

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **8 FEBRUARY, 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:

2017/1439/BR	AC	21, Earl Road, Penarth	Ground floor extension and loft conversion
2017/1442/BN	A	50, Wordsworth Avenue, Penarth	Two storey extension to include kitchen, utility, store, bedroom and en suite
2017/1502/BN	A	44, Plas St. Andresse, Penarth	Convert garage to habitable room
2017/1509/BN	A	8, Salisbury Avenue, Penarth	We propose to add 2 to 4 skylights to the roof at the rear and side of the property. One of these replaces an existing skylight but is slightly larger than the existing. We will replace one rotten, rear bay window, like-for-like although with a double glazed unit. We may also extend one room into the building's eaves. This is subject to discussion with Building Control, Planning and a surveyor. We may convert a bedroom into a bathroom, Replace patio door and lintel. Repair to GF and installed insulation between existing floor joists.

2017/1512/BN	A	1B, Bridge Street, Cogan	Remove chimney breast and install three universal beams and associated piers
2017/1513/BN	A	21, Brean Close, Sully	Single storey extension to front and first floor side extension
2018/0002/BN	A	30, Coronation Terrace, Penarth	Installation of steel beam, new kitchen and bathroom area, new staircase, re-wire, render and insulate internal walls
2018/0004/BN	A	14, Cwm Parc, Barry	FD30 to kitchen
2018/0005/BN	A	Navron, Boverton Road, Boverton	Change roof to front elevation and rear elevation incorporating a two storey extension
2018/0007/BN	A	118, Westbourne Road, Penarth CF64 3HH	Demolition of Victorian lean-to at rear of property. Construction of new single storey extension. Refurbishment throughout including overhaul of existing mechanical and electrical services
2018/0008/BN	A	111, Cedar Way, Penarth	Single storey kitchen extension
2018/0010/BR	AC	Hillside, 7, Pencoedtre Road, Barry CF63 1SD	Single storey rear extension
2018/0014/BN	A	Pioneer Hall, Beryl Road, Barry	Removal of existing asbestos roof sheets and replacing with new metal profiled roof cladding
2018/0015/BN	A	31, Pill Street, Penarth	Two storey rear extension and dormer loft conversion
2018/0020/BN	A	21, Elm Grove Road, Dinas Powys	Single storey extension (kitchen/diner)
2018/0021/BN	A	149, Colcot Road Barry	Single storey rear extension

2018/0023/BN	A	54, Clos yr Wylan, Barry	Extension forming porch and incorporating cloakroom
2018/0027/BN	A	59, Glen Mavis Way, Barry	Two rooms into one
2018/0028/BN	A	15, Tresilian Close, Llantwit Major	Two rooms into one
2018/0031/BN	A	2, Minehead Close, Ogmore by Sea	Single storey new conservatory with solid roof
2018/0033/BN	A	6, Coates Road, Penarth	Two storey extension including lounge, kitchen/diner and first floor bedroom
2018/0035/BN	A	60, Winston Road, Barry	Roofing, fascias and re-pointing
2018/0036/BN	A	66, Whitewell Road, Barry	Roofing
2018/0037/BN	A	67, Hinchsliff Avenue, Barry	Roofing, EWI works and window replacements
2018/0039/BN	A	30, Cornerswell Road, Penarth	Loft conversion with Velux windows and dormer
2018/0043/BN	A	7, East View, Llandow	Upgrade of property with EWI 90mm insulation

(b) Building Regulation Applications - Reject

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

2018/0011/BN	R	3, Elfed Avenue, Penarth	Single storey orangery to side of property
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(c) The Building (Approved Inspectors etc.) Regulations 2000

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

2017/0195/AI	A	5, Augusta Road, Penarth	Proposed single storey extension, new kitchen flat roof and associated works
2018/0001/AI	A	26, Sir Ivor Place, Dinas Powys	Single storey front extension

2018/0002/AI	A	1, St. Fagans Avenue, Barry	Proposed single storey side and rear extension, works to include material alterations to structure, controlled services, fittings and thermal elements
2018/0003/AI	A	Unit 1, Masons Moving Group Ltd, Storage House, Priority Business Park, Barry	Proposed new Portacabin and interceptor diesel tank installation. Works to include material alterations to structure, controlled services, fittings and thermal elements
2018/0004/AI	A	9. Heol y Leubren, Barry	New link extension between existing house and garage (works to include material alterations to structure, controlled services, fittings and thermal elements)
2018/0005/AI	A	7, Glenbrook Close, Barry	Single storey rear extension (works to include material alterations to structure, controlled services, fittings and thermal elements)
2018/0006/AI	A	Specsavers Opticians, 27, High Street, Cowbridge	Internal alterations and refit
2018/0007/AI	A	6, Llwyn David, Barry	Proposed loft conversion, internal alterations and associated works
2018/0008/AI	A	27, Salop Place, Penarth	Dormer loft conversion, and associated works
2018/0009/AI	A	Unit 12, Atlantic Point, Atlantic Trading Estate, Barry	Proposed construction of mezzanine floor in industrial unit and works to include material alterations to structure
2018/0010/AI	A	5, Channel View, Ogmore BY Sea	New structural opening, works to include material alterations to structure, controlled services, fittings and thermal elements

2018/0011/AI	A	111 Tynewydd Road, Barry	Single storey extension to the rear of the property
2018/0012/AI	A	4, Orchard Walk, St Athan	Proposed single storey rear extension (works to include material alterations to structure, controlled services, fittings and thermal elements)

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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

2013/00862/5/N MA	A	Channel View, off Somerset Way, Ogmore By Sea	Non Material Amendment to planning permission ref. 2013/00862/RES - to relocate and rotate a bench seat and plant a short privet hedge (beech) to the newly installed play area at Ogmore Ocean View.
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2015/00647/4/N MA	A	2, Stanwell Road, Penarth	Non Material Amendment to planning permission 2015/00647/FUL - Variation of Condition 10 (Drainage).
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2015/00707/1/N MA	A	Rosedew Farm. Llantwit Major	Demolition of two agricultural buildings, part demolition and reinstatement of end elevation of one agricultural building to accommodate storage area and biomass heating system together with construction of twelve log cabins and associated works
2015/00744/3/C D	A	Bassett Road, Sully	Discharge of Condition 7-Samples. Two detached houses
2016/00142/1/C D	A	The Old Dairy, Durell Street, Llantwit Major	Discharge of Conditions 5 and 15 - Proposed 2 new build houses at land adjacent to the Old Dairy Site, Durrell Street, Llantwit Major
2016/00142/1/N MA	A	The Old Dairy, Durell Street, Llantwit Major	Non Material Amendment - Seeking to amend the wording of Conditions 5 and 15 of Planning permission ref. 2016/00142/FUL: Proposed 2 new build houses
2016/00219/2/C D	A	United Reformed Church, Windsor Road, Barry	Discharge of Condition 6 - Conversion and minor extension to the existing church and school buildings to create live-work units (C3), office space (B1a) and associated works.

2016/01105/1/N MA	A	Church House, Llanmaes	Non Material Amendment - Revised South West wall details, with the wall height reduced by 220mm. Planning permission ref. 2016/01105/FUL: Enlargement of the existing porch to front elevation and single storey extension to the rear of property
2017/00517/1/N MA	A	39, Heol Peartree, Rhoose	To show corrected reference to the existing ground level near to the proposed wall forming the boundary to the south side
2017/00547/FUL	A	King Fox, 6, High Street, Cowbridge	Ground and first floor alterations, first floor mezzanine extension and loft conversion to provide additional domestic accommodation
2017/00640/FUL	R	Streetworks on the footpath of Bron Y Mor at the junction with Lakeside, Barry	Installation of a 12.5m mock telegraph pole, supporting shrouded antennas, 2 no. transmission dishes, 2 no. equipment cabinets and ancillary development thereto.
2017/00666/RES	A	South Quay Waterside, Barry Waterfront, Barry	Construction of spine road to provide access to South Quay Waterside

2017/00689/LBC	A	The Lodge, Cottrell Park, St. Nicholas	The removal and replacement of the existing apsidal porch to the eastern elevation. The removal of existing ceiling joists to entrance lobby. The removal of existing ceiling joists and replacement with half the floor area replaced to form a gallery and double height space
2017/00788/FUL	R	Stangate House, Stanwell Road, Penarth	Proposed change of use and conversion of 1st and 2nd floors from office suites to 4 no. self contained apartments
2017/00833/FUL	A	12, Pembroke Terrace, Penarth	Replacement of doors and windows, new balcony to rear
2017/00835/FUL	A	111, Tynewydd Road, Barry	Rear, single storey extension with flat roof to make up balcony, obscure glazing handrail to be used on neighbouring side. Insertion of second window to side elevation, ground floor
2017/00938/FUL	R	3, The Cottages, Pen Y Turnpike Road, Dinas Powys	New detached dwelling at the side of 3, The Cottages
2017/00951/FUL	A	2, Heol Corswigen, Barry	Erection of a balcony to the rear of property from first floor kitchen. (French doors already in situ)

2017/00960/FUL	A	Glebe House, Victoria Park Road, Barry	Demolish existing rear extension and rebuild. Raise the level of the existing shed and extend with combined greenhouse, pitched roofs, solar panels and access steps.
2017/00969/FUL	A	Bakehouse, Plassey Street, Penarth	Conversion of the existing 2 storey structure into a single two bed residential unit, and the extension of the remainder of the existing ground floor into another separate two bed residential unit.
2017/00998/FUL	R	Little West Apartments, Main Road, Southerndown	The construction of a building to house 4 two-bedroom apartments.
2017/01000/RG3	A	2, Heol Cae Gwyn, St. Brides Major	Two storey side and rear extension plus internal alterations and all associated works to improve access, safety and comfort for disabled occupant
2017/01004/FUL	A	77, Crompton Way, Ogmore By Sea	Supply and install galvanised metal railings to the perimeter of the property.
2017/01020/FUL	A	24, Evenlode Avenue, Penarth	Variation of Condition 2 (to amend approved plans) and removal of Conditions 3, 4 and 5 (relating to code for sustainable homes) of planning permission 2013/01275/FUL (replacement dwelling)
2017/01064/FUL	A	Plot 9, Channel View, Ogmore By Sea	Proposed alteration of approved dwelling to include rear conservatory extension

2017/01096/LAW	A	Land to the South of Sealands Farnyard, Sealands Farm, St. Brides Major	Agricultural fertiliser lagoon
2017/01099/FUL	R	The Coach House, Beach Lane, Penarth	To clad all sides of the house from first floor up, (excluding areas of stone wall). To change windows to front of house from existing pvc-u to sash windows. To have flue for log burning stove rising from flat roof. Replacement of existing balustrade
2017/01109/FUL	R	1, Craven Walk, Penarth	Construction of single storey garden room of 9m ² with linking corridor to existing main house
2017/01111/FUL	R	Bonvilston Hall, Bonvilston	First floor apartment (subservient annex) with ground floor link to the existing house
2017/01113/LAW	R	R S Porsche, Railway Terrace, Penarth	The property was previously a workshop and garage/ with an informal conversion to a residential flat on the first floor. The proposal would require a certificate of permitted development to be issued and further refurbishment of the first floor is planned to ensure compliance with building regulations. The refurbished property will be for general housing market use and will compose 2 bedrooms, kitchen and bathroom accommodation plus living space.
2017/01115/FUL	A	Springhill, 9, The Meadows, Penllyn	Proposed kitchen extension and alterations

2017/01117/FUL	A	The Royal India, 213, Cardiff Road, Dinas Powys	Conversion of first floor to create additional flat and ground floor alterations, and first floor extension to create new access to first floor
2017/01126/FUL	A	Brynglas, Little Hill, Barry	External alterations to include; new flat roof terrace with frameless glass balustrade / new balcony with frameless glass balustrade and external staircase (to include new bi-fold door from house) / removal of existing window to rear elevation with the addition of a new slot window
2017/01131/FUL	A	24, Clos Y Fulfran, Barry	Conversion of garage with raised roof to provide new family room above and utility room to rear. Rev B - 25Oct17. Change to front elevation. Corner window added to living area. Change to rear elevation. Bi-fold doors added to kitchen. Utility external door removed
2017/01133/FUL	A	4, Parc Clwyd, Barry	Proposed single storey rear extension, conversion of garage and first floor side extension
2017/01135/FUL	A	Inglenook, Sully Road, Penarth	Proposed demolition of garage, porch and partial demolition of rear extension and erection of two storey extension to side with Juliet balcony and single storey extension to rear

2017/01140/FUL	A	Cross Trees, 1, Cefn Mount, Dinas Powys	Roof conversion into a master bedroom and rear dormer extension
2017/01142/FUL	A	6, Nash View, Pentre Meyrick	Part single and part two storey rear extension
2017/01143/FUL	A	Robgill, Gwern Y Steeple, Peterston Super Ely	Rear single storey extension
2017/01147/FUL	A	54, Clos Yr Wylan, Barry	Extension forming porch and incorporating cloakroom
2017/01151/FUL	A	Middle Lodge, Clemenstone	Proposed extension at ground floor level to form a new garden/family room, off the existing kitchen and dining area
2017/01153/FUL	A	20, Paget Road, Penarth	Rear 2 storey extension
2017/01158/FUL	A	27, High Street, Cowbridge	Proposed 4 no. new external AC condenser units to rear elevation
2017/01159/LBC	A	27, High Street, Cowbridge	Proposed new signage, internal alterations and AC units
2017/01165/FUL	A	Beechmont, 11, Cefn Mount, Dinas Powys	Erection of front single storey garden shed
2017/01166/FUL	A	34, College Road, Barry	Side and rear two storey extension to form kitchen and bedroom. Single storey living room extension and porch
2017/01171/FUL	A	13, Maillards Haven, Penarth	Proposed ground floor extension to form sun room
2017/01178/FUL	A	26, Tair Onen, St. Hilary	Extension of residential curtilage
2017/01179/FUL	A	Mariners Reach, 13, Lynmouth Drive, Sully	Outbuilding to rear garden

2017/01181/FUL	A	Doprey Cottage, Tre Aubrey Lane, Llantrithyd	Extension to existing dwelling
2017/01184/FUL	A	The Bungalow, Fox Hollows, Slon Lane, Ogmore By Sea	The demolition of the external conservatory, removal of the low pitch roof and the installation of a new pitched roof to create a new first floor to the bungalow. Proposal is to reduce the bedroom number down from 2 to 3 and to include a new stairs and two rear sea view timber flat roof dormers and a new modern entrance porch directly off the high-level driveway
2017/01189/ADV	A	27, High Street, Cowbridge	Proposed new shop front externally illuminated fascia pod, descriptor and externally illuminated projecting sign
2017/01190/FUL	A	28, Seaview Drive, Ogmore By Sea	Flat roof dormer extension
2017/01192/FUL	A	15, Tewdrig Close, Llantwit Major	Demolish existing conservatory. Proposed construction of single storey rear extension and internal alterations
2017/01195/FUL	A	Barn Cottage, St. Mary Church	Change of use of land for use as domestic garden associated with Barn Cottage
2017/01197/RG3	A	Land to the East of Holm View Leisure Centre, Skomer Road, Barry	Variation of Condition 2 of planning permission 2017/00260/RG3 - Revision to design of dwelling at Plot 8
2017/01200/FUL	A	MOD St. Athan, Cowbridge Road, Barry	Proposed part demolition of existing water tower and associated works

2017/01204/FUL	A	5, Castle Precinct, Llandough	Timber frame outbuilding with sedum green roof
2017/01206/FUL	A	47, Porthkerry Road, Rhoose	A double storey extension over the existing garage to create a master bedroom and en-suite bathroom. A utility room to be made using some space in the garage and the remaining garage space will remain as garage/storage room
2017/01210/ADV	A	Waitrose, Birds Lane, Cowbridge	Adding, replacing and removing a number of signs around the Waitrose site
2017/01212/FUL	A	27, Cae Canol, Penarth	The installation of an external flue on the gable wall of the house to serve a log burner
2017/01213/FUL	A	12, Murch Crescent, Dinas Powys	Single storey side and rear extension and extension to front of the property
2017/01218/FUL	A	16, Hickman Road, Penarth	Repair and replacement of the existing roof to include a new rear facing dormer window and raising the ridge level over the side gable to facilitate a family bathroom in an existing roof space
2017/01219/FUL	A	13, Fennel Close, Cogan, Penarth	Proposed internal alterations, demolition of existing garage, proposed garden room / storage and proposed loft conversion with dormer extension
2017/01220/FUL	A	24, Whitcliffe Drive, Penarth	Replacement rear single storey garden room and replacement garage with bedroom above

2017/01222/FUL	A	The Stables, City	Replacement of existing windows with new grey Aluminium windows. Enlargement of existing windows with floor to ceiling openings and glazed aluminium frames
2017/01225/FUL	A	35, Murch Crescent, Dinas Powys	First floor rear extension
2017/01226/FUL	A	4, Per Close, Dinas Powys	Single storey side extension
2017/01230/FUL	A	St. Josephs Convent, 14, Cherwell Road, Penarth	Replacement roof to existing porch. Replacement windows and external wall finish. New single storey extension to rear
2017/01245/FUL	A	79, Broadway, Llanblethian, Cowbridge	Demolition of the existing single garage, to be relocated and replaced with a double garage; external works to the front garden, driveway and main access route; changes to the main entrance porch roofline; and improvement works to the finishes of the front facade, including replacing windows, the introduction of cladding panels, and replacing the roof finish.
2017/01251/PNA	A	Land to the east of The Old Vicarage, St. Hilary	Agricultural building
2017/01254/LAW	A	9, Ewenny Cross, Ewenny	Single storey extension to house
2017/01267/FUL	A	12, Newbarn Holdings, St. Athan Road, Flemingston	Construct riding manege (25m x 40m) with surrounding post and rail fencing

2017/01271/PNA	A	Land at Wallas Fach Cottage, Wick Road, Ewenny	Erection of agricultural building for machinery storage
2017/01281/FUL	A	53, Fitzhamon Avenue, Llantwit Major	Erection of garden studio
2017/01289/FUL	A	2, The Meadows, Penllyn	Garage conversion
2017/01290/FUL	A	7, Purcell Road, Penarth	Demolition of garage and construction of single storey ground and side extension with two storey rear extension
2017/01295/FUL	A	16, Plas St. Andresse, Penarth	Install French doors with a glass panel Juliet balcony to the first floor front bedroom window

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4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2017/00427/FUL
Appeal Method: Written Representations
Appeal Reference No: 17/3191675
Appellant: Luke Bater
Location: Penmaen Livery Yard, St. Mary Church
Proposal: Change of use from a livery yard & ancillary horse rug wash business to a mixed use of livery yard with ancillary horse rug washing business, agriculture & the commercial storage and distribution of firewood logs as well as the extension of an existing indoor riding school building to house a biomass boiler for use in connection with the drying & sale of firewood logs - resubmission of 2015/00177/FUL
Start Date: 9 January 2018

L.P.A. Reference No: 2017/00737/FUL
Appeal Method: Written Representations
Appeal Reference No: 17/3191677
Appellant: Mr. Colin Manning
Location: 7, Barry Road, Barry
Proposal: Conversion of existing 2 no. A1 shop units into new C3 dwelling. Alterations to existing C3 Dwelling
Start Date: 9 January 2018

(b) Enforcement Appeals Received

L.P.A. Reference No: ENF/2014/0275/PC
Appeal Method: Written Representations
Appeal Reference No: C/17/3178799
Appellant: Mr Luke Bater
Location: Land and buildings at Penmaen Livery Yard, Treguff, St. Mary Church

Proposal: Without planning permission, the material change of use of the land from a mixed use as a livery yard and horse rug wash business to a mixed use as a livery yard, horse rug wash business and a fire wood log processing, storage and distribution business

Start Date: 9 January 2018

(c) Planning Appeal Decisions

None

(d) Enforcement Appeal Decisions

None

(e) April 2017 - March 2018 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals <small>(inc. tree appeals and appeals for conservation area consent)</small>	W	9	4	13	-
	H	1	-	1	-
	PI	-	2	2	-
Planning Total		10 (63%)	6 (37%)	16	-
Enforcement Appeals	W	1	1	2	1
	H	-	-	-	1
	PI	-	1	1	-
Enforcement Total		1 (66%)	2 (33%)	3	2
All Appeals	W	10	5	15	-
	H	1	-	1	-
	PI	-	3	3	-
Combined Total		11 (45%)	8 (55%)	19	-

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 : **8 FEBRUARY, 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

R - Refused

E Split Decision

2017/00877/TPO	A	Land adjacent to 11, Main Avenue, Peterston Super Ely	None at present - trees within TPO no.2 1959
2017/00964/TCA	A	4, Park Road, Penarth	Reduction in Yew, Holly and Bay trees within Penarth Conservation Area
2017/01040/TCA	A	3, Park Road, Penarth	Coppice Yew in Penarth Conservation Area
2017/01061/TPO	A	Greenfield, East Street, Llantwit Major	Work to trees covered by TPO 1977 No 3 A56 and within the Llantwit Major Conservation Area
2017/01084/TPO	A	19A, Britway Road, Dinas Powys	Works to trees
2017/01116/TPO	A	Style Garden Centre / The Grange, Port Road, Wenvoe	Work to trees covered by TPO 2012 No 8 G12
2017/01119/TPO	A	43, Millbrook Road, Dinas Powys	Work to trees covered by TPO 1973 No 14 G11

2017/01137/TPO	A	4, Sycamore Lodge, Mill Lay Lane, Llantwit Major	1 x Sycamore. Crown thin by 20% and reduce three horizontal lower limbs by 2.5m to a suitable growing point
2017/01141/TPO	R	7, Chestnut Close, Dinas Powys	Fell Ash tree at front gate of 7, Chestnut Close, Dinas Powys. There is a young Ash tree which has taken root and is flourishing in the garden about 10 metres away, which would replace this and be safer
2017/01154/TCA	A	45, Middlegate Court, Cowbridge	To pollard the scrub / seedlings trees that border 45 Middlegate Court and the Cowbridge Town Hall Car Park to a height of about 6 feet.
2017/01177/TPO	A	8, Cliffside, Penarth	Work to tree covered by TPO 1988 No 1 G05 - Fell Horse Chestnut and plant something else
2017/01187/TCA	A	48, Clive Place, Penarth	Work to a tree in the Penarth Conservation Area - Remove a Sycamore
2017/01191/TPO	A	Marks and Spencer Plc, Access Roads Tesco and Marks & Spencer, Culverhouse Cross, Cardiff	Work to tree covered by TPO 1994 No 12 A01
2017/01194/TPO	A	Conifers, A48, St. Nicholas	Works to trees affected by Tree Preservation Order No. 5, 1972
2017/01209/TCA	A	Ash Cottage, 5, Cardiff Road, Cowbridge	T1 Ash reduce stem over road. Remove T2 Ash
2017/01227/TPO	A	12, Ger Y Llan, St. Nicholas	Works to trees
2017/01239/TCA	A	Pendoylan School, Main Road, Pendoylan	Works to trees

2017/01243/TPO	A	Land South of Old Grammar School, Cowbridge	Works to trees TPO no. 4 2008.
2017/01258/TCA	A	5, Cold Knap Way, Barry	Works to trees
2017/01265/TPO	A	12-13, Old Grammar School, Church Street, Cowbridge	Works to 2 Magnolia trees within the Cowbridge Conservation Area and protected by TPO 2008 No 11 T001 and T002
2017/01273/TCA	A	Fferm Wen, Flemingston	Removal of 2 trees and cutting back of one tree in Flemingston Conservation Area
2017/01287/TCA	A	12-13, Old Grammar School, Church Street, Cowbridge	Works to Sycamore tree within Cowbridge Conservation Area

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5. TREES

(b) General

**TO CONFIRM TREE PRESERVATION ORDER NO. 2, 2017
FOR TREES AT Y BWTHYN, ST.HILARY.**

SITE, CONTEXT AND TREE DESCRIPTION

The trees are located in the front garden of Y Bwthyn, St Hilary, a detached dwelling located in the countryside. The dwelling is set back from the adopted highway with the garden laid to lawn. The three trees relevant to this order are located within this garden close to the front boundary with the highway and the side boundary with the adjoining neighbouring property. As all the trees lie within the conservation area they are statutorily protected albeit giving the authority a limited control in respect of work to or removal of the trees.

The trees relate to 3 semi mature Fir trees.

TREE HISTORY

2017/01012/TCA – Removal of 3 Fir trees in the St Hilary Conservation Area.
Refused.

REPRESENTATIONS

OBJECTIONS

An email dated 08th November, 2017, from Ms C Evans, the owner of the site which objects to the tree preservation order (TPO).

A summary of the reasons for objecting to the order is as follows:

1) The trees are very overgrown and tower over surrounding properties. The branches are already falling off the trees onto the adjacent highways which can cause damage to both pedestrians and vehicles. They have become 'top heavy' and as such are even beyond cutting back to a reasonable height.

2) The three trees and their branches are not located within the walled boundary of Y Bwthyn as shown on the map sent to us. They are within six inches and 12 inches of historic walls which are considered to be of special value to St Hilary, and have been maintained according by ourselves for the past 19 years. One tree overlaps substantially into the gardens of Tythe Barn. These walls could potentially be damaged by the three trees.

3) The photos I attached with my original request show the sheer scale of the trees in relation to the BT pole they have now grown around and above, and during times of inclement weather, may damage the BT poles, cutting off telephone lines within the Village.

4) Had there been an option to cut back the trees then we would have suggested that but in our opinion, they are far too overgrown even for that. The cost of their removal is substantial, and our request to remove them, was not taken lightly.

5) There is also Ivy growing on the trees which will also have a negative impact on them.

6) No liability for any damage these trees may cause in the future will be accepted, the Vale of Glamorgan Council shall provide adequate insurance should there be a claim against them. As we consider them beyond saving, they will remain untouched and there will be no request to cut them back.

REPORT

This report should begin by clarifying the level of protection afforded to trees within conservation areas. While the penalties for unlawful tree work to trees in conservation areas is the same as for the a tree protected by TPO, the specifics of the work to trees in conservation areas, such as the reason for, the amount and standard of tree surgery is not subject to the same level of control.

Someone wishing to prune or remove a TPO'd tree has to make a formal application to the Planning authority and careful liaison at the start of the process can ensure a professional tree surgeon is employed at the outset to make the application on behalf of the tree owner. Negotiations can achieve more modest levels of tree work that are tailored to the specimen and ensure that good arboricultural practices are employed such as timing the work as appropriate to a species (for example, Walnut trees are best pruned in late summer or early autumn because the sap bleeds profusely at other times and weakens the tree).

As with planning applications, conditions can be attached limiting the extent of tree work, when it should be carried out and the methods to be used as well as legally tying the tree owner to a professional practitioner. Furthermore, the authority can insist upon replacement trees being planted in predetermined locations and also upon the provision of specific reports when assertions are made regarding the need for the work. For example, an owner may want a tree removed because he/she thinks it may be diseased or perceives it is unstable. An arboricultural report can provide the tree owner (and the authority) with confirmation of its actual condition.

Trees in conservation areas may be subject to enforcement action with equal legal penalties when unlawful work is carried out, however, seeking the authority's agreement to do works to such a protected tree requires only that a person formally notify the council of their intentions allowing six weeks for an assessment of the tree. If the assessment finds the tree does not meet enough criteria to merit the service of a tree preservation order, the authority is limited to confirming by letter that it has no objection to the proposal and that work can proceed. None of the controls of the level and standard of the tree work can be imposed by condition and neither can reports be sought. Neither can replacment trees be enforced.



(a) View of trees from west towards the north east with the protected trees on the left of the picture towards the rear



(b) Views of trees from outside the site



- (c) *O.S. extract of the area with the site outlined in red. The trees are located close to the boundary with the adopted highway and the boundary with Tythe Barn.*

The objector (the applicant) objects to the tree preservation order for a number of reasons, this report addresses each of the objections below:

1) The trees are very overgrown and tower over surrounding properties. The branches are already falling off the trees onto the adjacent highways which can cause damage to both pedestrians and vehicles. They have become 'top heavy' and as such are even beyond cutting back to a reasonable height.

Trees by their very nature can be tall and too high to cut back, the application trees are semi mature and will continue to grow. There are many examples of trees that are taller than residential properties that thrive with regular maintenance and care.

Professional tree surgeons are cable of maintaining trees of such height, the 'top heavy' nature of the trees in this instance has been as a result of poor management by the current owners. Regular inspections of the trees would ensure branches do not fall and cause damage.

2) The three trees and their branches are not located within the walled boundary of Y Bwthyn as shown on the map sent to us. They are within six inches and 12 inches of historic walls which are considered to be of special value to St Hilary, and have been maintained according by ourselves for the past 19 years. One tree overlaps substantially into the gardens of Tythe Barn. These walls could potentially be damaged by the three trees.

The boundary wall is noted in the St Hilary Conservation Area appraisal as being an important feature, however it is not listed and there are no obvious signs of damage resulting from the trees at present. Notwithstanding this, any damage could be repaired. The trees are located within the boundary of Y Bwthyn, but it is noted that the canopy spread extends over the neighbouring boundary.

3) The photos I attached with my original request show the sheer scale of the trees in relation to the BT pole they have now grown around and above, and during times of inclement weather, may damage the BT poles, cutting off telephone lines within the Village.

The trees are not currently damaging the BT pole and should there be future interference with the telephone lines, BT could apply to carry out pruning works to safeguard their apparatus.

4) Had there been an option to cut back the trees then we would have suggested that but in our opinion, they are far too overgrown even for that. The cost of their removal is substantial, and our request to remove them, was not taken lightly.

Objectors comments have been noted, however there is a fundamental disagreement as to the need for these trees to be removed.

5) There is also Ivy growing on the trees which will also have a negative impact on them.

The Council are not in receipt of any professional advice to suggest that any Ivy present is causing harm to the trees' health.

6) No liability for any damage these trees may cause in the future will be accepted, the Vale of Glamorgan Council shall provide adequate insurance should there be a claim against them. As we consider them beyond saving, they will remain untouched and there will be no request to cut them back.

The issue of liability has been discussed with the applicant who has been advised that the Council do not have any liability in respect of these trees as they are not on Council land.

CONCLUSION

The trees concerned contribute to the immediate area and to the St Hillary Conservation Area. The specimens are semi mature and even though some lower limbs have been removed, the trees are still able to survive with new lower limb growth. With good arboricultural care in the future and with a tree preservation order in effect, the trees can be safely retained and continue to serve as a valuable feature in the landscape of the St Hilary Conservation area. The objections raised are disputed and do not overcome the reason for the recommendation to confirm the TPO.

RECOMMENDATION

(1) THAT the Order be confirmed.

REASON:

(1) To ensure the long term protection of the trees which are considered to be of significant amenity value.

Contact Officer –Shafqut Zahoor, Tel: 01446 704608

Officers consulted

Not applicable.

VICTORIA ROBINSON
OPERATIONAL MANAGER DEVELOPMENT MANAGEMENT

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **8 FEBRUARY, 2018**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

7. ENFORCEMENT ACTION

LAND AND BUILDINGS AT MAES-Y-FRO, COLWINSTON LANE, LLYSWORNEY

Background

1. A complaint was received by the Local Planning Authority on 6 December 2017, regarding the erection of a building on land known as Maes-y-Fro, Colwinston Lane, Llysworney, which is located within the Upper and Lower Thaw Valley Special Landscape Area. The site is also identified as being of a general classification of Grade 5 agricultural land.
2. The building is being erected on a parcel of land off the through road connecting Llysworney and Colwinston. The site appears to have once been part of a larger agricultural holding that has been at some point been subdivided, with access to the parcel of land gained from a new gate that has been recently installed adjacent to an existing vehicular access. In addition to the new gate, there is an area of hardcore to the southern part of the field parcel together with a barn.
3. The site previously came to the attention of the planning enforcement team following unauthorised works undertaken in 2016; however a retrospective planning application was approved for the retention of the access, part of the hardstanding and the erection of a barn in connection with the existing agricultural use of the land.

Details of the Breach

4. Following a site inspection in December 2017 it was noted that a new timber building was under construction in the south-eastern corner of the field. The building measures approximately 5m x 5m, is single storey and so far measures 2.2m high to the eaves. It is constructed entirely of timber, with timber doors and roof. It has been erected upon a concrete base. It has not been completed and the interior is currently empty.
5. There exists some permitted development rights for agricultural buildings, however, the timber shed has no ostensible agricultural purpose and has not been designed as an agricultural building. In any case, a new agricultural building here would require the submission of prior notification to the Council and no such notification was given. The building therefore is development that requires the benefit of planning permission.

6. In addition, it was noted during the site visit that there were additional breaches of planning control. The barn subject of a planning application in 2016 had not been constructed in accordance with the approved plans and details. The barn has been clad in metal sheeting and has two metal doors to the front elevation, whereas the approved building was to be finished in timber. It has also been constructed with a lip canopy to the roof (not part of the approved scheme) and it also measures approximately 6.4m x 12.36m, as opposed to the approved dimensions of 6.08m x 12.19m. It also has a steel cage attached to the building on a concrete base.
7. Moreover, the building is not being used in connection with agriculture and is being used for the storage of vehicles. A flat-bed truck, (road) motorbike, and two cars and a tractor were being stored in the building at the time of the site visit. A further tractor and heavy roller were stored externally. It is therefore considered that a breach of planning control has occurred with regard to the construction of the barn and its use for the storage of motor vehicles unconnected to agriculture. It was also noted that no livestock was present during two site visits, albeit three ponies were on the site during the latter visit. The open grassland on the site could still feasibly be used for the purposes of agriculture and there are some hay bales and agricultural equipment on-site. However it is clear the use building is not connected to agriculture.
8. As the building does not accord with the approved scheme of development and the building is not being used for the purposes authorised in that permission, the building as a whole is considered to be unauthorised and in breach of planning control.
9. In addition to the above, the information submitted with the recent planning application stated that an area of road plainings deposited on the site (east of the barn) was to be removed. The retention of this area was not authorised by the 2016 planning permission and, as such, this section of road plainings remains unauthorised development. There have also been further patio slabs deposited in this area creating a further extended hard surface area.
10. Accordingly, the three breaches of planning control at the site consist of the timber building currently under construction, the barn (its construction and use) and the hard surfacing.

Action Pursued to Date

11. The site owner was not present at the initial site meeting, however an acquaintance was present and was advised of the planning position and it was requested that a message to contact the department be passed to the owner on his return.
12. A letter outlining the requirement for planning permission has been issued to the owner. No application for the retention of the unauthorised developments has been submitted to date.

Planning History

13. The site benefits from the following planning history:

2016/00018/FUL: Land at Maes y Fro, Llysworney, Cowbridge - Agricultural barn, concrete yard and revised gate details - Refused, for the following reason:

The proposed development is not reasonably necessary for the purposes of agriculture within the site and as an unjustified development it consequently would have a harmful impact upon the visual amenities and of the surrounding countryside. The proposal is therefore considered to be contrary to the countryside protection principles of Policy ENV1 – Development in the Countryside, EMP8 – Agricultural Enterprise and Associated Development and ENV27 – Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and national advice and guidance contained within Planning Policy Wales (Edition 8, 2016) and Technical Advice Note 12.

2016/000361/FUL: Agricultural barn, crushed stone area and revised gate details. Approved: 27/05/16

Policy

Local Development Plan:

14. 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 MD1 - LOCATION OF NEW DEVELOPMENT

POLICY MD2 - DESIGN OF NEW DEVELOPMENT

POLICY MD7 - ENVIRONMENTAL PROTECTION

POLICY MD14 – NEW EMPLOYMENT PROPOSALS

POLICY MD17 – RURAL ENTERPRISE

Planning Policy Wales:

15. National planning guidance in the form of Planning Policy Wales (Edition 9, 2016) (PPW) and Minerals Planning Policy Wales (MPPW) – December 2000 are of relevance to the determination of this application.

4.6.4 “the countryside is a dynamic and multi-purpose resource. In line with sustainability principles, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological and agricultural value and for its landscape and natural resources, balancing the need to conserve these attributes against the economic, social and recreational needs of local communities and visitors.”

Technical Advice Notes:

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

- Technical Advice Note 6 – Planning for Sustainable Communities (2016)

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

- Technical Advice Note 12 – Design (2016)

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

- Minerals Technical Advice Note 1: Aggregates (MTAN1) – March 2004.

Supplementary Planning Guidance:

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

- Design in the Landscape

Policy DG14 – Design Principles: “Where practicable new farm buildings should be sited and grouped in such a way as not to dominate original farmsteads or the surrounding countryside...”

18. In addition to the adopted Local Development Plan, the following background papers are of relevance:

- Agricultural Land Classification background paper (2015) (Also see LDP Hearing Session 1 Action Point 12 response).
- Designation of Special Landscape Areas (2013 Update)

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 24/97 - Enforcing Planning Control
- Welsh Government Development Management Manual – Section 14 Annex “Enforcement Tools”

Well Being of Future Generations (Wales) Act 2015:

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

Reasons for Serving an Enforcement Notice

20. In the assessment as to the expediency of issuing an Enforcement Notice the principal issues are considered to be the visual impact of the unauthorised development listed in paragraph 10 above on the countryside and Special Landscape Area and the appropriateness of the vehicle storage use in this rural location.

21. The site is located within the open countryside and the Upper and Lower Thaw Valley Special Landscape Area. The designation of the land as part of the expanded SLA was formally introduced following the recent adoption of the Local Development Plan. The surrounding area is characterised by its openness, forming gently rolling hills and predominantly meadow, pasture or arable land. The border of the Special Landscape Area now co-terminates with the southern boundary of the site, however the open character of this predominantly agricultural landscape continues to south. The site in question is open agricultural land but is no longer tied to any nearby farmstead.
22. In relation to the visual impact and impact to the countryside the most relevant planning policies are considered to be MD1 (Location of New Development), MD2 (Design of New Development), MG17 (Special Landscape Areas), SP10 (Built and Natural Environment). Policy MD2 promoted good design in all new development, whilst Policy MD1 states that new development shall have no unacceptable impact to the countryside. Policy MG17 states that development proposals will be permitted where it is demonstrated that no unacceptable harm would occur to the important landscape character of the area.
23. The site is bounded by a fairly substantial hedgerow to the southern boundary and there is also some tree cover to the eastern boundary. It is possible to gain some glimpsed views of the site from the adjacent road, particularly in winter. The barn, access and road plainings are also visible from the site access leading to Maes y Fro. There is a public footpath to the east of the site; however the tree cover is such that the built development along the southern boundary is unlikely to be visible or prominent from any public viewpoints within the wider landscape due to the screening effect of mature vegetation and the local topography. Nevertheless, a lack of or limited public view of a development is not, in itself, a good argument in favour of permission, particularly in a sensitive location within the open countryside such as this.

The barn and hard standing/hard surfacing:

24. With regard to the design and visual impact of the building, as noted earlier, the construction of a barn was approved by planning application reference 2016/00361/FUL. The building has not, however, been constructed in accordance with the approved plans. The building is depicted in the photographs below:



25. The built barn is slightly larger than approved, measuring approximately 6.4m x 12.36m as opposed to the approved dimensions of 6.08m x 12.19m. The difference is possibly due to the inclusion of the external cladding within the on-site measurement, and the difference in size is not, therefore, considered to be unacceptable. There has also been a corrugated metal finished to the rear elevation, painted green. Whilst this renders the building utilitarian in its appearance, it is typical of modern agricultural buildings. It also has a canopy lip to the front, which is also considered acceptable, in principle. Notwithstanding this, whilst the large metal doors have an industrial appearance and are considered unsuitable, these face away from any public vantage points and do not render the building wholly unacceptable.

26. The conclusions with regard to the visual impact of the building are made in the context of a rural location for the building being justified in the first instance. After all, LDP policy MD1 ensures, *inter alia*, that new development is either located to reinforce the role and function of the Vale's settlements or, where appropriate, promotes new enterprise, etc. There was an agricultural justification put forward as part of the 2016 planning application which included a use for the storage of agricultural machinery and for lambing pens. However, this is not how the building or the land is currently being used. Instead, the building is being used for the storage of motor vehicles; there was no livestock present on the site.
27. The agricultural use of the site and proposed building was a particular consideration during the course of the most recent 2016 application, with the applicant having gone to considerable length to convince the Council that a building was justified to support the applicant during lambing and facilitate the expansion of the flock, on site, to number 30 sheep. It is appreciated that the livestock could be moved on and off site; however, the presence of motor vehicles within the barn not only prevents its use for agriculture, but indicates that there is not an agricultural need for a building of this size.
28. A vehicular storage use of the building, falling within class B8 of the Town and Country Planning (Use Classes) Order 1987, must be considered in the context of the LDP policies that relate to new employment uses in a rural location, outside of the settlement boundary. In this regard to the principle policies are MD1 – Locations of New Development, MD14 – New employment proposals and MD17 – Rural Enterprises.
29. As mentioned above, criterion 2 of Policy MD1 'Location of New Development' requires new development to reinforce the role and function of the settlements identified in the settlement hierarchy of the LDP as the key providers of, *inter alia*, commercial facilities. Being isolated from any settlements within the hierarchy, it is reasonable to conclude that the new use does not comply with criterion 2. In addition to this, the isolated location of the development does not support the aims of criterion 5 of policy MD1 in that it neither has access to nor promotes the use of sustainable modes of transport.
30. Turning to Policy MD14, it provides three circumstances within which new employment proposals that are not located on allocated employment sites will be permitted. All must be satisfied. These are as follows:
 1. **It is located within or adjacent to an existing settlement boundary, where the scale and type of employment use is complementary to its location and neighbouring uses; or**
 2. **Where the proposal is for an agriculture, forestry or rural enterprise where a need for a rural location is justified; or**
 3. **Where it is clearly demonstrated that the nature of the business necessitates a location away from existing settlements and/or employment areas in order to mitigate impact on amenity.**

31. Compliance with the first criteria is not achieved by virtue of the remote location of the site. As for the second criteria, the vehicle storage use is not one that requires a rural location. Accordingly, compliance with criterion 2 is not achieved. As for the final criterion, little noise would be generated by a vehicle storage use and, as such, there is no need for such a use to be located remotely.
32. LDP policy MD17 permits the development of small scale employment uses that promote rural enterprise providing, inter alia, that the proposal is part of a farm diversification scheme. Notwithstanding the absence of any obvious on-going agricultural use of the site, a use for vehicle storage is not one that could reasonably be considered to be a legitimate farm diversification activity.
33. Accordingly, a building used for the storage of vehicles in such a location is not considered to benefit from the provisions of LDP policies MD1 – Locations of New Development, MD14 – New employment proposals and MD17 – Rural Enterprises. The development is not, therefore, considered to accord with the Council's SPG on Sustainability, or the relevant national guidance provided in Planning Policy Wales (Edition 9) and Technical Advice Note 6 - Planning for Sustainable Rural Communities.
34. Whilst consent was given for the construction of a similar building, this was on the basis that it would support and facilitate the expansion of a small agricultural operation and not the erection of the building to facilitate the storage of motor vehicles. As set out above, this use is considered to be unjustified in relation to any particular local need and, as such, results in development that is also unjustified and unnecessary, thus being harmful to the character of the surrounding countryside and SLA. The vehicles types are those associated with recreational and industrial use, both out of keeping and detrimental to the character of the countryside. The barn and associated hardstanding have resulted in a detrimental impact and scarring on the landscape, for which there is no longer any rational justification. It was also indicated within the application that the area of road plainings was to be reduced more in line with the needs of the site. The removal of the plainings was considered necessary for the positive determination of the application, and served to reduce the amount of built development in line with the needs of the site. This work has not been carried out. There have also been other materials and paraphernalia (such as the patio slabs) stored on the site has no apparent agricultural use connected to this land.
35. In the assessment of planning application 2016/00361/FUL the following was also noted:

"While the concerns of the community council in respect of the use of the land are appreciated, the application must be treated on its merits and on the basis of an assessment of what is proposed. Should the development be approved and carried out, and then should it materialise that the land/building is not being used for the purposes stated in the application (i.e. non-agricultural uses), then the Council has planning enforcement powers to take action against any unacceptable breach of planning control. It is, therefore, considered that this issue cannot fundamentally affect the merits of the application, where there is an agricultural need that does justify a small building."

36. It is considered expedient to pursue enforcement action in respect of a barn and associated hard surfaced areas that facilitate the storage of vehicles, due to the aforementioned negative impact associated with the proliferation of buildings with no mitigating benefits and the incompatible nature of the use for vehicle storage. The barn and associated hardstanding are also therefore considered to be unacceptable and contrary to Policies MD1 (Location of New Development), MD2 (Design of New Development), MD14 – (New Employment Proposals), MD17 – (Rural Enterprise) and MG17 (Special Landscape Areas).

The timber building:

37. The timber building (currently incomplete) has not been the subject of any application or notification to the Council. It is located to the far south-eastern corner of the site, away from the hardstanding and barn near the site access. The purpose and intended use have yet to be fully established. It is, anecdotally, likely to be used as a day room or shelter by the site owner. The location chosen, seemingly, to hide it from public view. The building is shown in the photographs below:





38. The building has no ostensible agricultural purpose and is of a domestic design, similar to a garden shed or residential outbuilding. It differs significantly from the character of both traditional stone agricultural buildings and more modern and utilitarian agricultural buildings and, as such, is out of keeping with the local landscape. It has also been located in the distant corner of the field. The 'Design in the Landscape' SPG promotes the grouping of agricultural buildings together. Adhering to this principle can reduce the cumulative visual impact of buildings in the countryside, preventing a scattering of built development across the open countryside.
39. Moreover, in considering new rural buildings and other development in the open countryside, the local economic, social and recreational needs of the local community are also material considerations and form a part of the balancing when assessing the visual impact. The proliferation of new buildings within the landscape, such as this, which have no particular economic justification or benefit to agriculture or other acceptable rural land uses, would have a very significant cumulative effect harmful to the character of the countryside.
40. With regard to the use of the building, whilst its final use is not clear at this stage, its design would suggest some form of domestic accommodation, rather than any form of functional use associated with a rural enterprise. In view of the current use of the larger building and the lack of any agricultural activity on this site, the use of the building in association with the current activities on the site is unjustified.
41. The building is also situated within Flood Zone B. The zone indicates that historic flooding has occurred in the corner of the field where the building is located, but does not necessitate that there is a current risk of flooding. It is nevertheless also within an area at risk of surface water flooding and this part of the field was very saturated at the time of the site visit. It does not appear, at present, to be a 'sensitive' development (such as residential) or that it would cause or contribute to local flooding in a significant way, but it nevertheless reinforces the conclusion that the building is irrationally located, being such a distance from the main barn and hardstanding near the site access.

42. It is considered that the timber building, given the domestic design, irrational location and likely use, is unjustified and significantly harmful to the local landscape character of the surrounding countryside and the landscape character of the Upper and Lower Thaw Special Landscape Area. It is, therefore, considered to be contrary to Policies MD1 (Location of New Development), MD2 (Design of New Development), MD14 – (New Employment Proposals), MD17 – (Rural Enterprise) and MG17 (Special Landscape Areas).

Other matters:

43. The site is located in a minerals safeguarding area for sand, gravel and limestone, as such the provisions of Policy MG22 (Development in Minerals Safeguarding Areas) is applicable to the development. It is noted that new development proposals in such areas are required to demonstrate that they will not prejudice the viable extraction of mineral resources in the future. The entirety of the operational development is considered to be unauthorised and as compliance with this policy has not been demonstrated, the development is considered to contravene this policy as it stands.

Conclusions

44. The unauthorised developments are not reasonably necessary for the purposes of agriculture within the site and as unjustified development they consequently have a harmful impact upon the visual amenity of the surrounding countryside and Special Landscape Area. The development also fails to demonstrate that the working of mineral deposits on the site have not been prejudiced and results in the loss of the best and most versatile agricultural land. The unauthorised development is, therefore, contrary to Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development), MD2 (Design of New Development), MD7 (Environmental Protection), MD14 – (New Employment Proposals), MD17 – (Rural Enterprise), MG17 (Special Landscape Areas) and MG22 (Development in Minerals Safeguarding Areas).
45. In view of the issues identified in the paragraphs above, it is considered expedient to pursue action.

Resource Implications (Financial and Employment)

46. 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)

47. 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).

48. 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)

49. None.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
- (i) The cessation of the mixed use of the Land for agriculture and vehicle storage.
 - (ii) The demolition of the timber building and the removal of all materials arising from the demolition.
 - (iii) The demolition of the barn and the removal of all materials arising from the demolition.
 - (iv) The removal of all deposited road plainings and patio slabs.
 - (v) The reinstatement the Land to its former condition prior to the commencement of the development.
- (2) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- 1) The unauthorised development is not reasonably necessary for the purposes of agriculture within the site and as unjustified development it consequently has a harmful impact upon the visual amenity of the surrounding countryside and Special Landscape Area. It also fails to demonstrate that the working of mineral deposits on the site have not been prejudiced and results in the loss of the best and most versatile agricultural land. It is therefore contrary to Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development), MD2 (Design of New Development), MD7 (Environmental Protection), MD14 – (New Employment Proposals), MD17 – (Rural Enterprise), MG17 (Special Landscape Areas) and MG22 (Development in Minerals Safeguarding Areas) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, together with Supplementary Planning Guidance on Design in the Landscape and Sustainability, Planning Policy Wales (Edition 9), Technical Advice Note 6 – Planning for Sustainable Communities (2016) and Technical Advice Note 12 – Design (2016).

- 2) The site is located in a minerals safeguarding area for sand, gravel and limestone. On the face of it, the permanent nature of the unauthorised development would prejudice the viable extraction of these mineral resources in the future. Accordingly, the unauthorised development is contrary to Policy MG22(Development in Mineral Safeguarding Areas) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, together with Minerals Planning Policy Wales (MPPW) – December 2000 and Minerals Technical Advice Note 1: Aggregates (MTAN1) – March 2004.

- 3) It is considered that the reason for issuing the Enforcement Notice is in accordance with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

Background Papers

Enforcement File Ref: ENF/2017/0358/CCC

Contact Officer - Mr Ceiri Rowlands, Tel: 01446 704654

Officers Consulted:

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

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING