reject

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

2018/0881/BN	R	26, Pill Street, Cogan	Single storey kitchen extension with lean to roof
2018/0894/BN	R	61, Pontypridd Road, Barry	Single storey extension to provide entrance porch and kitchen. Existing kitchen and bathroom to be combine into family bathroom and separate WC to be installed
2018/0897/BN	R	45, Pontypridd Road, Barry	Full bungalow renovation and dormer loft conversion
2018/0898/BN	R	Plots 1 and 2, Station Terrace, East Aberthaw	Construction of two 4 bedroom houses
2018/0933/BN	R	26, Wye Close, Barry	Insert steel beam to form two rooms into one
2018/0934/BN	R	29, Coleridge Avenue, Penarth	Single storey extension to create utility room and enlarge lounge
2018/0942/BN	R	7, St. Brannoeks Close, Barry	Single storey extension
2018/0943/BN	R	23, Rectory Close, Wenvoe	First floor extension to the bedroom and small ground floor extension to living room

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

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

2018/0130/AI	A	25A, Archer Road, Penarth	REVISED to Two storey and first floor front extensions, single storey rear extension, garage conversion and internal alterations (works to include material alterations to structure, controlled
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			services, fittings and thermal elements. From Two storey rear extension, garage conversion, front single storey extension, first floor rear extension and internal alterations (works to include material alterations to structure, controlled services, fittings and thermal elements)
2018/0131/AI	A	19, St. Cyres Road, Penarth	Loft conversion
2018/0132/AI	A	4 Dannog Y Coed, Barry	Proposed garage conversion (works to include material alterations to structure, controlled services, fittings and thermal elements)
2018/0133/AI	A	TK Max, Unit B, Valegate Retail Park, Copthorne Way, Cardiff	Re-model store to include partitions to create voided areas at the rear of the store, alterations to cash desks and fitting rooms, and associated alterations to mechanical and electrical installations
2018/0134/AI	A	Land off Nash View, Pentre Meyrick, Cowbridge	13 residential units
2018/0135/AI	A	3, Tresilian Close, Llantwit Major	Replacement of an existing conservatory roof
2018/0136/AI	A	2, Tair Onen, Cowbridge	Proposed rear extension with internal alterations and associated works
2018/0137/AI	A	10, Spencer Drive, Llandough	Proposed rear extension with internal alterations and associated works
2018/0138/AI	A	60, Celtic Way, Rhoose	Proposed single storey side extension for utility room/porch, works to include material alterations to structure, controlled services, fittings and thermal elements

2018/0139/AI	A	Oak Cottage, Wick Road, St. Brides Major	Side extensions, garage conversion, internal alterations and associated works
2018/0140/AI	A	129, Westbourne Road, Penarth	Proposed demolition and reconstruction of a bungalow coalhouse / outside toilet (works to include material alterations to structure, controlled services, fittings and thermal elements)

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REPORT OF THE HEAD OF REGENERATION AND PLANNING

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

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

**Decision Codes**

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

2013/00018/2/C A Jeff White Motors Limited, Discharge of Conditions 5 -  
D Gileston Road, St. Athan Lighting Scheme, 8 -  
Disabled Parking Spaces  
and 9 - Cycle Parking.  
Planning Permission ref.  
2013/00018/FUL : Change  
of use to class A1 retail

2014/00933/4/C A Land at Pentre Meyrick Discharge of Conditions 5-  
D Schedule of Materials, 6-  
Details of Sheds and 7-  
Further Details of  
Enclosures - Development  
of 13 affordable homes and  
associated works



2017/00476/2/C D	A	Westhaven 3 (Dockside Quay), Barry Waterfront, Barry	Development of the site known as Dockside Quay for residential development, A3 units and associated infrastructure works, parking, and landscaping at Dockside Quay, Barry Waterfront Discharge Conditions 17 and 18
2017/01203/1/C D	A	Cog Moors Wastewater Treatment Works, Cardiff Road, Dinas Powys	Discharge of Condition 3 - Lighting details. Planning Permission ref. 2017/01203/FUL : Change of use of land as an extension to the existing wastewater treatment works site and to the compensatory dormouse habitat and for the construction of an Advanced Anaerobic Digestion (AAD) Plant, together with associated landscaping and mitigation measures and the formation of a temporary construction compound at Cog Moors Wastewater Treatment Works (WwTW), Cardiff Road, Dinas Powys at Cog Moors Wastewater Treatment Works, Cardiff Road, Dinas Powys
2018/00095/FUL	A	Parcel of private open land (designated for garages), land bordered by the rear of houses in Goscombe and Pembridge Drives, Penarth	Construction of a single storey garage in rendered breeze block and profile roof on the allocated plot on the designated private land belonging to owners of flats in Gainsborough Court
2018/00112/FUL	A	15, Highbridge Close, Sully	Proposed single storey rear extension, with proposed alterations to boundary treatment

2018/00121/FUL	A	Land adjacent to Castria, Llancarfan	Stables
2018/00169/FUL	A	Romilly Buildings, Broad Street, Barry	Demolition of No. 1 Romilly Buildings to create a beer garden and alterations to the front elevation of No. 2 and No. 3 Romilly Buildings with internal alterations
2018/00331/FUL	A	Lougher Moor, Morfa Lane, Llantwit Major	Removal of condition 3 of Planning Permission 2016/00169/FUL
2018/00379/FUL	A	10, Redbrink Crescent, Barry	Single storey rear extension
2018/00517/FUL	A	Post Office, 9, Cornerswell Road, Penarth	Installation of Bank of Ireland ATM. ATM to be installed at LHS of main entrance (when viewed from outside)
2018/00547/FUL	A	1, Bridge House, 49, Plymouth Road, Penarth	Replace existing white painted wooden frame single pane windows with new upvc white woodgrain effect double glazed windows. Lounge - Replace 4 x wooden single pane fixed unit windows 460mm x 650mm; Main Bedroom- replace 2 x wooden single pane fixed unit windows 460mm x 720mm; Second Bedroom- Replace 2 x wooden single pane casement widow with astragal bar 840mm x 680mm. All replacement windows will be of a "like for like" basis within the manufacturing limits.

2018/00553/FUL	A	30, Golwg Y Coed, Barry	Raising the level of the garden with the aid of gabion retaining walls along with increasing the height of the rear fence
2018/00557/1/N MA	A	30, Golwg Y Coed, Barry	The new windows, rooflights, and doors will be in anthracite grey rather than the white as stated on the drawings previously. Planning Permission 2018/00557/FUL : Proposed single storey rear extension and awning
2018/00595/FUL	A	24, Tair Onen, Cowbridge	Change of use from Natural Resources Wales storage yard to garden and provision of single garage
2018/00607/FUL	A	Penllyn Estate Farm, Llwynhelig, Nr. Cowbridge	Erection of a new building to house a farm shop, cafe and associated facilities along with a new carpark and private access track from the A48. The access track is a replica of information already provided to Council and being considered under a different planning application, it exits the A48 off the proposed new roundabout
2018/00610/1/N MA	A	Cliff House, Llancarfan	Realignment of the horse exercise area to have the boundary run parallel with the hedge line of the field
2018/00611/FUL	A	2, Evenlode Avenue, Penarth	Demolition of existing property. Construction of four bedroom detached house, with integral double garage. Formation of driveway and parking. Removal of trees bounding Lavernock Road.

2018/00613/LBC	A	Yr Hen Felin Wynt, Windmill Close, Wick	Replacement of existing windows of the windmill tower. 2. Replacement of existing front door of the windmill tower. 3. Lime plaster of internal walls. 4. Painting of attached house in off white
2018/00617/FUL	R	3. Heol Y Mynydd, Welsh St. Donats	Revised plans for a double-storey extension to side of property, comprising of family room (kitchen / dining / living area) on ground floor, and master bedroom and bathroom on first floor
2018/00633/FUL	A	Hiraeth, Trepit Road, Wick	Single storey timber framed glazed extension to West gable elevation of existing dwelling off existing hard standing. Change of land use to incorporate development within residential curtilage and garden extension
2018/00638/ADV	A	Land at Sycamore Cross, Bonvilston	Post mounted single panel sign located at far end of site overlooking A48
2018/00643/FUL	A	Larkfield, St. Andrews Road, Dinas Powys	Proposed demolition of existing dwelling and construction of new detached replacement dwelling
2018/00645/LAW	A	76, Wordsworth Avenue, Penarth	Extension to the rear of the existing property
2018/00651/FUL	A	63, Burdons Close, Wenvoe	Remove garage doors and replace with UPVC double glazed window to match house

2018/00684/FUL	A	10, Park Road, Penarth	Alterations to the rear and side of building, to include increase in height of rear wall, alterations to the existing materials and removal of glass pavilion
2018/00692/FUL	A	Swyn Y Mor, Main Road, Ogmore By Sea	Rear balcony
2018/00695/FUL	A	3, Uppercliff Drive, Penarth	Change of Use, dwelling to house 3 students and 2 staff
2018/00697/CAC	A	23, Station Road, Dinas Powys	Replacement garage at rear of property, and works in connection therewith
2018/00705/FUL	A	Llancarreg, Beach Road, Southerndown	Variation of Conditions 2 and 4 of Planning Permission 2018/00049/FUL relating to Plan Specifications and Materials Details
2018/00711/FUL	R	2, Fairleigh, Michaelston Le Pit Road, Michaelston Le Pit	Single storey extension to provide ground floor WC.
2018/00712/FUL	A	16, Cherwell Road, Penarth	Part demolition of existing garage and proposed two storey side extension, single storey rear extension and first floor rear extension
2018/00713/FUL	A	8, Porlock Close, Ogmore By Sea	Erection of wooden gazebo in rear garden
2018/00715/FUL	A	52, Althorp Drive, Penarth	Demolition of existing single storey annexe and construction of new two storey house extension with Juliet balcony to front
2018/00717/LAW	A	46, Porlock Drive, Sully	Proposed dormer loft conversion

2018/00720/FUL	R	14, Town Mill Road, Cowbridge	Proposed amendments to planning approval 2017/00527/FUL to provide for disabled access from porch to sun room and increase in size of sun room roof lanterns
2018/00722/FUL	A	29, Sea View Drive, Ogmore by Sea	Proposed loft conversion - roof extension
2018/00724/FUL	A	4, Old Cogan Hall Cottages, Sully Road, Penarth	Single storey side extension
2018/00728/FUL	A	83, Lavernock Road, Penarth	Construction of a ground floor rear extension together with the construction of a front dormer roof extension, two gable build-ups, and a rear dormer roof extension with balcony
2018/00733/FUL	A	2, Llandilo Close, Dinas Powys	Detached two storey dwelling to the side of no. 2, Llandilo Close as Approved 2016/01453/FUL. Dwelling proposed to be moved 600 mm to the west
2018/00734/FUL	A	91, Llanmaes Road, Llantwit Major	Reclad existing front dormer and change roof profile. Reclad and extend existing rear dormer, to include internal alterations. Alterations to form bay window to ground floor front elevation
2018/00736/FUL	A	28, Cwm Barry Way, Barry	Erection of single storey rear and side extension to existing kitchen

2018/00737/FUL	A	The Crooked Shoard, 2, High Street, Llantwit Major	Demolition of existing single storey side extension and proposed replacement single storey side extension
2018/00738/FUL	A	7, Kemeys Road, Rhoose	Proposed 2 bedroom self contained annex
2018/00740/FUL	A	Flat, 161, Holton Road, Barry	Change of use of the 1st and 2nd floors from class C3 to class D1 to form a non-residential education and training centre
2018/00743/FUL	A	81, Murlande Way, Rhoose	First floor extension to side of existing dwelling with balcony to rear
2018/00744/FUL	A	147, Plymouth Road, Penarth	First floor side extension with balcony, rear ground level roof canopy over terrace, attic conversion with front elevation gable roof and balcony and rear dormer
2018/00748/FUL	A	165, Plymouth Road, Penarth	Front and rear dormers
2018/00750/FUL	A	6, St. Cyres Road, Penarth	Proposed rear balcony with external staircase to serve kitchen/dining room
2018/00752/FUL	A	29, Coleridge Avenue, Penarth	New entrance porch and single storey rear extension
2018/00754/FUL	R	Ishton Barn, Lon Cwrt Ynyston, Leckwith	Rear extension and front hall extension
2018/00756/FUL	A	Barn adjacent to The Hawthorns, Penllyn Road, Llanharry	Refurbishment of stone built granary into a 3 bedroom holiday property with car parking and adjacent gardens

2018/00758/FUL	A	Brent Knoll, 7, Clevedon Avenue, Sully	Single storey side extension in place of existing garage and conservatory, and new sun terrace to rear at first floor level with external staircase
2018/00765/FUL	A	39, Mountjoy Avenue, Penarth	Orangery extension to rear elevation
2018/00771/ADV	A	13, Beacon House, Ffordd Y Mileniwm, Barry	Fitting of fret cut PVC letters to front elevations
2018/00774/FUL	A	Pleasant View Farm, Sigingstone	Replacement dwelling of fire damaged property. Amendment to previous approval 2017/00241/FUL
2018/00775/FUL	A	Land to the North of Clive Road, Barry Waterfront - South Quay Waterside, Barry	Provision of an electric sub station at South Quay, Barry Waterfront
2018/00777/FUL	A	6, Whitcliffe Drive, Penarth	Revision to planning application ref 2018/00037/FUL to include additional windows to side elevations
2018/00781/FUL	A	34, Marine Drive, Barry	Proposed ground floor, first floor and roof extensions, creation of first floor terrace to front and other alterations to property
2018/00783/FUL	A	20A, Barons Close, Llantwit Major	Proposed single storey extension
2018/00784/FUL	A	20B, Barons Close, Llantwit Major	Proposed single storey side extension
2018/00785/FUL	A	23, Station Road, Dinas Powys	Proposed alterations and single storey extension to rear of the property



2018/00786/FUL	A	Coedhirion, 8, Walston Road, Wenvoe	Rear extension to, and internal/external refurbishment of, the existing dwelling, including demolition of single storey extension at front, bay window, single storey flat roofed extension at rear and ancillary garage building at rear.
2018/00797/FUL	A	10, Maes Lindys, Rhoose Point, Rhoose	Removal of existing conservatory and erection of orangery to rear of property. Extend at first floor with extension above existing garage by removal of lean to roof and create first floor and roof to match existing
2018/00798/FUL	A	30, Borough Avenue, Barry	Single storey side extension and front porch
2018/00803/FUL	A	The Homestead, 4, Church Rise, Wenvoe	Erect a conservatory to the rear elevation
2018/00804/FUL	A	3, Chaucer Close, Penarth	Two storey side and rear extension with single storey rear extension, single storey front extension and internal alterations
2018/00805/FUL	A	6, Swanbridge Farm, St. Marys Well Bay Road, Swanbridge	2 Storey oak framed extension to rear plus associated works
2018/00812/FUL	A	34, Heath Avenue, Cogan, Penarth	Single storey brick porch to the front elevation
2018/00813/FUL	A	14, Bedwas Place, Penarth	Single storey rear extension, with internal and external alterations

2018/00819/FUL	A	Four Bells Inn, Rock Road, St. Athan	Extensions and alterations to an existing building, change of use from Manager's Accommodation to guest rooms on the first floor
2018/00821/FUL	A	2, Channel View, Ogmore By Sea	The construction of a single storey timber clad extension to adjoin the existing single storey extension and main house. Internal alterations to be carried out to make the spaces merge and create an open-plan living / kitchen area
2018/00854/FUL	A	2, Rosebery Place, Penarth	Demolish existing conservatory. Construct new single storey extension in place
2018/00865/FUL	A	45, Plassey Street, Penarth	Demolition of existing two storey rear annex and the construction of new single and two storey rear extension
2018/00872/LAW	A	27, Myrtle Close, Penarth	Single storey extension to side and rear of building
2018/00898/LAW	A	8, Meadowvale, Barry	Extension for disabled client

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **27 SEPTEMBER, 2018**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

(a) Planning Appeals Received

None

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(b) Enforcement Appeals Received

None

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(c) Planning Appeal Decisions

L.P.A. Reference No:	2018/00186/FUL
Appeal Method:	Written Representations
Appeal Reference No:	D/18/3206458
Appellant:	Mr. & Mrs. Willan
<b>Location:</b>	<b>42, Stanwell Road, Penarth</b>
Proposal:	Alteration to existing lower rear dormer to provide a reduced sized dormer on the roof of the existing rear annexe
Decision:	Appeal Dismissed
Date:	23 August 2018
Inspector:	Melissa Hall
Council Determination:	Delegated

**Summary**

As a background, members will recall that a large dormer extension was erected on the rear roof plane and annexe of this property without the benefit of planning permission and that an enforcement notice was issued in respect of that dormer extension. The proposal subject of this appeal sought permission for an amended to the existing dormer extension.

The property is located within the Penarth Conservation Area (CA). The Inspector noted the guidance provided in the Conservation Area Appraisal and Management Plan Supplementary Planning Guidance (SPG), which refers to the negative impacts that poorly scaled and designed development can have on the CA as well as identifying the harm that can be caused by incremental changes to features of buildings within the CA. She also noted reference in the SPG to this part of Stanwell Road, which provides a key link from the town centre to the south and west character areas.

The Inspector noted that the rear roof plane of the appeal property is not visible from Stanwell Road itself, but that it is clearly and highly visible from public vantage points on Grove Terrace. Whilst she noted a number of extensions and alterations to the properties in the surrounding area, she considered these to be relatively few and minor in nature and that the roofscapes remain largely unaltered. She was of the view that, in this context, the properties in the immediate area make a positive contribution to the character and appearance of the CA.

The Inspector noted the reduction in the height of the dormer on the rear annexe when compared to that constructed, together with the increased amount of glazing proposed on its face. She considered that this would undoubtedly reduce the massing and bulk overall. However, she found that the changes proposed would still result in a “*disjointed and clumsy*” arrangement that would “*appear to be ill-conceived or an afterthought*”. She said that “*It would therefore represent an unsympathetic addition which would fail to respect the design or form of the host dwelling and would have a significant adverse impact on this property, its roofscape and its immediate context when viewed from Grove Terrace*”.

In conclusion the Inspector stated as follows:

*“To this end, the proposed development would “fail to preserve or enhance the character or appearance of the CA contrary to the intent of Section 72 (1) of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990. It would conflict with Policy SP10 of the adopted Vale of Glamorgan Local Development Plan (LDP), which states that development proposals should preserve and, where appropriate, enhance the architectural and/or historic qualities of buildings or CA’s and with Policy MD8 which requires new development to preserve or enhance the character or appearance of the CA. Furthermore, it would be at odds with the aims of Policies MD2 and MD5 to seek development of a high standard of design which is of an appropriate scale, form and layout that is sympathetic to and contributes positively to the character and appearance of its surroundings. It would also be contrary to the Council’s Penarth Conservation Area Appraisal and Management Plan SPG and the Penarth Conservation Area SPG, together with national guidance including Planning Policy Wales, Technical Advice Note 12 ‘Design’ and Technical Advice Note 24 ‘The Historic Environment’.”*

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(d) Enforcement Appeal Decisions

None

(e) April 2018 – March 2019 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
<b>Planning Appeals</b> (inc. tree appeals and appeals for conservation area consent)	<b>W</b>	7	3	10	-
	<b>H</b>	2	-	2	-
	<b>PI</b>	-	-	-	-
<b>Planning Total</b>		9 (75%)	3 (25%)	12	-
<b>Committee Determination</b>		-	1 (100%)	1	
<b>Enforcement Appeals</b>	<b>W</b>	-	-	-	-
	<b>H</b>	1	-	1	-
	<b>PI</b>	-	-	-	-
<b>Enforcement Total</b>		1	-	1	-
<b>All Appeals</b>	<b>W</b>	7	3	10	-
	<b>H</b>	3	-	3	-
	<b>PI</b>	-	-	-	-
<b>Combined Total</b>		10 (77%)	3 (23%)	13	-

Background Papers

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

Contact Officer:

Mrs Justina M Moss, Tel: 01446 704690

Officers Consulted:

HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **27 SEPTEMBER, 2018**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. TREES

(a) Delegated Powers

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

**Decision Codes**

A - Approved  
E Split Decision  
R - Refused

2018/00656/TPO	A	Trees to the rear of 10-15, Clos Llanfair, Wenvoe	Works to tree covered by TPO Number 7 of 2015 - Group 1 - Crown lift branches to 5 metres above ground - Tree 2401 - crown lift and Tree 2402 - crown reduction
2018/00741/TCA	A	Parkmount, Bridgeman Road, Penarth	30% all over crown reduction on an evergreen Oak tree situated in the rear garden
2018/00788/TPO	A	Rear of The Scout Hall, Highwalls Road, Dinas Powys	Work to Sycamore tree protected under TPO Number 10 of 2014 - T1
2018/00795/TPO	A	Port Road woodland, opposite Bryn Hafren School, Barry	Works to trees in TPO 04, 1951
2018/00827/TCA	A	Brown Lion House, Llanmaes	Work to 9 trees in the Llanmaes Conservation area - Crown thinning / lifting / reduction to 6 trees and removal of 3 trees

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **27 SEPTEMBER, 2018**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

ANNUAL PERFORMANCE REPORT OF THE VALE OF GLAMORGAN LOCAL PLANNING AUTHORITY FOR 2017/18

Introduction

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

Background

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

Issues

3. The APR, which is attached at Appendix A, starts by providing some context to the Vale of Glamorgan's planning service and the key areas of change over recent years. It includes the results of our annual customer satisfaction survey which is sent to all applicants and agents issued a planning decision last year. The results demonstrate we are performing better than average in terms of customer satisfaction with 67% of respondents being satisfied overall with how we handled their application (an improvement on last year's 61%).
4. The report then sets out the Council's performance across a range of indicators, and shows how we compare to other Local Planning Authorities in Wales during the same period (2017/18) and how we compare against the Welsh Government's benchmarks, where they have them. Generally, the Council is performing very well across the range of performance indicators. In particular our performance against the policy indicators has improved in this report following the adoption of the Local Development Plan.

RECOMMENDATION

That the Members of the Planning Committee

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

Reason for the recommendation:

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



## The Vale of Glamorgan LPA

### PLANNING ANNUAL PERFORMANCE REPORT (APR) – 2017-18

#### PREFACE

The Planning system in Wales is currently going through an unprecedented period of change with the introduction of the Wales Planning Act 2015, the Well-being of Future Generations (Wales) Act 2015, and the Historic Environment (Wales) Act 2016 and all the consequent change for the Planning system associated with the implementation of this legislation. This comes in a period of reducing budgets for Local Government. Notwithstanding the above the Vale of Glamorgan recognises the important role the Planning service has in re-invigorating the economy and communities to ensure that economic growth and regeneration lead to sustainable growth in the local economy while protecting and improving both the urban and rural features of the Vale of Glamorgan which ultimately make it one of the best places to live in Wales.

The adopted Local Development Plan, provides a framework for sustainable development within the Vale of Glamorgan up to 2026 and is an extremely important document that guides the growth of the Vale of Glamorgan and identifies the infrastructure needs of our communities in terms of employment, facilities and services needed to support that development. In setting this framework for the future development of the Vale of Glamorgan, we have been mindful of the need to regenerate and support our communities and in doing so the plan seeks to achieve a balance between economic growth, social cohesion and environmental impact.

Wherever possible, the re-use of previously developed land and the need to minimise development on green fields is promoted. Nowhere is this more apparent than in Barry where the emphasis is very much on the continued regeneration of the Waterfront. In addition, we have ensured that sufficient emphasis is being placed on providing for an appropriate level of growth in other communities throughout the Vale thereby ensuring their long term sustainability and vitality.

The Council is also seeking to grasp the opportunities offered by the St Athan - Cardiff Airport Enterprise Zone and demonstrates the essential role that the Vale of Glamorgan plays in the success of the wider City-Region area. I would also re-affirm the Council's strong commitment to the on-going regeneration of Barry and the Vale of Glamorgan.

I am pleased to note the progress identified in this Performance Report including the clear continuing high performance of the council in determining planning applications. I am confident that this puts this Council in a very strong position as we move forward in 2018/19.

**Councillor Jonathan Bird, Cabinet Member for Regeneration and Planning**

## CONTEXT

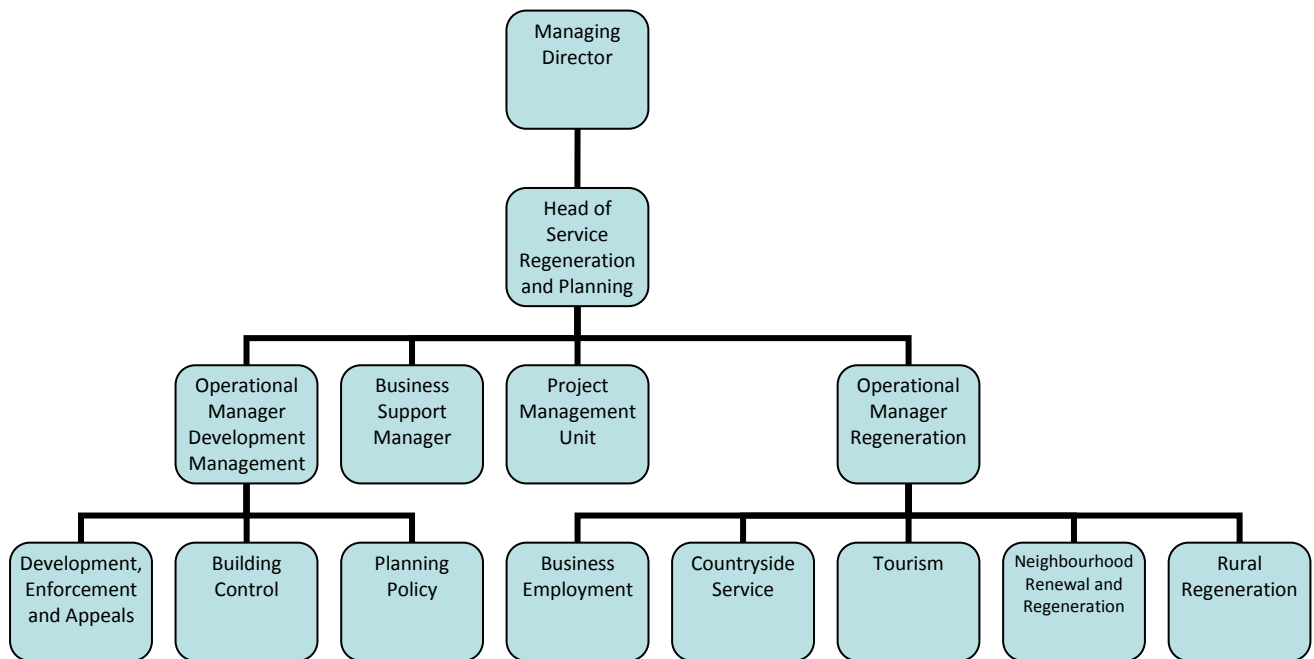
- The Vale of Glamorgan Adopted Local Development Plan 2011-2026 (LDP) constitutes the development plan for the authority. The LDP provides the strategic and detailed policy framework for the Vale of Glamorgan. The Council formally adopted the LDP on 28<sup>th</sup> June 2017 when it formally replaced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

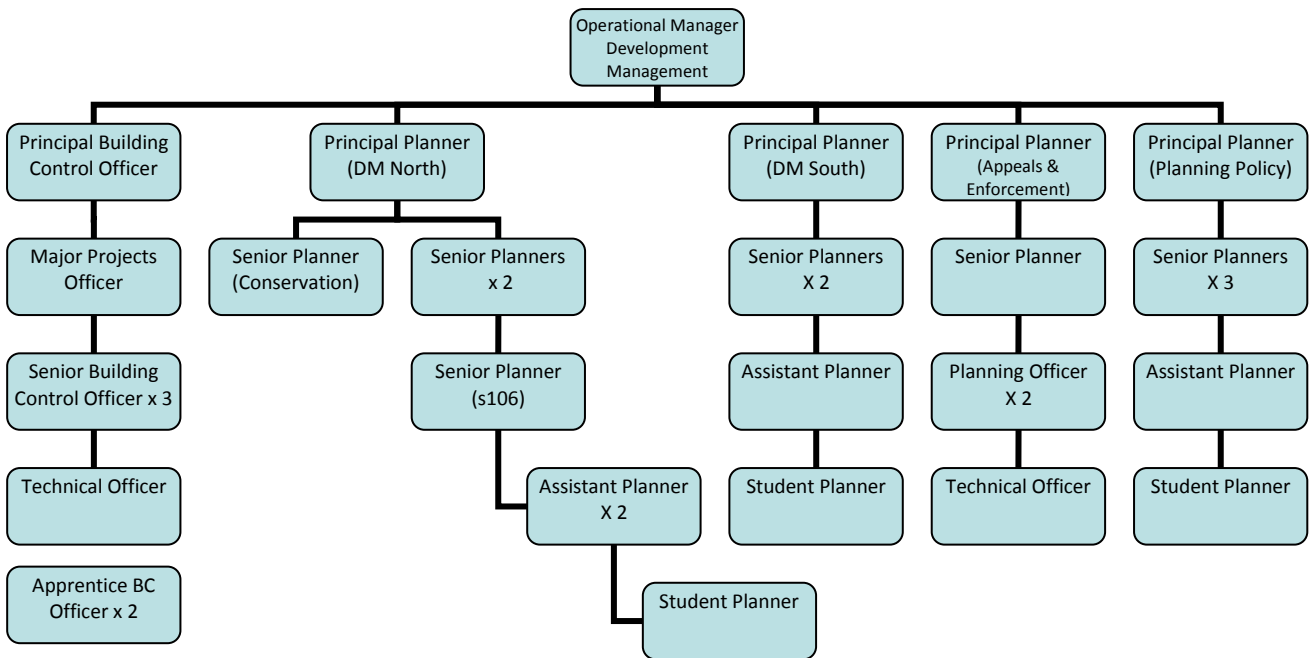
housing, employment and retail opportunities in Barry and other urban settlements in the south east zone. Other major settlements include Penarth, Llantwit Major and Cowbridge all of which have good public transport provision, local employment opportunities, established town centres and a wide range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

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

### PLANNING SERVICE

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





- The Council is also going through a ‘re-shaping service’ process in light of the substantial cuts to its budgets. The process is exploring alternative deliver models, business case change models and income generation themes.
- Over the last 5 years the income received by the Planning Department in respect of planning applications has fluctuated from £644,000 in 13/14, £970,000 in 14/15 to £975,000 in 15/16 to £622,649 in 2016/17 to **£801,004** in **2017/18**. In addition in 2017/18 we received £36,401 for pre-application services and £9,600 from appeals.
- In addition, the Council has secured funding via Planning Performance Agreements (PPAs) on a number of major and strategically important developments. These PPAs have secured a higher quality processes and outcomes from the application due to the closer liaison with developers, statutory consultees and interested persons and prioritisation of workload surrounding these applications.
- The direct cost of delivering the planning service in 2017/18 was around £1,337,110.
- We are considering other means of improved service delivery and income generation such as fast-track application services and conveyance compliance certificates which should be introduced in 2018/19.
- We would like Welsh Government’s support in recognising the cost of delivering the planning service, which increases year-on-year in real terms, justifying an increase in planning fees that was last implemented in October 2015.
- To minimise costs, we would also suggest Welsh Government withdraw the requirement to advertise planning applications in the local press which costs the Council around £30,000 per annum. It is clear that interested persons primarily receive notification of an application

by direct contact through neighbour letters or site notices, or via the Council's web-site or via their town and community council representatives.

- To reduce costs, improve efficiencies and reduce environmental impacts, the planning department has implemented a paperless office system, saving an estimated £4000 per annum. The use of pool cars rather than individual mileage payments has reduced vehicle expenditure from around £12,000 to around £3,000 per annum.
- In terms of staffing, the department has restructured in recent years to cut costs and improve efficiencies. The Council no longer has a designated tree officer, instead the Development Management team has been trained to enable them to consider tree applications (TPO and TCAs) and the Council has adopted a recent 'Trees, Woodlands, Hedgerows and Development' SPG to provide clear guidance to applicants and interested persons.
- In response to the changes to Development Management procedures, in particular the introduction of validation notices and appeals, the Council introduced a new 'Technical Officer' post who is responsible for validation of all new planning applications.
- The Planning Team currently has a number of vacancies: 1 Senior Planning (Planning Policy) (due to a temporary 2 year secondment to Merthyr Council); and 2 x Planning Officer (Enforcement). The Council is currently only recruiting to replace 1 of these posts (Planning Officer, Enforcement) and temporarily covering the other posts with short-term extensions of contract for last year's Planning Students. The Council employs 3 students on yearly contract from the Planning School of Cardiff University, which helps develop the planners of the future and provides a good opportunity for succession planning.
- The Council uses a combination of in house training, and complementary training provided by Welsh Government, Royal Town Planning Institute, Natural Resources Wales, DCWW and others to ensure staff maintain their continuing professional development. In addition the information cascaded down by collaborative groups like POSW, SEWSPG and the SE Wales regional enforcement group is shared at monthly team meetings.
- Staff have also been involved in the training of Members of the Council and also in training delivered to Community Councils through the Community Liaison.
- The Vale of Glamorgan Council has been identified as the interim responsible authority and is therefore taking a lead role in the preparation of a Strategic Development Plan for the South East Wales region working collaboratively with the local planning authorities in the Cardiff Capital Region area and Welsh Government.

## YOUR LOCAL STORY

The Council received 1,276 planning applications in 17/18 and determined 1,173 and this averages at 117 determinations per officer.

The Council also received 29 major applications and determined 20 (including some carried over from the previous year) which was a drop in major application case load compared to previous years (the majority of which are major housing applications of over 10 dwellings).

The Vale of Glamorgan Local Development Plan (2011-2026) was adopted on the 28<sup>th</sup> June 2017 and is being used in the determination of planning applications and appeals. The Council will prepare its first Annual Monitoring Report in October 2018.

In 2018 the Council carried out its first Joint Housing Land Availability Study since the adoption of the Vale of Glamorgan Local Development Plan. The JHLAs demonstrated a land supply of 5.6 years.

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

- Provided bespoke services via Planning Performance Agreements on some major development projects.
- Adopted amended Supplementary Planning Guidance (SPG) for Affordable Housing and Planning Obligations and new SPG for:
  - Biodiversity and Development
  - Conversion and Renovation of Rural Buildings
  - Minerals Safeguarding
  - Residential and Householder Development
- Introduced new frameworks for monitoring retail and employment uses in the Vale of Glamorgan, adopting a methodology developed collaboratively by all South East Wales LPAs.
- Provided an integrated approach to land use planning in the Vale, by managing new developments in a sustainable manner for the benefit of communities through the development team approach.

The Council continued to be successful in negotiating S106 agreements in the financial year of 2017/18. During this period, a total of 28 planning permissions have been granted, which have been subject to Section 106 agreements. The value of the financial contributions in these legal agreements totals £8.1m and they relate to a range of developments including major residential developments. Approximately £1.8 million was spent on Section 106 schemes during 2017/18. Further receipts are anticipated on current on-going major applications that will in due course be subject to s106 agreements.

In 2017/18, s106 money was used to provide and improve educational facilities at Llantwit Major Learning Community and St. Brides Major Primary School; undertake sustainable highway

improvements in Barry, Wenvoe, Dinas Powys and Llandough, refurbish and enhance public open spaces in Penarth, Llantwit Major, Ystradowen, Barry and Cowbridge; and enhance community facilities in Dinas Powys and Wenvoe.

## WHAT SERVICE USERS THINK

In 2017-18 we conducted a customer satisfaction survey aimed at assessing the views of people that had received a planning application decision during the year.

The survey was sent to 628 people, 9% of whom submitted a whole or partial response. The majority of responses (49%) were from members of the public. 7% of respondents had their most recent planning application refused.

We asked respondents whether they agreed or disagreed with a series of statements about the planning service. They were given the following answer options:

- Strongly agree;
- Tend to agree;
- Neither agree nor disagree;
- Tend to disagree; and
- Strongly disagree.

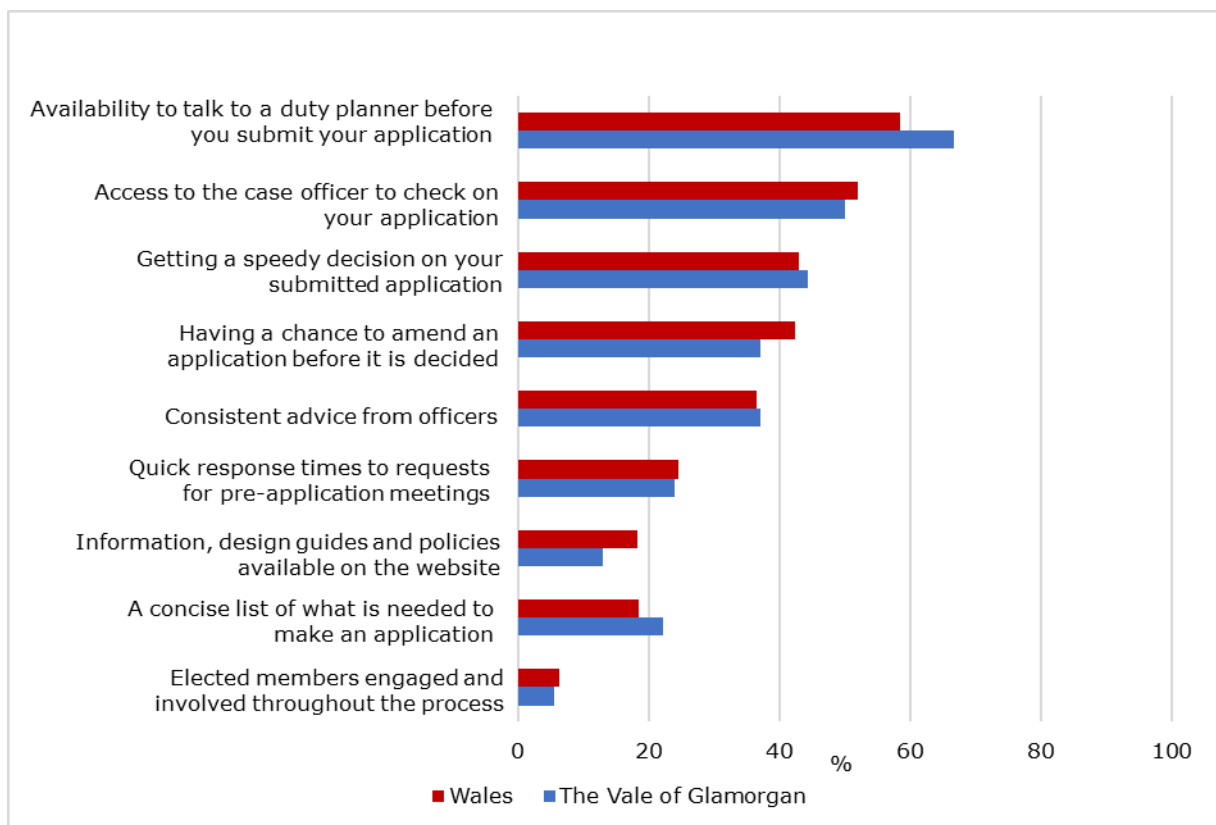
Table 1 shows the percentage of respondents that selected either 'tend to agree' or 'strongly agree' for each statement for both our planning authority and Wales. 67% of respondents were satisfied overall with how we handled their application which is higher than the all Wales average of 63%.

**Table 1: Percentage of respondents who agreed with each statement, 2017-18**

Respondents who agreed that:	The Vale of Glamorgan LPA %	Wales %
The LPA applies its planning rules fairly and consistently	55	55
The LPA gave good advice to help them make a successful application	58	60
The LPA gives help throughout, including with conditions	50	52
The LPA responded promptly when they had questions	51	62
They were listened to about their application	64	60
They were kept informed about their application	57	52
They were satisfied overall with how the LPA handled their application	67	63

We also asked respondents to select three planning service characteristics from a list that they thought would most help them achieve successful developments. Figure 1 shows the percentage of respondents that chose each characteristic as one of their three selections. For us, 'the availability to talk to a duty planner before submitting an application' was the most popular choice.

**Figure 1: Characteristics of a good planning service, 2017-18**



Comments received include:

- “Generally we find the officers very helpful and proactive.”
- “As Architects we are very happy and impressed with VOG.”
- "Dealings with all case officers and admin staff has generally been a pleasure, especially compared to other LPAs. Thank you VOG LPA."

### **OUR PERFORMANCE 2017-18**

This section details our performance in 2017-18. It considers both the Planning Performance Framework indicators and other available data to help paint a comprehensive picture of performance. Where appropriate we make comparisons between our performance and the all Wales picture.

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

- Plan making;
- Efficiency;
- Quality;
- Engagement; and
- Enforcement.



## Plan making

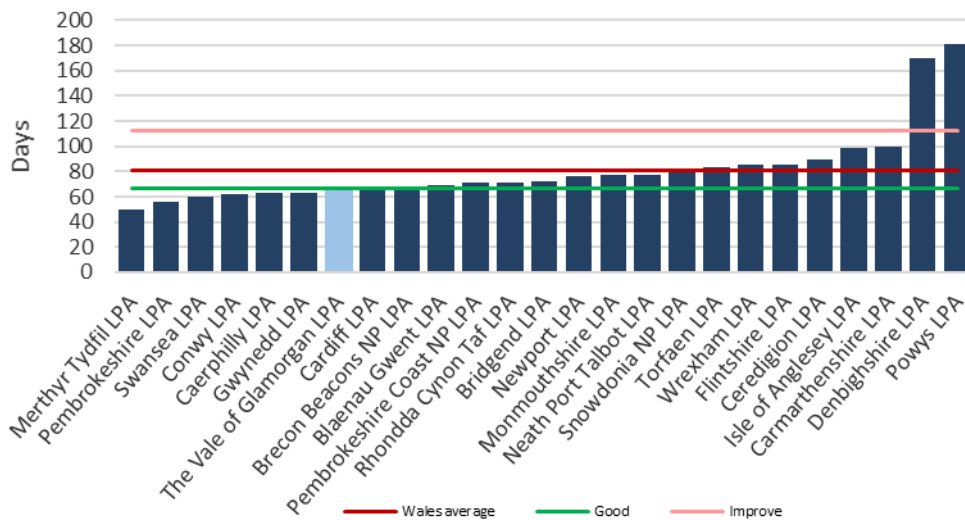
As at 31 March 2018, we were one of 22 LPAs that had a current development plan in place.

During the period we had 6.1 years of housing land supply identified (taken from the LDP housing trajectory), making us one of 7 Welsh LPAs with the required 5 years supply.

## Efficiency

In 2017-18 we determined 1,173 planning applications, each taking, on average, 65 days (9 weeks) to determine. This compares to an average of 81 days (12 weeks) across Wales. Figure 2 shows the average time taken by each LPA to determine an application during the year.

**Figure 2: Average time taken (days) to determine applications, 2017-18**



92% of all planning applications were determined within the required timescales. This compared to 89% across Wales and we were one of 22 LPAs that had reached the 80% target.

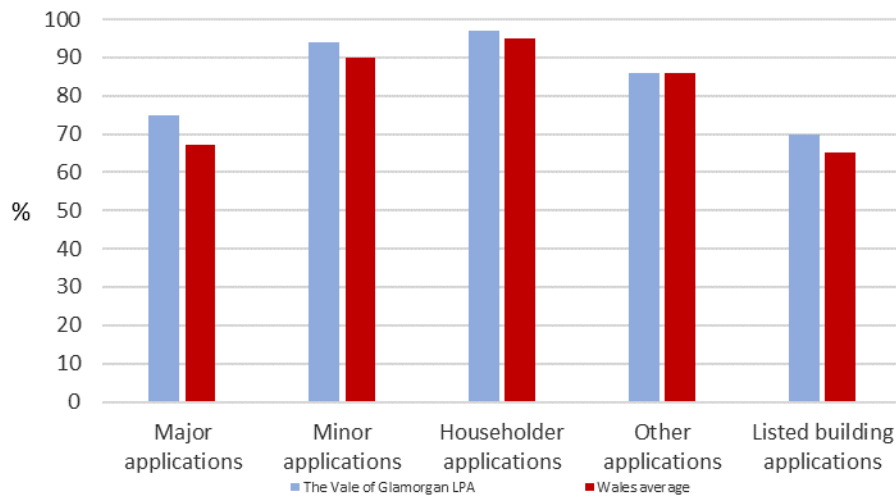
Figure 3 shows the percentage of planning applications determined within the required timescales across the four main types of application for our LPA and Wales. It shows that we determined 97% of householder applications within the required timescales. We also determined 70% of Listed Building Consent applications within the required timescales.

Between 2016-17 and 2017-18, as Figure 4 shows, the percentage of planning applications we determined within the required timescales increased from 91%. Wales also saw an increase this year.

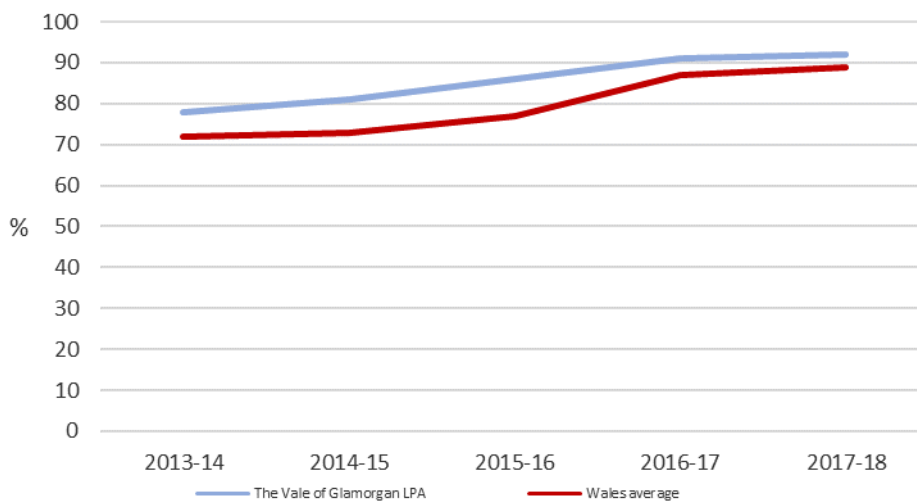
Over the same period:

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

**Figure 3: Percentage of planning applications determined within the required timescales, by type, 2017-18**



**Figure 4: Percentage of planning applications determined within the required timescales**



**Major applications**

We determined 20 major planning applications in 2017-18, 10% (2 applications) of which were subject to an EIA. Each application (including those subject to an EIA) took, on average, 164 days (23 weeks) to determine. As Figure 5 shows, this was shorter than the Wales average of 240 days (34 weeks).

75% of these major applications were determined within the required timescales (including those subject to an agreed ‘Extension of Time’), compared to 69% across Wales.

**Figure 5: Average time (days) taken to determine a major application, 2017-18**

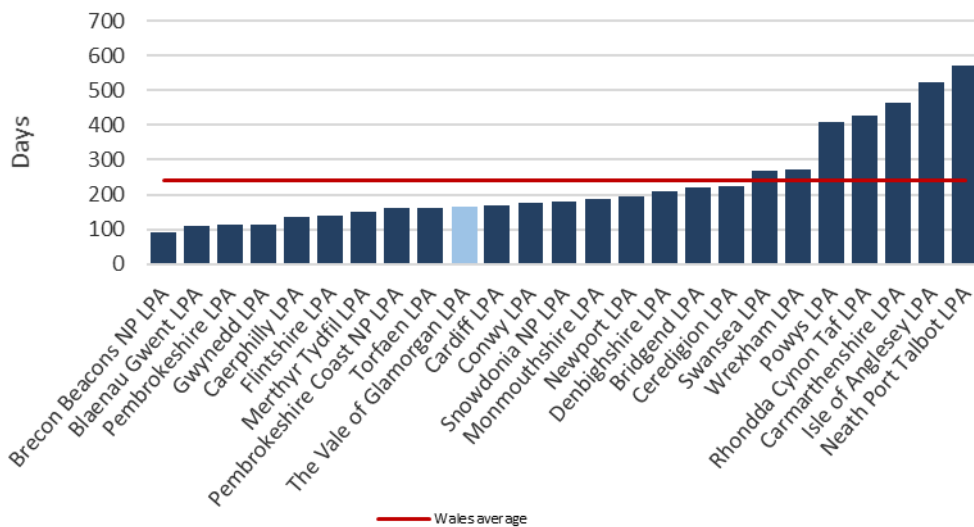
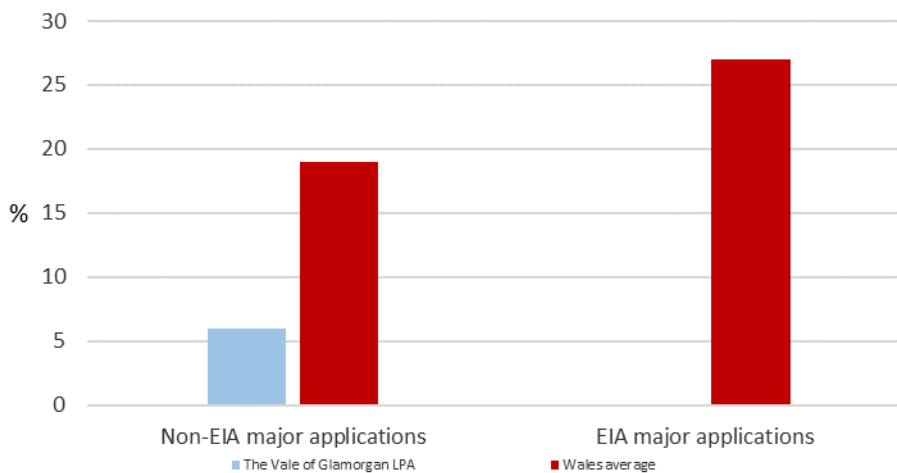


Figure 6 shows the percentage of major applications determined within the statutory required timescales by the type of major application (i.e. 8 and 16 weeks). 6% of our ‘standard’ major applications i.e. those not requiring an EIA, were determined within the required statutory timescales (8 weeks) during the year.

**Figure 6: Percentage of Major applications determined within the required timescales during the year, by type, 2017-18**

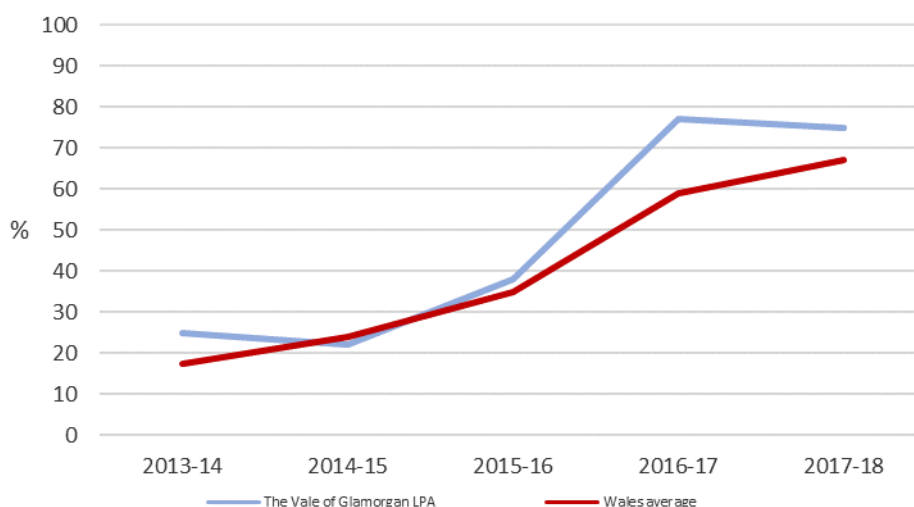


In addition we determined 14 major applications that were subject to an agreed ‘extension of time’ within the required timescales during the year.

Since 2016-17 the percentage of major applications determined within the required timescales had decreased from 77% to 75%. Similarly, the number of major applications determined decreased as had the number of applications subject to an EIA determined during the year.

Figure 7 shows the trend in the percentage of major planning applications determined within the required timescales in recent years and how this compares to Wales.

**Figure 7: Percentage of major planning applications determined within the required timescales**



Over the same period:

- The percentage of minor applications determined within the required timescales stayed the same at 94%;
- The percentage of householder applications determined within the required timescales increased from 96% to 97%; and
- The percentage of other applications determined within required timescales increased from 83% to 86%.

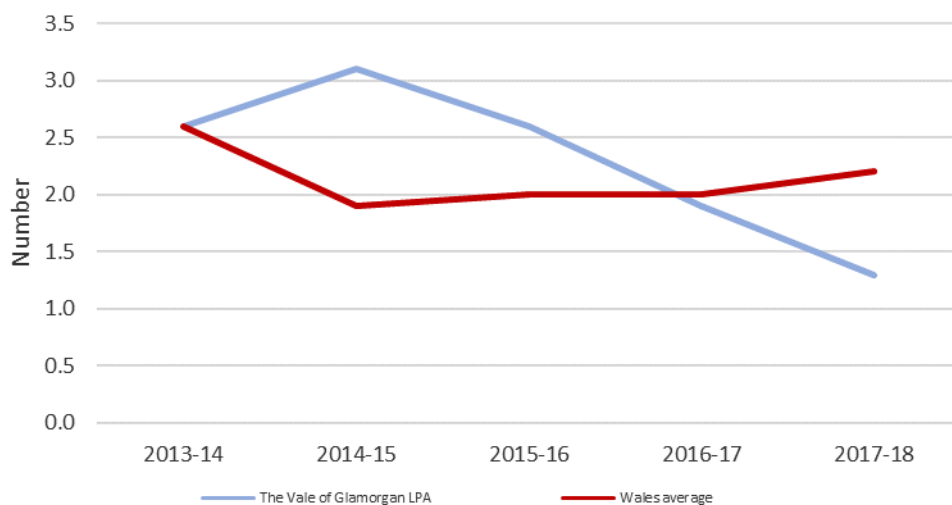
## Quality

In 2017-18, our Planning Committee made 43 planning application decisions during the year, which equated to 4% of all planning applications determined. Across Wales 7% of all planning application decisions were made by planning committee.

0% of these member-made decisions went against officer advice. This compared to 9% of member-made decisions across Wales. This equated to 0% of all planning application decisions going against officer advice; 0.6% across Wales.

In 2017-18 we received 16 appeals against our planning decisions, which equated to 1.3 appeals for every 100 applications received. Across Wales 2.2 appeals were received for every 100 applications. Figure 8 shows how the volume of appeals received has changed since 2016-17 and how this compares to Wales.

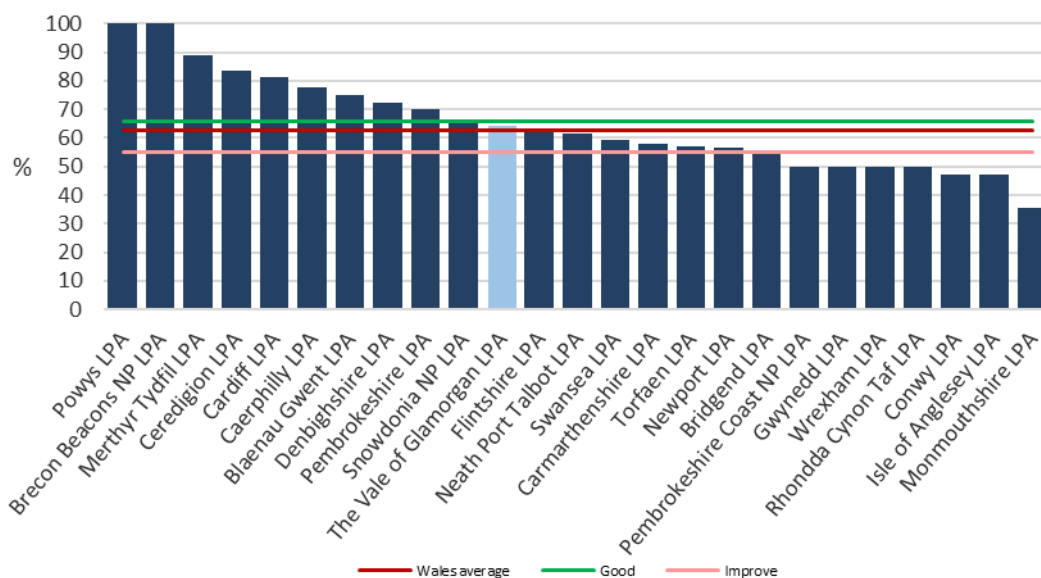
**Figure 8: Number of appeals received per 100 planning applications**



Over the same period the percentage of planning applications approved increased from 93% to 94%.

Of the 14 appeals that were decided during the year, 64% were dismissed. As Figure 9 shows, this was higher than the percentage of appeals dismissed across Wales as a whole, but was below the 66% target.

**Figure 9: Percentage of appeals dismissed, 2017-18**



During 2017-18 we had no applications for costs at a section 78 appeal upheld.

## Engagement

We are:

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

As Table 2 shows, 58% of respondents to our 2017-18 customer survey agreed that the LPA gave good advice to help them make a successful application.

**Table 2: Feedback from our 2017-18 customer survey**

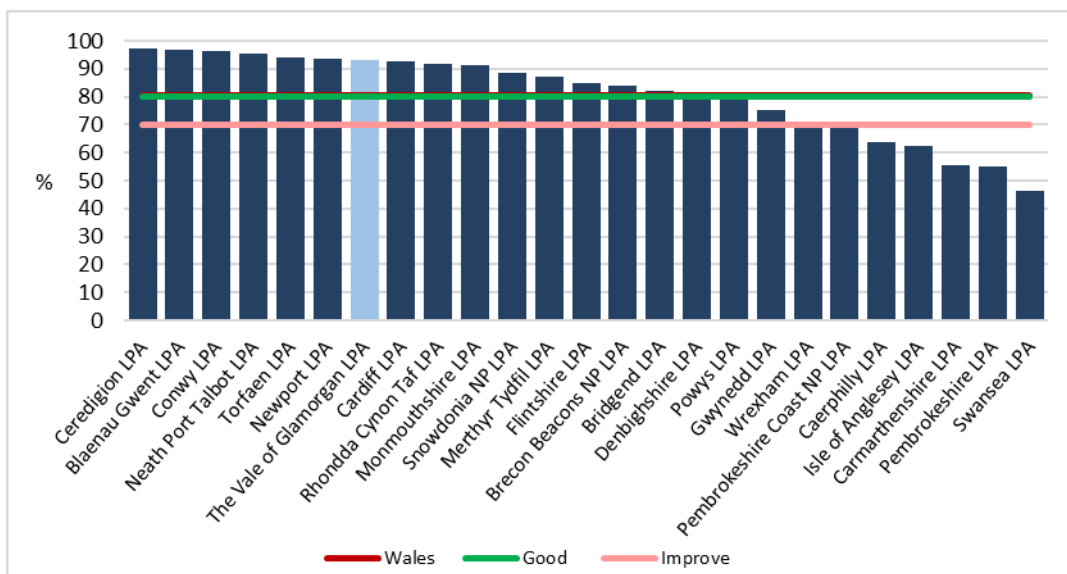
Respondents who agreed that:	The Vale of Glamorgan	Wales %
	LPA %	
The LPA gave good advice to help them make a successful application	58	60
They were listened to about their application	64	60

## Enforcement

The WG figures show in 2017-18 we investigated 103 enforcement cases (compared to 100 in 2016-17), which equated to 0.8 per 1,000 population. This was the lowest rate in Wales. They also show we investigated 93% of these enforcement cases within 84 days. Across Wales 81% were investigated within 84 days. Figure 10 shows the percentage of enforcement cases that were investigated within 84 days across all Welsh LPAs.

However, officers have subsequently scrutinised this data and unfortunately found the report to be inaccurate. In fact in 2017-18 we investigated 296 enforcement cases, which equated to 2.3 per 1,000 population. The average for Wales is 2.0 per 1,000 population. Based on these figures we investigated 89% of these enforcement cases within 84 days.

**Figure 10: Percentage of enforcement cases investigated within 84 days, 2017-18**



Based on the revised figures referred to above, the average time taken to pursue positive enforcement action was 94 days.

## ANNEX A - PERFORMANCE FRAMEWORK

### OVERVIEW

MEASURE	GOOD	FAIR	IMPROVE	WALES AVERAGE	The Vale of Glamorgan LPA LAST YEAR	The Vale of Glamorgan LPA THIS YEAR
<b>Plan making</b>						
Is there a current Development Plan in place that is within the plan period?	Yes		No	Yes	No	Yes
LDP preparation deviation from the dates specified in the original Delivery Agreement, in months	<12	13-17	18+	67	73	N/A
Annual Monitoring Reports produced following LDP adoption	Yes		No	Yes	N/A	N/A
The local planning authority's current housing land supply in years	>5		<5	7 of 25	0	6.1
<b>Efficiency</b>						
Percentage of "major" applications determined within time periods required	>60	50-59.9	<50	67.4	77	75
Average time taken to determine "major" applications in days	Not set	Not set	Not set	240.1	243	164
Percentage of all applications determined within time periods required	>80	70-79.9	<70	88.5	91	92
Average time taken to determine all applications in days	<67	67-111	112+	80.7	60	65
Percentage of Listed Building Consent applications determined within time periods required	Not set	Not set	Not set	65.4	-	70
<b>Quality</b>						
Percentage of Member made decisions against officer advice	<5	5-9	9+	8.6	8	0
Percentage of appeals dismissed	>66	55-65.9	<55	62.6	52	64
Applications for costs at Section 78 appeal upheld in the reporting period	0	1	2+	0	0	0
<b>Engagement</b>						

MEASURE	GOOD	FAIR	IMPROVE	WALES AVERAGE	The Vale of Glamorgan LPA LAST YEAR	The Vale of Glamorgan LPA THIS YEAR
Does the local planning authority allow members of the public to address the Planning Committee?	Yes		No	Yes	Yes	Yes
Does the local planning authority have an officer on duty to provide advice to members of the public?	Yes		No	Yes	Yes	Yes
Does the local planning authority's web site have an online register of planning applications, which members of the public can access, track their progress (and view their content)?	Yes	Partial	No	Yes	Yes	Yes
<b>Enforcement</b>						
Percentage of enforcement cases investigated (determined whether a breach of planning control has occurred and, if so, resolved whether or not enforcement action is expedient) within 84 days	>80	70-79.9	<70	80.6	95	89*
Average time taken to take positive enforcement action	Not set	Not set	Not set	184.6	130	94*

\* Enforcement figures amended from WG published data following review of statistics and identification of errors.



## SECTION 1 – PLAN MAKING

<b>Indicator</b>	<b>01. Is there a current Development Plan in place that is within the plan period?</b>	
<b>“Good”</b>	<b>“Fair”</b>	<b>“Improvement needed”</b>
A development plan (LDP or UDP) is in place and within the plan period	N/A	No development plan is in place (including where the plan has expired)

<b>Authority’s performance</b>	Yes
The Vale of Glamorgan Local Development Plan 2011-2026 was adopted on 28th June 2017. The first AMR will be prepared in October 2018.	

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

<b>Authority’s performance</b>	N/A
The Vale of Glamorgan Local Development Plan 2011-2026 was adopted on 28th June 2017. The first AMR will be prepared in October 2018.	

<b>Indicator</b>	<b>03. Annual Monitoring Reports produced following LDP adoption</b>	
<b>“Good”</b>		<b>“Improvement needed”</b>
An AMR is due, and has been prepared		An AMR is due, and has not been prepared

<b>Authority’s performance</b>	N/A
The Vale of Glamorgan Local Development Plan 2011-2026 was adopted on 28 <sup>th</sup> June 2017. The first AMR will be prepared in October 2018.	

<b>Indicator</b>	<b>04. The local planning authority's current housing land supply in years</b>
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<b>“Good”</b>		<b>“Improvement needed”</b>
The authority has a housing land supply of more than 5 years		The authority has a housing land supply of less than 5 years

<b>Authority’s performance</b>	6.1
<p>The Vale of Glamorgan has in excess of the required 5 year housing land supply, which reflects the high market demand for housing in the area. Many of the LDP allocated sites already have planning permission and are under construction or expected to be so in the coming years. The 6.1 year figure is based on the Vale of Glamorgan LDP adopted on 28 June 2017. The Joint Housing Land Availability Study for 2017/18 demonstrates the Vale of Glamorgan has a 5.6 year housing land supply figure.</p>	

## SECTION 2 - EFFICIENCY

<b>Indicator</b>	<b>05. Percentage of "major" applications determined within time periods required</b>	
<b>“Good”</b>	<b>“Fair”</b>	<b>“Improvement needed”</b>
More than 60% of applications are determined within the statutory time period	Between 50% and 60% of applications are determined within the statutory time period	Less than 50% of applications are determined within the statutory time period

<b>Authority’s performance</b>	75
<p>This compares to the Welsh average of 67.4% and is consistent with last year’s 77%. We determined 20 major planning applications in 2017-18. Each application took, on average, 164 days (23 weeks) to determine. This was significantly shorter than the Wales average of 240.1 days (34 weeks) and considerably better than last year’s 243 days.</p>	

<b>Indicator</b>	<b>06. Average time taken to determine "major" applications in days</b>	
<b>“Good”</b>	<b>“Fair”</b>	<b>“Improvement needed”</b>
Target to be benchmarked	Target to be benchmarked	Target to be benchmarked

<b>Authority’s performance</b>	164
<p>We determined 20 major planning applications in 2017-18. Each application took, on average, 164 days (23 weeks) to determine. This was significantly shorter than the Wales average of 240.1 days (34 weeks) and considerably better than last year’s 243 days.</p>	

Indicator	07. Percentage of all applications determined within time periods required	
"Good"	"Fair"	"Improvement needed"
More than 80% of applications are determined within the statutory time period	Between 70% and 80% of applications are determined within the statutory time period	Less than 70% of applications are determined within the statutory time period

<b>Authority's performance</b>	92
This is better than the Welsh average of 88.5% and an improvement on last year's 91%.	

Indicator	08. Average time taken to determine all applications in days	
"Good"	"Fair"	"Improvement needed"
Less than 67 days	Between 67 and 111 days	112 days or more

<b>Authority's performance</b>	65
This is quicker than the 'good' threshold and demonstrates strong performance from the Vale of Glamorgan Council particularly compared to the all Wales average of 80.7 days.	

Indicator	08a. Percentage of Listed Building Consent applications determined within time periods required	
"Good"	"Fair"	"Improvement needed"
Target to be benchmarked	Target to be benchmarked	Target to be benchmarked

<b>Authority's performance</b>	70
The Vale of Council has a significant number of Listed Buildings and determined 35 Listed Building Consent applications in 2017/18. Given the complexities of these applications and the specialist input required from our Conservation Officer, we deliberately focus on quality rather than speed in the determination of these applications.	

## SECTION 3 - QUALITY

Indicator	09. Percentage of Member made decisions against officer advice	
<b>"Good"</b>	<b>"Fair"</b>	<b>"Improvement needed"</b>
Less than 5% of decisions	Between 5% and 9% of decisions	9% or more of decisions

Authority's performance	0
<p>In 2017-18, our Planning Committee made 43 planning application decisions during the year, which equated to 4% of all planning applications determined. Across Wales 7% of all planning application decisions were made by planning committee.</p> <p>0% of these member-made decisions went against officer advice. This compared to 9% of member-made decisions across Wales. This equated to 0% of all planning application decisions going against officer advice; 0.6% across Wales.</p>	

Indicator	10. Percentage of appeals dismissed	
<b>"Good"</b>	<b>"Fair"</b>	<b>"Improvement needed"</b>
More than 66% (two thirds) of planning decisions are successfully defended at appeal	Between 55% and 66% of planning decisions are successfully defended at appeal	Less than 55% of planning decisions are successfully defended at appeal

Authority's performance	64
<p>Of the 14 appeals that were decided during the year, 64% were dismissed. This was higher than the percentage of appeals dismissed across Wales as a whole (62.6%) and only just short of the 66% target for 'good' performance. It is also a significant improvement on last year's 52%.</p>	

Indicator	11. Applications for costs at Section 78 appeal upheld in the reporting period	
<b>"Good"</b>	<b>"Fair"</b>	<b>"Improvement needed"</b>
The authority has not had costs awarded against it at appeal	The authority has had costs awarded against it in one appeal case	The authority has had costs awarded against it in two or more appeal cases

Authority's performance	0
<p>The Council is pleased with this success.</p>	

**SECTION 4 – ENGAGEMENT**

<b>Indicator</b>	<b>12. Does the local planning authority allow members of the public to address the Planning Committee?</b>	
<b>“Good”</b>		<b>“Improvement needed”</b>
Members of the public are able to address the Planning Committee		Members of the public are not able to address the Planning Committee

<b>Authority’s performance</b>	Yes
From December 2014 the planning committee meetings were web cast and from February 2015 public speaking procedures were put in place, which have been well managed by the democratic services department and welcomed by representors and consultees.	

<b>Indicator</b>	<b>13. Does the local planning authority have an officer on duty to provide advice to members of the public?</b>	
<b>“Good”</b>		<b>“Improvement needed”</b>
Members of the public can seek advice from a duty planning officer		There is no duty planning officer available

<b>Authority’s performance</b>	Yes
The Vale of Glamorgan has operated a duty officer system for members of the public since 2008. It operates 5 days a week during normal office hours by telephone or in person at the Council’s Offices. Our customer satisfaction survey carried out this year showed 'the availability to talk to a duty planner before submitting an application' was the most popular planning service characteristic that respondents thought would most help them achieve successful developments.	

<b>Indicator</b>	<b>14. Does the local planning authority’s web site have an online register of planning applications, which members of the public can access track their progress (and view their content)?</b>	
<b>“Good”</b>	<b>“Fair”</b>	<b>“Improvement needed”</b>
All documents are available online	Only the planning application details are available online, and access to other documents must be sought directly	No planning application information is published online

<b>Authority’s performance</b>	Yes
The Vale of Glamorgan has offered a full online planning service covering, planning applications, appeals, enforcement and building control since 2010.	

## SECTION 5 – ENFORCEMENT

<b>Indicator</b>	<b>15. Percentage of enforcement cases investigated (determined whether a breach of planning control has occurred and, if so, resolved whether or not enforcement action is expedient) within 84 days</b>	
<b>“Good”</b>	<b>“Fair”</b>	<b>“Improvement needed”</b>
More than 80% of enforcement cases are investigated in 84 days	Between 70% and 80% of enforcement cases are investigated in 84 days	Less than 70% of enforcement cases are investigated in 84 days

<b>Authority’s performance</b>	89 (amended)
The Council is performing well against this indicator. The Council’s percentage of enforcement cases investigated within 84 days is significantly better than the All Wales average of 80.6%.	

<b>Indicator</b>	<b>16. Average time taken to take positive enforcement action</b>	
<b>“Good”</b>	<b>“Fair”</b>	<b>“Improvement needed”</b>
Target to be benchmarked	Target to be benchmarked	Target to be benchmarked

<b>Authority’s performance</b>	94 (amended)
The Council is performing very well against this indicator. The Council’s time taken to take positive enforcement action averaging 94 days is significantly better than the All Wales average of 184.6 days. No benchmark has been given for this indicator to date.	

## SECTION 6 – SUSTAINABLE DEVELOPMENT INDICATORS

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

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

<b>Authority's returns</b>	Complete
The Council has established a protocol for recording SD Indicators within the Development Management back office system.	

<b>Indicator</b>	<b>SD1. The floorspace (square metres) granted and refused planning permission for new economic development on allocated employment sites during the year.</b>
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<b>Granted (square metres)</b>	
<b>Authority's data</b>	11,717

<b>Refused (square metres)</b>	
<b>Authority's data</b>	0

This included new B2 floorspace for Aston Martin Lagonda Ltd., at the Aerospace Business Park, St. Athan, Barry and B1 floorspace at Sully Moor Road, Sully	
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<b>Indicator</b>	<b>SD2. Planning permission granted for renewable and low carbon energy development during the year.</b>
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<b>Granted permission (number of applications)</b>	
<b>Authority's data</b>	0

<b>Granted permission (MW energy generation)</b>	
<b>Authority's data</b>	0

N/A	
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<b>Indicator</b>	<b>SD3. The number of dwellings granted planning permission during the year.</b>
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<b>Market housing (number of units)</b>	
<b>Authority's data</b>	568

<b>Affordable housing (number of units)</b>	
<b>Authority's data</b>	250

This figure clearly shows the Council commitment to ensuring that it is meeting its obligations to provide both market and affordable housing in the Vale of Glamorgan. Of the 818 dwellings granted planning permission in 2017/18, 30.5% were affordable housing.

<b>Indicator</b>	<b>SD4. Planning permission granted and refused for development in C1 and C2 floodplain areas during the year.</b>
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<b>Number of residential units (and also hectares of non-residential units) which were GRANTED permission</b>	
<b>Authority's data</b>	0 residential units & 1.34 ha C2 non residential

<b>Number of residential units (and also hectares of non-residential units) which were REFUSED permission on flood risk grounds</b>	
<b>Authority's data</b>	1 residential unit & 0.63ha C2 non residential

There was an anomaly in the template report for this indicator and the WG figures are inaccurate and not based on our returns. The figures quoted above are accurate and reflect our actual returns to WG.

During 2017/18 the Council has not granted planning permission for any new homes within C1 or C2 flood zones. We have granted development on 1.34 ha land identified all /part within C2 flood zone for other uses compliant with planning policy including a new sewage pumping station, a leisure (adventure golf) use, storage and a watersports / community facility.

During 2017/18 we refused planning permission for development in C1 and C2 floodplain areas during the year on 2 occasions: 1 dwelling in Llanmaes and 1 retail development on an industrial estate.



<b>Indicator</b>	<b>SD5. The area of land (ha) granted planning permission for new development on previously developed land and greenfield land during the year.</b>
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<b>Previously developed land (hectares)</b>	
<b>Authority's data</b>	22

<b>Greenfield land (hectares)</b>	
<b>Authority's data</b>	19

Of the 41 hectares of land granted planning permission for development in the Vale of Glamorgan in 2017/18, 22 hectares (53%) was on previously developed land.

The Vale of Glamorgan Local Development Plan aims to provide 38% of all new housing on previously developed land.

<b>Indicator</b>	<b>SD6. The area of public open space (ha) that would be lost and gained as a result of development granted planning permission during the quarter.</b>
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<b>Open space lost (hectares)</b>	
<b>Authority's data</b>	0

<b>Open space gained (hectares)</b>	
<b>Authority's data</b>	6

We are pleased that there is a significant gain of open space as a result of planning permissions granted in 2017/18 and no loss of public open space. The Council works hard to secure open space provision as part of major new housing developments.

<b>Indicator</b>	<b>SD7. The total financial contributions (£) agreed from new development granted planning permission during the quarter for the provision of community infrastructure.</b>
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<b>Gained via Section 106 agreements (£)</b>	
<b>Authority's data</b>	8,109,966

<b>Gained via Community Infrastructure Levy (£)</b>	
<b>Authority's data</b>	0

The Council continued to be successful in negotiating S106 agreements in the financial year of 2017/18. During this period, a total of 28 planning permissions have been granted, which have been subject to Section 106 agreements. The value of the financial contributions in these legal agreements totals £8.1m) in addition to on-site provision of public open space, sustainable transport facilities, public art and affordable housing, and they relate to a range of developments including major residential developments.

In 2017/18 the total value of section 106 contributions secured in the whole of Wales was £41,758,554.66. The Vale of Glamorgan Council accounted for 19.4% of the total.

The Council has ceased working on preparing a Community Infrastructure Levy for adoption pending the DCLG review of the CIL Regulations and the transfer of power to Welsh Government.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **27 SEPTEMBER, 2018**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

9. 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.

Mr. Rhys Williams c/o agent  
Mrs. Arran Dallimore C2J Architects & Town Planners, Unit 1a, Compass Business Park,  
Pacific Road, Ocean Park, Cardiff, CF24 5HL

### **33, Holton Road, Barry**

Proposed conversion and extension of existing property to form ground floor commercial units with 7 affordable one bedroom apartments at ground, first and second floors. On site cycle parking, and refuse storage facilities

#### **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 to Committee by Councillor Ian Johnson (Buttrills Ward) due to concerns that the proposals are overdevelopment of the site taking into account limited on street parking and waste collection facilities.

#### **BACKGROUND TO THIS REPORT**

This application has previously been considered by Planning Committee on 2nd February 2017, where it was resolved to approve the application subject to the applicant entering into a Section 106 agreement to secure the delivery of two affordable units on-site and financial contributions relating to off-site affordable housing and public open space provision. Since then the section 106 agreement has not been entered into and no permission has been granted. The applicant has since proposed to amend the scheme and the residential units now comprise 100% affordable housing.

The principal issues to consider are therefore whether the development remains acceptable in relation to updated local and national planning policies and guidance; and, whether the aforementioned off-site planning obligations are still required.

#### **EXECUTIVE SUMMARY**

The proposal seeks to convert and extend the existing building to form 7 affordable residential flats. This is a former retail building, although a smaller single retail unit (A1 use class) would remain at the ground floor towards the front of the building. There is no off-street parking provision included, but there is an area of amenity space included for occupants. The proposals include an extension to the end elevation and the raising of the roof of the rear section, to provide for a third storey.

There have been letters of objection from five neighbours citing the following issues: A lack of existing on-street parking; problems with refuse storage and collection; overdevelopment of the site and disruption to businesses as a result of construction.

There has also been an objection raised by the Council's Highways Department regarding lack of parking and the proposed rear fence obscuring vision from the rear lane onto Lombard Street.

Cllr Johnson called the application to Planning Committee due to concerns he has that the proposals overdevelop the site with limited on-street parking available for the “large number of flats”. The Councillor is also concerned about the waste facilities for the number of flats proposed.

It was resolved to approve the application at Planning Committee on 2<sup>nd</sup> February 2017, subject to the applicant entering into a legal agreement securing the delivery of two of the units as affordable housing and payment of financial contributions in lieu of off-site affordable housing and public open space. The main issues for this report are considered to be whether the development remains acceptable in consideration of the change to deliver 100% affordable housing on site having regard to any updated planning policies and guidance, and without delivery of the previously agreed off-site planning obligations.

It is considered that the proposals are acceptable, by reason of their design, materials and scale, with no significant adverse impact to the character of the area, or the amenities of neighbouring occupiers and no unacceptable parking impacts. The residential element of the scheme now comprises 100% affordable units proposed to be purchased by a partnered Registered Social Landlord (RSL). The proposals are therefore considered to comply with the relevant planning policies and supplementary planning guidance without provision of off-site financial contributions, subject to suitable controls to ensure the scheme is delivered by a partnered RSL.

#### SITE AND CONTEXT

The site contains an end-of-terrace building on the corner of Holton Road and Lombard Street, which has been used commercially in recent decades, much of the time as a bank and more recently a hairdressers. The building is three storeys to the front (facing Holton Road), but two storeys to the rear (alongside Lombard Street). The building has a traditional frontage, with ornate and rusticated stonework to the ground floor, with brick work above. The windows have a stone arch surround, with Dutch gables above. There is a slate pitched roof over the building. The two storey rear section is of a more simple appearance, with brick walls and a shallow slate pitched roof. The end elevation is rendered, with a fire escape metal staircase. To the rear of the building is a hardsurfaced yard area, which is currently used for parking, accessed off Lombard Street.

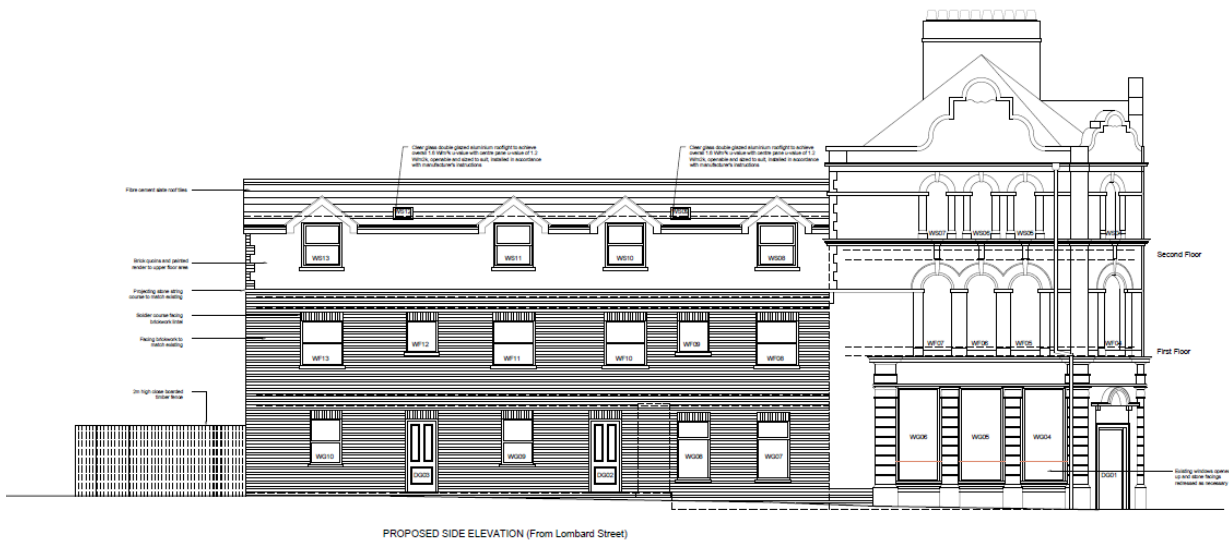


The building is in the centre of Barry, with Holton Road being largely a retail area but the site is outside of the 'Primary Shopping Area', which is further to the east. There are residential streets of primarily terraced houses to the north, including along Lombard Street. There are also some upper floor flats along Holton Road in the vicinity, including at No 35 Holton Road, which is next to the site.

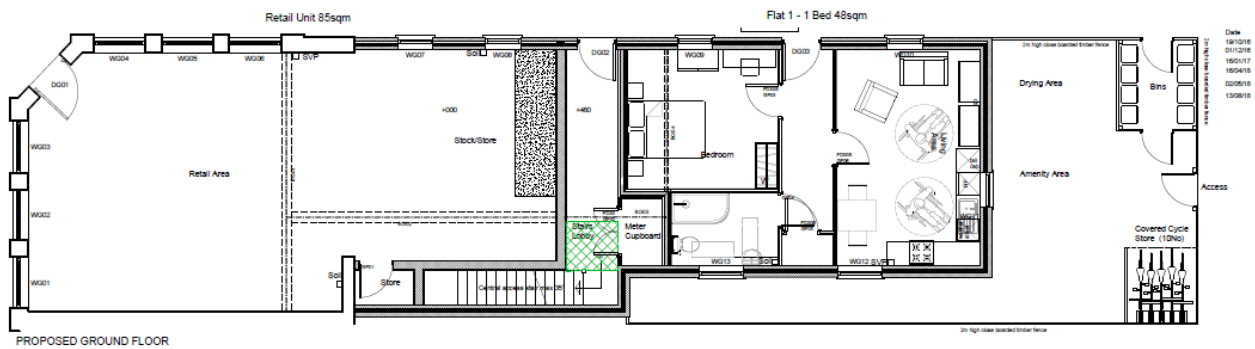
### DESCRIPTION OF DEVELOPMENT

The proposal is to keep a smaller area of the building (the front section of the ground floor, fronting Holton Road) as A1 retail, and convert and extend the remainder of the building to include 7 one bedroom flats. The extensions would be to the end of the two storey rear section (bringing the total length of the building to approximately 25.3m) and would also raise the roof to provide a third storey to the rear. There have been minor alterations to the size of the building since the previous Planning Committee resolution. The rear extension has an additional depth of approximately 0.3m, whereas the ridge height has been reduced by approximately 0.3m. There have also been internal alterations, including the omission of the previously proposed two bedroom flats in favour of one bedroomed flats. The alterations have been made with a view to ensuring it meets Design Quality Requirements (DQR) for affordable housing.

The design includes eaves-dormers to the Lombard Street elevation due to the low eaves height, with a new cement slate roof. The elevations would be finished with a brick face and a rendered upper floor.



There is a new 2m fence proposed around the yard to the rear, which is to be used as amenity space and for bin and cycle storage.



## PLANNING HISTORY

No recent planning history.

## CONSULTATIONS

**Barry Town Council** - stated that the removal of parking from the site is unacceptable (the Town Council's original comments highlighted the loss of parking at the site which would result in more pressure to kerbside parking).

### **The Council's Highway Development Section –**

*“Further to reviewing amended details in relation to the above, it is noted that the proposed number of apartments at the site will be reduced to 7, with the existing ground floor retail use retained, albeit at a slightly reduced in size.*

*However, notwithstanding the reduction in the number of apartments, when taking account of the parking requirements associated with the existing use at the site, the development will increase the existing parking demand along the adjacent highway and fails to provide adequate car parking facilities in accordance with the councils adopted parking standards. In addition the, existing car parking provision (2 No. spaces) located at the rear of the site will be removed and will not be replaced.*

*Furthermore, it is noted that visibility along Lombard Street from the rear lane will be obstructed, due to the provision of fencing at the rear of the site.*

*Therefore, the original objection in relation to the highway and transportation aspect of the development is still maintained.”*

It should be noted that comments have not been received since the application has been amended to be wholly affordable.

**Buttrills Ward Members** – Councillor Ian Johnson called the application to Planning Committee before the scheme was amended from 10 to 7 apartments, due to concerns he has that the proposals overdevelop the site with limited on-street parking available for the “large number of flats”. There was also concern raised about the waste facilities for the number of flats proposed.

**Dwr Cymru/ Welsh Water** – Requested a condition that requires that no surface water from within the development as a result of the proposals drains directly or indirectly to the public sewer system.

**The Council’s Ecology Officer** – No comments made.

**The Council’s Housing Strategy Officer** – Based on a net increase of 7 dwellings proposed there would be a requirement for 2.1 affordable housing units, to contribute towards affordable housing demand in the area, equating to two affordable units. Stated increase need for smaller units as a result of the ‘Spare Room Subsidy’.

**The Council’s Private Sector Housing Section** – Provided comments relating to the minimum floor area expected for rooms and other criteria, such as fire detection systems and the need for storage space.

**The Council’s Shared Regulatory Services** – Recommended conditions relating to unforeseen contamination on the and regarding the chemical testing of imported aggregates.

## REPRESENTATIONS

The neighbouring properties were consulted on 18 August 2016 and re-consulted on 23<sup>rd</sup> August 2018. A site notice was also displayed on 9 September 2016 and 29<sup>th</sup> August 2018 and the application was also advertised in the press on 6 September 2016 (when considered a ‘major’ development of 10 units). There were 6 representations received to the initial consultations in 2016, citing objections and concerns with the proposals, summarised as follows:

- Lack of existing on-street parking available within Lombard Street which would be exacerbated by the proposed flats



- Additional flats would result in problems with refuse storage and collection
- The proposals would lead to the overdevelopment of the site
- Concern over access disruption to businesses as a result of construction

There have been no further representations to most recent consultation at the time of writing this report, with the consultation period due to end on 20<sup>th</sup> September 2018 and any additional representations will be reported to Committee as 'Matters Arising'.

## REPORT

### Planning Policies and Guidance

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

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

#### **Strategic Policies:**

POLICY SP1 – Delivering the Strategy  
 POLICY SP4 – Affordable Housing Provision  
 POLICY SP6 – Retail  
 POLICY SP10 – Built and Natural Environment

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

POLICY MG4 – Affordable Housing  
 POLICY MG14 – Non A1 Retail Uses within Town and District Retail Centres

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

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

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

#### **Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application.

*8.1.4 The Welsh Government supports a transport hierarchy in relation to new development that establishes priorities in such a way that, wherever possible, they are accessible in the first instance by walking and cycling, then by public transport and then finally by private motor vehicles.*

*8.4.2 Car parking provision is a major influence on the choice of means of transport and the pattern of development. Local authorities should ensure that new developments provide lower levels of parking than have generally been achieved in the past. Minimum parking standards are no longer appropriate. Local authorities should develop an integrated strategy on parking to support the overall transport and locational policies of the development plan.*

*9.3.4 In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas.*

*9.3.5 Where development plan policies make clear that an element of affordable housing, or other developer contributions, are required on specific sites, this will be a material consideration in determining relevant applications. Applicants for planning permission should therefore demonstrate and justify how they have arrived at a particular mix of housing, having regard to development plan policies. If, having had regard to all material considerations, the local planning authority considers that the proposal for a site does not contribute sufficiently towards the objective of creating mixed communities, then the authority will need to negotiate a revision of the mix of housing or may refuse the application.*

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

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

- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 4 – Retailing and commercial development (2016)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)

#### **Supplementary Planning Guidance:**

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

- Affordable Housing (2018)

- Barry Development Guidelines
- Parking Standards
- Planning Obligations (2017)
- Residential and Householder Development (2018)

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

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

### Issues

This application was previously considered by Planning Committee on 2nd February 2017, where it was resolved to approve the application subject to the applicant entering into a Section 106 agreement to secure the delivery of two affordable units on-site and financial contributions relating to off-site affordable housing and public open space provision. Since then, the section 106 agreement has not been entered into and no permission has been subsequently granted.

The principal issues to consider are therefore whether the development remains acceptable in relation to updated local and national planning policies and guidance; and, whether the development is acceptable without the aforementioned financial planning obligations due to the residential element now comprising 100% affordable housing. These matters are discussed in turn below, alongside the acceptability of the proposals in relation to design, visual impact, residential amenity and parking provision, reported in light of relevant updated policies and guidance:-

### Principle of the Development

The proposal is to convert and extend the building to create 7 new one bedroom flats and a smaller retail unit at ground floor fronting Holton Road. The site is within the Settlement Boundary of Barry as defined by the Local Development Plan. Policy MD14 seeks to restrict the proliferation of non-A1 units at ground floor, whilst the beneficial use of upper floors for other uses, including residential, is favoured in policy terms.

A part of the ground floor is proposed to be residential; however there would remain a sizable ground floor retail unit fronting Holton Road. A retail frontage would be maintained and the conversion of the rear and upper floors to residential would therefore not have any significant or adverse impact on the retail function of the building or the vitality of the Holton Road District Centre. As such, the proposals are considered to remain acceptable in principle and would be in keeping with the character and composition of the area, especially the retail frontages on Holton Road.

## Design and Visual Impact

The additional flats would be incorporated within the rear two storey section of the building. The main three storey section of the corner of Holton Road and Lombard Street is of a high quality design with a traditional appearance and features. This section on the corner is the most prominent aspect of the building with the highest architectural value, and is to remain largely unaltered. The only change to this section is the dropping of the sill levels to the ground floor windows to provide more of a shopfront style window (the smaller windows would have better suited the previous use as a bank). This is considered an acceptable and modest alteration that would create a more 'active' retail frontage to Holton Road. The other alteration to the principal elevation would be a new arrangement of windows and doors within the existing openings.

The two storey rear section would front Lombard Street and architecturally (and in terms of size) it is clearly a secondary and subservient element of the building, with less architectural detailing and no stone features. This arrangement is typical and similar to many of the corner plot buildings that front Holton Road. It is this rear section which was initially proposed as a full three storeys, however, the scale and bulk was considered out of keeping with the traditional pattern of development (such as that opposite across Lombard Street).

The current proposals (having been subject to only minor alterations since consideration at 2<sup>nd</sup> February 2017 Planning Committee) do include increasing the height, but the low eaves level and dormers/small gable features in the side elevation facing Lombard Street are considered to remain an acceptable design approach. This allows the ridge height to remain lower than the existing three storey section fronting Holton Road, which would remain, visually, the principal part of this building. The rear section would appear visually subservient to the Holton Road frontage, with the proposed increase in height considered acceptable.

The rear section would also be extended in length, bringing the total depth of the building to approximately 25.3m. It has been amended to be approximately 0.3m deeper than the previous submission, but still allows for a space to the rear which can be used for amenity space and also provides an acceptable visual gap in between the end of the building and the rear lane. The rear wing would be longer than seen presently and it would be longer than the corresponding rear wing on the opposite side of the street; however, it is on balance considered to be of an acceptable size and form that would preserve the character of the building and the visual amenity of the wider street scene.

In terms of the detailed design, the extensions proposed would be of a character that is in keeping with the existing building, with matching materials (a mix of render and brick). The rear extensions do not include the level of detailing of the existing Holton Road frontage; however as noted, this reflects the existing building and its traditional design approach.

It is considered that the scale and form of the proposed extensions are acceptable and would be in keeping with the form of the existing building. The extensions would not overdevelop the plot or be overly prominent in the street scenes of either Holton Road or Lombard Street.

## Parking Provision and Highway Safety

As stated above, the Highways Authority have previously raised concerns about a lack of parking being provided as part of the development. It is acknowledged that the amended proposals do not include any parking provision, with amenity space being provided to the rear of the building instead (this includes the loss of the current yard which is sometimes used to park up to 2 vehicles). However, the site is within a particularly sustainable location, being in the centre of the town, and in such locations it is considered justifiable to apply a relaxation to the parking standards, in order to accord with local and national policy which seeks to discourage over reliance on the car. Furthermore, the development would now be wholly affordable and such developments typically attract lower levels of car ownership, and less demand for parking than a market housing scheme would.

With regards the retail unit, the majority of other retail units along Holton Road do not have designated parking spaces, with public car parks or use of public transport being available. On this basis, it is considered unreasonable to require retention of a parking provision specifically for the retail unit.

The occupiers of the seven flats would have a number of sustainable transport options open to them, given the proximity to train stations and bus routes. There is also a wide range of shops and services within walking distance. It is therefore considered that occupants could realistically reside in these flats without the need to own a car. Furthermore, it is noted that the flats are relatively small; comprising one bedroom in each case, and this would indicate sole occupiers or couples rather than families. This also suggests less of an essential need for private vehicle ownership; especially in such a sustainable location (it is reasonable to expect that families would typically be more likely to require their own private transport). It should also be noted the provision of cycle parking is proposed within the site, catering for another sustainable means of travel.

It is noted that there is some on-street parking provision, with a residents parking scheme in operation. There is also a large disabled parking bay and double yellow lines in the vicinity of the site, albeit the majority of Lombard Street provides for residents parking. The parking within Lombard Street is often busy, albeit there would be some on-street parking available here for those residents who own a car, without resulting in significant disruption to existing residents or detriment to highway safety.

The need for sustainable development is promoted throughout Planning Policy Wales (PPW). Part 4.4.3 states that *'planning policies, decisions and proposals should.... locate developments so as to minimise the demand for travel, especially by private car'* and *'foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides. This includes helping to ensure that development is accessible by means other than the private car'*.

In light of the direction of local and national planning policy, outlined above, which emphasises the importance of sustainability and discourages the prioritisation of the private motor vehicle, it is considered that a flexible approach to parking provision can and should be taken. Specifically, in Section 8 of Planning Policy Wales it states that minimum parking standards are no longer appropriate and that Local Planning Authorities should ensure that new developments should provide lower levels of parking than have been achieved in the past, whilst prioritising other modes of transport other than the car. The following extracts are of particular relevance:

*8.1.4 The Welsh Government supports a transport hierarchy in relation to new development that establishes priorities in such a way that, wherever possible, they are accessible in the first instance by walking and cycling, then by public transport and then finally by private motor vehicles.*

*8.4.2 Car parking provision is a major influence on the choice of means of transport and the pattern of development. Local authorities should ensure that new developments provide lower levels of parking than have generally been achieved in the past. Minimum parking standards are no longer appropriate. Local authorities should develop an integrated strategy on parking to support the overall transport and locational policies of the development plan.*

To assist the relief of parking pressures within Lombard Street it is considered that there would not be any need for the current parking restrictions (double yellow lines) to continue across the full extent of their current location (across the parking spaces to the rear of 33 Holton Road). It is noted that it is likely that some extent of yellow lines would have to remain either side of the lane access to the rear of the site, but this could be reduced along the side of 33 Holton Road to provide an additional on-street parking space adjacent to the existing disabled bays. A condition requiring this is included with the recommendations.

Whilst the concerns of the Highway Authority, the Town Council and local residents have been considered, together with the content of the SPG 'Parking Standards', for the reasons outlined above the proposed development without designated parking spaces is considered acceptable in this particular location and context. It is considered that would be in accordance with national and local policy principles and objectives.

It is also noted that the Highway Authority has raised concern about the visibility from the lane, due to the proposed 2m fence. This would to an extent impede vision for vehicles leaving the lane onto Lombard Street. However, it is considered that traffic out of this lane onto Lombard Street would generally be at a very low frequency and at low speeds. It is also noted that there is already a block wall and large hedge on the boundary between the site and the lane, with No 56 Lombard Street to the other side of the lane. Vision is already impeded when driving out onto Lombard Street and it is considered that the proposed fence would make very little difference to the existing situation, on what is a lane with very few traffic movements in any case.

There has also been concern raised with regards to access to business properties through the course of construction. The roads and also the rear lanes behind Holton Road are all adopted and these highways should not be obstructed at any time without permission from the Council's Highways Authority. As such, there should be no obstruction caused as a result of building the proposed development to the highway network, unless agreed to formally by the Highways Authority. It is noted that some disturbances can occur during construction, but such issues are temporary and rarely cause to justifiably refuse permission.

Overall, the proposed development is considered to be acceptable without any off-street parking provision and it is considered that it would not result in any demonstrable harm to highway safety. These impacts have also previously been considered acceptable and there has been no change to the proposal (other than the change for the development to be wholly affordable) or material change in national planning policy since the application was previously reported at Planning Committee.

### Amenity Space

The revised plans include an area of amenity space of approximately 7.3m by 5.3m to the rear of the proposed flats. This would include a bin store and covered cycle store within this area, with the remaining space left for occupants to use. It is not a particularly large area for 7 flats (the Residential and Householder Development SPG suggests 20sqm per person), but is nonetheless an area sizeable enough to provide for basic outdoor functions such as for the drying of clothes and provides for functional needs such as bin and cycle storage. It is noted that the site is in a sustainable town centre location where the existing environment of buildings is very dense. It will very rarely be possible to provide amenity space to meet the above standards in such cases, especially given the need to ensure the efficient use of land.

No direct access from the flats is provided to the amenity space. A direct access could feasibly be provided from Flat 1 (but not indicated on the plans), however it would not be practical to achieve for the remaining flats without a complete re-design both internally and externally. It is not realistically achievable given the constraints of the site. It is acknowledged that the Council seek to encourage, and normally require, a direct means of access for all flats as stated within the SPG. In this case, whilst the access is not direct from the building, it would be possible for occupiers to access it by leave the building and waling a short distance along the public footway. The lack of direct access is likely to discourage occasional use for outdoor relaxation etc., but given the relatively short distance can still serve as a useful and functional area for the occupiers.

It is recognised that the proposed arrangement is not optimum for new flatted developments; however, this should also be considered against other flatted situations along Holton Road with similar arrangements or lack amenity space entirely. It is considered that the provision of the space, albeit limited in size and indirectly accessed, does cater for the basic functional needs of the occupiers. On this basis, the arrangement is considered acceptable in this regard.

### Neighbour Impact

The retail unit at ground floor level is not considered to have significant potential impact to neighbour amenities, given the existing retail uses in the area and within the building.

In terms of overlooking impact, it is noted that the proposals would introduce a residential use to the building, which is also to be catered for with additional windows proposed in the extended areas of the building. The Council's Residential and Householder Development SPG advises that there should be a distance of at least 21m between primary windows to avoid significant loss of privacy.

The majority of the existing and proposed windows front either Holton Road or Lombard Street. Whilst there are properties, including some residential flats/dwellings, within 21m of these windows, these are across the road from the site. It is therefore considered that windows that front the highway (especially when they are immediately adjacent to the boundary with the highway) are inherently less private than those on other more private elevations, and this is the established pattern of development along the road, as is the case here. On that basis, the windows facing the road are considered acceptable.

There are no windows in the main side elevation of 56 Lombard Street facing the rear of 33 Holton Road and so the proposed development would not result in any significant overlooking to occupants of this property, with only distanced and angled views towards their rear garden, which is also already overlooked to an extent by other properties.

The windows proposed to the side elevation facing the flats to the rear of No 35 Holton Road are noted in correspondence from the agents to be obscurely glazed. This would be required by condition if approved, to ensure any potential overlooking is mitigated by the obscure glazing.

In terms of overshadowing, the proposed development would have no appreciable impact to any of the surrounding properties due to orientation and separation distance, other than potentially the flats to the rear of 35 Holton Road. These flats in No 35 are to the upper floors and the rear section of this neighbouring building. The proposals do involve increasing the height of the rear section of No 33 and extending towards the boundary with No 35. There are windows in the rear and side elevations at both ground and first floors on the flats at No. 35.

The proposed extensions would be in relative close proximity to these flat windows, but it is noted that these windows would already be largely overshadowed (at the relevant times of the day) by No 33 and the front section of No 35, given that the rear of these buildings are northwest facing. The rear sections of both of these buildings are close to each other, effectively forming an alley/corridor between the buildings that already limits significant levels of direct sunlight from reaching the flat windows. It is considered that the difference in the overshadowing impact from the proposed development in comparison to existing levels would not be significant or to a degree warranting the refusal of this application. Furthermore, a light painted render to this elevation would be likely to provide some benefit through reflected light.

The initial submission was amended to change the projection which houses the proposed stairs between the flats, along the side boundary with No 35. This was amended to avoid any high wall being built adjacent to the first floor rear window in the flats at No 35, reduced the overbearing and light impact of this element to an acceptable level.

There are other windows in the side elevation of No 35 that face towards this proposed projection at a gap of approximately 2m. However, as this element has been amended to approximately 4.1m in width, it would be seen as a relatively minor element within this 16m long elevation as a whole. It should also be noted that the two most affected windows in the rear flats both appear to be mainly obscurely glazed, which would therefore significantly diminish the impact of this aspect of the proposals. Overall, it is considered that the scale and position of this amended side projection would not have a significant overbearing impact on the occupiers of the neighbouring flats.



## Planning Obligations

LDP policy MD4 'Community Infrastructure and Planning Obligations' sets out that where appropriate, and having regard to development viability, the Council will seek to secure new and improved community infrastructure, facilities and services through the use of planning obligations.

Supplementary Planning Guidance (SPGs) on Planning Obligations (adopted July 2017) and Affordable Housing (most recently adopted version, February 2018) provides more detail regarding where, what, when and how planning obligations will be sought via Section 106 Agreements, in order to assist the Council in creating sustainable communities that provide social, economic, and environmental benefits. The adopted SPGs have been applied to any applications received after 1st August 2017, following the adoption of the Local Development Plan (LDP).

The proposals now relate to a development of 7 flats to be delivered as affordable housing units. On 5th September 2016, Cabinet (Minute C3271) agreed that schemes for 100% affordable housing developments of twenty-five 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. This reflects a policy decision to prioritise the delivery of affordable housing due to an identified critical need in the Vale of Glamorgan for affordable housing and previous research has shown that if a person does not live in a stable and good quality home, it can have a detrimental impact on both their health and educational attainment. This also means that the applicant is not required to demonstrate the viability position in respect of those contributions.

The previous planning obligations that were requested and agreed with the applicant prior to consideration at Planning Committee on 2<sup>nd</sup> February 2017 were for two on-site units, a financial affordable housing contribution of £7,743 and a public open space contribution of £17,843. The residential element of the scheme now provides a greater contribution of seven affordable units on site. A financial contribution in lieu of public open space would no longer be required subject to being delivered as proposed by Hafod Housing (or another of the partnered RSL's), in accordance with the Affordable Housing SPG. The delivery of the affordable units can be secured by condition.

## RECOMMENDATION

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

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

Reason:

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

2. The development shall be carried out in accordance with the following approved plans and documents: AL(00)04D and AL(00)03 C

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. A schedule of materials to be used in the construction of the development hereby approved, including replacement windows and doors, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to the first beneficial use of the development.

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. The implemented drainage scheme for the site should ensure that all foul and surface water discharges separately from the site and that land drainage run-off shall not discharge, either directly or indirectly, into 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 Policy MD2 of the Local Development Plan.

5. Any part of the windows in the eastern elevation facing No.35 Holton Road that is below 1.7m in height above the level of the floor in the room that it serves shall be obscurely glazed to a minimum of level 3 of the "Pilkington" scale of obscuration and fixed pane at the time of installation, and so retained at all times thereafter.

Reason:

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

6. The cycle provision shown on the approved plans shall be completed prior to the first beneficial occupation of the any of the flats hereby approved and thereafter kept free of obstruction and available for the parking of cycles associated with 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 Policy MD2 of the Local Development Plan.

7. The amenity area as shown on plan AL(00)03 C shall be kept freely available for use at all times for the occupants of all of the flats hereby approved.

Reason:

To provide suitable shared amenity space, in accordance with Policy MD2 (Design of New Developments) of the Local Development Plan.

8. A Traffic Regulation Order to partially remove the extent of the parking restrictions along the side of the site on Lombard Street (as per the attached plan and highlighted in red) to provide an additional potential on-street parking space shall be fully implemented prior to the first beneficial use of any of the flats hereby approved.

Reason:

To provide additional on-street parking provision, in accordance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

9. The residential units hereby approved shall be delivered by a Housing Association Partner (Hafod Housing, Newydd Housing, United Welsh Housing or Wales & West Housing) of the Vale of Glamorgan Council and only be occupied as affordable housing that meets 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.

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.

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

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems

are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy / Policies SP1 (Delivering the Strategy) / MD7 (Environmental Protection) of the Local Development Plan.

11. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

To ensure that the safety of future occupiers is not prejudiced in accordance with Policy / Policies SP1 (Delivering the Strategy) / MD7 (Environmental Protection) of the Local Development Plan.

#### REASON FOR RECOMMENDATION

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

Having regard to Policies SP1 – Delivering the Strategy, SP4 – Affordable Housing Provision, SP6 – Retail, SP10 – Built and Natural Environment, MG4 – Affordable Housing, MG14 – Non A1 Retail Uses within Town and District Retail Centres, MD 2 – Design of New Development, MD3 – Provision for Open Space, MD4 – Community Infrastructure and Planning Obligations, MD 5 – Development within Settlement Boundaries, MD6 – Housing Densities and MD7 – Environmental Protection of the Vale of Glamorgan Local Development Plan 2011 – 2026, the Affordable Housing, Barry Development Guidelines, Parking Standards, Planning Obligations and Residential and Householder Development SPG's and national advice and guidance contained in Planning Policy Wales (2016) and TAN2 – Affordable Housing, TAN12 – Design, TAN16 – Sport, Recreation and Open Space and TAN18 – Transport, it is considered that the proposals are acceptable, by reason of their appropriate design, materials and scale, with no detrimental impact to the character and visual amenities of the area, the amenities of neighbouring occupiers and acceptable parking and amenity space arrangements.

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

**NOTE:**

- 1. Please be aware that any construction works should not result in any obstruction or blockage of the public highway, including the adopted lanes in the area of the site.**
- 2. This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**

**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.**

2016/00927/FUL



LOCATION PLAN  
1:250



LOCATION PLAN  
1:1250

RECEIVED  
27 JUL 2016  
Regeneration  
and Planning



1600927 FUL

33 Holton Road, Barry		Job No.	16_031
		Drawn by	Hz
		Drawn by	AL(0010)
Site Plan		Drawn	MG
Date		Scale	1:250/1250 @ A3
30/06/16			

**G2** Architects  
Town planners  
Environmental & Urban design  
The G2 Group, Barry, Pk 10  
Preston Road, Barry, Pk 10  
Tel: 01302 500000

DACS TAB 1

**2018/00641/FUL** Received on 30 May 2018

Mrs. Charlotte Cope 3, Norman Cottages, Michaelston Le Pit Road, Michaelston Le Pit.  
CF64 4HP

Mrs. Charlotte Cope 3, Norman Cottages, Michaelston Le Pit Road, Michaelston Le Pit.  
CF64 4HP

### **3, Norman Cottages, Michealston Le Pit Road, Michaelston Le Pit**

Application to retain the property as built - Fully render the property due to damage to existing finish during building works which meant we were not able to retain the existing finish and replace existing roof tiles with different tiles due to a roof leak and no availability of roof tiles to match the existing roof

#### **REASON FOR COMMITTEE DETERMINATION**

The application is reported to Planning Committee under the Council's approved scheme of delegation because the report has a dual recommendation including planning enforcement action in the form of a Planning Enforcement Notice which is outside the scheme of delegated powers.

#### **EXECUTIVE SUMMARY**

The application relates to a dwelling in Michaelston Le Pit within a row of interwar period houses, which are part of the Michaelston Le Pit Conservation Area and are identified in the Conservation Area Appraisal and Management Plan as 'positive buildings'.

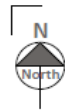
The application seeks retrospective consent for works already carried out. Previous planning permission ( 2016/01172/FUL) granted consent for a new two storey side extension with a patterned brick finish to match the then existing finish on the main dwelling. However, the extension has been finished with a smooth cement render. In addition to this, the roof of the existing dwelling has been stripped of its red clay pantiles and replaced with dark grey concrete tiles and the front and rear elevations of the dwelling have also been rendered in a smooth cement render such that the original brick work is no longer visible. The development is not considered to comply with the planning permission nor can it be considered to be 'permitted development'.

The principle issues to consider in this report are matters of design, visual impact and impact upon the context of the site, having regard to its location within a conservation area and special landscape area.

The rendered finish of the extension and house and replacement roof materials of the existing house are considered to conflict with LDP policies MD2 and MD5, and the Council Adopted SPG on Residential and Householder Development and fail to preserve or enhance the Conservation Area. The application is recommended for refusal and authorisation sought to take appropriate enforcement action to remedy these breaches of planning control.

## SITE AND CONTEXT

The application relates to a dwelling which is located in the hamlet of Michaelston Le Pit, near Dinas Powys. The property is sited on a private road accessed off the main road running through Michaelston Le Pit. The property itself is situated within a row of interwar period Rural District Council (RDC) houses, which are part of the Michaelston Le Pit Conservation Area and are identified in the Michaelston le Pit Conservation Area Appraisal and Management Plan as 'positive buildings'. The site is also within the Cwrt Yr Ala Basin Special Landscape Area (SLA).



A3



## BACKGROUND AND DESCRIPTION OF DEVELOPMENT

This application results from an Enforcement investigation following a public complaint alleging that the works carried to 3, Norman Cottages Michaelston-Le-Pit to extend the dwelling were in breach of the planning permission reference 2016/01172/FUL by virtue of the materials used in the construction of the extension.





As noted from the planning history set out later in this report, the previous planning permission reference 2016/01172/FUL granted consent for the construction of a new two storey side extension. The approved plans (inset above) detail a patterned brick finish to match the then existing finish found on the main dwelling. Also, the plans stated that the roof tiling of the extension would match that of the then existing tiling found on the main house and the neighbouring properties. Following an investigation (see the photographs inset), it was determined that, whilst the roof tiles used in the roof of the extension were acceptable and in accordance with the approved scheme, the extension has been rendered with a smooth cement render. Accordingly the development is in breach of condition 2 of the 2016/01172/FUL planning permission, which required the development to be completed in accordance with the approved plans, as well as condition 3 which required the development to be completed in materials to match the existing dwelling.



In addition to this, it was also noted that the roof of the existing dwelling had been completely stripped of its red clay pantiles and replaced with dark grey, concrete tiles, the appearance of which are substantially different to the pantiles. The front and rear elevations of the dwelling have also been rendered in a smooth cement render. As such, the original brick work, although previously painted, is no longer visible, as is the case on the other similar dwellings in this part of the Conservation Area.

The new render and the wholesale replacement of the roof tiles on the existing dwellinghouse are considered to be an alteration to the dwelling that constitutes development. Whilst there are certain permitted development rights granted under Class A and C of Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995 (as amended) for this development, those permitted development rights are granted with the following condition:

*'(a) the appearance of the materials used in the walls, roof or other element of any exterior work must so far as practicable match the appearance of the materials used in the majority of the equivalent element of the existing dwellinghouse'*

The materials used to render the walls and replace the roof tiles are not considered to match the appearance of the materials of the existing roof and elevations. Accordingly, the development is not considered to comply with the above-mentioned condition and, as such, cannot be considered to be 'permitted development' benefitting from the provisions of the 1995 Order. Planning permission is, therefore, required for the new roof tiles and render.

This application seeks to retain the unauthorised elements of the works to the property in the form of the new tile roof of the main dwelling house and the smooth render finish that is present across both the existing dwelling and extension.

## PLANNING HISTORY

### **Extant permission for the two storey side extension:**

- 2016/01172/FUL, Address: 3, Norman Cottages, Michaelston Le Pit Road, Michaelston Le Pit, Proposal: New two storey side extension and various associated internal renovation works, Decision: Approved.

The consideration of this application paid particular attention to the design and visual impact of the proposals on the Michaelston Le Pit Conservation Area as evidenced by the following extract of the Officer's Report:

*The property is identified in the adopted Conservation Area Appraisal and Management Plan as a 'Positive Building' for its positive contribution to the special interest of the conservation area. The group that make up Norman Cottages are former Rural District Council houses, which the Appraisal notes are good representative examples of their type. Indeed part of this contribution stems from the group value of the crescent which is defined by semi-detached buildings which display a significant amount of symmetry.*

### **Other Planning History for the Property:**

- 2010/00544/TCA, Address: 3, Norman Cottages, Michaelston Le Pit, Proposal: Fell Lawson Cypress cultivars along south east facing boundary, Decision: Approved.
- 2014/00945/TCA, Address: 3, Norman Cottages, Michaelston Le Pit, Proposal: Remove 1 Cypress, 1 Purple Plum and 1 Magnolia, Decision: Approved.

## CONSULTATIONS

**Michaelston Le Pit with Leckwith Community Council** was consulted on the 5 June, the following comments were received on the 6 June 2018;

*Michaelston Le Pit & Leckwith Community Council has no objection to the rendering. However it objects to the proposed roof tiling as it is inappropriate for the house and inconsistent with surrounding cottages.*

**The Conservation and Design Officer** was consulted on 5 June 2018, and responded on 13 September 2018.

**Local Ward Councillors for Dinas Powys** were consulted on 5 June 2018, no comments have been received to date.

## REPRESENTATIONS

The neighbouring properties were consulted on 5 June 2018, no comments have been received to date.

A site notice was also displayed on 6 June 2018, no comments have been received to date.

## REPORT

### Planning Policies and Guidance

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

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

#### **Strategic Policies:**

POLICY SP1 – Delivering the Strategy

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 MD2 - Design of New Development

POLICY MD5 – Development within Settlement Boundaries

POLICY MD8 – Historic Environment

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

#### **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:

- Residential and Householder Development (2018)

- Michaelston Le Pit Conservation Area Appraisal and Management Plan
- Conservation Areas in the Rural Vale

### **Planning Policy Wales:**

National planning guidance in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application, in particular Chapter 4-Planning for Sustainability, including paragraph 4.11-Promoting sustainability through good design; Chapter 6-Conserving the Historic Environment, including 6.1.1, 6.1.2, and 6.5.17; and Chapter 9-Housing, including 9.3-Development management and housing.

### **Technical Advice Notes:**

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

- TAN 12 - Design, including paragraph 2.6.
- TAN 24 – The Historic Environment

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

- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

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

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

### Issues

The principle issues to consider in this report are matters of design, visual impact and impact upon the context of the site, having regard to its location within a conservation area and special landscape area.

### Design and Visual Impact

LDP policy MD2 - Design of New Development and MD5 – Development within Settlement Boundaries state as follows:

*MD2: Design of New Development.*

1. *[Proposals should] Be of a high standard of design that positively contributes to*

*the context and character of the surrounding natural and built environment and protects existing features of townscape or landscapes of interest.*

#### *MD5 – Development within Settlement Boundaries*

*New development.....will be permitted where the proposed development:*

- 3. Is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality;*

Furthermore, the Residential and Householder SPG provides advice in section 8 on the choice of materials to be used in new development. It states:

#### *8.3.2 Key Principles:*

- (i) In most circumstances the materials used for the development should match and replicate those used on the property.*
- (ii) Where alternative materials and finishes are proposed, they should complement the colours, tones and textures of the original property and buildings in the surrounding area.*

The above policy and guidance is supported by the principles of good design set out in PPW and TAN12.

With regard to the above, it is considered that the thick prefabricated slate tiles that have been used in the replacement of the main roof of the dwelling has an appearance that is in stark contrast with that of its neighbouring properties as well as the side extension to the dwelling itself. The size and thickness of the slate tile that have been used creates pronounced horizontal ridges across the roof plane; such an effect is not characteristic of the roof finish of the properties within the context of the site. As demonstrated in the photographs below, this roof finish clearly jars with that of the adjoining property, which is characteristic of these inter war period properties.





The rendered finish of the main dwelling and side extension is also out of keeping with the painted brick finish, which is a prevalent feature of the surrounding properties. In this regard the texture of the smooth render constitutes an obvious diversion in style to that of the existing house and the neighbouring properties.

The following photos show the property prior to the works being carried out on site. Photo 1 shows the application property whilst photo 2 shows the application property and the adjoining semi-detached property.



Photo 1



Photo2

In view of the above, both the smooth render and roof finish are alterations to this dwelling and extension that harm the character and appearance of this dwelling and do not positively contribute to the context of the surrounding area. . When considering the position of the property as one of six of the Norman Cottages the difference in external finish in the form of the roof tiling and painted render constitute a clear break in consistent design styles.

The as built extension complies with the dimensions and siting approved by virtue of the 2016/01172/FUL scheme and is, therefore, acceptable in this regard. The tiles used on the extension, whilst a different colour from those previously existing on the main dwelling, are nevertheless the same profile and size such that they are considered acceptable. The rendered finish is, however, unacceptable and, when considered together with the works to render and replace the roof materials of the existing house, the development is considered to conflict with LDP policies MD2 and MD5, which are in turn supported by the overarching Policy SP1 and the Council Adopted SPG on Residential and Householder Development. The development is also considered to conflict with the principles of good design and sustainable development set out in TAN 12 and PPW.

### Impact on Conservation Area

The Michaelston Le Pit Conservation Area Appraisal and Management Plan (CAAMP) defines the application site as being within the central stretch of the conservation area along the linear form of the hamlet. Consequently, the dwelling is sited in an influential location within the wider context of the conservation area. The value of the application site's heritage is as part of the wider pairs of dwellings in the cul-de-sac of the Norman Cottages. This is referred to in the Michaelston Le Pit CAAMP when considering the value of the RDC houses, which are described in the CAAMP as good examples of their type and period. These dwellings are a common feature in the hamlet and have been absorbed into the built form and character since the 1950s.

Most importantly, this dwelling, along with the other 13 inter war RDC dwellings, has been recognised as a 'positive building' in the CAAMP. A positive building is defined in the CAAMP as an unlisted building that makes a positive contribution to the special architectural or historic interest of the conservation area. The CAAMP sets out the characteristics that provide the basis for considering whether or not a building can be considered 'positive'. These include:

- *Has it qualities of age, style, materials or any other characteristics which reflect those of at least a substantial number of the buildings in the conservation area?*

The RDC dwellings are clearly a significant element of built development in the northern part of the conservation area in particular. Despite their age, these dwellings still share a number of features and their roof materials and external finish is one of the key features that prevail in these dwellings. The finish of these dwellings is, therefore, important in defining the character and appearance of the dwellings, which is desirable to preserve. This type of cottage has become a key element of the heritage preserved by the wider conservation area.

The alterations to the dwelling in the form of a new smooth rendered finish and new roof materials have clearly removed important elements of its character and appearance. The tone and texture of the render make the dwelling a prominent outlier from its adjoining neighbour. Whilst the new roof tiling is a harmful deviation from the common vernacular

found on the surrounding dwellings. The alterations to the dwellings are, therefore, considered to have a detrimental effect on the building's character and appearance and that of the wider conservation area.

Having regard to the duty imposed on the Council under section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (i.e. special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area) the alterations to the dwelling are considered to conflict with this duty, as well as the relevant criteria of LDP policy MD8, as supported by LDP policies SP1 and SP10, and the national planning guidance provided in TAN24 and PPW.

#### Impact on Special Landscape Area

With regard to the scale and nature of the alterations subject of this application, it is considered that the development as built does not prejudice the value of the SLA and, as such, no conflict with LDP Policy MG17 is identified.

#### Development in Minerals Safeguarding Areas

The application site is situated in the minerals safeguarding area for sand and gravel grade 2. In view of the nature of the development subject of this application, there would be no impact on the possible working of the resource by reason of its nature or size as per LDP policy MG22.

#### Enforcement Considerations

In view of the findings with regard to the acceptability of the smooth rendered finish on the existing dwelling and extension and the change of the materials used in the roof of the existing dwelling, it is considered expedient and in the public's interest to issue an Enforcement Notice in respect of these unauthorised works. The Enforcement Notice will identify two breaches of planning control, namely:

1. Operational development in the form of the replacement of the roof materials of the existing dwelling and the addition of a smooth render; and
2. The failure to comply with conditions 2 and 3 of planning permission reference 2016/01172/FUL by virtue of the completion of the external elevations of the extension in a smooth render.

The Notice ought to require the removal and replacement of the inappropriate materials.

#### Conclusion

With regard to the above it is considered necessary to refuse the planning application and expedient to pursue formal enforcement action to rectify the breach of planning control on the site.

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



of Glamorgan Adopted Local Development Plan 2011-2026.

It is concluded that the works on site constitute a clear deviation from their extant planning permission and that the proposed render finish and roof tiling would be a harmful break from the built character of the surrounding dwellings and the wider conservation area.

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

#### RESOURCE IMPLICATIONS (FINANCIAL AND EMPLOYMENT)

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

#### LEGAL IMPLICATIONS (TO INCLUDE HUMAN RIGHTS IMPLICATIONS)

If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).

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

#### EQUAL OPPORTUNITIES IMPLICATIONS (TO INCLUDE WELSH LANGUAGE ISSUES)

None.

#### RECOMMENDATION

##### REFUSE AND AUTHORISE ENFORCEMENT ACTION (W.R.)

1. That planning permission for the retention of the works as built be refused.
2. That in the event of the Committee agree to the following reason for refusal the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
  - (i) Removal of the smooth render finish from all elevations of the existing dwelling, making good and repairing of the exposed brick and painting of the exposed brick.
  - (ii) Removal of the roof tiles on the existing dwelling and replacement with a suitable alternative. .
  - (iii) Completion of all elevations of the extension in accordance with the scheme of development approved by virtue of application 2016/01172/FUL.
3. In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

## REASON FOR RECOMMENDATION

The works to tile the roof and complete the existing dwelling house with a smooth render, as well as the works to complete the extension in a smooth render are considered to be out of keeping with the prevailing materials found in the pairs of Rural District Council Houses, which dominate the context to the application site and all of which are identified as positive buildings within the Michaelston Le Pit Conservation Area, the character and appearance of which it is desirable to preserve or enhance. The development is, therefore, considered to be harmful to the character and appearance of the dwelling itself and that of the surrounding area, and neither preserves nor enhances the Michaelston Le Pit Conservation Area. Having regard to the duty imposed under section 72 (1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the development is considered to conflict with policies SP1 – Delivering the Strategy, SP10 – Built and Natural Environment, MD2 –Design of New Development, MD5 – Development Within Settlement Boundaries, and MD8 – Historic Environment of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and the Council’s adopted Supplementary Planning Guidance on Residential & Householder Development, as well as Technical Advice Note 12 on Design, Technical Advice Note 24 on The Historic Environment and Planning Policy Wales (Edition 9).



**Line Styles**

- Site boundary
- Adjacent owned properties / sites

Please note: The scale bar is for information only, and should not be used for ascertaining accurate dimensions from this drawing.



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Rev	Description / By / ch'd / App'd	Date
A	Updated based on discussion with client over the telephone 26.08.2016	27.08.2016
B	Issue of Planning Application	22.09.2016

Purpose of Issue	Status
For Planning	

Scale @ A3	Drawn	Checked	Approved
As indicated	JD	CT	JD
Client			
Mrs Charlotte Cope			
Project			
3 Norman Cottages, CF64 4HP			
Drawing			
Typical Location Plan			
Project No		Date	
Residential_426_01		01.02.2016	
Drawing Identifier			revision
426_01			B

**SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION**  
 Refer to the relevant Construction (Design and Management) documentation where applicable. It is assumed that all works on this drawing will be carried out by a competent contractor, working where appropriate to an approved method statement.  
 ALL DIMENSIONS ARE INDICATIVE AND MUST BE VERIFIED ON-SITE BY A COMPETENT CONTRACTOR PRIOR TO CONSTRUCTION.  
 ALL INFORMATION ON THESE DRAWINGS AND ASSOCIATED SPECIFICATIONS ARE DESIGN INTENT ONLY. FINAL CONSTRUCTION / PROPOSALS SHOULD BE AGREED BETWEEN THE CLIENT, COMPETENT CONTRACTOR AND ANY RELEVANT STATUTORY AUTHORITIES.

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**2018/00655/FUL** Received on 31 May 2018

Ms. Tara R. Garmston, 168, White Farm, Barry, Vale of Glamorgan, CF62 9EW  
Ms. Tara R. Garmston, 168, White Farm, Barry, Vale of Glamorgan, CF62 9EW

### **1, Lombard Buildings, Lombard Street, Barry**

Change of use from A1 to D1 to a children's nursery, providing day care for babies and children aged 0-12

#### **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. Ian Johnson for the reason that many local residents are concerned with regards to the capacity of the building to host up to 20 children; the absence of a needs assessment of childcare in Barry,; high pressure on local parking which would be exacerbated by car parking from staff members and parents, and safety concerns.

#### **EXECUTIVE SUMMARY**

The application site relates to 1, Lombard Street, a vacant end of terrace property located within the Barry settlement boundary. The application seeks planning permission for a change of use from A1 to a D1 children's nursery, providing day care for babies and children aged 0-12.

To date, objections have been received by Barry Town Council, Cllr. Ian Johnson and four residents. The objections raised concerns regarding the impact of the proposed change of use in terms of noise; traffic generation and parking issues.

Having regard to both local policy and national guidance, it is considered that the main issues in the assessment of the application, include, the principle of the change of use; the design and visual impact; the effect on residential amenity; highway safety, and parking. It is recommended that the application be APPROVED subject to conditions.

#### **SITE AND CONTEXT**

The application relates to 1, Lombard Street, an end of terrace property located within the Barry settlement boundary. The Council's most recent records suggest that the unit has been vacant for some years and used prior to that as a Dance Academy (D1) (and also as a Joiners Workshop and Job search business (B1) prior to that). It is evident, therefore, that the unit has at times been used for D1 purposes prior to this application, however, it appears that this has taken place been done without planning permission. The site sits within a mixed residential and commercial context, with Lombard Street being primarily residential, albeit this property is located towards the nearby Holton Road being largely commercial and forming part of Barry Town Centre.

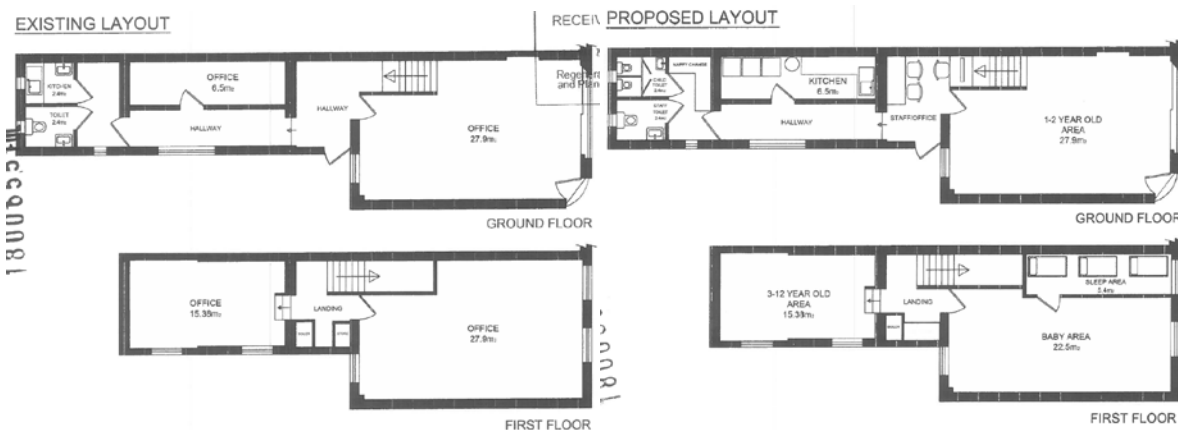


Site visit photograph

**DESCRIPTION OF DEVELOPMENT**

The application seeks a change of use from A1 to a D1 children’s nursery, providing day care for babies and children aged between 0 to 12. The proposed hours for the nursery would be 8am to 6pm, Monday to Friday all year round. The proposal does not have any designated parking and would therefore rely on on-street parking availability. The application has been accompanied by a parking survey.

The proposal would result in the conversion of three rooms to cater for different ages; a kitchen; sleep area and nappy changing areas as per the below plans:



## PLANNING HISTORY

1983/00628/FUL, 1, Lombard Street, Barry - Lombard Buildings, Alterations and extension, Approved

## CONSULTATIONS

**Barry Town Council** were consulted on the application and have raised an objection due to the potential disturbance to residents in terms of noise and traffic generation and parking restrictions.

**The Council's Highway Development team** were consulted and to date no comments have been received.

**Environmental Health (Pollution Control)** were consulted and commented to state that they had no comments to make regarding the application.

**Buttrills Ward members** were consulted and comments have been received by Cllr Ian Johnson to call-in the application. To summarise, Cllr. Johnson raised concerns with regards to the capacity of the building in hosting children of a broad age range; limited external play space; concerns regarding the appropriateness of toilet facilities and fire exits; in the absence of a needs assessment it cannot be assumed that the service users will live within the immediate area and walk to the property; high pressure on local parking and this will be exacerbated by car parking from staff members; safety concerns regarding cars stopping on-street. Cllr. Johnson also stated that should the change of use be given consideration should be given to reducing the maximum capacity for childcare on this site to a more appropriate level, and the resolution of practical issues related to childcare and emergency exits.

## REPRESENTATIONS

The neighbouring properties were consulted and three site notices were also displayed on 28 June 2018.

To date, comments have been received from four residents via Cllr. Ian Johnson. The issues raised in these comments are summarised as follows:

- Application would increase parking issues
- Street already generates a lot of traffic from passing trade
- Speeding concerns on the road and the safety of children

## REPORT

### Planning Policies and Guidance

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

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

the following policies are of relevance:

**Strategic Policies:**

POLICY SP1 – Delivering the Strategy

**Managing Development Policies:**

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

POLICY MD7 - Environmental Protection

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

**Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application.

**Technical Advice Notes:**

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

- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)

**Supplementary Planning Guidance:**

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

- Parking Standards (Interactive Parking Standards Zones Map)

**Other relevant evidence or policy guidance:**

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

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

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

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

### Issues

The primary issues to consider are the principle of the development; the potential impact upon the character of the property and wider visual amenities; the potential impact upon the amenity of neighbouring residential properties; highway safety, and parking.

### Principle of the change of use

The proposal seeks a change of use from A1 to D1, however, , the Council's most recent records suggest that the unit has been vacant for some years and used prior to that as a Dance Academy (D1) (and also as a Joiners Workshop and Job search business (B1) prior to that). It is evident, therefore, that the unit has at times been used for D1 purposes prior to this application, however, it appears that this has taken place without planning permission.

he Council's adopted LDP includes policies to protect A1 uses within District Shopping Centres, however given that this unit is located outside the centre there is no policy objection to the loss of an A1 unit (even if it were an A1 unit)..

While Lombard Street is largely residential, this site lies at the edge of the commercial centre and appears to have a history of non-residential/commercial uses. It is therefore, considered that a new D1 use is acceptable in principle and would not adversely affect the character of the area, particularly given its current vacancy.

The nature of the use is such that there is no policy requirement to demonstrate 'need' for the development in this location. The issues relating to the direct impacts from this specific use are considered below.

### Design and Visual impact

The proposed change of use would result in internal alterations to the building but there would be no external alterations as part of the proposals. Therefore, it is considered that the proposals would not result in a detrimental impact on the appearance of the property or wider streetscene. It is therefore considered that the proposals would comply with policy MD2 of the Council's LDP in this regard.

### Impact on neighbours

The proposal would not result in any external alterations to the property or any additions and, therefore, it is considered that the proposal would not be detrimental to neighbours in terms of the physical impact of development i.e. in terms of being overbearing or overshadowing. No new windows are proposed and the proposed development would not unreasonably overlook any neighbour.

Barry Town Council has raised concern with regards to the level of noise which could arise as a result of the change of use to a nursery. The Council's Environmental Health section has been consulted and has not raised concerns with regards to noise or nuisance. The proposed nursery would be operating between the hours of 8am to 6pm, Monday to Friday



and consequently it is considered that the activity within the site would not be at unsociable hours. It is acknowledged that the use has scope for a number of comings and goings at typical drop off and pick up times, and the care of a number of children can give rise to a degree of noise, however, it is considered that those impacts would not be so significant that it would be unacceptably harmful to residential amenity in the area. It is therefore considered that the proposal would comply with the above policies in terms of noise and environmental protection.

### Parking

A number of local residents have raised concerns with regards to parking. It is noted from the site visit that directly adjacent to the southern boundary of the site is a small lane, which has been blocked by bollards and therefore access to this lane is prohibited. Traffic flow along Lombard Street is one-way only, with traffic travelling from Woodlands Road towards Holton Road. There is no off-street or designated parking for the unit and therefore parking for both staff members and visitors would rely on available on-street parking.

The unit is located within Zone 2 (Urban) for parking as per the Council's adopted SPG on Parking Guidelines. Within this zone, a maximum requirement of 1 space per 2 full time members of staff is required. Following discussions with the applicant, it is evident that the proposal would support 6 full time members of staff as opposed to the 4 listed in the application form. Given the number of full time staff proposed, there is a maximum requirement of three parking spaces for staff. The children to be attending the nursery would range from 0-12 years and the Council's SPG sets its standards for educational facilities based on the various age range, however, given the nature of the proposed facility and the likelihood that the majority of the time the unit would be used for pre-school children, it is considered that the parking need should be assessed against the standards set out for a nursery. There is no parking requirement for customers in the SPG, only a staff requirement.

Lombard Street has restrictive parking in the form of double yellow lines directly outside the site, and large areas which provide restricted parking for two hours or for residents with a permit.

The applicant has submitted a parking survey in order to address the availability of parking in the vicinity. The parking survey was carried out by the applicant over four days; three days over one week (21<sup>st</sup>, 22<sup>nd</sup> and 23<sup>rd</sup> August) and a further fourth day the following week (30<sup>th</sup> August). The Parking Survey has identified the following parking provision along Holton Road, Beryl Road and Lombard Street on the aforementioned days (ordered by time):

#### Parking available at 8am

##### **Tuesday 21 August 2018 - 8am**

Holton Road 12 free 2 hour parking spaces  
Lombard Street 5 free 2 hour parking spaces  
Lombard Street 2 Permit holder spaces free

##### **Wednesday 22 August 2018 - 8am**

Holton Road 12 free 2 hour parking spaces  
Lombard Street 8 free 2 hour parking spaces  
Lombard Street 1 Permit holder spaces free

Beryl Road 6 free 2 hour parking spaces

**Thursday 30 August 2018 - 8am**

Holton Road\* 11 free 2 hour parking spaces  
Lombard Street 7 free 2 hour parking spaces  
Lombard Street Zero Permit holder spaces free  
Beryl Road 6 free 2 hour parking spaces

Parking available at 1pm

**Wednesday 22 August 2018 - 1pm**

Lombard Street 4 free 2 hour parking spaces  
Lombard Street zero free Permit holder spaces  
Beryl Road 3 free 2 hour parking spaces  
Holton Road 1 free 2 hour parking spaces

**Thursday 23 August 2018 - 1pm**

Lombard Street 3 free 2 hour parking spaces  
Holton Road 3 free 2 hour parking spaces

Parking available at 3:30pm

**Thursday 30 August 2018 - 3.30pm**

Lombard Street 11 free 2 hour parking spaces  
Lombard Street 2 free Permit holder spaces  
Beryl Road 10 free 2 hour parking spaces  
Beryl Road 4 free permit holders spaces  
Holton Road 1 free 2 hour parking spaces

Parking available at 6pm

**Tuesday 21 August 2018 - 6pm**

Lombard Street 7 free 2 hour parking spaces  
Lombard Street zero free Permit holder spaces  
Thompson Street (top) 4 free 2 hour parking spaces  
Holton Road 5 free 2 hour parking spaces

\* Refers to Holton Road from Thompson Street to the Greenwood Street junction

The applicant has not provided a rationale for not sampling the streets at the respective times on each of those days and the case officer has sought further surveys to supplement those submitted. However, the applicant has requested the matter be reported to Committee on the basis of the surveys already carried out. Notwithstanding this, the surveys have appropriately been carried out at times where there is likely to be demand for the use parking on street (for those customers arriving by car).

It is considered that the survey results suggest there is sufficient parking capacity in Lombard Street and within the other neighbouring streets. It is noted that parking is more limited during the lunchtime period, which is to be expected in a location near Holton Road. However, even with the limited parking available during this period, there is still considered to be a sufficient level of parking available to meet the likely demands of the nursery.

The parking survey was carried out over the summer period and therefore it does not provide detail on the level of parking available during term time. Therefore officers have carried out a series of site visits during term time at peak times in the morning (8.00-8.30) and evening (17.30-18.00) to assess the level of parking available on Lombard Street and neighbouring streets. On each of the days when the visits were carried out, the level of parking available at both times of the day suggests that there is a significant level of space in the vicinity which would meet the short stay needs of customers, and the longer stay needs of staff. It is considered that these visits have confirmed the findings of the parking survey and support the applicant's contention that the use can operate without placing unacceptable additional pressure on street parking. It is therefore considered that there is sufficient parking available to meet the parking demand associated with the proposal and that the development would not adversely impact upon parking in the area or the free flow of traffic. Notwithstanding this and the findings regarding capacity, the nature of parking demand is also of relevance. The demand associated with the proposed use is likely to be for very short stays when dropping off and picking up children and consequently much of the capacity can be 'recycled' for multiple users. It is likely that there will be times when several customers are all dropping off or picking up and the same/similar times, however, there is evidently capacity to deal with this.

Policy MD2 (Design of New Development) of the Council's LDP states that proposals should "provide safe and accessible environment for all users, giving priority to pedestrians, cyclists and public transport users". The supporting text to the policy asserts "*the provision of car parking is a major influence on the choice of means of transport and the pattern of development. The Council will seek to restrict developments that generate a high level of trips (e.g. offices, shops and leisure uses) to locations well served by public transport. Moreover, provision for parking will be reduced in line with improvements to public transport accessibility. The Council's standards are set out in the Parking Standards Supplementary Planning Guidance*" (LDP, p.101, 2017). The nearest bus stop is located on Holton Road approximately 50m away from the site which is considered to be within acceptable walking distance. The bus stop is served by the 94, 88, 97, 95, B3, 93, 96 services which run frequently throughout the day. The site is also located within walking distance of a train station. Given the sustainable location of the site, it would qualify for approximately a 20% reduction in the maximum parking requirement as per the Council's adopted SPG. The reduced maximum level of parking required would be approximately 2.5 spaces.

Taking the above into consideration, given the central location of the proposed nursery and its proximity to sustainable modes of transport, it is considered that the level of parking available on-street would be sufficient to meet the demand that would arise as a result of the proposed use. It is also considered that given the nature of a nursery, whilst there may be an increased level of visitors during certain times of the day, these are likely to only be parked for a limited period in order to drop off/ collect children. Therefore, it is considered that the use would not result in an unacceptable impact on parking.

Members will note that the development that is the subject of application 2016/00927/FUL (7 affordable flats at 33 Holton Road) would also be reliant on street parking. While this demand is not accounted for in the applicant's parking survey, it is reasonable to conclude that the patterns of parking associated with that development would be similar to those associated with the dwellings on Lombard Street; ie the greatest demand typically associated with the residential uses is likely to be prior to 0800 and after 1800. These times of days do not conflict with the hours of use of the nursery and it is considered that

there is ample scope (given the levels of parking available) to also accommodate that development and the needs of the nursery.

### Highway safety

The comments received from residents have made reference to highway safety – particularly with regards to the speed at which vehicles travel along the street and the safety implications for children accessing and exiting the premises. The road directly outside the proposed nursery has double yellow lines and therefore parking is restricted in this area, which should allow a high level of visibility for children entering and exiting the building. The speed limit on the road is 30 miles per hour and whilst some residents may feel that this is not adhered to, it is considered that the site is not in a fundamentally unsafe location and has safe pedestrian access via the footway. Given the level of parking that customers could use, it is also considered that the parking practices associated with the use are not likely to give rise to highway safety problems.

### Other Issues

The comments received from Cllr Johnson refer to concerns regarding the capacity of the building to occupy a maximum of 20 children. The comments refer to the appropriateness of toilet facilities and fire exits as well as the limited play area provided. Issues such as toilet facilities, fire exits and the capacity of a building are essentially issues regulated elsewhere and are not fundamentally material planning considerations. With regards to the comment relating to a play area, whilst the Authority requests amenity space for dwellings, there are no policies that require such spaces for nurseries. However, there is a yard area to the rear of the unit which would be available to users.

## RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

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

Site Location Plan  
Proposed layout

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 shall only be carried out within the hours of 8am to 6pm on Mondays to Friday.

Reason:

To ensure that the amenity of local residents is not detrimentally impacted, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

### REASON FOR RECOMMENDATION

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

Having regard to POLICY SP1 –DELIVERING THE STRATEGY, POLICY MD 2 – DESIGN OF NEW DEVELOPMENT, POLICY MD 5 – DEVELOPMENT WITHIN SETTLEMENT BOUNDARIES and POLICY MD7 – ENVIRONMENTAL PROTECTION of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, and the advice contained within the Council's Supplementary Planning Guidance on Residential and Householder Development and Parking Guidelines, Planning Policy Wales 9th Edition, Technical Advice Note 11 – Noise and Technical Advice Note 12- Design, the development is considered acceptable in terms of its principle, scale, design, impact on neighbours and parking.

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

### NOTE:

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

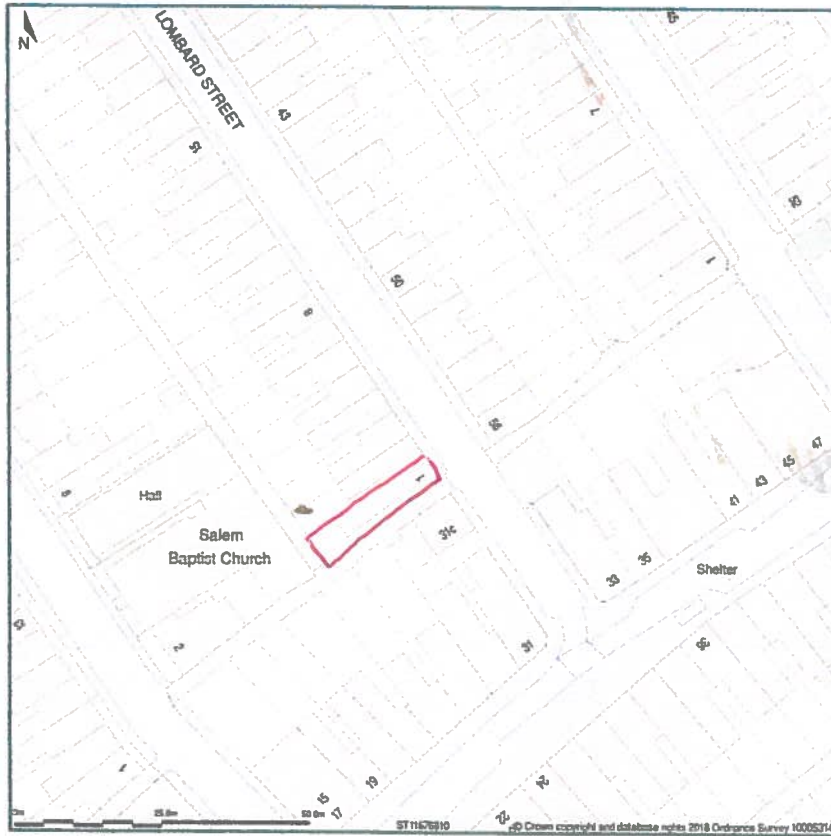
**In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).**

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

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

1800655 FUL

1. Lombard Street, Barry, Vale Of Glamorgan, CF62 8DP



Site Plan shows area bounded by: 311604.04, 168034.75 311745.46, 168176.17 (at a scale of 1:1250), OSGridRef: ST11676810. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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RECEIVED  
31 MAY 2018  
Regeneration  
and Planning

**2018/00730/FUL** Received on 2 July 2018

David Reade, c/o Agent  
Mr. Robert Hathaway Plan R Ltd., 39, Merthyr Mawr Road, Bridgend, CF31 3NN

## **6, Salmons Wood, Graig Penllyn**

New dwelling within rear garden of 6, Salmons Wood including access and parking

### **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 C Cave as she wishes Planning Committee to consider the personal circumstances of the applicant in favour of the application and the shortage of elderly accommodation. This model should help ensure that the applicant's parents can stay independent and living in their own home for as long as possible.

### **EXECUTIVE SUMMARY**

The application site comprises part of the rear garden to an existing dwelling at 6 Salmons Wood. Part of the site lies within settlement boundary for Graig Penllyn as defined in the Local Development Plan (LDP), whilst the proposed access lies outside.

The proposal is for a detached single storey dwelling.

Previous applications for the residential development of land to the rear of Salmons Wood have been refused, including, 2015/01500/OUT, refused 13 April 2016, and 2016/01236/OUT, refused 3 February 2017, with a subsequent appeal dismissed 13 July 2017.

The Assembly Member, Andrew R T Davies has submitted a letter in support of the application.

The main issues include, the principle of new residential development in this location; the impact on the surrounding rural landscape, including the Special Landscape Area; any detriment to highway safety; the effect on neighbouring and general residential amenities; and S106 planning obligations. The planning history of the site is also relevant to the assessment of the application.

It is recommended that the application be refused as it represents an unacceptable form of residential development that would detract from the undeveloped and unspoilt character of the surrounding rural landscape, including the wider Special Landscape Area, contrary to local policy and national guidance.

### **SITE AND CONTEXT**

The application site comprises approximately 0.065 ha of the rear garden to an existing dwelling at 6 Salmons Wood, and an existing agricultural track. The access track lies



adjacent to the entrance to the existing dwelling at 6 Salmons Wood and runs alongside the western boundary of that property.

The area of the proposed dwelling is on a higher level than the existing house on land that rises to the south. The rear garden is enclosed by a hedgerow on its western boundary to the track.



The part of the site comprising the rear garden lies within the settlement boundary for Graig Penllyn as defined in the Local Development Plan (LDP), whilst the access track is outside. In addition the site lies within the Upper & Lower Thaw Valley Special Landscape Area, and the access track is within a Category 1 Limestone Minerals Reserve. A Public Right of Way, Public Footpath No. 10 Penllyn, runs past the southern corner of the site.

### DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for construction of a detached bungalow within the rear garden of an existing dwelling.

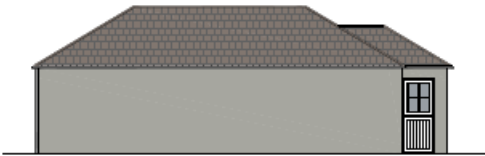
The proposal entails the demolition of an existing single storey outbuilding and greenhouse.

The proposed single storey, hipped roof dwelling will accommodate two bedrooms, a bathroom, ensuite, utility room, porch entrance, and open plan kitchen/garden room. It will be sited approximately 9.5m from the main rear elevation of the existing dwelling.

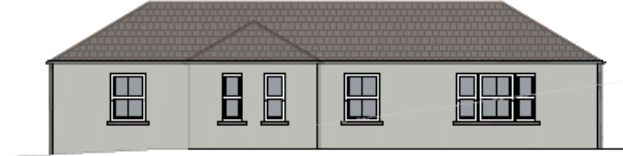


*Proposed site plan*

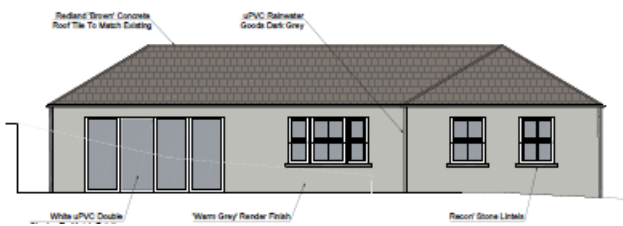
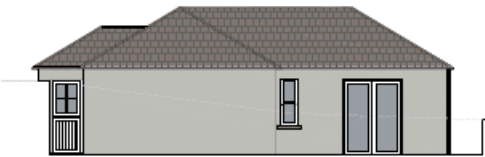
The external finishes of the proposed dwelling will be grey render with Redland brown Concrete roof tile.



PROPOSED NORTH BUILDING ELEVATION  
(1:100)

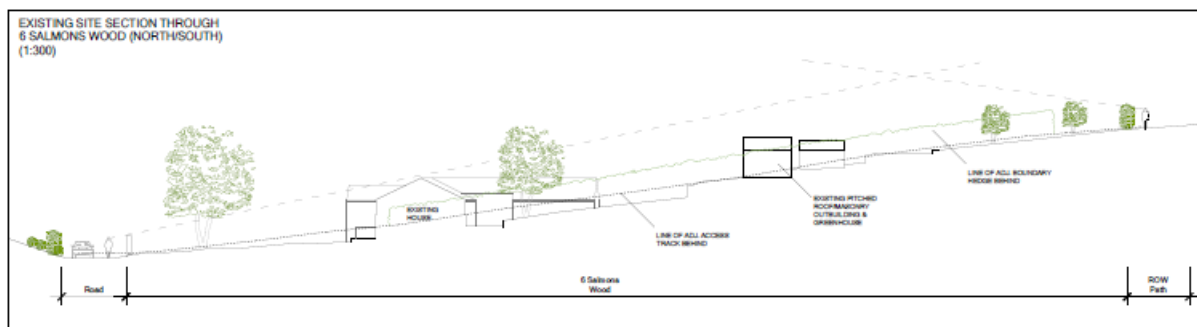


PROPOSED WEST BUILDING ELEVATION  
(1:100)

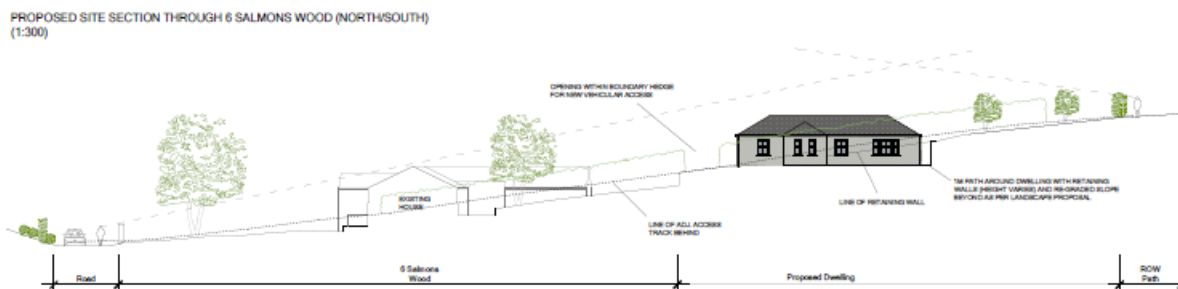


*Proposed elevations*

The proposal will also include excavation of existing ground levels.



Existing levels



Proposed levels

Vehicular access to the new dwelling will be formed to the north of the building, off the existing agricultural track to the west. This will give access onto the adopted highway to the north. Two tandem car parking spaces are shown at this access point.

The application is accompanied by a Planning Statement; a Settlement Appraisal; a Tree Survey and Arboricultural Impact Assessment; and a Landscape and Visual Impact Appraisal.

## PLANNING HISTORY

1982/00549/FUL - Extension to consist of two bedrooms – Approved 27 May 1982 subject to ancillary use and not as a separate dwelling.

1994/00494/FUL - Pillars and wrought work to existing wall – Approved 29 July 1994.

2015/01500/OUT – Land to the rear - Erection of two dwellings including access and parking – Refused 13 April 2016 for the following reason:-

*“In the opinion of the Local Planning Authority the proposal represents an unjustified and unacceptable form of residential development in a countryside location that would detract from the undeveloped and unspoilt character of the surrounding rural landscape contrary to Policies ENV1-Development in the Countryside, ENV2-Agricultural Land, ENV10-Conservation of the Countryside, ENV27-Design of New Developments, HOUS2-Additional Residential Development, HOUS3-Dwellings in the Countryside, HOUS8-Residential Development Criteria, REC12-Public Rights of Way and Recreational Routes, and Strategic Policies 1 & 2-The Environment of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Design in the Landscape; and national guidance contained in Planning Policy Wales, TAN12-Design and TAN16-Sport, Recreation and Open Space.”*

2016/00651/LAW - Extension to garden area – Lawful Development Certificate issued 21 July 2016.

2016/01236/OUT – Land to the rear - Erection of two dwellings including access and parking – Refused 3 February 2017 for the following reason:-

*“The proposal represents an unjustified and unacceptable form of residential development in a countryside location, involving the loss of potentially best and most versatile agricultural land, and adversely affecting an existing public right of way, that would detract from the undeveloped and unspoilt character of the surrounding rural landscape contrary to Policies ENV1-Development in the Countryside, ENV2-Agricultural Land, ENV10-Conservation of the Countryside, ENV27-Design of New Developments, HOUS2-Additional Residential Development, HOUS3-Dwellings in the Countryside, HOUS8-Residential Development Criteria, REC12-Public Rights of Way and Recreational Routes, and Strategic Policies 1 & 2-The Environment of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Design in the Landscape; and national guidance contained in Planning Policy Wales, TAN12-Design and TAN16-Sport, Recreation and Open Space.”*

A subsequent appeal was dismissed 13 July 2017. A copy of the appeal decision is attached as **Appendix A**

## CONSULTATIONS

**Penllyn Community Council** were consulted on 3 July 2018 and no comments have been received to date.

**Dwr Cymru/Welsh Water** were consulted on 3 July 2018 and no comments have been received to date.

**The Council’s Environmental Health section** were consulted and have stated that contamination is not known at this site, however the potential for this cannot be ruled out. As such, request the use of the ‘unforeseen contamination’ condition in any consent. In addition, should there be any importation of soils, or materials imported as part of the construction of the development, it must be demonstrated that they are suitable for the end use. Therefore conditions relating to the importation of soils and/or aggregates are also requested.

**The Council’s Highway Development team** were consulted on 28 August 2018 and no comments have been received to date.

**The Council’s Drainage section** were consulted and have stated that the site is not located in DAM zones at risk of tidal or fluvial flooding and NRW maps indicate that there is a very low risk of surface water flooding to the site. However there is a low risk of surface water flooding to the adjacent highway servicing the site.

No details have been submitted with regard to surface water drainage for the proposed development, and no detail on the management and maintenance of the proposed drainage system. As such a condition is requested that no development shall commence on site until a detailed scheme for the surface water drainage of the site, showing how road and roof/yard water will be dealt with, has been submitted and approved in writing by the LPA. If infiltration techniques are used, then the plan shall include the details of field percolation tests. Any calculations for onsite attenuation or discharge should also be included together with the details on the management of the drainage system. The approved scheme must be implemented prior to beneficial occupancy. This is to ensure that effective drainage facilities are provided for the proposed development and that flood

risk is not increased elsewhere.

## REPRESENTATIONS

The occupiers of neighbouring properties were notified on 3 July 2018. In addition a site notice was posted on 20 July 2018.

No neighbour representations have been received to date, however, Assembly Member Andrew R T Davies has submitted a letter in support of the proposal.

## REPORT

### Planning Policies and Guidance

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

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

#### **Strategic Policies:**

POLICY SP1 - Delivering the Strategy.  
POLICY SP3 - Residential Requirement.  
POLICY SP4 - Affordable Housing Provision.  
POLICY SP9 - Minerals.  
POLICY SP10 - Built and Natural Environment.

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

POLICY MG1 - Housing Supply in the Vale of Glamorgan.  
POLICY MG4 - Affordable Housing.  
POLICY 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 MD4 - Community Infrastructure and Planning Obligations.  
POLICY MD5 - Development within Settlement Boundaries.  
POLICY MD7 - Environmental Protection.

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

#### **Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application, in particular, Chapter 4-Planning for Sustainability including paragraphs 4.1.1, 4.4.3, and 4.11-promoting sustainability through

good design; Chapter 5-Conserving and Improving Natural heritage and the Coast, including paragraph 5.1.1; Chapter 9-Housing, including paragraphs 9.2.13, 9.3.1, 9.3.2, 9.3.3, and 9.3.4; and Chapter 11-Tourism, Sport and Recreation, including paragraph 1.1.13.

### **Technical Advice Notes:**

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

- TAN 2 - Planning and Affordable Housing (2006).
- TAN 12 - Design, including paragraphs 2.6, 4.3, 4.5, 4.8, 5.8-rural areas and 5.11-housing design and layout.
- TAN 16 - Sport, Recreation and Open Space, including paragraphs 3.37 to 3.44.

### **Supplementary Planning Guidance:**

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

- Affordable Housing (2018).
- Design in the Landscape, in particular policy DG13-Rural Settlements.
- Minerals Safeguarding (2018).
- Parking Standards.
- Planning Obligations (2017).
- Residential and Householder Development (2018).
- Trees, Woodlands, Hedgerows and Development (2018).

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

- Agricultural Land Classification background paper (2015) (Also see LDP Hearing Session 1 Action Point 12 response).
- Affordable Housing Viability Update Report (2014) (Also see LDP Hearing Session 6 Action Point 3 to 9 responses).
- Affordable Housing Delivery Update Paper (2016) (LDP Hearing Session 6 Action Point 2 response).

- Vale of Glamorgan Local Housing Market Assessment (LHMA) 2017.
- LDP Housing Land Supply Trajectory 2011-26 (September 2016).
- (LDP Hearing Session 2 and 3, Action Point 4, 6, 7, 9 and 10 response) Housing Provision Background Paper (2015) (Also see LDP Hearing Session 2 and 3 Action Point 3 and 5 response).
- Housing Supply Background Paper (2013) (Also see LDP Hearing Session 2 and 3 Action Point 5 response).
- Joint Housing Land Availability Study (2014).
- Vale of Glamorgan Housing Strategy - (2015-2020).
- Designation of Landscape Character Areas (2013 Update).
- Designation of Special Landscape Areas (2013 Update).
- Designation of SLAs Review Against Historic Landscapes Evaluations (2013 Update).
- Minerals Planning revised background paper (2014) (Also see LDP Hearing Session 13, Action Point 1, 3 and 4 response).
- Sustainable Settlements Appraisal Review (2016).

**Other relevant evidence or policy guidance:**

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

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

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

Issues

In assessing the proposal against the above policies and guidance, it is considered that the main issues, include, the principle of new residential development in this location; the impact on the surrounding rural landscape, including the Special Landscape Area; any detriment to highway safety; the effect on neighbouring and general residential amenities; and S106 planning obligations. The planning history of the site is also relevant to the assessment of the application.

## Principle and background

It will be noted from the planning history that this is the third application for new residential development associated with 6 Salmons Wood.

Previous applications have been submitted in outline for two new dwellings on agricultural land to the south of the existing dwelling, and outside of the defined settlement boundary for Graig Penllyn. Applications reference, 2015/01500/OUT, and 2016/01236/OUT, were both refused, with the last also dismissed on appeal in July 2017, with the decision attached as **Appendix A**.



Proposed site layout for previously refused application (2016/01236/OUT)

The current application differs from the two previous applications being submitted, as the proposal now relates to a full application for one dwelling rather than an outline application for two dwellings.

The proposed dwelling has been re-positioned closer to the existing dwelling, within the rear garden. Part of this land was the subject of an application for a lawful development certificate for its use as garden, reference 2016/00651/LAW. This was approved on 21 July 2016 as garden associated with, but not forming part of, the curtilage of 6 Salmons Wood.

Thus in contrast to the previous applications, the triangular area now proposed for the siting of the new dwelling lies within the settlement boundary for Graig Penllyn, as defined in the LDP. However, the proposed access to the new dwelling remains outside of the settlement boundary. As such relevant policies include, MD1-Location of New Development and MD5-Development within Settlement Boundaries of the LDP, which allow for new development but subject to certain criteria. Of particular relevance to the assessment of the proposal is criterion 1 of MD1, which requires that new development has no unacceptable impact on the countryside, and criterion 3 of MD5 which requires that



it be of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality. Furthermore, policy MD2 relates to the Design of New Development, and is also subject to certain criteria, including, that it respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density.

The design and visual impact of the proposal is assessed in more detail below. However, it is noted that the current application is supported by a Settlement Appraisal, and a Planning Statement. The Settlement Appraisal outlines the historical growth of the village, and references at paragraph 13.0 the historic context of the application site which was formerly part of a property known as 'Celyn-chwith' (1885 plan). The Planning Statement also notes at paragraph 1.4:-

*"The Settlement Appraisal produced by Mackley Davies Associates tracks the development of the village and notes that the organic growth of the village has developed on the valley sides as well as ribbon development. The settlement appraisal indicates many such areas in the nearby vicinity that demonstrate that the village has a clear pattern of staggered development creeping up the valley side."*

It is considered that the fact a house existed on the site in 1885 does not set any precedent for a new house within the very different context that is evident today. Furthermore, whilst it is accepted that there has been organic growth in other parts of Graig Penllyn, with houses developed on the valley sides, the context of the application site is much different. The historical development of the village, with new dwellings being built on higher ground behind earlier properties may be characteristic of other parts of Graig Penllyn, but are not evident in the area of ribbon development that this location is part of the village. Indeed the Settlement Appraisal itself recognises the uniqueness of the properties at Salmons Wood noting at paragraph 14.0 that:-

*"Unusually for Graig Penllyn the properties are either bungalows or single storey with dormer windows."*

Thus it is considered that the history of the site, and the development of other parts of Graig Penllyn, do not set a precedent for a dwelling within the rear garden of this property on the western edge of the village. It is considered that the principle of locating a dwelling in this location is not accepted given its incongruity with the existing pattern of housing in this area. National guidance advises against this with paragraph 9.3.1 of PPW stating:-

*"New housing developments should be well integrated with and connected to the existing pattern of settlements. The expansion of towns and villages should avoid creating ribbon development, coalescence of settlements or a fragmented development pattern."*

In addition, paragraph 9.3.2 states:-

*"Sensitive **infilling** of small gaps within small groups of houses, or minor extensions to groups, in particular for affordable housing to meet local need, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area."*

National guidance also advises that 'tandem' development should be avoided. Whilst the proposal is not strictly tandem, as it relies on separate access along the agricultural access track, nevertheless, it does represent development of a 'backland' location, which is out-of-keeping with the context of the site. The proposal cannot be considered as an infill and its position within the rear garden of the existing dwelling would erode the current

spaciousness. Both the proposed house and the existing would sit within relatively small plots in comparison to the neighbours. This would introduce a form of development at odds with the prevailing pattern, which would harm the character and appearance of the area, and is examined in more detail below.

In line with the two previous applications, the supporting documentation makes references to the personal circumstances of the applicant. Paragraph 3.1 of the Planning Statement notes:-

*“The aim of the development is to provide a modest single storey two-bedroom dwelling in the south western quadrant of the garden. This will enable the owner’s daughter’s family to live close by to her parents thereby ensuring oversight and care and taking pressure off public services and the NHS in future years. This supports the Well Being and Future Generations Act 2015 – where one of the core elements is cohesive communities.”*

Section 38 of The Planning and Compulsory Purchase Act 2004, requires that the Council determine an application in accordance with the development plan unless material considerations indicate otherwise. PPW contains guidance on the nature of ‘material considerations’, which can include personal circumstances. Whilst once again having sympathy for the personal circumstances outlined, such a situation is by no means unusual, and a similar case for new dwellings in inappropriate and unacceptable locations could be made many times over by other families, undermining local policies and national guidance. PPW recognises that such considerations rarely outweigh the more general planning considerations, and whilst permissions may be granted subject to a condition that it is personal to the applicant, this is not appropriate in this case. As paragraph 3.1.6 of PPW states:-

*“Authorities should bear in mind that personal permissions will hardly ever be justified for works or uses that will remain long after the personal circumstances of the applicant have changed.”*

Furthermore, these personal circumstances have been rejected as unjustified in the previous applications. Indeed, the Appeal Inspector noted at paragraph 9 of the appeal decision:-

*“The Appellants have explained why they want to build the dwellings in the village and the family and social benefits that would be gained. However, it is an established principle of planning policy that personal circumstances rarely outweigh the long-term impacts of new built development, and I do not consider the circumstances in this case to be so exceptional as to override this principle.”*

Another issue in relation to the acceptability of the principle of the proposed development relates to criterion 9 of policy MD1 which requires that it have no unacceptable impact on the best and most versatile agricultural land. In the earlier applications it was noted that the Council’s Agricultural Land Classification records showed the land classified as Grade 3, although, with no survey work undertaken, it was not clear whether this was the higher Grade 3a. Reference was made to paragraph 4.10.1 of PPW which notes that the best and most versatile agricultural land should be conserved as a finite resource for the future, stating:-

*“...considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable...”*

In the two previous applications the proposal related to greenfield land in agricultural use. In contrast the current application will not entail the direct loss of any agricultural land. In any case, the permanent loss of agricultural land was not a matter considered by the Appeal Inspector. Despite this it is recognised that the proposed means of access to the new dwelling will be along an existing agricultural track. Bearing in mind the proposed layout it is recognised that there could be some conflict of movement between residential and agricultural vehicles. In particular any overflow parking from the proposed dwelling could obstruct agricultural movements. Whilst this alone may not justify a refusal of the application, it is considered indicative of the poor location for new housing.

### Design and visual impact

National guidance at paragraph 5.1.1 of PPW recognises the importance of the natural heritage of Wales both for its own sake and for the health and the social and economic wellbeing of individuals and communities. As already noted national guidance requires that new housing should be well integrated with and connected to the existing pattern of settlements.

In addition paragraph 5.8.1 of TAN12-Design states:-

*“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.”*

This guidance is followed in the Council’s own Local Development Plan policies. As already noted, criterion 1 of MD1 requires that new development has no unacceptable impact on the countryside, and criterion 3 of MD5, requiring that it be of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality. Furthermore, policy MD2 relates to the Design of New Development, and is also subject to certain criteria, including, that it respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density.

When dismissing the appeal last year the Inspector noted that the main issue in its determination was the effect of the proposed development on the character and appearance of the area. The Inspector stated:-

*“National policy advises that new development should be well integrated with the existing pattern of the settlement, and newly adopted LDP policies MD1 and MD2 do not support development that would have an unacceptable impact on the countryside and that would not contribute to the context and character of the surrounding landscape. I conclude that the proposed development would be contrary to development plan and national planning policies.”*

It is acknowledged that this revised scheme now proposes a single dwelling which would be within the settlement boundary for Graig Penllyn. However, despite these changes, as outlined above, the location still represents a protrusion beyond the existing ribbon of housing, which remains unrelated to the form of this part of the village. This is clearly at odds with criterion 3 Policy of MD5 which requires development within settlements to be of *“a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality”*.

As such, it is considered that it would still have an adverse impact on the character and appearance of the area, which now includes the Upper & Lower Thaw Valley Special Landscape Area.

Policy MG17 of the LDP relates to Special Landscape Areas and notes that development proposals will be permitted within these areas where it is demonstrated they would not cause unacceptable harm to the important landscape character of the area. In addition policy DG13 of the Design in the Landscape SPG refers to Rural Settlements and outlines a number of aims for development in such areas, which include the reduction, and wherever feasible, the reversal of the erosion of locally distinct rural character which results in suburbanisation. In relation to visual impact it seeks to ensure that development does not intrude over skylines, particularly where settlements are valley based, and to protect from development the important visual envelopes surrounding settlements.

The application is accompanied by a Tree Survey and Arboricultural Impact Assessment, and a revised Landscape and Visual Impact Assessment. The tree survey indicates that a 3m section of the hedgerow that runs along the boundary with the agricultural track will need to be removed, plus a number of mature trees within the garden. The current Landscape and Visual Impact Assessment (LVIA) has been revised to take account of the changes to the proposal, plus the policy change in relation to the Special Landscape Area (SLA). The conclusions of both reports are very similar. The October 2016 report stated:-

*“Overall the visual effects from the proposal **from a limited number of viewing points** will be **adverse Minor**, with effects decreasing as hedgerow management and planting mitigation take effect.”*

The revised report dated June 2018 now concludes:-

*“Provided mitigation measures are undertaken, impacts will immediately or over time be eliminated or substantially reduced. The visual effects from the proposal on **a limited number of viewing points** is assessed as **adverse Minor** as the magnitude of change will be **Small and localised**.”*

As with the previous application, the findings of the LVIA are accepted in that it acknowledges that there will be an impact on the surrounding landscape. However, the scale of this impact and its acceptability is not accepted, particularly now that the SLA has been extended to include the site. In 2006-2007, the Council renewed the LANDMAP data utilising the current (2003) methodology assisted by CCW. The updated methodology included a quality assurance exercise to ensure consistency of approach across Wales. The updated methodology retained the five evaluated aspect topic layers, viz., Geological Landscapes, Landscape Habitats, Visual and Sensory Landscapes, Historic Landscapes and Cultural Landscapes, and for each of the aspect area topic layers, discrete geographical units known as aspect areas were identified and mapped and a data set developed that includes a description, classification and evaluation of quality. These assessments formed the basis for the SLA designations with the boundaries themselves being defined to robust and lasting features e.g. roads, rivers. As a result the SLA was extended in this area as the consultants overall assessment was that the landscape warranted inclusion on various counts. The Designation of Special Landscape Areas (2013 Update), a background paper to the LDP, identified the changes to the Upper & Lower Thaw Valley SLA, noting the exclusion of Cowbridge town and extension of the boundary to the south, to include further Visual and Sensory, Cultural and Habitat aspects of high value and to include the whole valley landscape. The assessment for the Visual and Sensory aspect that covers the Graig Penllyn area (Visual and Sensory, VS933

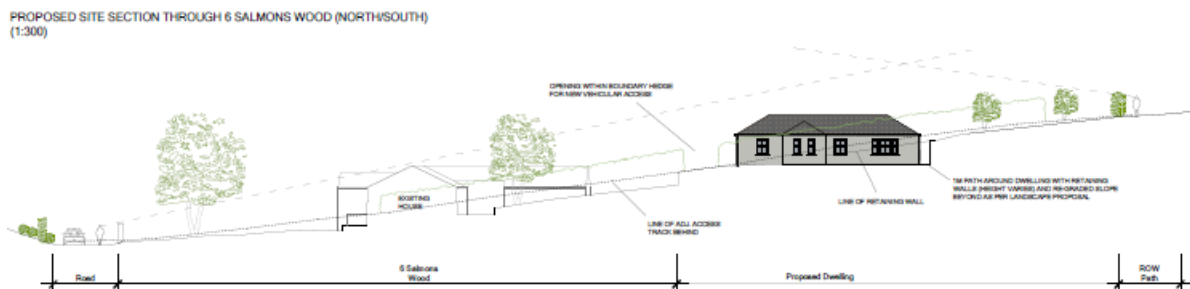
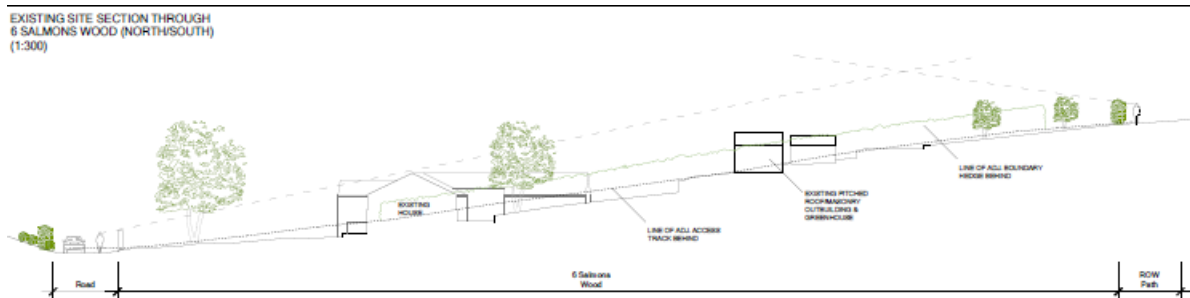
(High)), refers to the dramatic valley side, tranquillity, strong sense of place, and includes the management guideline to restrict development. It is accepted that this is not exclusive to the application site and applies to the wider area, however, it is considered that the proposal will have a wider than site specific impact. Furthermore, the Designation of Landscape Character Areas (2013 Update), another background paper to the LDP, recommends key policy and management issues, including management of the valley sides.

It is noted that in reaching his conclusion on the previous proposal, i.e. that the development would be a highly visible intrusion into the rural landscape and unacceptably harmful to the character and appearance of the countryside, the appeal Inspector noted that he did not agree with the submitted LVIA, stating at paragraph 4:-

*“Furthermore, they refer to the expert opinions expressed in their consultant’s Landscape and Visual Impact Assessment. That document assesses the impact as being minor adverse and localised and describes the mitigation measures proposed in terms of hedge and tree planting and landscape measures. I disagree with these various assessments.”*

The Inspector was also of the opinion that whatever measures are taken, it would not be possible to overcome the detrimental effects of building detached new dwellings in a highly visible location.

The conclusion on the current report refers to ‘mitigation measures’ and the change being ‘Small and localised.’ It is acknowledged that the proposed dwelling is now lower on the hillside and within the settlement boundary. However, it is not considered that this means it will be any less visible or prominent on the hillside. Further the mitigation measures, including new planting, cannot hide a development. Once again, it is considered that the LVIA has underestimated the sensitivity of the landscape to change, and also the extent to which the development will be visible within the wider landscape. The submitted cross-sections clearly show the difference in scale and massing from the existing buildings on the site.



However, what is not so evident is the extent of ground works that will be required to level the site, and the associated retaining work. These will all make the development more visible and intrusive, not only from the existing neighbours to the north, but also from the public right of way to the south, and on the western approach into the village along the adopted highway. Thus the proposed development would be a highly visible intrusion into the rural landscape from a number of vantage points. It is considered that the LVIA has also failed to recognise difference in the wider impact from small scale outbuildings associated with an existing dwelling, and the introduction of a wholly new and independent dwelling, with its own curtilage. This includes, not only the increase size and scale of the building and associated ground works already identified, but also the additional domestic paraphernalia associated with the new household, along with the necessary surfacing for access, driveway/parking, all of which will serve to urbanise the site and detract from the unspoilt, undeveloped countryside beyond the village boundary.

Thus it is considered that the proposal would give rise to an intrusive form of sporadic development to the detriment of the character and appearance of Graig Penllyn and the surrounding rural landscape of the SLA contrary to national and local plan policy.

#### Highway and pedestrian access including effect on PROW

The impact on the highway network was not an issue of concern for the appeal Inspector. Although no comments have been received from the Council Highway Development team to date on the current application, it is noted that there were no Highway objections on the previous applications. This was subject to conditions requiring 3 No. on-site parking spaces plus manoeuvring area for each dwelling on site, and the introduction and maintenance of visibility splays of 2m x 43m with the adopted highway.

The current scheme does not identify the vision splays on the submitted plans, however, it is accepted that there has been no change in relation to the agricultural access since the appeal. As regards the on-site car parking, it is considered that two spaces would be sufficient. The lack of on-site turning space has already been noted in respect of the potential to affect agricultural activities, however, it is not considered to be a highway safety issue.

The report on the previous application made reference to the planning history in relation to the agricultural track. With no records of any planning permission, or agricultural prior notification, there was doubt over the planning status of the track. However, the planning status of the track was not considered to be relevant to the application, but it was recognised that the nature of the track would change, with new surfacing etc., to serve the proposed dwellings. Indeed, it was noted that new surfacing has been installed since the original application. In addition, it was recognised that whilst the entrance gate was agricultural in nature, the associated works, including railings and stone walls, had, and still maintain a more domestic appearance. Such works remain an urbanisation of the site, which is particularly noticeable compared to the appearance of the site before the access was introduced.

As regards any impact on the Public Right of Way, this revised application no longer requires the diversion of the public footpath. Despite this, there remains a concern that the proposal will detract from the use of the public footpath. The recreational importance of the countryside and the network of public footpaths are recognised in both local policy and national guidance. Criterion 7 of LDP policy MD2 requires that new development conserve and enhance the quality of, and access to, existing open spaces and community facilities.

This approach is supported by national guidance including PPW and TAN16-Sport, Recreation and Open Space. Paragraph 11.1.13 of PPW requires local authorities to protect and enhance the rights of way network as a recreational and environmental resource.

Indeed, the appeal Inspector recognised the importance of the public footpath and commented on this in his appeal decision, stating at paragraph 8:-

*“The proposal would also require the minor diversion of a public footpath, which currently crosses the site. Whilst that may not in itself be problematic, the close proximity of the footpath would lead to the erosion of its amenity, and users of the footpath would experience a detrimental impact on the character of the rural landscape within which the footpath currently runs. This serves to further reinforce my main conclusions.”*

It is considered that although the current proposal no longer affects the alignment of the footpath, it will still have an adverse effect. Those walkers using the footpath will have their enjoyment adversely affected as the proposed development will serve to urbanise the site. This will detract from the walkers’ quiet enjoyment of the countryside.

#### Neighbouring and residential amenity

The issue of neighbouring impact was not a concern raised by the local authority or the appeal Inspector on the previous application. It was determined that the proposed houses were a sufficient distance away from the existing dwellings that there would be no impact on levels of privacy, any overshadowing or overbearing effect.

In contrast to the previous applications, the current proposal locates the new house within the existing rear garden, and closer to the existing bungalow at 6 Salmons Wood. Notwithstanding this, the proposed bungalow will meet the privacy requirements for window-to-window distances as set out in the Council’s Residential and Householder Development SPG. However, there is some concern that there may be some overlooking of the existing property from the rear garden associated with the proposed dwelling. This is due to the levels across the site, with the rear garden of the new dwelling being higher than the existing garden. This would allow for direct overlooking of not only the reduced rear garden of the existing bungalow, but also windows in the rear elevation, in particular the projecting rear wing which would be only around 8m from the boundary to the new plot. It is appreciated that some form of screen could be placed along this boundary, but in order to safeguard privacy it would need to be around 1.8m in height. This additional development would again add to the urbanisation of the site.

Despite the above concerns, it is not considered that the neighbouring impact would justify a refusal. However, it is considered that the proposal will cause harm to the general amenities of the area as already outlined above, i.e. in relation to the visual impact and the effect on the quiet enjoyment of the public footpath.

As regards the provision of private amenity space to serve the proposed and existing dwelling, it is noted that the proposal will be capable of meeting the Council’s requirements as outlined in the Residential and Householder Development SPG. However, as noted above, the size of the plots would not be in keeping with the prevailing pattern of development in the area.

## S106 planning obligations

Policy MD4 of the LDP relates to Community Infrastructure and Planning Obligations and notes that the Council will seek to secure new and improved infrastructure, facilities, and services appropriate to the scale, type and location of proposed developments through the use of planning obligations. The Council's Planning Obligations Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought, and indicates how they may be calculated.

In this case policy MG4-Affordable Housing is relevant to the proposal. This requires all residential sites resulting in a net gain of one or more dwellings to provide an element of affordable housing. The Council's Affordable Housing SPG requires that residential development within the Rural Vale housing market area resulting in a net gain of one dwelling or more should deliver 40% affordable housing.

In this case, as the contribution would relate to the equivalent of 0.4 of an affordable unit, an off-site affordable housing contribution would be required based upon the following equation:

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

The Acceptable Cost Guidance band in this case is based upon band 5. The Council's Housing Strategy Team has been consulted on the application and confirm that Graig Penllyn is in the Cowbridge Ward where the highest need is for one bedroom accommodation.

Based on the table at Figure 1 paragraph 5.3.2 of the SPG the ACG is £119,700. As such, if the proposal was considered acceptable, the required off-site Affordable Housing contribution would be £27,770.4.

It is noted that the supporting Planning Statement refers to the proposed development being a 'self-build' scheme. There is an exemption for Self Build Housing Developments in the SPG, and this would be taken into consideration in any subsequent S106 legal agreement that would be required. Notwithstanding this, the proposal remains unacceptable for the reasons outlined above. Furthermore, the argument put forward in the Planning Statement that the dwelling would provide an unallocated windfall site in a sustainable location, is not considered to override the concerns already outlined over the proposal.

## Other Issues

On the issue of drainage, Welsh Water have not yet commented on the proposal. However, the Council's Drainage section note that NRW maps indicate that there is a very low risk of surface water flooding to the site, but there is a low risk of surface water flooding to the adjacent highway. No details have been submitted with regard to surface water drainage for the proposed development, and no detail on the management and maintenance of the proposed drainage system. As such, a condition is requested on any consent that no development shall commence until a detailed scheme for the surface water drainage of the site, showing how road and roof/yard water will be dealt with, has been submitted and approved in writing by the LPA.



The Council's Environmental Health section indicate that although there is no known contamination at this site, the potential cannot be ruled out. As such, they have requested the use of the 'unforeseen contamination' condition in any consent. In addition, should there be any importation of soils, or materials imported as part of the construction of the development, it must be demonstrated that they are suitable for the end use. Therefore conditions relating to the importation of soils and/or aggregates are also requested.

Finally, as already noted, part of the site lies within a Category 1 Limestone Minerals Reserve as identified in the LDP. In accordance with Policy MG22 new development proposals within Minerals Safeguarding Areas will be required to be justified, and only permitted where minerals can be economically extracted prior to the commencement of development, or where applicants have demonstrated that prior extraction would not be appropriate. For limestone extraction, there would be a need for a 200m buffer, for "sensitive developments" which includes residential. Thus, in this instance, due to the position relative to existing dwellings, it is accepted that it is unlikely that any extraction could be undertaken without causing harm to the occupiers of the existing properties.

In view of the above the following recommendation is made.

## RECOMMENDATION

### REFUSE (W.R.)

1. The proposal represents an incongruous form of residential development, out of keeping with the existing pattern of development at this edge of village location, which would cause unacceptable harm to the character and appearance of the surrounding undeveloped and unspoilt rural landscape, including the Upper & Lower Thaw Valley Special Landscape Area. This would also detract from the visual and general amenities of the area, including the impact on the quiet enjoyment of an existing public right of way, all contrary to Policies SP1-Delivering the Strategy, SP10-Built and Natural Environment, MG17-Special Landscape Areas, MD1-Location of New Development, MD2-Design of New Development, and MD5-Development within Settlement Boundaries of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; Supplementary Planning Guidance on Design in the Landscape; and national guidance contained in Planning Policy Wales, TAN12-Design and TAN16-Sport, Recreation and Open Space.

## REASON FOR RECOMMENDATION

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

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





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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 03/07/17

gan Clive Nield BSc(Hon), CEng,  
MICE, MCIWEM, C.WEM

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 13.07.2017

## Appeal Decision

Site visit made on 03/07/17

by Clive Nield BSc(Hon), CEng, MICE,  
MCIWEM, C.WEM

an Inspector appointed by the Welsh Ministers

Date: 13.07.2017

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**Appeal Ref: APP/Z6950/A/17/3174260**

**Site address: Land rear of 6 Salmon Wood, Graig Penllyne, Vale of Glamorgan, CF71 7SB**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr & Mrs D Reade against the decision of the Vale of Glamorgan Council.
  - The application Ref 2016/01236/OUT, dated 14 October 2016, was refused by notice dated 3 February 2017.
  - The development proposed is the erection of two dwellings, including access and parking.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

### Reasons

3. The appeal site is located in the open countryside outside the settlement boundary, and the proposed development would extend the built environment out into the surrounding undeveloped area of countryside. The Appellants argue that the site is adjacent to the edge of settlement boundary, which in the newly adopted Local Development Plan runs along the end of the extended garden of the Appellants' present house. They submit that the proposed development would represent a minor extension of the present built development and be part of the organic growth of the village.
  4. Furthermore, they refer to the expert opinions expressed in their consultant's Landscape and Visual Impact Assessment. That document assesses the impact as being minor adverse and localised and describes the mitigation measures proposed in terms of hedge and tree planting and landscape measures. I disagree with these various assessments.
-

5. Although most details are reserved for future determination, the 2 dwellings proposed would be located a considerable distance from the nearest properties in Salmon Wood, which have long rear gardens, and would be quite unrelated to the form of the wider village. They would protrude out into the countryside and would not bear any relationship to the concept of "rounding off" as claimed by the Appellants.
6. The Appellants submit that the detailed design of the dwellings would minimise their impact, and that might be so. However, I consider that, whatever measures were taken, it would not be possible to overcome the detrimental effects of building 2 houses and associated works in this location. I conclude that the proposed development would be a highly visible intrusion into the rural landscape and unacceptably harmful to the character and appearance of the countryside.
7. National policy advises that new development should be well integrated with the existing pattern of the settlement, and newly adopted LDP policies MD1 and MD2 do not support development that would have an unacceptable impact on the countryside and that would not contribute to the context and character of the surrounding landscape. I conclude that the proposed development would be contrary to development plan and national planning policies.
8. The proposal would also require the minor diversion of a public footpath, which currently crosses the site. Whilst that may not in itself be problematic, the close proximity of the footpath would lead to the erosion of its amenity, and users of the footpath would experience a detrimental impact on the character of the rural landscape within which the footpath currently runs. This serves to further reinforce my main conclusions.
9. The Appellants have explained why they want to build the dwellings in the village and the family and social benefits that would be gained. However, it is an established principle of planning policy that personal circumstances rarely outweigh the long-term impacts of new built development, and I do not consider the circumstances in this case to be so exceptional as to override this principle.
10. Arguments have also been put forward about the sustainable nature of the village and its suitability for further development, and comments have been made about larger scale development proposals in other villages. I draw no conclusions on these matters but, even if they were to be accepted, they would not be sufficient to justify the development currently proposed in such a poor location.
11. For the reasons given above I conclude that the appeal should be dismissed.
12. In reaching my decision I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

*Clive Nield*

Inspector

**2018/00761/FUL** Received on 20 July 2018

Mr. Glenn White BC18 Ltd, Unit C, Avondale Business Park, Cwmbran, NP44 1XE  
Mr. Glenn White BC18 Ltd, Unit C, Avondale Business Park, Cwmbran, NP44 1XE

### **Sport Nutrition Supplements, 50A, Holton Road, Barry**

Change of use of premises to A3 (Food and Drink) for use as a micropub serving cask ales and craft beers

#### **REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because a current Councillor of the Vale of Glamorgan Council has a personal interest in the application site.

#### **EXECUTIVE SUMMARY**

This planning application seeks permission to retain a change of use of unit 50A, Holton Road, from A1 (Retail) to A3 (Food and Drink). It is a ground floor unit located within a large property on the corner of Thompson Street, facing on to Holton Road. It is within the defined Primary Shopping Frontage of the Holton Road district centre.

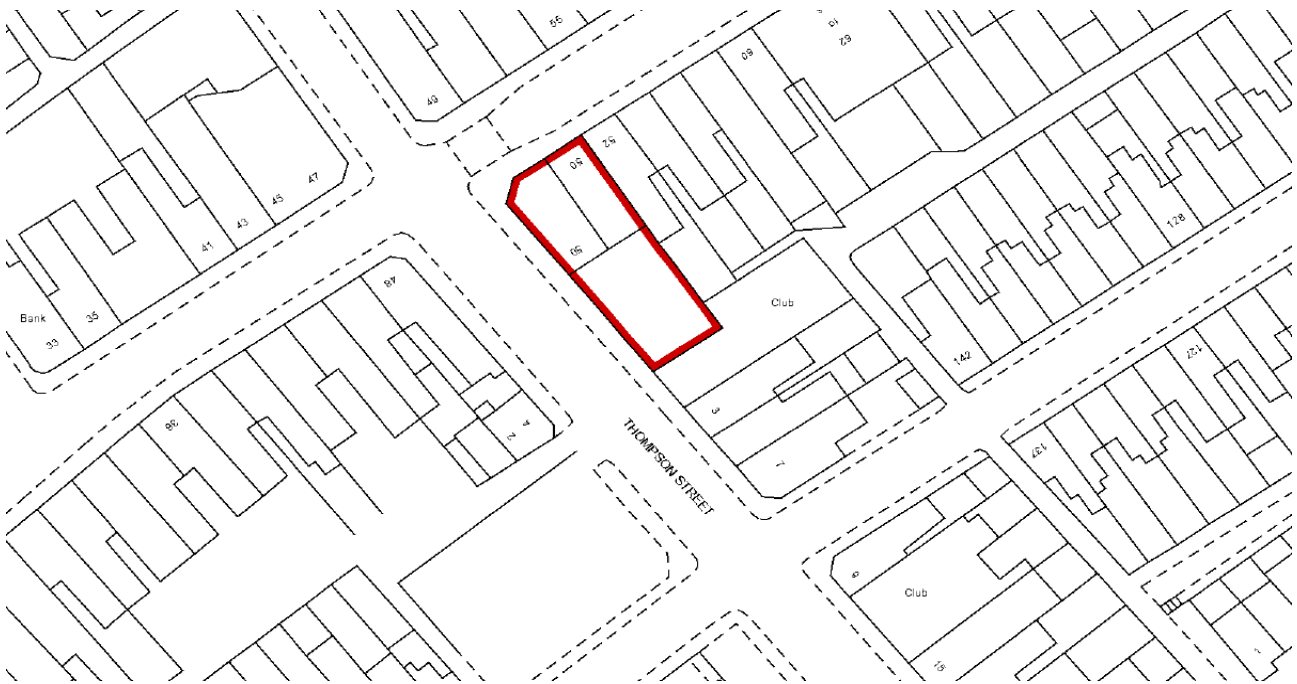
The key matters to consider are the principle of the change of use, the impact upon neighbouring amenity, parking and the visual impact.

Barry Town Council did not object. Shared Regulatory Services did not object subject to conditions. There was one representation made to the application, objecting to the delegated determination of the application.

The report outlines that Policy MG14 of the LDP seeks to protect and retain A1 uses in town centres, but change of use to other commercial use is supported by the thrust of national planning policy and has material considerations in its favour. It concludes that the visual impact and impact upon parking and highway safety is acceptable, whilst the impact neighbouring amenity is acceptable subject to conditions restricting opening hours and the sale and service of hot food. It is therefore recommended that the planning application be granted.

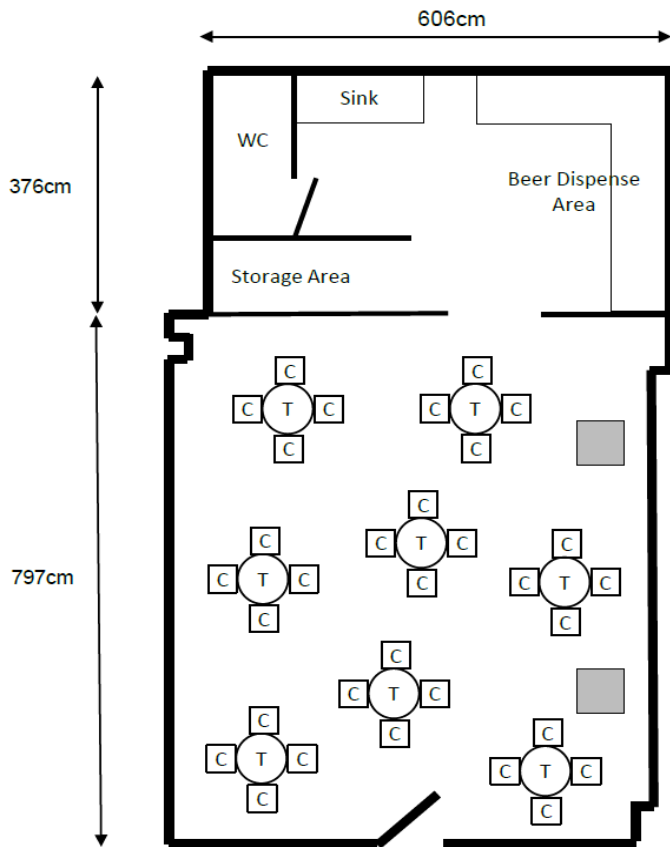
#### **SITE AND CONTEXT**

The application site is located at No.50a Holton Road, within the settlement of Barry. It is located within the Holton Road District Retail Centre and is part of the Primary Shopping Frontage. The unit is part of a prominent three storey end of terrace corner building which currently comprises several commercial units and offices on the upper floors. Unit A fronts Holton Road and is a retail unit (Class A1), last lawfully occupied by a retailer of sports nutrition products. The shop frontage is largely glazed, framed with brown upvc and a red brick stallriser. The site is shown on the plan below:



**DESCRIPTION OF DEVELOPMENT**

Planning permission is sought for the change of use of Unit 50a from Class A1 Retail to Class A3 Food and Drink. It is proposed to be occupied for use as a ‘micropub’ that serves cask ales and craft beers. It is noted that the use appears to have been commenced since the planning application was submitted. The plan below is an indicative layout plan:



**KEY**

- P = Support Pillar for the Building
- T = Table
- C = Chair

**NOTES**

- There are no raised or lowered areas of flooring
- There are no steps or elevators
- There is no kitchen
- There are no other licensable activities on the premises

The application proposes opening hours of 11am until 11pm each day.

### PLANNING HISTORY

1990/00040/FUL, Address: 50, Holton Road, Barry, Proposal: Refurbish 1st and 2nd floor accommodation to office use and replace shop window fronts and upper floors, Decision: Approved

1990/00425/FUL, Address: 50, Holton Road & Workmens Club, Thompson Street, Barry, Proposal: Development of ground floor retail units and office units on Thompson Street, Decision: Approved

1998/00526/FUL, Address: 50, Holton Road, Barry, Proposal: Change of use of shop, basement, first and second floors - previously A3 and B1 uses to Class C1 for proposed use by the YMCA, Decision: Refused

2015/00861/FUL, Address: 50, Holton Road, Barry, Proposal: Renewal and replacement of shop fronts, Decision: Approved

2018/00117/FUL, Address: Land at the rear of 50, Holton Road, Barry, Proposal: Construction of block of retail units with apartments above, Decision: undetermined

### CONSULTATIONS

1. Barry Town Council did not object to the principle of the change of use subject to planning and environmental health conditions and requirements being satisfied.
2. Environmental Health (Pollution) recommended that the use of the premises be controlled by condition alongside a restriction on the preparation of hot food, premises opening hours to be restricted to 11:00 and 23:00 and deliveries to between 07:00 and 22:00.
3. Castleland Ward Councillors did not comment on the application.
4. The Council's Operational Manager for Regeneration commented: "*Town centres are seeing a very considerable change with many national chains closing stores. Holton Road has recently seen a spike in closures and there is a risk of this escalating if premises are left empty, impacting on footfall and hence on remaining businesses. I would support a flexible approach to a change of use here which will occupy the unit and contribute to the evening economy of the centre, which is an aim of the Town Centres Framework.*"

### REPRESENTATIONS

The neighbouring properties were consulted on 26 July 2018.

A site notice was also displayed on 9<sup>th</sup> August 2018.

One representation was received objecting to the application being determined under delegated powers because of a Councillor's interest in the property.

## REPORT

### Planning Policies and Guidance

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

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

#### **Strategic Policies:**

POLICY SP1 – Delivering the Strategy

POLICY SP6 – Retail

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

POLICY MG14 – Non A1 Retail Uses within Town and District Retail Centres

#### **POLICY MG14 -**

#### **NON-A1 RETAIL USES WITHIN TOWN AND DISTRICT RETAIL CENTRES**

Proposals for non-A1 retail uses at ground floor level within the town and the district centres will be permitted where:

1. They would not result in more than 35% of non-A1 retail uses within the primary shopping frontage;
2. They would not result in more than 50% of non-A1 retail uses within the secondary shopping frontage;
3. They would not create an over concentration of non-A1 retail uses within the centre;
4. They complement the character of the existing centre, benefit the daytime economy and maintain an attractive shop frontage; and
5. They would not prevent the beneficial use or reuse of upper floors.

Within the town and district retail centre boundaries, proposals for the conversion of a ground floor existing A1 unit to a non-A1 use will only be permitted where it can be demonstrated that the unit has been appropriately marketed and that the proposed use would have no unacceptable impact on the role and function of the retail centre.

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

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

POLICY MD7 - Environmental Protection

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



## **Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application.

10.3.6: *“To assess retail and commercial centre performance local planning authorities should monitor their health and recognise the signs of decline or structural change. There may be many causes of decline ranging from national or local economic circumstances, competition with other centres or changes in local shopping habits. Local planning authorities should use the strategy in their development plan to manage decline in a retail and commercial centre or to take action to regenerate it. In some situations over emphasis on A1 uses in either primary or secondary areas may undermine a centre’s prospects, potentially leading to high vacancy rates. In such circumstances local planning authorities should consider how non-A1 uses may play a greater role in retail and commercial centres to increase diversity and reduce vacancy levels.”*

## **Supplementary Planning Guidance:**

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

- Parking Standards

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

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Vale of Glamorgan Council Town Centre Framework (2014)

3.5 *Habits have radically changed over the last 20 years. In terms of retail, the rise of internet shopping, the increased role of supermarkets and impact of time-poor shoppers have changed the field of competition for town centres and also the things which shoppers value. Many shoppers now value convenience and benefit from a range of tools at their disposal with which to compare products and prices. Vital, vibrant town centres are the heart of sustainable communities, and they are core to a healthy and prosperous Welsh Economy National Assembly for Wales Enterprise and Business Committee, Regeneration of Town Centres.*

3.6 *In addition to shopping, the increasing popularity of eating-out and drinking has seen town centres accommodate an increased number of these types of leisure services, as well as acting as hubs for visitors/ tourists and the town’s working population. These changing habits have meant that town centres can no longer just be considered as retail centres and indeed their future viability is likely to depend on*

*their ability to provide a greater diversification of functions in reaction to people's changing habits and expectations.*

- 3.8 *The impact of the recent recession has meant that many town centre retailers are experiencing pressure from falling consumer spending (as people choose to save rather than spend) and rising costs, meaning retailer's margins are being squeezed. This has meant that vacancy rates have increased more quickly. Vacant floorspace in town centres in the UK in 2011 accounted for 12.02%, compared with 9.21% in 2006 (GOAD). In the Vale of Glamorgan, vacant floorspace within identified centres has remained close to 9% between 2007 and 2011, although this average figure disguises significant variations in vacancies between individual areas.*
- 4.60 *We recommend that new uses should be encouraged. Specific focus should be placed upon vacant units and upper floors for housing; encouraging new convenience floorspace (to service people living in the centre); and the introduction of leisure, tourism, cultural and community related uses (to service new residents living in the centre, and visitors looking for more than just shops). Such leisure uses could include more cafes and restaurants as well as art galleries and possibly community space. To achieve this, the Council will need to be flexible in land use planning terms as the encouragement of new business may generate its own small niche areas.*

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

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

### Issues

The main issues for consideration in the assessment of this application are the principle of the change of use, the impact upon residential amenity, visual impact and parking/highways issues.

### Principle of the development

Policy MG14 of the Local Development Plan is relevant to the determination of this application. It states that proposals for non-A1 uses at ground floor will only be permitted where the resultant concentration of non-A1 uses within the primary shopping frontage is no greater than 35%, the unit has been appropriately marketed and there would be no unacceptable impact on the role and function of the retail centre. The most recent retail survey of Holton Road was undertaken in July 2018 and identified that 61% of the primary shopping frontage comprised A1 units, meaning the concentration of non-A1 units within primary shopping frontage already exceeds the policy threshold.

It has been stated by the applicant that the property has been marketed in a conventional manner via a high street estate agent, for over 12 months. No evidence has been provided to support this assertion. The building has been incidentally been observed as

being vacant for some months and a 'to let' board to this effect has been visible on the premises. It has been very recently occupied by the applicant on an unauthorised basis and so the marketing of the property has now clearly ceased.

The proposals, as noted above, are therefore technically contrary to the criteria of Policy MG14, insofar that it would contribute to an existing 'over provision' of non-A1 uses within the Primary Shopping area of the Town Centre. It must be noted, however, that national policies and guidance are also material to the determination of this application. Planning Policy Wales states:

*"Local planning authorities should use the strategy in their development plan to manage decline in a retail and commercial centre or to take action to regenerate it. In some situations over emphasis on A1 uses in either primary or secondary areas may undermine a centre's prospects, potentially leading to high vacancy rates. In such circumstances local planning authorities should consider how non-A1 uses may play a greater role in retail and commercial centres to increase diversity and reduce vacancy levels."*

Holton Road has experienced a recent spike in closures. The Vale of Glamorgan Town Centre Framework noted vacancy rates close to 9% in the Vale centres between 2007 and 2011, with a vacancy rate of 10% in Holton Road in 2012. The latest retail monitoring exercise undertaken in July 2018 noted a vacancy rate of 13.9% in Holton Road (13% within the Primary Retail Frontage). There have been further closures since this exercise was undertaken and a genuine risk that the vacancies will result in a decline in footfall within the centre. It is therefore considered that a more flexible approach, as advocated by Planning Policy Wales and The Vale of Glamorgan Town Centre Framework, should be adopted where the proposed uses are commercial in nature, have an active street frontage and contribute to footfall within the centre (particularly day time footfall).

While it has not been demonstrated that the premises has been marketed for the 12 months referred to in Policy MD14, given the reported lack of interest for letting as an A1 unit, together with the number of vacant units elsewhere in the centre, it is considered unlikely that a tenant would have been found in having advertised it for an extended period of time. In addition, two large national retailers are also currently advertising 'closing down' sales. In this context it is considered that the use would contribute positively to the town centre and would not have a critically harmful impact on retail function.

Notwithstanding the policy position, it is considered on balance that the proposed change of use is acceptable in principle and would not cause material harm to the retail function and character of the Holton Road District Centre, given the other material considerations in favour of the development. The proposal must also comply with the relevant criteria Policies MD2, MD5 and MD7, which relate to the visual impact and impact on the character of the property and street scene, residential amenity as well as the impact on highway safety and parking. These matters are assessed as follows:

#### Residential Amenity

The proposed use falls within the A3 Class, being a form of public house. The applicant has stated that it was proposed to serve beers and cask ales alone, with no hot food provided or live or amplified music being played. It is nevertheless relevant to consider the potential impact arising from such activities, should the nature of the proposed use change or new occupiers take over. It has been noted that live music is currently being advertised at the premises.

There are no recorded residential uses within the application building or its adjoining neighbour. It is consequently unlikely that there would be significant issues arising from the proposed use in relation to noise to other adjoining units. If music was to be played, then it is possible that some instances of breakout noise to Holton Road could occur. There would, however, be adequate control over potential nuisance through conditions restricting the hours of operation, alongside existing Environmental Health legislation and Licencing requirements. The site is located within a district centre with many commercial units nearby. It is not considered necessary and reasonable to restrict hours of delivery, particularly as there is no such restriction in place for the existing retail unit.

The service of hot food would require the provision of suitable extraction equipment. The restriction in use to a 'micropub' would be difficult to define and enforce, but in this case a restriction in hours and hot food provision provides sufficient safeguards in relation to neighbouring amenity.

### Parking and Highway Safety

The existing unit is not served by off street parking. The existing A1 use would require a single operational parking space according to the guidance within the Parking Standards SPG, whereas the proposed use as a pub would require seven spaces. In considering the practical implications to the highway network, there are some parking opportunities available along Holton Road (time restricted to 6pm) for short visits (and parking on Thompson Street and other surrounding streets), while the location within the centre of Barry provides several public transport options available in addition to the car for planned longer visits. It is considered that there is unlikely to be a material increase in traffic generation, congestion or parking as a result of this development that would be detrimental to highway safety or the free flow of traffic.

### Visual Impact

No changes to the existing shop front are proposed as part of this application and the proposals are therefore considered acceptable in relation to the visual impact.

A rebranding of the shop front is noted to have occurred in support of the new use, comprising of a new fascia advert and an etched glass effect vinyl window advert. Such adverts typically benefit from deemed or express consent under the Town and Country Planning (Control of Advertisements) Regulations, 1992, but nevertheless do not form part of these proposals.

## RECOMMENDATION

APPROVE subject to the following condition(s):

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

Floor Plans received 27 June 2018

Reason:

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

2. Customers are not permitted on the premises outside the hours of 11:00 to 23:00 on any day.

Reason:

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

3. No hot food items shall be prepared, served or sold from the premises at any time.

Reason

To ensure that the amenities of neighbours are safeguarded and to ensure the development accords with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

### REASON FOR RECOMMENDATION

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

Having regard to Policies SP1 – Delivering the Strategy, SP6 – Retail, MG14 – Non A1 Retail Uses within Town and District Retail Centres, MD2 – Design of New Development, MD5 – Development within Settlement Boundaries and MG7 – Environmental Protection of The Vale of Glamorgan Local Development Plan 2011 – 2026, and the advice and guidance contained within Planning Policy Wales (Ed.9) and The Vale of Glamorgan Town Centre Framework (2014), it is considered that the proposed use would not cause material harm to the retail function and character of the Holton Road District Centre, the visual amenity of the street scene, residential amenity or parking and highway safety.

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

### NOTE:

1. **This permission does not purport to grant consent for the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) Regulations, 1992.**

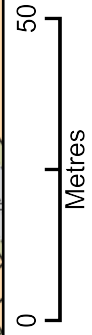
**Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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

50A Holton Road, Barry



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ReQuestaPlan